

אין הכרעת שליטת מברעת.

The decision of the third opinion^N of Rabbi Yishmael, son of Rabbi Yosei, is **not** considered a decision in this case, as the other two Sages do not raise the issue of a stumbling block at all.

אמר רבי יוסי ברבי חנינא: מחלוקת – שנפלה לפחות ממאה סאה חולין טמאין.

Rabbi Yosei, son of Rabbi Hanina, said: The dispute between Rabbi Eliezer and Rabbi Yehoshua with regard to a barrel of *teruma* that broke in an upper press and was flowing down into the lower press applies only to a case where one *se'a* of *teruma* fell into less than one hundred *se'a*^N of impure, non-sacred wine in the lower press.

אבל נפלה למאה חולין טמאין – דברי הכל תרד ותטמא ואל יטמאנה ביד.

However, if the *teruma* wine fell into one hundred *se'a*^H of ritually impure, non-sacred produce, everyone agrees that the wine should be allowed to descend and become ritually impure by itself, and one should not actively render it impure with his hand. The reason is that if *teruma* falls into non-sacred produce one hundred times greater in quantity than itself, the *teruma* is nullified by the non-sacred produce, and therefore, it would be permitted for a non-priest to eat it. Although it becomes ritually impure, the legal status of the nullified *teruma* is that of non-sacred produce.

תניא נמי הכי: חבית שנשברה בגת העליונה ותחתיה מאה חולין טמאין – מודה רבי אליעזר לרבי יהושע, שאם יכול להציל ממנה רביעית בטהרה – יציל, ואם לאו – תרד ותטמא ואל יטמאנה ביד.

The Gemara comments: That was also taught in a *baraita*: With regard to a barrel of *teruma* wine that broke in the upper wine-press, and in the lower press there is one hundred times that amount of ritually impure, non-sacred wine, Rabbi Eliezer concedes to Rabbi Yehoshua that if one is able to rescue even a quarter-log from the barrel that broke and keep the wine in a state of ritual purity, he should rescue it. And if not, one should let the *teruma* wine descend and become impure on its own, but he should not actively render it impure with his hand.

האי מודה רבי אליעזר לרבי יהושע? מודה רבי יהושע לרבי אליעזר מיבעי ליה! אמר רבא: איפוך.

After citing proof for the opinion of Rabbi Yosei, son of Rabbi Hanina, from this source, the Gemara questions the formulation of the *baraita* itself. This expression: Rabbi Eliezer concedes to Rabbi Yehoshua, is puzzling, as Rabbi Eliezer ruled that one may never directly render the barrel impure. The *baraita* should say the opposite: Rabbi Yehoshua concedes to Rabbi Eliezer, as it is Rabbi Yehoshua who concedes that one may not render impure the barrel of *teruma* in the upper vat. Rava said: Reverse the names, so that it is Rabbi Yehoshua who concedes to Rabbi Eliezer.

רב הונא בריה דרב יהושע אמר: לעולם לא תיפוך, הקא במאי עסקינן – בכלי שתוכו טהור וגבו טמא. מהו דתימא: נגזור דילמא נגע גבו בתרומה, קא משמע לן.

Rav Huna, son of Rav Yehoshua, said: Actually, do not reverse the names. Rather, with what are we dealing here? We are referring to a case where it is possible to collect the wine only in a vessel whose interior is ritually pure and whose exterior is impure by rabbinic law, having become impure through contact with impure liquids. Lest you say that we should issue a decree that one may not rescue even a quarter-log, lest the vessel's exterior touch the *teruma* and render it impure, the *baraita* teaches us that Rabbi Eliezer concedes to Rabbi Yehoshua that despite that concern, it is permitted to rescue a quarter-log of pure *teruma*.

NOTES

The decision of the third opinion – הכרעת שליטת: See *Tosafot*, who cite the explanation of Rabbeinu Hananel. Apparently, a deciding third opinion is rejected if it is suggested by a Sage of a third generation or later, as this is not considered a determination of a student with regard to a disagreement between his teachers, but as an inter-generational dispute. In this case, Rabbi Yishmael, son of Rabbi Yosei, a late-second-century *tanna*, is attempting to decide between the opinions of Beit Hillel and Beit Shammai, Sages from the Second Temple era.

Less than one hundred *se'a* – פחות ממאה סאה: Most prohibited objects are nullified if they become intermingled with a permitted substance sixty times greater in volume than themselves. In other words, if a prohibited food falls into permitted food sixty times greater in volume, the prohibited substance is nullified and the entire mixture is permitted. However, in the case of *teruma*, sixty times greater is not sufficient. Instead, the non-sacred produce must be one hundred times greater than the *teruma* for the mixture to be considered non-sacred.

HALAKHA

Fell into one hundred *se'a* – נפלה למאה סאה: With regard to a barrel of pure *teruma* that broke in the upper press while there was ritually impure, non-sacred produce in the lower press, if the amount of wine in the lower press was one hundred times greater than the wine in the barrel, one may allow the *teruma* to descend into the lower press and become impure by itself. This is due to the fact that the *teruma* will be nullified by the majority, in accordance with the opinions of both Rabbi Eliezer and Rabbi Yehoshua (Rambam *Sefer Zera'im, Hilkhot Terumat* 12:5).

הדרן עלך אור לארבעה עשר

מתני' כל שעה שמוותר לאכול – מאכיל לבהמה לחיה ולעופות, ומוכר לגוי, ומוותר בהנאתו, עבר זמנו – אסור בהנאתו, ולא יסיק בו תנור וכירים. רבי יהודה אומר: אין ביעור חמץ אלא שריפה, וחכמים אומרים: אף מפרר וזורה לרוח או מטיל לים.

גמ' כל שעה שמוותר לאכול – מאכיל, הא כל שעה שאינו מוותר לאכול – אינו מאכיל, לימא מתניתין דלא כרבי יהודה, דאי רבי יהודה – הא איכא חמש דאינו אוכל, ומאכיל. דתנן, רבי מאיר אומר: אוכלין כל חמש, ושורפין בתחלת שש, רבי יהודה אומר: אוכלין כל ארבע, ותולין כל חמש, ושורפין בתחלת שש!

ואלא מאי – רבי מאיר היא, האי "כל שעה שמוותר לאכול מאכיל"? כל שעה שאוכל מאכיל מיבעי ליה!

אמר רבה בר עולא: מתניתין רבן גמליאל היא. דתנן, רבן גמליאל אומר: חולין נאכלין כל ארבע, תרומה כל חמש, ושורפין בתחלת שש. והכי קאמר: כל שעה שמוותר לאכול בהן בתרומה – ישראל מאכיל חולין לבהמה לחיה ולעופות.

למה לי למיתנא בהמה, למה לי למיתנא חיה? צריכא, דאי תנא בהמה – דאי משיירא חיו לה, אבל חיה דאי משיירא קמצנא לה – אימא לא.

MISHNA For the entire time that it is permitted to eat leavened bread, one may also feed^H it to his domesticated animals, to non-domesticated animals, and to birds; and one may sell it to a gentile; and it is permitted to derive benefit from it. After its time passes, it is prohibited to derive benefit from it, and one may not even light an oven or a stove with leavened bread. With regard to the manner of removal of leavened bread, Rabbi Yehuda says: The removal of leavened bread is to be accomplished only through burning. And the Rab- bis say: Burning is not required, as one may even crumble it and throw it into the wind or cast it into the sea.^H

GEMARA The Gemara reads the mishna precisely: For the entire time that it is permitted to eat leavened bread, one may feed it to his animals. However, ap- parently, for the entire time that it is not permitted to eat leavened bread, one may not feed his animals. Let us say that the mishna is not in accordance with the opinion of Rabbi Yehuda. As, if it were in accordance with the opinion of Rabbi Yehuda, isn't there the fifth hour, when one may not eat leavened bread but one may feed^N it to his animals? As we learned in a mishna that Rabbi Meir says: One may eat leavened bread on the morning of the four- teenth day of Nisan for the entire fifth hour, and he burns it at the beginning of the sixth hour. Rabbi Yehuda says: One may eat it for the entire fourth hour, he suspends his consumption of it for the entire fifth hour, and he burns it at the beginning of the sixth hour. Apparently, there is an hour in which it is prohibited to eat leavened bread, but it is permitted to feed it to one's animals.

The Gemara asks: Rather, what can be said? This mishna follows the opinion of Rabbi Meir.^N If so, this statement: For the entire time that it is permitted to eat leavened bread one may feed, is imprecise. It should have said: For the entire time that one eats leavened bread he may feed. As it stands, there is no parallel between the phrase: It is permitted to eat, and the phrase: One may feed. Therefore, it appears that the mishna is referring to two different people or cases.

Rabba bar Ulla said: The mishna is in accordance with the opin- ion of Rabban Gamliel. As we learned in a mishna that Rabban Gamliel says: Non-sacred leavened bread may be eaten on the fourteenth of Nisan during the entire fourth hour, leavened bread that is *teruma* may be eaten during the entire fifth hour, and one burns the leavened bread at the beginning of the sixth hour. And this is what the mishna is saying: For the entire time that it is permitted for a priest to partake of *teruma*, although an Israelite may not eat leavened bread at that time, an Israelite may feed non- sacred food to his domesticated animals, to non-domesticated animals, and to birds.

The Gemara continues to read the mishna precisely. The mishna states that one may feed his leavened bread to his domesticated animals, to non-domesticated animals, and to birds. The Gemara asks: Why do I need the mishna to teach about the case of domes- ticated animals, and why do I need it to teach about non-domes- ticated animals as well? The *halakha* should be the same for both cases. The Gemara answers: It is necessary to teach us both cases, as had it taught only about domesticated animals, one would have said that it is permitted feed them because if the animal leaves over some leavened bread one will see what is left over and dispose of it. However, with regard to a non-domesticated animal, if it leaves over any of the leavened bread, it hides it to save for later. Therefore, one could say that it is not permitted to feed it so close to the time when leavened bread is prohibited.

HALAKHA

לאכול ולהאכיל – On Passover eve one may sell his leavened bread or feed it to an animal even during the fifth hour of the day, when he may not eat it himself. However, one must watch the animal to ensure that it does not hide any leavened bread, and one must remove whatever is left over (see Rosh; *Shulhan Arukh, Orah Hayyim* 443:1).

כיצד מבערים – One may remove leavened bread in numerous ways, e.g., burning it, crumbling it into the wind, or cast- ing it into the sea. If the bread is hard, he should crumble it before casting it into the sea (Rambam). The common practice is to burn one's leavened bread, out of concern for those authorities who accepted the opinion of Rabbi Yehuda (*Shulhan Arukh, Orah Hayyim* 445:1, and in the comment of the Rema).

NOTES

אינו אוכל ומאכיל – One may not eat but one may feed: The proof that Rabbi Yehuda permits this, although he did not say so explicitly, is based on his statement that during the fifth hour one's consumption of leavened bread is suspended. If there is nothing else he can do with it during that time, why isn't he obligated to burn it immediately (Maharam Halawa).

שיטת המשנה – In the Je- rusalem Talmud it is stated that this mishna follows the opinion of Rabbi Meir, because there no distinction is made between the formulations of: One eats, and: It is permitted to eat, while the Gemara here does distinguish between the two.

NOTES

In any case it will hide it – מִיָּהַת מִצְנֵנָא: Some explain that since one knows that this undomesticated animal will hide what is left over, he nullifies the leavened bread before giving it to this animal; therefore, he does not transgress any prohibition involving the leavened bread afterward. This is not the case with a domesticated animal, since one assumes that he will see what is left over and he will nullify it then. However, on occasion one will not pay attention or will forget to do so, and will then transgress the prohibitions of: It shall not be seen and it shall not be found (*Mikhtam*). Alternatively, the concern is that one might find the leavened bread on the animal during Passover, and although he nullified it previously, he will consider it important again and thereby violate the prohibitions (*Nimmukei Yosef*).

One may not sell his leavened bread – לֹא יִמְכֹּר חֻמֶּצוֹ: Apparently Beit Shammai's reason for concern is that people might say that it is the Jew's leavened bread, and he will be suspected of wrongdoing (*Maharam Halawa*).

HALAKHA

Selling of leavened bread – מְכִירַת חֻמֶּץ: It is permitted to sell one's leavened bread to a gentile before Passover even if he knows that it will remain in the possession of the gentile during the entire Festival, in accordance with the opinion of Beit Hillel (*Shulhan Arukh, Orach Hayyim 445:2*).

וְאִי תִנָּא חֲזִיה – מְשֻׁם דְּאִי מְשִׁירָא מִיָּהַת מִצְנֵנָא, אֲבָל בְּהִמָּה זִמְנִין דְּמְשִׁירָא וְלֹא מְסִיק אֲדַעְתִּיהּ, וְקָאֵי עָלֶיהָ בְּבֵל יִרְאֶה וּבְבֵל יִמְצֵא – אֵימָא לֹא, צְרִיכָא.

עוֹפוֹת לְמָה לִּי? אֵיידִי דְתַנָּא בְּהִמָּה וְחֲזִיה, תִּנָּא נְמִי עוֹפוֹת.

”וּמוֹכְרוֹ לְגוֹי.” פְּשִׁיטָא! לְאַפּוֹקִי מִהָאֵי תִנָּא דְתַנָּא, בֵּית שְׁמַאי אוֹמְרִים: לֹא יִמְכֹּר אָדָם חֻמֶּצוֹ לְגוֹי, אֶלָּא אִם כֵּן יוֹדֵעַ בּוֹ שִׂיכְלָה קוֹדֵם פְּסַח, וּבֵית הִלֵּל אוֹמְרִים: כָּל שְׂעוּה שְׂמוּתָהּ לְאַכּוּל – מוֹתֵר לְמִכּוֹר.

And had it taught only the case of a non-domesticated animal, one might say that it is permitted to feed leavened bread to such an animal because if it leaves over any food in any case it will hide it,^N and the owner will not violate the prohibition: It shall not be seen. However, with regard to a domesticated animal, sometimes it leaves over food, and it does not enter his mind that the animal will do so. And in that case both prohibitions: It shall not be seen and it shall not be found, would apply to him. Consequently, one could say that it would not be permitted for him to feed a domesticated animal. Therefore, it was necessary to teach both cases.

The Gemara asks: Why do I need the mishna to mention birds as well? The Gemara answers: There is no inherent need to mention birds; however, since the mishna taught the cases of domesticated animals and non-domesticated animals, it also taught the case of birds, as these are normally grouped together.

It was stated in the mishna that whenever it is permitted to eat leavened bread, one may also sell it to a gentile. The Gemara asks: Isn't that obvious, as the mishna already taught that one may benefit from it? The Gemara answers: This is stated to exclude the opinion of this *tanna*, as it was taught in a *baraita* that Beit Shammai say: A person may not sell his leavened bread^N to a gentile unless he knows that the leavened bread will be consumed before Passover. According to Beit Shammai, a person retains some responsibility for his leavened bread even when it is no longer in his possession. And Beit Hillel say: For the entire time that it is permitted for a Jew to eat leavened bread, it is also permitted for him to sell it to a gentile. The Jew ceases to be responsible for leavened bread sold to a gentile from the moment it is sold.^H

Perek II

Daf 21 Amud b

NOTES

Rabbi Yehuda ben Beteira's opinion – שִׁיטַת רַבִּי יְהוּדָה: See *Tosafot*, who suggest that Rabbi Yehuda ben Beteira may contend that Beit Shammai and Beit Hillel agree about this issue (*Mikhtam*).

HALAKHA

Charred leavened bread – חֻמֶּץ שְׁחָרְבוֹ: If leavened bread was charred prior to the time of its prohibition to the extent that a dog would not eat it (*Tosafot*), it is permitted to derive benefit from it on Passover, in accordance with Rava's ruling (*Shulhan Arukh Orach Hayyim 442:9, 445:2*).

Hours by rabbinic law – שְׂעוֹת דְּרַבְנָן: By Torah law, one may not benefit from leavened bread on Passover eve from the end of the sixth hour. By rabbinic law, one may not benefit from leavened bread from the beginning of the sixth hour (*Shulhan Arukh, Orach Hayyim 442:9, 443:1*).

רַבִּי יְהוּדָה בֶּן בֵּיתְרָא אוֹמֵר: בּוֹתַח וְכָל מִינֵי בּוֹתַח – אֶסּוּר לְמִכּוֹר שְׁלִישִׁים יוֹם קוֹדֵם לְפֶסַח.

”וּמוֹתֵר בְּהִנָּאָה.” פְּשִׁיטָא! לֹא צְרִיכָא שְׁחָרְבוֹ קוֹדֵם זְמַנּוֹ, וְקָא מְשַׁמַּע לֵן בְּדַרְבָּא, דְּאָמַר רַבָּא: חָרְבוֹ קוֹדֵם זְמַנּוֹ – מוֹתֵר בְּהִנָּאָה, אֶפִּילוּ לְאַחַר זְמַנּוֹ.

”עֵבֶר זְמַנּוֹ אֶסּוּר בְּהִנָּאָתוֹ.” פְּשִׁיטָא! לֹא צְרִיכָא, לְשְׂעוֹת דְּרַבְנָן. דְּאָמַר רַב גִּידֵל, אָמַר רַב חֲזִינָא בְּרַי יוֹסֵף, אָמַר רַבִּי יוֹחָנָן: הַמְקַדֵּשׁ מִשֵּׁשׁ שְׂעוֹת וְלִמְעַלָּה אֶפִּילוּ בְּחִיטֵי קוֹרְדִינְתָא – אֵין חוֹשְׁשִׁין לְקַדוּשָׁין.

Rabbi Yehuda ben Beteira, who agrees in principle with Beit Shammai's opinion, says: With regard to *kutah*, a dip that contains leavened breadcrumbs, and all types of *kutah*, it is prohibited to sell it to a gentile thirty days before Passover. Because *kutah* is spicy, people use only a bit at a time, so it will likely last until Passover.^N

It was stated in the mishna that as long as leavened bread may be eaten, it is permitted to derive benefit from it. The Gemara asks: Isn't that obvious? The Gemara answers: No, it is necessary to teach this in a case where one charred the leavened bread with fire before its time, i.e., before it became prohibited, rendering it inedible. And it teaches us that the *halakha* is in accordance with the opinion of Rava. As Rava said: If one charred leavened bread^H before its time, it is permitted to derive benefit from it even after its time, since it no longer has the legal status of leavened bread.

It was stated in the mishna: After its time passes, it is prohibited to benefit from it. The Gemara asks: Isn't that obvious? The Gemara answers: No, it is necessary for the mishna to teach that it remains prohibited to benefit from leavened bread during additional hours that are delineated by rabbinic law.^H As Rav Giddel said that Rav Hiyya bar Yosef said that Rabbi Yohanan said: With regard to one who takes wheat grains that may have come into contact with water and become leavened and betroths a woman with the leaven from the beginning of the sixth hour, when the leaven is prohibited by rabbinic law, and onward on Passover eve, even if he betrothed her with wheat from the mountains, which is especially hard and unlikely to become leavened, nonetheless, we are not concerned that this betrothal is valid. This is because when performing a betrothal with money one must give the woman an object worth as least the value of a *peruta*, and leaven from which one is prohibited to benefit is considered worthless.

Prohibition of deriving benefit – איסור הנאה: It is prohibited by Torah law to derive benefit from leavened bread during Passover (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 1:2).

Prohibitions of eating and...deriving benefit – איסור אכילה...הנאה: Wherever the Torah says: "You shall not eat," or uses a similar expression, it means that one may neither eat nor benefit from the prohibited item, unless the verse explicitly permits deriving benefit. This ruling is in accordance with the opinion of Rabbi Abbahu, as the discussion in the Gemara is in accordance with his opinion (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Asurot* 8:15).

What does one do with an animal carcass – מה עושים – בגבילה: One may give an animal carcass to a resident alien as a gift. However, one may only sell it to a gentile; he may not give it to him as a gift (Rambam *Sefer HaMada, Hilkhot Avoda Zara* 10:4).

NOTES

It shall not be eaten...the prohibition of deriving benefit – לא יאכל ואיסור הנאה: Some explain that the phrase: You shall not eat, is a commandment directed to people, while the more general wording: "It shall not be eaten," is used to prohibit all types of consumption, even feeding to dogs, meaning that one may not derive any benefit from the prohibited item (Rashash).

In the manner that it specified with regard to an animal carcass – בדרך שפרט בגבילה – This detail, that one may derive benefit from an animal carcass, is not specifically derived from what is written here, that a gentile may eat it; rather, it is derived from other sources. In fact, the opposite is true; a principle, and not this specific detail, is derived from this verse. Had it not been stated explicitly that one may derive benefit from an animal carcass, one might have thought that it is prohibited to do so, as is the case with regard to other items that one may not eat.

To give precedence to giving to a resident alien over selling to a gentile – לתקדים נתינה דגור – Clearly, the intention is not that one is obligated to give gifts to a resident alien at his own expense, as even with regard to a fellow Jew one is required to do so only when the laws of charity dictate it. However, in this particular case the animal carcass does not have much value, since most people may not eat it, and the resident alien will benefit greatly from it. Therefore, one should give it to him as a gift rather than sell it to a gentile for a small profit (*Tosafot*).

It is based on a logical inference – סברא הוא – Some connect this disagreement between Rabbi Meir and Rabbi Yehuda with another dispute with regard to the definition of a resident alien. Rabbi Meir understands that a resident alien is a gentile who accepts upon himself not to worship idols. According to the opinion of the Rabbis, a resident alien must accept the seven Noahide commandments upon himself. According to another opinion, he is not a resident alien until he abides by all of the commandments in the Torah except for the prohibition against eating animal carcasses. According to the opinion of Rabbi Meir, a resident alien is not much different from any other gentile; therefore, a verse is necessary to derive that one should give precedence to the resident alien. However, according to this third opinion, that seems to parallel the opinion of Rabbi Yehuda here, a resident alien has more in common with Jews, so it is logical to help him first (*Yefe Einayim*).

"ולא יסיק בו תנור וכירים". פשיטא! לא צריכא, לרבי יהודה, דאמר: אין בעיור חמץ אלא שריפה. סלקא דעתך אמינא: הואיל ואמר רבי יהודה מצותו בשריפה, בהדי דקא שריף ליה ליתנהי מיניה, קא משמע לן.

It was stated in the mishna: **And one may not even light an oven or a stove with leavened bread once it becomes prohibited.** The Gemara asks: Isn't that obvious, as this is also a type of benefit? The Gemara answers: **No, it is necessary to teach this due to the opinion of Rabbi Yehuda, who said that the removal of leavened bread is to be performed only through burning.** Otherwise, it could enter your mind to say: **Since Rabbi Yehuda said that its mitzva is performed through burning, while one is burning it let him benefit from it.** Therefore, it teaches us that it is prohibited to benefit from leavened bread even while burning it.

Hizkiya said: From where is it derived in the mishna that it is prohibited to derive benefit from leavened bread on Passover? As it is stated: **"Leavened bread shall not be eaten"** (Exodus 13:3). Since the verse uses the passive, it should be understood as follows: **There shall be no permitted consumption of it at all, even deriving benefit, as benefit could be exchanged for money, which could be used to buy food.** The Gemara reads precisely: **The reason deriving benefit is prohibited is that the Merciful One writes in the Torah: "Leavened bread shall not be eaten."** Had the Torah not written: **"Shall not be eaten,"** and instead used the active form: **You shall not eat, I would have said that the prohibition of eating is implied but that the prohibition of deriving benefit^N is not implied.**

The Gemara comments: **And this conclusion disagrees with the opinion of Rabbi Abbahu, as Rabbi Abbahu said that wherever it is stated: "It shall not be eaten," "You, singular, shall not eat," or "You, plural, shall not eat," both a prohibition of eating and a prohibition of deriving benefit^H are implied, unless the verse specifies that one may benefit, in the manner that it specified with regard to an unslaughtered animal carcass.^N**

As it was taught in a *baraita*: **"You shall not eat of any unslaughtered animal; you may give it to the resident alien who is within your gates, that he may eat it; or you may sell it to a foreigner; for you are a sacred people to the Lord your God"** (Deuteronomy 14:21). **I have derived only that it is permitted to a resident alien through giving and to a gentile through selling. From where do I derive that it is permitted to a resident alien through selling? The verse states: "You may give it to the resident alien who is within your gates...or you may sell it,"** meaning that one has the option to do either of these. **From where is it derived that it is permitted to a gentile through giving and one is not required to sell it to him? The verse states: "You may give it... that he may eat it, or you may sell it to a foreigner."** Therefore, you may say that he may transfer it to both a resident alien and a gentile, both through giving and through selling. This is the statement of Rabbi Meir.

The *baraita* concludes: **Rabbi Yehuda says: These matters are meant to be understood as they are written; he may transfer an unslaughtered animal carcass to a resident alien only through giving and to a gentile only through selling.^H** The Gemara asks: **What is the reason for the opinion of Rabbi Yehuda? The Gemara answers: If it could enter your mind to understand the verse in accordance with that which Rabbi Meir said, then let the Merciful One write: You may give it to the resident alien who is within your gates that he may eat it and sell it to a foreigner. Why do I need the word "or" between these two options? Learn from it that the matters are to be understood as they are written.**

The Gemara asks: **And how does Rabbi Meir explain the formulation of the verse? The Gemara answers that Rabbi Meir would explain that the word "or" teaches one to give precedence to giving to a resident alien over selling to a gentile.^N** The Gemara asks: **And from where does Rabbi Yehuda derive this halakha? According to Rabbi Yehuda, this matter does not need a verse, since you are commanded to sustain a resident alien, as it is a mitzva for one to sustain a resident alien who has renounced idol worship, and you are not commanded to sustain a gentile. There is no need for a verse to teach this; it is based on a logical inference.^N**

אמר חזקיה: מנין לחמץ בפסח שאסור בהנאה – שנאמר: "לא יאכל חמץ" – לא יהא בו היתור אכילה. טעמא דכתב רחמנא "לא יאכל חמץ" הא לא כתב לא יאכל – הוה אמינא איסור אכילה – משמע, איסור הנאה – לא משמע.

ויפליגא דרבי אבהו, דאמר רבי אבהו: כל מקום שנאמר "לא יאכל" לא תאכל "לא תאכלו" – אף אסור אכילה ואף איסור הנאה (משמע). עד שיפרט לך הכתוב בדרך שפרט לך בגבילה.

דתנא: "לא תאכלו כל נבלה לגר אשר בשעריך תתננה ואכלה או מכר לגר וגו'". אין לי אלא לגר בנתינה ולגוי במכירה, לגר במכירה מנין? תלמוד לומר: "לגר אשר בשעריך תתננה או מכר". לגוי בנתינה מנין? תלמוד לומר: "תתננה ואכלה או מכר לגוי". נמצאת אומר: אף גר ואף גוי, בין במכירה בין בנתינה, דברי רבי מאיר.

רבי יהודה אומר: דברים ככתבן, לגר בנתינה ולגוי במכירה. מאי טעמא דרבי יהודה? אי סלקא דעתך דאמר רבי מאיר – ליכתוב רחמנא "לגר אשר בשעריך תתננה ואכלה ומכר" או "למה לי? שמע מינה לדברים ככתבן."

ורבי מאיר: "או" – להקדים נתינה דגר למכירה דגוי. ורבי יהודה: הא לא צריך קרא. בין דגר אתה מצווה להחיותו, וגוי אי אתה מצווה להחיותו – לא צריך קרא. סברא הוא.

בְּשֵׁלֶמָא לְרַבִּי מְאִיר, דְּאָמַר
אָחַד גַּר וְאָחַד גּוֹי, בֵּין בְּמִכְרָה
בֵּין בְּנִתְיָנָה. מְדַאֲיִצְטְרִיךְ קְרָא
לְמִישְׂרָא נְבִילָה בְּהֶנְאָה – הָא
כֹּל אִיסוּרִין שְׂבִתוּרָה אִיסוּרִין בֵּין
בְּאִכְלָה בֵּין בְּהֶנְאָה.

אֵלָא לְרַבִּי יְהוּדָה, דְּאָמַר לְדַבְרִים
כְּכַתְּבֵן הוּא דְאָתָא – הָא כֹּל
אִיסוּרִים שְׂבִתוּרָה מְנָא לִיה
דְאִיסוּרִין בְּהֶנְאָה? נִפְקָא לִיה
מִלְכָּלָב תְּשִׁלְּכוּן אֹתוּ,

The Gemara applies this discussion to the previously mentioned topic. **Granted**, Rabbi Abbahu's opinion is reasonable according to Rabbi Meir, who said that one may transfer an animal carcass to both a convert and a gentile, both through selling and through giving. From the fact that a verse was necessary to permit one to derive benefit from an animal carcass, one can learn that with regard to all other prohibitions in the Torah about which it states only that one may not eat an item, it is prohibited both to eat it and to derive benefit from it.

However, according to Rabbi Yehuda, who said that the word “or” comes to teach that the matters are to be understood as they are written, from where does he derive with regard to all prohibitions of eating mentioned in the Torah that it is prohibited to derive benefit as well? The Gemara answers: He derives it from another verse. It is stated with regard to an animal with a condition that will cause it to die within twelve months [*tereifa*]: “And you shall be sacred men to Me, therefore you shall not eat any flesh that is torn of beasts in the field; you shall cast it to the dogs” (Exodus 22:30).

Perek II
Daf 22 Amud a

NOTES

A non-sacred animal that was slaughtered in the Temple courtyard – חולין שֶׁנִּשְׁחַטוּ בְּעוֹרָה: It is unclear whether the prohibition to slaughter non-sacred animals in the Temple, or to eat or benefit from such animals, is by Torah law or by rabbinic law (see Rashi). Either way, the prohibition is clearly based on the verse: “You shall not eat any flesh that is torn of beasts in the field.” Among the various explanations is that it is prohibited to eat an animal that was slaughtered outside of its proper place. This leads to Rabbi Meir’s statement that one may throw an animal carcass to a dog, but one may not do so with the meat of a non-sacrificial animal that was slaughtered in the Temple courtyard.

Sciatic nerve – גיד הנֶּשֶׂה: This nerve, known in Latin as *nervus ischiadicus*, runs down the back of the hind leg of an animal. The sciatic nerve is one of the parts of a kosher domestic animal and a kosher non-domestic animal that by Torah law is prohibited for consumption (Genesis 32:33). In addition to the nerve itself, it is prohibited by rabbinic law to eat any of the flesh surrounding it or the fat that encloses it.



Sciatic nerve

Sciatic nerve running through a piece of meat

אֹתוֹ אֶתָּה מְשַׁלֵּיךְ לְכָלֵב, וְאִי
אֶתָּה מְשַׁלֵּיךְ לְכָלֵב כֹּל אִיסוּרִין
שְׂבִתוּרָה. וְרַבִּי מְאִיר: אֹתָהּ
מְשַׁלֵּיךְ לְכָלֵב, וְאִי אֶתָּה מְשַׁלֵּיךְ
לְכָלֵב חוּלִין שֶׁנִּשְׁחַטוּ בְּעוֹרָה.

The Gemara concludes: It, i.e., a *tereifa*, you may throw to a dog, but you may not throw all other items prohibited by Torah law to a dog, as both eating and deriving benefit are prohibited. The Gemara asks: And what *halakha* does Rabbi Meir learn from this verse? The Gemara answers that Rabbi Meir draws the following inference: It, you may throw to a dog, but you may not throw the meat of a non-sacred animal that was slaughtered in the Temple courtyard^{NH} to a dog, as it is prohibited to benefit from it.

וְאִידֵךְ: חוּלִין שֶׁנִּשְׁחַטוּ בְּעוֹרָה לְאוֹ
דְאִוְרֵיתָא הִיא.

And from where does the other Sage, Rabbi Yehuda, learn this *halakha* about non-sacrificial meat that was slaughtered in the Temple courtyard? The Gemara answers: He holds that the prohibition of deriving benefit from the meat of a non-sacrificial animal that was slaughtered in the courtyard is not by Torah law; rather, the Sages decreed that it is prohibited. Since it is not prohibited by Torah law, no verse is necessary.

מְתִיב רַבִּי יִצְחָק נִפְחָא: וְהָיָה גִיד
הַנֶּשֶׂה, דְּרַחֲמֵנָא אָמַר: “עַל בֶּן
לֹא יֵאכְלוּ בְּנֵי יִשְׂרָאֵל אֶת גִּיד
הַנֶּשֶׂה,” וְהָיָה: שׁוֹלַח אָדָם יָרֵךְ לְגוֹי,
וְגִיד הַנֶּשֶׂה בְּתוֹכוֹ, מִפְּנֵי שְׂמֻקּוֹמוּ
נִיכְרִי!

Rabbi Yitzhak Nappaḥa raised an objection: And yet there is still the prohibition of the sciatic nerve,^N as the Merciful One says: “Therefore the children of Israel may not eat the sciatic nerve” (Genesis 32:33), and we learned in a mishna: A person may send the thigh of an animal to a gentile as a gift with the sciatic nerve inside it,^H he is not required to remove it. This is due to the fact that its place is clear, and it is obvious that this nerve has not been removed. Therefore, there is no concern that another Jew will assume that the first Jew removed this portion of the animal, which might cause him to accidentally eat the sciatic nerve. Apparently, one may benefit from this prohibited portion of the animal even though the verse says that one may not eat it.

HALAKHA

A non-sacred animal that was slaughtered in the Temple courtyard – חולין שֶׁנִּשְׁחַטוּ בְּעוֹרָה: It is prohibited to benefit from non-sacrificial animals that were slaughtered in the Temple courtyard, as stated in the mishna in tractate *Temura* (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:2).

The thigh...with the sciatic nerve inside it – הַנֶּשֶׂה בְּתוֹכוֹ: One may send the thigh of an animal to a gentile without removing the sciatic nerve, even in the presence of another Jew. There is no concern that this other Jew will eat the sciatic nerve, since it is apparent that it has not been removed (*Shulḥan Arukh*, *Yoreh De'a* 65:1).