

לְרֵבִים. רַבִּי יְהוּדָה אוֹמֵר: לְהוֹצִיא אֶת הַנְּטוּעַ לְרֵבִים.

מֵאֵי טַעֲמָא דְתַנָּא קַמָּא – דְּכַתְּבִיב וְנִטְעָתֶם – לְיַחֲדִי מִשְׁמַע לְרֵבִים לֹא מִשְׁמַע, כְּתַב רַחֲמָנָא “לְכֶם” – לְהִבְיֵא אֶת הַנְּטוּעַ לְרֵבִים. וְרַבִּי יְהוּדָה – “וְנִטְעָתֶם” מִשְׁמַע בֵּין לְרֵבִים בֵּין לְיַחֲדִי, וְ“לְכֶם” – בֵּין יַחֲדִי בֵּין רֵבִים מִשְׁמַע. הֵוֹי רַבּוּי אַחַר רַבּוּי, וְאִין רַבּוּי אַחַר רַבּוּי אֶלָּא לְמַעַט.

וְהָרִי תְרוּמָה, דְּרַחֲמָנָא אָמַר: “וְכָל זֶר לֹא יֵאכַל קֹדֶשׁ” וְתַנּוּ: מְעַרְבִין לְנִזְיֹר בֵּין וְלִישְׂרָאֵל בְּתְרוּמָה!

אָמַר רַב פַּפָּא: שְׂאֵנִי הָתֵם, דְּאָמַר קְרָא “תְרוּמַתְכֶם” – שְׁלֶכֶם תִּהְיֶה. וְאִידָךְ: תְרוּמַתְכֶם דְּכָל יִשְׂרָאֵל קָאָמַר.

for the public;^h all the details of the prohibition of *orla* apply to a tree planted for public purposes. **Rabbi Yehuda says:** This verse comes to exclude a tree planted for the public, i.e., it is exempt from the laws of *orla*.

The Gemara explains: **What is the reason for the opinion of the first tanna? As it is written: “And you shall plant.”** That the mitzva applies to an individual is indicated, since planting a tree is ordinarily an individual activity; however, that the mitzva of *orla* applies to a tree planted for the public is not indicated by the verse. Therefore, **the Merciful One writes “for you”** in the plural, to include within this prohibition that which is planted for the public. **And Rabbi Yehuda concedes** that the phrase “and you shall plant” indicates that *orla* applies both to a tree planted for the public and for an individual; and the phrase “for you” also indicates that *orla* applies both to a tree planted for an individual and for the public. If so, then this is one amplificatory expression after another, and there is a principle that one amplificatory expression after another is restrictive. Therefore, the term: “For you” comes to exclude from this prohibition a tree planted for the public.

The Gemara further challenges Rabbi Abbahu’s opinion: **And yet** there is the prohibition that a non-priest shall not eat *teruma*, as the Merciful One says: “No stranger shall eat of the sacred food; a tenant of a priest, or a hired servant, shall not eat of the sacred food” (Leviticus 22:10). **And we learned** in a mishna: **One may establish an *eiruv***, such as a joining of Shabbat boundaries,ⁿ **on behalf of a nazirite^h with wine**, even though he may not drink it. **And one may establish an *eiruv* on behalf of an Israelite with *teruma***, although it is prohibited for him to eat it. Apparently, it is permitted for an Israelite to derive benefit from the *teruma* even though the verse says: “He shall not eat.” This appears to be a challenge to the opinion of Rabbi Abbahu.

Rav Pappa said: It is different there, with regard to *teruma*, as the verse said: “And your *teruma* shall be reckoned unto you, as though it were the grain of the threshing floor, and as the fullness of the winepress” (Numbers 18:27). The Sages derived from the inclusion of the possessive pronoun “your” that the *teruma* shall be yours;ⁿ therefore, it is permitted for an Israelite to benefit from *teruma*. The Gemara asks: **And what does the other Sage, Hizkiya, derive from this phrase**, as he holds that: “He shall not eat” already indicates that it is permitted to benefit from *teruma*? The Gemara answers: According to his opinion the phrase: “Your *teruma*” is referring to all of the *teruma* of the entire Jewish people. This is common biblical vernacular, and nothing may be derived from it.

HALAKHA

הַנְּטוּעַ לְרֵבִים – That which is planted for the public – If a person plants a tree for public use in his own field, it is bound by the restrictions of *orla*. If he did so outside of Eretz Yisrael, the tree is exempt from the *halakhot* of *orla* (*Shulhan Arukh, Yoreh De’a* 294:25).

One may establish an *eiruv* on behalf of a nazirite – **מְעַרְבִין לְנִזְיֹר**: One may establish an *eiruv* for a nazirite with wine and for an Israelite with *teruma* (*Shulhan Arukh, Orach Hayyim* 386:8).

NOTES

Joining of Shabbat boundaries – **עירוב תחומין**: It is prohibited to walk more than 2,000 cubits from one’s home on Shabbat. However, the entire city in which he lives is considered his place of residence, and the 2,000 cubits are measured from the city limits. Since this prohibition, at least its major aspects, is rabbinic in origin, the Sages also provided a method to extend the limit of 2,000 cubits. By placing, before Shabbat, enough food for a small meal somewhere within one’s 2,000-cubit limit, even at its farthest edge, one establishes that location as his place of residence for Shabbat, and the 2,000 cubits are subsequently

measured from there. This placing of food to extend the distance one is permitted to walk on Shabbat is called the joining of boundaries, and the *halakhot* governing the subject are detailed in tractate *Eiruv*. A blessing is recited when placing a joining of boundaries: Concerning the commandment of joining.

The *teruma* shall be yours – **תְרוּמַתְכֶם שְׁלֶכֶם תִּהְיֶה**: The Gemara here seems to state that an Israelite may derive benefit from *teruma*. This presents a difficulty, as it is clear from other sources

that an Israelite is prohibited not only to eat and drink *teruma*, but also to anoint himself with it. However, a distinction can be made between deriving benefit from *teruma* in a manner that diminishes or consumes the *teruma*, which is prohibited, and deriving benefit from *teruma* in a manner that neither diminishes nor consumes it, which is permitted. Therefore, as stated in the mishna, the benefit derived from using *teruma* for an *eiruv* is permitted, as is the benefit of discretion, i.e., benefit accrued from the option of giving *teruma* and tithes to the Levite that he chooses (see *Me’iri*).

And is it written, no other element – מִיַּדֵּי וְאִין דְּבַר אֲחֵר – בְּתֵיב: A limitation of this type can be applied only where there is some hint to it in the verse. For example, if the verse explicitly said that the extra hair grown by the nazirite is consecrated, one could derive that this is only the case for his hair, but not for any other item. Since no such limitation is found in the verse itself, it should be understood in a straightforward manner.

One may harvest as fodder and feed it – קוֹצֵר לְשַׁחַת – וּמֵאֲכִיל: Some explain that one is permitted to harvest grain at this time only because the grain is still unripe and therefore does not yet have the legal status of prohibited new grain; consequently, it would be permitted for even a person to eat it (see *Me'iri*). Others explain that one is permitted to harvest even grain that is fully ripened to feed to one's animal, but this allowance is limited to wheat; one may not harvest barley for that purpose until after the *omer* is offered (*Tzafnat Pane'ah*).

וְהָרִי נוֹר, דְּרַחֲמֵנָא אָמַר: "מִחֲרָצִים
וְעַד זֶה לֹא יֵאָכֵל", וְתַנּוּ: מְעַרְבִין לְנוֹר
בֵּינָן! אָמַר מֶרְזֻטָּא: שְׂאֵנִי הֵתֵם
דְּאָמַר קָרָא "נוֹר" – שְׁלוּ יְהֵא.

רַב אֲשִׁי אָמַר: "קֹדֶשׁ יְהִיָּה גֹדֶל פְּרַע
שְׁעָר רֵאשׁוּ" – גִּידוּלוּ קְדוּשָׁה, וְאִין
דְּבַר אֲחֵר קְדוּשָׁה. מִיַּדֵּי וְאִין דְּבַר
אֲחֵר" כְּתִיב? אֵלָּא, מִחֲוֹרְתָא כְּדָמַר
זוּטְרָא.

וְהָרִי חֲדָשׁ, דְּרַחֲמֵנָא אָמַר: "לֶחֶם וְקִלִּי
וְכִרְמֶל לֹא תֹאכְלוּ עַד עֵצֶם הַיּוֹם הַזֶּה",
וְתַנּוּ: קוֹצֵר לְשַׁחַת וּמֵאֲכִיל לְבִהְמָה!

אָמַר רַב שְׁמַעְיָה: שְׂאֵנִי הֵתֵם דְּאָמַר
קָרָא "קִצְיֹרְכֶם" – קִצְיֹרְכֶם שְׁלָכֶם
יְהֵא. וְאִידֶךָ: "קִצְיֹרְכֶם" דְּכָל יִשְׂרָאֵל
מִשְׁמַע.

וְהָרִי שְׂרָצִים, דְּרַחֲמֵנָא אָמַר: "שֶׁקֶץ
הוּא לֹא יֵאָכֵל", וְתַנּוּ: צִיִּידֵי חִיָּה
וְעוֹפוֹת וְדָגִים, שְׁנֹדְמָנִי לָהֶם מִיַּיִן
טְמֵאִין – מוֹתְרִין לְמוֹכְרֵן לְגוֹיִם! שְׂאֵנִי
הֵתֵם, דְּאָמַר קָרָא "לָכֶם" – שְׁלָכֶם
יְהֵא.

The Gemara continues to challenge Rabbi Abbahu's opinion: **And yet there is the prohibition against the nazirite eating grape products, as the Merciful One says:** "All the days of his naziriteship he shall eat nothing that is made of the grapevine, from the seeds to the grape skin" (Numbers 6:4). **And we learned in the mishna: One may establish an *eiruv* on behalf of a nazirite with wine even though he may not drink it.** Apparently, a nazirite may derive benefit from wine despite the fact that the verse says that he may not drink it. **Mar Zutra said: It is different there, as the verse said: "His naziriteship."** He derives from this verse that it shall be his; in other words, the nazirite may continue to own wine and to benefit from it.

Rav Ashi said: This *halakha* is derived from another source. As the verse says: "He shall be sacred, he shall let the locks of the hair of his head grow long" (Numbers 6:5). Rav Ashi reads the verse precisely to indicate that the growth of the nazirite's hair is sacred and must be burned, but no other element of his naziriteship is sacred. In other words, he may derive benefit from the other elements prohibited to him during his naziriteship, i.e., from grape products. The Gemara challenges: **And is it written: No other elementⁿ of his naziriteship?** There is no indication that this statement means that the prohibition against deriving benefit is limited to this one element. **Rather, it is clear that the derivation of this *halakha* is in accordance with the explanation of Mar Zutra.**

The Gemara continues to challenge Rabbi Abbahu's opinion: **And yet there is the prohibition of new grain, which was harvested before the bringing of the *omer* offering, as the Merciful One says: "And you shall eat neither bread, nor parched grain, nor fresh stalks until this day itself, until you have brought the offering of your God; it is a statute forever throughout your generations in all your dwellings" (Leviticus 23:14).** **And we learned in a mishna: One may harvest grain before the *omer* as fodder^h and feed itⁿ to his animal.** Apparently, one may derive benefit from this grain even though the verse says: "You shall not eat."

Rav Shemaya said: It is different there, as the verse said: "Your harvest" (Leviticus 23:10), indicating that your harvest will be yours. In other words, one may benefit from it, as it is still considered to be his. The Gemara asks: **And what does the other Sage, Hizkiya, derive from this phrase?** The Gemara answers that according to his opinion, "your harvest" is referring to the harvest of the entire Jewish people. This is common biblical vernacular, and nothing may be derived from it.

The Gemara challenges both opinions. **And yet there is the prohibition against eating creeping animals, as the Merciful One says: "And every creeping thing that swarms upon the earth is a detestable thing; it shall not be eaten" (Leviticus 11:41).** **And we learned in a mishna: If hunters of undomesticated animals, birds, and fish happen to catch non-kosher species that they did not intend to trap, it is permitted for them to sell them to gentiles.^h** Apparently, one may derive benefit from non-kosher species even though the verse says: "It shall not be eaten." The Gemara answers: **It is different there, as the verse said: "For you" (Leviticus 11:10), indicating that they will be yours, that one may derive benefit from them.**

HALAKHA

One may harvest as fodder – קוֹצֵר לְשַׁחַת: One may harvest grain that is less than a third of its full growth for animal feed, even before the *omer* has been offered (Rambam *Sefer Avoda, Hilkhot Temidin UMusafin* 7:15).

Commerce with non-kosher creatures – מִקְחָר בְּדָבָרִים טְמֵאִים: One may not engage in commerce with impure animals that are

designated for consumption. One may sell animals that are not designated for consumption although people may sometimes eat them. If one happened to trap a non-kosher animal, or if a merchant received non-kosher animals along with other items that he purchased, he may sell them. However, one should not be involved in trading these animals at all *ab initio* (*Shulhan Arukh, Yoreh De'a* 117).

Be astounded with yourself – תִּמְהַעַל עַל עַצְמְךָ: This expression means: How can you make this claim without any explanation or verse to support it? Some explain that the reason Rabbi Yosei HaGelili permits one to derive benefit from leavened bread on Passover is that he adds another positive mitzva with regard to a different issue, so he cannot count this prohibition among the 613 commandments that are traditionally understood to be contained in the Torah (*Mitzpeh Eitan*).

אי הכי, אפילו לכתחלה נמי! שאני
הבא, דאמר קרא "יהיו" – בהוייתן
יהו.

The Gemara asks: **If so**, that it is permitted to derive benefit from these creeping animals, then **even** if one intends to catch them it should **also** be permitted to sell them to gentiles *ab initio*. However, the mishna indicates that this is prohibited. The Gemara answers: **It is different here**, in the case of creeping animals, **as the verse said**: “They shall be” (Leviticus 11:11). It is derived from this that **they shall be as they are**. In other words, they should remain in their detestable state, and one should stay away from them.

ולחזקיה, למה לי למיכתב "לא
יאכל" ומייתי "לכם" למישרייה?
לא לכתוב רחמנא "לא יאכל" ולא
בעי "לכם"! אומר לך חזקיה: טעמא
דידי נמי מהבא.

The Gemara asks: **And according to the opinion of Hizkiya, why do I need the verse to write**: “It shall not be eaten,” to teach that one may not derive benefit from them, **and afterward to say**: “For you,” to permit deriving benefit from them? **Let the Merciful One not write**: “It shall not be eaten,” and it will **not need to say**: “For you.” Hizkiya could have said to you: **My reason is also derived from here**, as this verse is a central source for my opinion. Since the verse needed to say explicitly: “For you,” it is evident that when the Torah writes only: “It shall not be eaten,” it is indicating that it is prohibited to benefit from the item as well.

והרי חמץ, דרחמנא אומר: "לא יאכל
חמץ", ותניא, רבי יוסי הגלילי אומר:
תמה על עצמך, היאך חמץ אסור
בהנאה כל שבועה? שאני התם,
דאמר קרא: "ולא יראה לך שאור" –
שלך יהא.

The Gemara further challenges the opinions of Hizkiya and Rabbi Abbahu: **And yet there is the prohibition of leavened bread, as the Merciful One says**: “Leavened bread shall not be eaten,” and it was taught in a *baraita* that Rabbi Yosei HaGelili says: **Be astounded with yourself;** how is it prohibited to derive benefit from leavened bread for all seven days? Apparently, he holds that it is permitted for one to derive benefit from leavened bread for all seven days of Passover and certainly afterward. The Gemara answers: **It is different there, as the verse said**: “*Matzot* shall be eaten throughout the seven days; and no leavened bread shall be seen with you, **neither shall there be leaven seen with you**, in all your borders” (Exodus 13:7). The phrase “with you” indicates that **it is yours**, i.e., it is still considered to be in one’s possession, and it is permitted for him to derive benefit from it.

ורבנן: שלך אי אתה רואה, אבל
אתה רואה של אחרים ושל גבוה.
ואידך: תרי "לך" בתיבי.

The Gemara asks: **And what do the Rabbis**, who say that it is prohibited to derive benefit from leavened bread, learn from the phrase “with you”? The Gemara answers: They derive that **you may not see your own** leavened bread; **however, you may see that of others** and that which is consecrated to God but remained in one’s possession. The Gemara asks: **And what does the other Sage**, Rabbi Yosei HaGelili, say about this *halakha*? The Gemara answers: There are **two** occurrences of the phrase “with you” written. One indicates that it is permitted to see leavened bread that belongs to a gentile, and the other indicates that one may derive benefit from leavened bread.

ואידך: חד בגוי שכיבשתו וחד
בגוי שלא כיבשתו. ואידך: תלתא
לך בתיבי. ואידך: חד בשאור וחד
בחמץ, וצריכי.

The Gemara asks: **And according to the opinion of the other Sages**, the Rabbis, why is the phrase “with you” written twice? They explain: **One** is written with regard to a gentile whom he has conquered, i.e., who is under his control. **And the other** is written with regard to a gentile whom he has not conquered. In either case, one is permitted to keep the gentile’s leavened bread in his possession on Passover. **And from where does the other Sage**, Rabbi Yosei HaGelili, derive this *halakha* that one may see even the leavened bread of a gentile who is under his control? He points out that there are **three** occurrences of the phrase “with you” written. **And what do the other Sages**, the Rabbis, learn from the extra instance of the phrase “with you”? They learn that it is used **once** to teach about leaven, and **once** to teach about leavened bread. **And they are both necessary** and must be mentioned explicitly, as one cannot derive this principle with regard to leavened bread from leaven or vice versa.

Ritual impurity of fat – טומאת חלב: It seems that this discussion should be understood as pertaining to a *tereifa*, an animal with a condition that will cause it to die within twelve months. An animal carcass is itself ritually impure, in which case the question would be whether the impurity takes effect upon the fat. However, with regard to a *tereifa* there is no ritual impurity at all (Maharam Halawa).

לימא בתנאי: "יעשה לכל מלאכה",
מה תלמוד לומר לכל מלאכה?
שיכול למלאכת גבוה יהא מותר,
למלאכת הדיוט יהא אסור – תלמוד
לומר: "לכל מלאכה", דברי רבי יוסי
הגלילי.

רבי עקיבא אומר: שיכול למלאכת
הדיוט יהא טהור, למלאכת גבוה
יהא טמא – תלמוד לומר: "לכל
מלאכה".

ורבי יוסי הגלילי: לטומאה ולטהרה
לא איצטריך קרא, כי איצטריך
קרא – לאיסור ולהיתר. ורבי עקיבא:
איסור והיתר לא צריך קרא, כי
איצטריך קרא – לטומאה ולטהרה.

The Gemara suggests: **Let us say** this dispute between Hizkiya and Rabbi Abbahu with regard to the implication of the phrase: It shall not be eaten, **is parallel to a dispute between *tanna'im***. The verse states: "And the fat of the animal carcass, and the fat of that which is torn of beasts, **may be used for any other service**; but you shall surely not eat of it" (Leviticus 7:24). **What does it mean when the verse states: "For any other service"?** I might have thought that with regard to the Temple service it should be permitted to use this fat for the following reason: Because fats may generally be offered on the altar, it is as though it is permitted to consume them; therefore, they may be used for other sacred purposes as well. **However, I might have thought that with regard to common use it should be prohibited** to use them, as the verse states: "You shall surely not eat of it." Therefore, **the verse states: "For any other service,"** meaning that its use is permitted in all contexts. This is the statement of Rabbi Yosei HaGelili.

Rabbi Akiva says: Although its use is clearly permitted, I might have thought that despite the fact that an animal carcass is impure, with regard to common use its fat should be ritually pure; however, with regard to the Temple service it should be ritually impure.^N Therefore, **the verse states: "For any other service,"** meaning that it is considered pure in all contexts.

The Gemara explains their dispute: Rabbi Yosei HaGelili holds that with regard to purity and impurity no verse is necessary, as there is no reason to assume that the fat of an animal carcass is impure. **The verse is necessary to establish the prohibited or permitted status of this fat. And Rabbi Akiva holds that to teach whether this fat is prohibited or permitted no separate verse is necessary; it is necessary to establish its status with regard to ritual purity or impurity.**

Perek II
Daf 23 Amud b

מאי לאו בהא קמפלגי, דרבי יוסי
הגלילי סבר: "לא תאכלו" משמע
בין איסור אכילה בין איסור הנאה,
וכי אתא קרא – למישרייה לנבילה
בהנאה הוא דאתא. ורבי עקיבא
סבר: איסור אכילה – משמע, איסור
הנאה לא משמע. וכי אתא קרא –
לטומאה וטהרה!

The Gemara asks: **What, is it not that they disagree about this, the following issue?** Rabbi Yosei HaGelili holds: "You shall not eat" indicates both the prohibition of eating and the prohibition of deriving benefit; therefore, one may not derive benefit from an animal carcass. **And when the verse came and said: "For any other service," it came to permit one to derive benefit from an animal carcass. And Rabbi Akiva holds: "You shall not eat" indicates that there is only a prohibition of eating; it does not indicate a prohibition of deriving benefit.** Therefore, no verse is necessary to learn that it is permitted to derive benefit from an animal carcass. **When the verse came and said: "For any other service," it came to teach about the halakhot of ritual purity and impurity.** Apparently, there is a tannaitic dispute about the meaning of the words: "You shall not eat."

לא, דבולי עלמא "לא תאכלו" –
משמע בין איסור אכילה בין איסור
הנאה. והכא בהא קמפלגי, רבי יוסי
הגלילי סבר: כשהותרה נבילה – היא
הותרה, חלבה וגידה – לא הותרו. וכי
איצטריך קרא – להיתר הנאה הוא
דאתא. ורבי עקיבא סבר: כשהותרה
נבילה – חלבה וגידה נמי הותרו, וכי
איצטריך קרא – לטומאה וטהרה.

The Gemara rejects this assumption. **No, it is possible to say that everyone holds that "You shall not eat" indicates both a prohibition of eating and a prohibition of deriving benefit. And here, they disagree about this: Rabbi Yosei HaGelili holds that when it was permitted to derive benefit from an animal carcass, the carcass itself was permitted; however, its fat and its sinews were not permitted. And the phrase "for any other service" in the verse is necessary to permit one to derive benefit from this fat. However, Rabbi Akiva holds: When it was permitted to derive benefit from an animal carcass, it was also permitted to derive benefit from its fat and sinews. Therefore, the phrase "for any other service" in the verse is necessary for the issue of purity and impurity.**

This can be refuted – איבא למיפרך – Even though an *a fortiori* inference appears to be one of the most straightforward methods for expounding upon the Torah, its application is no simple matter. One of the ways to reject an *a fortiori* inference is through the type of refutation brought here. An *a fortiori* inference is based on the assumption that one case is more stringent than another. If one can prove that the supposed lenient case has a more stringent element, or that the stringent case has a more lenient element, then the *a fortiori* inference has been undermined. Even if the refutation does not undermine the overall imbalance in stringency between the cases, it still may be enough to prove that the *a fortiori* inference cannot serve as a basis for halakhic deductions in this case.

With regard to what do they disagree – במאי פליגי – This question is surprising in this case, as the difference in principle between the two opinions, which is the typical answer to this question, is clear. The principle underlying each opinion is clearly presented, given all the exceptions that have been cited, and it seems that the principle each one advances is actually quite limited, resulting only in each finding different sources for the same *halakhot*. The more pertinent question is the next question asked by the Gemara: What is the practical difference between the two opinions? Nonetheless, it appears that this question is asked here as a means to summarize the lengthy discussion in the Gemara.

ורבי יוסי הגלילי, אשכחן חלב דשרייה רחמנא בהנאה, אלא גיד נמא דאסור! איבעית אימא: הכי נמי דאסור, איבעית אימא: מייתי לה בקל וחומר; ומה חלב טענוש ברת – מותר בהנאה, גיד שאינו ענוש ברת – לא כל שכן?!

The Gemara asks: **And** according to the opinion of Rabbi Yosei HaGelili, we find that the Merciful One explicitly permits one to derive benefit from fat; however, let us say that the sinew of the sciatic nerve is prohibited. The Gemara answers: **If you wish, say that it is indeed so that it is prohibited to derive benefit from the sciatic nerve.** And if you wish, say instead that one is permitted to derive benefit from the sciatic nerve, and Rabbi Yosei HaGelili derives that the sciatic nerve is permitted through an *a fortiori* inference: **If with regard to forbidden fat, for which one is punished with *karet* if he eats it intentionally, it is permitted to derive benefit, with regard to the sciatic nerve, for which the punishment for one who eats it is not *karet*, all the more so is it not clear that it is permitted to derive benefit?**

ורבי שמעון דאסור, איבא למיפרך: מה לחלב שכן הותר מכללו אצל חיה, תאמר בגיד שלא הותר מכללו אצל חיה.

The Gemara asks: **And** why does Rabbi Shimon, who prohibits deriving benefit from the sciatic nerve, not accept this *a fortiori* inference? The Gemara answers: This inference can be refuted,^N as it is possible to say: **What is unique to fat? It is that it is released from its general prohibition with regard to non-domesticated animals, as the prohibition only applies to the fats of kosher domesticated animals. Can you say the same with regard to the sciatic nerve, which is not released from its general prohibition with regard to non-domesticated animals and remains prohibited? Apparently, in some ways the prohibition of the sciatic nerve is more stringent than that of fat.**

ואידך: בבמה קאמרינן, בבמה מיהת לא אישתרי.

The Gemara asks: **And** how does the other Sage, Rabbi Yosei, who permits one to derive benefit from the sciatic nerve based on this *a fortiori* inference, respond? The Gemara says: **When we state this *a fortiori* inference, it is with regard to a domesticated animal; in any case, with regard to a domesticated animal its fat is not permitted.** Since with regard to a domesticated animal the prohibition of fat is more stringent than that of the sciatic nerve, the *a fortiori* inference is valid.

מבדי אותבינהו כל הני קראי ושנינהו, חוקיה ורבי אבהו במאי פליגי בתמץ בפסח ואלפיא דרבנן, בשור הנסקל ואלפיא דדברי הכל. חוקיה נפיק ליה מ"לא יאכל", ורבי אבהו נפיק ליה מנבילה.

After discussing numerous cases that involve prohibitions of eating and deriving benefit, the Gemara asks: **Since we raised objections from all of these verses and answered them, and in every case it is apparent that despite the fact that the verse said: "You shall not eat" there was no dispute as to whether or not one may derive benefit from these items, then with regard to what issue do Hizkiya and Rabbi Abbahu disagree?**^N The Gemara answers: **They disagree with regard to leavened bread on Passover, in accordance with the opinion of the Rabbis, who prohibit one to derive benefit from it; and they disagree with regard to an ox that is stoned, in accordance with everyone.** The Gemara explains: **Hizkiya derived that it is prohibited to derive benefit in this case from the words: "It shall not be eaten," and Rabbi Abbahu derived that it is prohibited from the fact that the Torah explicitly had to permit one to derive benefit in the case of an animal carcass.**

מבדי, בין למר ובין למר אסורין בהנאה – מאי בינייהו? איבא בינייהו: חולין שנשחטו בעזרה. חוקיה סבר "לא יאכל" – למעוטי הני, "אתו" – למעוטי חולין שנשחטו בעזרה.

The Gemara asks: **Now, both according to the one Master and according to the other Master, it is prohibited to derive benefit from these items.** The fact that they disagree about the source of this *halakha* notwithstanding, **what is the practical difference between them?** The Gemara answers: **The practical difference between them is with regard to non-sacrificial animals that were slaughtered in the Temple courtyard. Hizkiya holds: "It shall not be eaten" comes to exclude these cases of leavened bread and the ox that is stoned.** Although in most cases a prohibition against eating does not extend to a prohibition against deriving benefit, the language of the verse in these cases indicates that there is a prohibition against deriving benefit as well. Furthermore, **"It shall be thrown to the dog" comes to exclude non-sacrificial animals slaughtered in the Temple courtyard, indicating that it is prohibited to derive benefit from them.**

רבי אבהו סבר: "אתו" – למעוטי הנני, חולין שנשחטו בעזרה – לאו דאורייתא מינהו.

However, **Rabbi Abbahu** holds that according to Rabbi Yehuda, who maintained that the prohibition against eating an animal carcass cannot be used to derive the prohibition against deriving benefit: "It shall be thrown to the dog" comes to exclude these two cases, leavened bread and an ox that is stoned, where deriving benefit is prohibited. And the prohibition to derive benefit from **non-sacrificial animals slaughtered in the Temple courtyard is not by Torah law**, as there is no source from which to derive this prohibition. Therefore, the only practical difference between them is whether the prohibition of deriving benefit from non-sacrificial animals slaughtered in the Temple courtyard is by Torah law or by rabbinic law.

יתבי ההוא מרבנן קמיה דרבי שמואל בר נחמני, ויתבי וקאמר משמיה דרבי יהושע בן לוי: מנין לכל איסורין שבתורה דכי היכי דאיסורין באכילה הכי נמי איסורין בהנאה, ומאי ניהו – חמץ בפסח ושור הנסקל. "מנין?!" תיפוק ליה מ"לא יאכל!" "לא יאכל" – איסור אכילה משמע ליה, איסור הנאה – לא משמע ליה.

The Gemara relates: **One of the Sages sat before Rabbi Shmuel bar Nahmani, and he sat and said in the name of Rabbi Yehoshua ben Levi: From where is it derived with regard to all the prohibitions in the Torah that just as it is prohibited to eat them, so too, it is prohibited to benefit from them? And what are the prohibited objects to which this statement refers? They are leavened bread on Passover and an ox that is stoned.** The Gemara asks: Why ask from where? Derive the prohibition from the phrase: "It shall not be eaten." The Gemara answers that he derived a prohibition of eating this item from: "It shall not be eaten"; however, he did not derive a prohibition of deriving benefit^N from this phrase.

תיפוק ליה מנבילה! סבר לה כרבי יהודה, דאמר: דברים ככתבן.

The Gemara challenges: **Derive this general prohibition against deriving benefit from the fact that the Torah had to explicitly permit one to benefit from an animal carcass.** The Gemara answers: **Rabbi Yehoshua ben Levi holds in accordance with the opinion of Rabbi Yehuda, who said with regard to an animal carcass: The matters are as they are written**, and the words in the verse do not indicate anything beyond their simple meaning.

אי סבר לה כרבי יהודה – תיפוק ליה מהיכא דנפקא ליה לרבי יהודה מ"לכלב תשליכון אתו!"

The Gemara challenges: **If he holds in accordance with the opinion of Rabbi Yehuda, then let him derive this halakha from where Rabbi Yehuda derives it, i.e., from the verse: "And you shall be sacred men unto Me; therefore you shall not eat any flesh that is torn of beasts in the field; you shall cast it to the dog" (Exodus 22:30).** Rabbi Yehuda expounded that one may throw it to a dog, but one may not throw any of the other prohibited items mentioned in the Torah to a dog. From this he infers that it is prohibited to derive benefit from leavened bread on Passover or from other similar items.

קסבר: חולין שנשחטו בעזרה דאורייתא, מנין דכתביב: "כל חטאת אשר יובא מדמה וגו'".

The Gemara responds: This Sage holds that the prohibition to derive benefit from **non-sacrificial animals that were slaughtered in the Temple courtyard is by Torah law**, and that it is the word "it" in the verse that indicates they are prohibited. And from where is it derived that this prohibition against deriving benefit applies to leavened bread and to an ox that is stoned as well? **As it is written: "And no sin-offering, of which any of the blood is brought into the Tent of Meeting to make atonement in the sacred place, shall be eaten; it shall be burnt with fire" (Leviticus 6:23).**

שאין תלמוד לומר "באש תשרף" ומה תלמוד לומר באש תשרף? אם אינו ענין לגופו, דכתביב "והנה שרף" – תנהו ענין לכל איסורין שבתורה.

As there is **no need for the verse to state: "It shall be burnt with fire"; And for what purpose then does the verse state: "It shall be burnt with fire"? If it does not apply to the subject matter itself in its context, as it is already written: "And Moshe diligently inquired about the goat of the sin-offering, and, behold, it was burnt" (Leviticus 10:16), apply it to the matter of all the prohibitions in the Torah.**

NOTES

איסור – He did not derive a prohibition of deriving benefit – הנהא לא משמע ליה: It appears that Rabbi Yehoshua ben Levi is presenting an alternate opinion of how to understand the verses. Rabbi Abbahu contends that "You shall not eat" indicates that it is prohibited both to eat and to derive benefit from the item, while according to Hizkiya this means that one is prohibited only to

eat the item. However, Rabbi Abbahu and Hizkiya agree that the expression "It shall not be eaten" indicates that one is prohibited to derive benefit from a certain item as well. Rabbi Yehoshua ben Levi, on the other hand, claims that even this phrase indicates only that it is prohibited to eat the given item; however, deriving benefit from it is permitted.