

ואם אינו ענין לאכילה – תנהו ענין לאיסור הנאה.

אי מה כאן בשריפה – אף כל איסורין שבתורה בשריפה! אמר קרא: "בקדש באש תשרף", בקדש – בשריפה, ואין כל איסורין שבתורה בשריפה.

והאי "בקדש באש תשרף" להכי הוא דאיתא? האי מיבעי ליה לכדרבי שמעון! דתניא, רבי שמעון אומר: "בקדש באש תשרף" – לימד על חטאת ששורפין אותה בקדש, ואין לי אלא זו בלבד, פסולי קדשי קדשים ואמורי קדשים קלים מנין – תלמוד לומר: "(וכל) בקדש באש תשרף".

אמר ליה: רבי יונתן רבך מהאי קרא קאמר לה: "ואם יותר מבשר המלאים ומן הלחם עד הבקר וגו'" שאין תלמוד לומר "לא יאכל", ומה תלמוד לומר "לא יאכל" – אם אינו ענין לגופיה, דהא כתיב: "ושרפת את הנותר באש" – תנהו ענין לשאר איסורין שבתורה, ואם אינו ענין לאכילה – תנהו ענין לאיסור הנאה.

אי מה כאן בשריפה, אף כל איסורין שבתורה בשריפה – אמר קרא "ושרפת את הנותר" – נותר בשריפה, ואין כל איסורין שבתורה בשריפה.

והאי "לא יאכל" להכי הוא דאיתא? האי מיבעי ליה לכדרבי אלעזר, דאמר רבי אלעזר: "לא יאכל כי קדש הוא" – כל שבקדש פסול בא הכתוב ליתן לא תעשה על אכילתו!

And if it does not apply to the matter of the prohibition against eating, as the prohibition against eating these items has already been mentioned, apply it to the matter of the prohibition of deriving benefit.

The Gemara continues: Lest one say that the verse indicates that just as here, the sin-offering is disposed of with burning, so too, all the prohibited items in the Torah must be disposed of with burning, therefore the verse said: "In the sacred place... shall be burnt with fire" (Leviticus 6:23).^N This indicates that only that which is disqualified in the sacred place is disposed of with burning, but all other prohibited items in the Torah need not be disposed of with burning.

Rabbi Shmuel bar Nahmani asked: And did this verse: "In the sacred place... shall be burnt with fire," come to teach this halakha? It is needed to teach in accordance with the opinion of Rabbi Shimon, as it was taught in a baraita that Rabbi Shimon says: "In the sacred place... shall be burnt with fire"; this taught that one must burn a disqualified sin-offering in the sacred place, and not outside the Temple. And I have only derived this, meaning the sin-offering. From where do I derive that disqualified offerings of the most sacred order and portions consumed on the altar, such as the fats of offerings of minor sanctity that become impure, are burned in the Temple courtyard? The verse states: "In the sacred place... shall be burnt with fire." This indicates that any disqualified offering must be burned in the sacred place.

The Sage who taught this halakha to Rabbi Shmuel bar Nahmani said to him: Rabbi Yonatan, your teacher, said that same halakha from this verse: "And if the flesh of the consecration offering, or of the bread, remains until the morning, then you shall burn the leftover with fire; it shall not be eaten, because it is sacred" (Exodus 29:34). As there is no need for the verse to state: "It shall not be eaten," what is the meaning when the verse states: "It shall not be eaten"? If it does not refer to the subject matter itself, as it is already written explicitly: "Then you shall burn the leftover with fire," which indicates that one may not eat it, refer it to the matter of the other prohibitions in the Torah. And if it does not refer to the matter of the prohibition against eating, as eating these items is explicitly prohibited, refer it to the matter of the prohibition of deriving benefit. This indicates that it is prohibited for one to derive benefit from any item that it is prohibited for him to eat.

The Gemara continues: Lest one say that the verse indicates that just as here, the sin-offering is disposed of with burning, so too, all the prohibited items in the Torah, from which one may not benefit, must be disposed of with burning, therefore the verse said: "You shall burn the leftover," indicating that the leftover^N sacrificial meat must be disposed of with burning; however, all other prohibitions in the Torah need not be disposed of with burning, despite the fact that it is prohibited to derive benefit from them.

The Gemara challenges: And did this phrase: "It shall not be eaten," come to teach this prohibition against deriving benefit? This phrase is needed to teach in accordance with the opinion of Rabbi Elazar, as Rabbi Elazar said with regard to the statement in the verse: "It shall not be eaten, because it is sacred," that the verse comes to place a negative mitzva of eating on whatever has been rendered disqualified in the sacred place. In other words, this verse teaches a general halakha that one who eats from offerings that have been disqualified in the Temple transgresses a negative mitzva and is liable to be flogged. It teaches nothing with regard to a prohibition against deriving benefit.

NOTES

בְּקֹדֶשׁ – shall be burnt with fire – **בְּבֵית מִקְדָּשׁ**: It seems that the verse is expounded upon in the following manner: The verse says: "And any sin-offering, from which any of the blood is brought into the Tent of Meeting to make atonement in the sacred place, shall not be eaten; it shall be burned with fire." The Gemara singles out certain words from this phrase, creating the adapted phrase: "In the sacred place... shall be burnt with fire." This new phrase indicates that any item that became impure in the sacred place in the Temple must be burned with fire (Maharam Halawa).

Leftover – נותר: Part of an offering left over after the time permitted for it to be eaten. One who eats the leftover portion of an offering is subject to *karet*. The Sages decreed that the leftover portion should be considered ritually impure, so that the priests would be prompt and meticulous in its removal.

Negative mitzva stated in general terms – לֹא שֶׁבֶכְלֵלוֹת: A Torah prohibition containing several particular prohibitions of different kinds. For example, the verse: “You shall not eat anything with the blood” (Leviticus 19:26) contains several prohibitions, among them the prohibition against eating an animal before it is dead, the prohibition against eating a sacrificial animal before its blood has been sprinkled on the altar, and the prohibition forbidding judges who have condemned a man to death from eating on the day of his execution. No punishment is administered by an earthly court for the violation of a prohibition of this kind, even if one violates all the individual prohibitions at once.

אָמַר אֲבִי: לְעוֹלָם מִקְרָא קָמָא, וְאִפְּוּךְ. דְּלִיכְתּוּב “בְּאֵשׁ תִּשְׂרֹף” וְלֹא בְּעֵי “לֹא תֹאכַל”, מִה תְּלַמּוּד לֹא מִר “לֹא תֹאכַל”? אִם אֵינוּ עֲנִין לְגוּפוֹ, דְּנִפְקָא לִיה מְדַרְבֵּי אֲלֵעוֹר – תְּנַהוּ עֲנִין לְכָל אִיסוּרֵין שְׁבִתוּרָה. וְאִם אֵינוּ עֲנִין לְאֲכִילָה – תְּנַהוּ עֲנִין לְאִיסוּר הַנָּאָה.

אִי מַה בָּאֵן בְּשִׂרְיָפָה, אִף כָּל אִיסוּרֵין שְׁבִתוּרָה בְּשִׂרְיָפָה – אָמַר קָרָא “הַנּוֹתֵר” – הַנּוֹתֵר בְּשִׂרְיָפָה, וְאִין כָּל אִיסוּרֵין שְׁבִתוּרָה בְּשִׂרְיָפָה.

אָמַר לִיה רַב פַּפָּא לְאֲבִי: וְאִימָא לִיחֻדֵי לִיה לֹא לְגוּפִיה הוּא דְאִתָּא? דְּאִי מְדַרְבֵּי אֲלֵעוֹר – אִין לֹאקִין עַל לֹא שֶׁבֶכְלֵלוֹת!

אֲלֵא אָמַר רַב פַּפָּא: מִהֲכָא “וְהַבֶּשֶׂר אֲשֶׁר יִגַע בְּכָל טֵמֵא לֹא יֹאכַל בְּאֵשׁ יִשְׂרָאֵל”, שְׂאִין תְּלַמּוּד לֹא מִר “לֹא יֹאכַל”, מִה תְּלַמּוּד לֹא מִר לֹא יֹאכַל?

אִם אֵינוּ עֲנִין לְגוּפוֹ, דְּהָא נִפְקָא לִיה מִקְל וְחוּמְר מִמְעֵשֶׁר הַקָּל: וּמַה מְעֵשֶׁר הַקָּל אָמְרָה תוֹרָה “לֹא בְּעֵרְתִי מִמֶּנּוּ בְּטֵמֵא”, בְּשֵׁר קִדְשׁ חִמּוּר לֹא כָּל שְׁבִין?!

Abaye said: Actually, derive this *halakha* from the first verse cited by Rabbi Yehoshua ben Levi: “And any sin-offering, of which any of the blood is brought into the tent of meeting to make atonement in the sacred place, shall not be eaten; it shall be burnt with fire” (Leviticus 6:23). **And reverse** the construct of his exposition. **Let the verse write: “It shall be burnt with fire,”** and it will not need to write: “**Shall not be eaten.**” For what purpose then does the verse state: “**It shall not be eaten**”? If it does not apply to the subject matter itself, as that was already derived from the statement of Rabbi Elazar that whatever has been rendered disqualified in the sacred place may not be eaten, **apply it to all other prohibitions in the Torah**, including leavened bread on Passover and a stoned ox. **And if it does not apply to the prohibition against eating**, which is written explicitly, then **apply it to the prohibition of deriving benefit.**

The Gemara asks: **Lest** one say that the verse indicates that **just as here**, the leftover sacrificial meat is disposed of **with burning**, **so too, all the prohibited items in the Torah**, from which one may not benefit, must be disposed of **with burning**, therefore **the verse said**: “You shall burn the leftover,” indicating that the **leftover sacrificial meat must be disposed of with burning**; however, **all other prohibited items in the Torah need not be disposed of with burning.**

Rav Pappa said to Abaye: **And why do you hold that the phrase**: “You shall not eat,” describing the sin-offering that was sacrificed inside the Sanctuary, is not needed for other purposes? **Say that this expression comes in order to designate a negative mitzva for this prohibition itself.** **As, if this prohibition were derived only from the source quoted by Rabbi Elazar**, there will be a prohibition to eat the meat of the sin-offering whose blood was brought into the sanctuary; however, one would not be liable to be flogged for violating it, because **one is not flogged for violating a negative mitzva stated in general terms.**ⁿ One is not flogged for violating a negative mitzva that contains several different prohibitions, such as this one, which refers to all disqualified offerings. This is because the negative mitzva is formulated too broadly. Therefore, it is possible to say that when the Torah states: “You shall not eat” with regard to this issue, it is teaching that there is a particular prohibition here and that one is flogged for violating it. If so, the verse cannot indicate a general prohibition against deriving benefit.

Rather, this suggestion should be rejected, and Rav Pappa said that one derives this *halakha* from here: “**And the flesh that touches any impure thing shall not be eaten; it shall be burnt with fire.**” And as for the flesh, every one that is pure may eat of it” (Leviticus 7:19). **As there is no need for the verse to state: “It shall not be eaten,”** what does it mean when the verse states: “**It shall not be eaten**”?

If it does not refer to the subject matter itself, as that can be derived by means of an *a fortiori* inference from the second tithe, the *halakhot* of which are more lenient than those of offerings, then it must refer to something else. As it is possible to say: **If with regard to the second tithe, which is more lenient** because it does not have the status of an offering, **the Torah said** that when one recites the confession over the tithes, when destroying the tithes remaining in one’s possession that had not yet been given to the appropriate recipient, he says: “I have not eaten from it in my mourning, **neither have I removed it while impure**” (Deuteronomy 26:14), indicating that it is prohibited for one to remove tithes while impure, then with regard to **consecrated meat, which is more stringent, all the more so** is it **not clear** that it may not be eaten while a person is impure?

Small water creature [putita] – פּוּטִיטָא: Though it is universally agreed that a *putita* is a small water creature, there is no consensus among commentators or academic scholars as to what specifically this creature is. Rabbeinu Yeruham translates it as caracol, the Spanish word for snail. The Rambam, on the other hand, deduces from the enumerated punishment (see note) that the *putita* must possess a set of characteristics not seen together in any animal currently known to man, eliciting from the Ra'avad the frustrated pronouncement: “This gatherer has gathered things that do not exist in the world!”



Marine snail

ובי תימא: אין מזהירין מן הדין – הקישא הוא. דכתיב: “לא תוכל לאכל בשעריך מעשר דגנך תירשך ויצהרך ובכרת בקרך וגו”.

And if you say that there is a general principle that we do not warn, i.e., we may not deduce a prohibition, through logical derivation^N alone, then one could respond that his issue is not only derived through an *a fortiori* inference; rather, it is also derived from an analogy based on a juxtaposition. As it is written: “You may not eat within your gates the tithe of your grain, or of your wine, or of your oil, or the firstborn of your herd or of your flock, nor any of your vows which you have vowed, nor your voluntary offerings, nor the offering of your hand” (Deuteronomy 12:17). Since the verse itself juxtaposes tithes to offerings, it indicates that there is a prohibition with regard to offerings just as there is with regard to tithes.

מה תלמוד לומר “לא יאכל” אם אינו ענין לגופו – תנהו ענין לכל איסורין שבתורה, ואם אינו ענין לאכילה – תנהו ענין להנאה.

The Gemara continues explaining Rav Pappa’s opinion: For what purpose then does the verse state: “It shall not be eaten” with regard to impure consecrated meat? If it does not apply to the subject matter of this verse itself, as that prohibition is derived from the second tithe, then apply it to the matter of all prohibited items in the Torah. And if it does not apply to the prohibition against eating, since that is clear, apply it to the prohibition of deriving benefit.

אי מה כאן בשריפה, אף כל איסורין שבתורה בשריפה – אמר קרא “הנותר” – הנותר בשריפה ואין כל איסורין שבתורה בשריפה.

And if you say: Lest one say that the verse indicates that just as here, the meat that became impure in the Temple is disposed of with burning, so too, all the prohibited items in the Torah must be disposed of with burning, therefore the verse said: “The leftover,” indicating that the leftover sacrificial meat must be disposed of with burning; however, all other prohibited items in the Torah need not be disposed of with burning.

אמר ליה רבינא לרב אשי: ואימא לעבור עליו בשני לאוין? לאו מי אמר אביי: אכל פוטיטא – לוקה ארבע.

Ravina said to Rav Ashi: And say that this expression: “It shall not be eaten,” comes to teach not the prohibition against deriving benefit, but rather that one who transgresses this negative mitzva violates two prohibitions. And there is precedent for such an explanation, as didn’t Abaye say with regard to a parallel case: If one ate a small water creature [putita],^{NB} he is flogged with four sets of lashes^N because one violates four prohibitions when eating such a creature? Two of these prohibitions are found in the verse that discusses all types of creeping animals: “You shall not make yourselves detestable with any swarming thing that swarms, neither shall you make yourselves impure with them, that you should be defiled by them” (Leviticus 11:43). A third prohibition applies to creeping animals that live in the water, as the verses say: “And all that have neither fins nor scales... They shall be a detestable thing unto you; you shall not eat of their flesh” (Leviticus 11:10–11). A fourth prohibition is cited in the verse: “And whatever does not have fins and scales you shall not eat; it is impure unto you” (Deuteronomy 14:10).

נמלה – לוקה חמש.

Similarly, if one ate an ant, he is flogged with five sets of lashes, two sets for the previously mentioned prohibitions of eating a creeping animal, a third based on the verse: “And every creeping thing that swarms upon the earth is a detestable thing; it shall not be eaten” (Leviticus 11:41), and a fourth based on the verse: “All creeping things that swarm upon the earth, them you shall not eat; for they are a detestable thing” (Leviticus 11:42). A fifth prohibition is stated in the verse: “You shall not make yourselves impure through every creeping thing that swarms upon the earth” (Leviticus 11:44).

NOTES

We do not warn through logical derivation – אין מזהירין מן הדין: This is based on the fundamental principle that a court may not administer punishment if there were no witnesses who warned the perpetrator before he committed the transgression. So too, it is understood that one cannot be punished for a transgression unless the Torah issues a warning that the act is prohibited. Such warnings cannot be deduced through an *a fortiori* inference alone, although they may be deduced through a verbal analogy and other common methods of extrapolation passed down through tradition. The reason for this is that one cannot be certain of the particular reasoning behind a prohibition; therefore, although a prohibition may

make logical sense, that does not guarantee that it is, in fact, prohibited.

If one ate a small water creature – אכל פוטיטא: One transgresses the prohibition of eating this creature even if one consumes less than an olive-bulk. This is because it is a whole creature in its original form, and its consumption is deemed significant.

He is flogged with four sets of lashes – לוקה ארבע: In his introduction to *Sefer HaMitzvot*, the Rambam lists basic principles about enumerating negative mitzvot. As a general rule, he states: Even if a prohibition is mentioned many times, one

does not commit numerous violations if he transgresses it, as the multiple sources serve merely as a repetition of the same principle. He cites several proofs to support this opinion. Based on this opinion, he presents a somewhat forced explanation of the Gemara’s statement here with regard to one who eats a *putita*. The Rambam claims that this is a unique creature to which several different categories of prohibition apply: It is a creeping animal that lives in the water, it is a flying insect, and it also can live on the land. However, most authorities follow the opinion of the *ge’onim*, understanding this Gemara in a straightforward way to mean that one receives several sets of lashes for violating the numerous prohibitions pertaining to the same act.

NOTES

To include wood and incense – לְרִבּוֹת עֵצִים וְלִבְוֶנָה – This derivation is an amplification based on the unique form used in the verse: “And the flesh [vehabasar],” which indicates that the verse is referring to meat as well as to something else. Although not everyone accepts that an additional *vav*, “and,” can serve as the basis for an exposition, when the letters *vav* and *hey*, meaning “and the,” appear before a word everyone agrees that this indicates an amplification of what is written.

Some say...derives benefit in the usual manner – אֵיכָא דְאָמְרִי...דְרַךְ הַנְּאִתָּן This second version of the statement is more lenient, as the first version indicates that the limitation of: Its usual manner, applies only to the prohibition against eating; however, with regard to the prohibition of deriving benefit, it implies that any manner of benefit renders one liable to be flogged (see Ritva).

HALAKHA

The ritual impurity of wood and incense – טומאת עצים – לְבִבְוֶנָה: Although wood and incense are not foods, they can become impure as food does with regard to sacrifices. Therefore, they can become disqualified to be offered on the altar (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'ah* 6:8).

Impurity of the body – טומאת הגוף – An impure person who eats the portions of an offering that are consumed on the altar is punished by *karet*, as stated in the Torah and as explained in the Gemara (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 18:18).

Impurity of the flesh – טומאת בשר – A ritually pure person who eats impure offerings violates a prohibition and is flogged, as stated in the Gemara (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 18:12).

Deriving benefit from a prohibited item – הַנְּאִתָּא מֵאִסוּר – One violates the prohibition against deriving benefit from a food only when one consumes it in an ordinary manner, with the exceptions of diverse kinds planted in a vineyard and meat in milk. This ruling is in accordance with the second version of the statement made in the name of Rabbi Yoḥanan, as the *halakha* generally follows the latter version of a statement (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:10).

צִרְעָנָה – לֹקְחָהּ שֵׁשׁ! אָמַר לֵיהּ: כָּל הַיֵּכָא דְאֵיכָא לְמַדְרַשׁ – דְרַשְׁנִין, וְלֹא מוֹקְמִינן בְּלֵאיוֹי יְהִירִי.

”וְהַבֶּשֶׂר אֲשֶׁר יִגַּע בְּכָל טֵמֵא לֹא יֵאָכֵל” דְרִישִׁיָּה לְמַה לִּי – לְרִבּוֹת עֵצִים וְלִבְוֶנָה. ”וְהַבֶּשֶׂר כָּל טְהוֹר יֵאָכֵל בֶּשֶׂר” דְּסִיפֵיהּ לְמַה לִּי – לְרִבּוֹת אֵימורִין.

אֵימורִין מִהַתָּם נִפְקָא, דְתַנִּיא: ”וְהַנֶּפֶשׁ אֲשֶׁר תֹּאכַל בֶּשֶׂר מִזֶּבַח הַשְּׁלָמִים אֲשֶׁר לָהּ” – לְרִבּוֹת אֵת הָאֵימורִין!

הַתָּם טוֹמְאָת הַגּוּף – בְּבֵרַת, הַכָּא טוֹמְאָת בֶּשֶׂר – בְּלֵאוּ.

אָמַר רַבִּי אַבְהוּ אָמַר רַבִּי יוֹחָנָן: כָּל אִיסוּרֵין שְׁבִתוּרָה אֵין לוֹקִין עֲלֵיהֶן אֲלֵא דְרַךְ אַכִּילְתָּן. לְמַעוּטֵי מַאי? אָמַר רַב שִׁמִּי בַר אֲשִׁי: לְמַעוּטֵי שְׂאֵם אָכַל חֵלֶב חֵי, שְׁפָטוּר.

אֵיכָא דְאָמְרִי, אָמַר רַבִּי אַבְהוּ אָמַר רַבִּי יוֹחָנָן: כָּל אִיסוּרֵין שְׁבִתוּרָה אֵין לוֹקִין עֲלֵיהֶן אֲלֵא דְרַךְ הַנְּאִתָּן. לְמַעוּטֵי מַאי? אָמַר רַב שִׁמִּי בַר אֲשִׁי: לְמַעוּטֵי שְׂאֵם הַגִּיחַ חֵלֶב שֶׁל שׂוֹר הַנֶּסְקָל עַל גְּבִי מִבְּתוֹ, שֶׁהוּא פְטוּר. וְכָל שְׂכֵן אוֹכֵל חֵלֶב חֵי שֶׁהוּא פְטוּר.

If one ate a hornet, he is flogged with six sets of lashes. Since a hornet creeps along the ground, all of the previously mentioned prohibitions with regard to an ant apply to it as well. An additional prohibition is stated in the following verse: “And all flying insects are impure to you; they shall not be eaten” (Deuteronomy 14:19). Based on this precedent, it is possible to say that the addition of the phrase “It shall not be eaten” with regard to impure meat indicates merely an additional negative mitzva for which one would be punished; however, it does not necessarily indicate a prohibition to derive benefit. Rav Ashi said to him: Anywhere that it is possible to expound a new *halakha*, we expound, and we do not establish the verse as containing additional negative mitzvot with regard to that same prohibition.

The Gemara asks: Why do I need the beginning of the verse: “And the flesh that touches any impure thing shall not be eaten” (Leviticus 7:19)? The Gemara explains: This comes to include wood and incense,^{nh} although they are not eaten, they are susceptible to ritual impurity of foods. The Gemara asks: Why do I need the end of this verse: “And as for the flesh, every one that is pure may eat of it” (Leviticus 7:19)? The Gemara answers: This comes to include the sacrificial parts of the animal offered on the altar, such as the fats; they, too, have the legal status of meat and are susceptible to ritual impurity of foods. If these portions become ritually impure and one eats them, even if he is pure, he is liable to be flogged.

The Gemara challenges: The *halakha* that these sacrificial parts can become impure and are then prohibited to be eaten is derived from there, i.e., from another source, as it was taught in a *baraita*: “But the soul that eats from the flesh of the sacrifice of peace-offerings, which belong to the Lord, having his impurity upon him, that soul shall be cut off from his people” (Leviticus 7:20). The added words “which belong to the Lord” come to include these sacrificial parts, which are meant to be offered to God and not eaten by other people, within this prohibition against eating sacrificial meat when it is impure.

The Gemara rejects this: There, it is referring to a case of impurity of the body;^h if one who is ritually impure eats sacrificial parts he is punishable with *karet*. Here, it is referring to a case of impurity of the flesh,^h where the meat is impure but the person eating it is pure; one who does so is merely in violation of a negative mitzva.

After discussing the prohibitions against eating and deriving benefit from certain items, the Gemara cites that which Rabbi Abbahu said that Rabbi Yoḥanan said: With regard to all prohibitions against eating in the Torah, one may be flogged for violating them only if he eats the prohibited item in its usual manner of consumption. The Gemara asks: To exclude what case did Rabbi Yoḥanan say this? Rav Shimi bar Ashi said: To exclude a case where one eats raw fat; he teaches that one who does so is exempt, since this is not the usual manner of eating it.

Some say that this is what Rabbi Abbahu said that Rabbi Yoḥanan said: With regard to all prohibitions against deriving benefit in the Torah, one is flogged for violating them only if he derives benefit from the prohibited item in the usual manner.^{nh} The Gemara asks: To exclude what case did Rabbi Yoḥanan say this? Rav Shimi bar Ashi said: To exclude a case where one placed the fat of an ox that is stoned on his wound to help it heal. He teaches that, although one generally may not derive benefit from forbidden fats, in this case he is exempt because these fats are not normally used for medicinal purposes. And all the more so one who eats raw fat is exempt, as this is certainly not an ordinary way to benefit from fat.

Prohibition of *orla* – איסור ערלה – It is prohibited to eat *orla*, fruit that grows in the first three years after a tree has been planted. It is likewise prohibited to drink liquids or juices that seep out from these fruits; however, with regard to drinking *orla* olive oil or juice, one is flogged only for drinking olive oil and wine (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 10:22).

Diverse kinds planted in a vineyard – כילאי הכרם – It is prohibited to derive benefit from prohibited mixtures of diverse kinds planted in a vineyard. One who derives benefit from them, even in an unusual manner, is flogged (*Shulhan Arukh, Yoreh De'a* 155:3).

NOTES

דיועה בעלמא – Because it is merely moisture – Based on this source and others, it appears that liquid that seeps out of a food is not treated in the same way as the food itself; therefore, the Gemara refers to it as merely moisture. However, wine and oil are exceptions to this rule; since the Torah lists them explicitly with regard to *teruma*, they have the same legal status as other produce.

איסורי בשר – The prohibitions of meat in milk – **בחלב**: The prohibition of meat in milk is stated in the Torah three times, although each time the verse explicitly mentions only the prohibition against cooking meat in milk. The prohibitions against eating and to deriving benefit from meat in milk are derived through various hints and expositions.

אתמר נמי, אמר רב אחא בר עוויה, אמר רב אסי, אמר רבי יוחנן: הניח חלב של שור הנסקל על גבי מכתו – פטור, לפי שכל איסורין שבתורה אין לוקין עליהם אלא דרך הנאתו.

אמר רבי זירא, אף אנן נמי תנינא: אין סופגין את הארבעים משום ערלה, אלא על היוצא מן הזיתים ומן הענבים בלבד. ואילו מתותמים תאנים ורמונים – לא. מאי טעמא – לאו משום דלא קאכיל להו דרך הנאתו?

אמר ליה אביי: בשלמא אי אשמעינן פרי גופא דלא קאכיל ליה דרך הנאתו – שפיר. אלא הכא – משום דיועה בעלמא הוא.

אמר אביי: הכל מודים בכלאי הכרם שולקין עליהן אפילו שלא בדרך הנאתו. מאי טעמא – משום דלא קאכיל בהו אכילה.

מיתבי, איסי בן יהודה אומר: מנין לבשר בחלב שהוא אסור – נאמר כאן: "כי עם קדוש אתה", ונאמר להלן: "ואנשי קדש תהיון לי" מה להלן אסור – אף כאן אסור.

ואין לי אלא באכילה, בהנאה מנין? אמרת קל וחומר: ומה ערלה שלא נעבדה בה עבירה – אסורה בהנאה, בשר בחלב שנעבדה בו עבירה – אינו דין שיהא אסור בהנאה?

It was also stated that Rav Aha bar Avya said that Rav Asi said that Rabbi Yohanan said: If one placed the fat of an ox that is stoned on his wound for medicinal purposes, he is exempt, because with regard to all prohibitions against deriving benefit in the Torah, one is flogged for violating them only if he derives benefit from the prohibited item in its usual manner.

Rabbi Zeira said: We, too, have also learned in a mishna that the Rabbis said: One absorbs the forty lashes due to drinking the juice squeezed from *orla* fruits only for that which seeps from olives, oil, and from grapes, wine. In contrast, for drinking the juice that seeps from mulberries, figs, and pomegranates one is not flogged, despite the fact that it is prohibited to consume those juices.^H What is the reason for this? Is it not because he is not eating them in their usual manner of deriving benefit? Generally, these fruits are eaten and not squeezed for their juice.

Abaye said to him that this mishna does not necessarily prove this same point: Granted, had the mishna taught us the case of the fruit itself, as he is not eating it in its usual manner of deriving benefit, it would work out well. However, here, where the case is with regard to their juice, the reason he is not flogged is because it is merely moisture^N that drips from the fruit, which is not considered to be an essential part of the fruit.

Abaye said: All concede with regard to prohibited mixtures of diverse kinds planted in a vineyard^H that one is flogged for deriving benefit from them even if he does not benefit from them in their usual manner. What is the reason for this? It is because no prohibition against eating is written about them explicitly in the Torah. Therefore, the verse is interpreted to mean that it is prohibited to benefit from them in any manner; rather, one must burn them immediately.

The Gemara raises an objection. Isi ben Yehuda says: From where is it derived that it is prohibited to eat meat that has been cooked in milk?^N It is stated here: "For you are a sacred people unto the Lord your God. You shall not cook a kid in its mother's milk" (Deuteronomy 14:21). And it is stated there: "And you shall be sacred men unto Me; therefore you shall not eat any flesh that is torn of beasts in the field [*tereifa*]; you shall cast it to the dogs" (Exodus 22:30). Just as there, with regard to a *tereifa*, it is prohibited to eat it, so too here, with regard to meat in milk, it is prohibited to eat it.

From the above comparison I have derived only that it is prohibited to eat it, as it is prohibited to eat a *tereifa*; from where do I derive that it is prohibited to derive benefit from it as well? You may state an *a fortiori* inference: If with regard to *orla*, through which no sin has been committed, as it is part of the ordinary growth process of the tree to produce fruit during the first three years, yet still it is prohibited to deriving benefit from it; then with regard to meat in milk, through which a sin has been committed, as the two were illicitly cooked together, is it not right that it should be prohibited to derive benefit from it?

Perek II
Daf 25 Amud a

מה לערלה שבין לא היתה לה שעת הכושר, תאמר בבשר בחלב שהיתה לו שעת הכושר! חמץ בפסח יוכיח, שהיה לו שעת הכושר ואסור בהנאה.

The Gemara rejects this inference: What comparison can be made to *orla*, which is more stringent than meat in milk, as it never had a time when it was fit? Can you say the same with regard to meat in milk, which had a time when it was fit? Unlike *orla* fruits, which were prohibited from the beginning of their existence, both meat and milk were permitted on their own before they were cooked together. Therefore, the Gemara brings other proofs: Let leavened bread on Passover prove that this issue is not a factor, as it had a time when it was fit, before Passover, and yet it is prohibited to derive benefit from it.