

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* liquid 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

Because it is merely moisture – דיועה בעלמא: 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.

The prohibitions of meat in milk – איסורי בשר – **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.

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.

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?

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.

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

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.

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

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.

מיתיבי, 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.

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.

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?

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 שכן לא היתה לה שעת הכושר, תאמר בבשר בחלב שהיתה לו שעת הכושר! חמץ בפסח יוכית, 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.

Diverse kinds planted in the vineyard – כְּלָאֵי הַכֶּרֶם: It is prohibited to plant or maintain other crops in a vineyard (Deuteronomy 22:9). In contrast to the prohibition against a mixture of diverse kinds, the prohibited crop grown in a vineyard may not be eaten or used. It renders the entire vineyard prohibited, and all the produce must be burned.

Just as with regard to an animal carcass one is flogged only when deriving benefit in the usual manner – מֵהַנְּאִתָּה דֶּרֶךְ הַנְּאִתָּה: Although there is no prohibition against deriving benefit from a *tereifa*, this *halakha* is derived in the following way: Just as there is a prohibition against eating a *tereifa*, and it is prohibited only when one eats it in the usual manner, so too, with regard to the prohibition of meat in milk, which includes a prohibition against deriving benefit, it is prohibited only to derive benefit in the usual manner (Maharam Ḥalawa).

מֵהַלְחֵם בַּפֶּסַח – שֶׁבֶן עֲנוּשׁ כֶּרֶת, תֹּאמַר בְּבֶשֶׂר בְּחֶלֶב שְׂאִינוּ עֲנוּשׁ כֶּרֶת! כְּלָאֵי הַכֶּרֶם יוֹכִיחוּ, שְׂאִין עֲנוּשׁ כֶּרֶת – וְאִסּוּר הַנְּאִתָּה.

וְאִם אֵיתָא, נִפְרוּךְ: מֵהַלְחֵם בְּבֶשֶׂר בְּחֶלֶב שְׂאִין לֹקִין עֲלֵיהוֹן אֶפִּילוּ שְׂלֵא דֶּרֶךְ הַנְּאִתָּה.

וְאִבֵּי: תֹּאמַר בְּמַאי? תֹּאמַר בְּבֶשֶׂר בְּחֶלֶב שְׂאִין לֹקִין עֲלֵיו אֶלֶּא דֶּרֶךְ הַנְּאִתָּה – אִטּוּ בְּבֶשֶׂר בְּחֶלֶב 'אֲכִילָה' כְּתִיבָה בֵּיהּ?

וְאִידֶךְ דְּקָא מוֹתֵיב לֵה סְבַר: לְהִכֵּי קָא גָּמַר מִנְּבִילָה, מֵהַנְּבִילָה דֶּרֶךְ הַנְּאִתָּה – אִף בְּשֶׁר בְּחֶלֶב דֶּרֶךְ הַנְּאִתָּה.

וְאִבֵּי: לְהִכֵּי לֹא כְּתִבַּת אֲכִילָה בְּגוֹפּוֹ – לֹאמַר שְׂלֹקִין עֲלֵיו אֶפִּילוּ שְׂלֵא כְּדֶרֶךְ הַנְּאִתָּה.

וְלִפְרוּךְ מֵהַלְחֵם בְּכֶרֶם – שֶׁבֶן לֹא הֵיטָה לֹא שְׁעַת הַבּוֹשֵׁר! אָמַר רַבִּי אֲדָא בְּרַ אֲהֵבָה: זֹאת אוֹמְרַת: כְּלָאֵי הַכֶּרֶם עֵיקְרוֹן נֶאֱסְרִין, הוֹאִיל וְהֵיטָה לְהֵן שְׁעַת הַבּוֹשֵׁר קוֹדֵם הַשְּׂרָשָׁה.

The Gemara rejects this: **What comparison can be made to leavened bread on Passover, which is a stringent prohibition, as one who eats it is punished with *karet*? Can you say the same with regard to one who eats meat in milk, who is not punished with *karet*?** The Gemara answers: **Let the case of diverse kinds planted in the vineyard^N prove that this is not relevant, as one who violates that prohibition is not punished with *karet*, and yet it is prohibited to derive benefit from the resulting mixtures.**

The Gemara returns to the issue of Abaye's statement with regard to the unique stringency of diverse kinds planted in a vineyard: **And if it is so that one is flogged for deriving benefit from diverse kinds planted in a vineyard, even if one derives benefit from them in an unusual manner, we can challenge this last proof:** How can one compare meat in milk to diverse kinds in a vineyard, as with regard to diverse kinds in a vineyard, **one is flogged even if he derives benefit from them in an unusual manner?**

And how would Abaye respond to this question? When one draws this challenge to its logical conclusion with the phrase: **Can you say, and explains in detail how the prohibition of meat in milk differs from that of diverse kinds in a vineyard, with regard to what difference would the challenge be raised? You may say that with regard to meat in milk one is flogged only for deriving benefit in the usual manner, as opposed to the *halakha* with regard to diverse kinds, according to which one is flogged even for deriving benefit in an unusual manner. However, is that to say that the term eating is written in the Torah with regard to meat in milk?** The basis for this *halakha* with regard to diverse kinds in a vineyard is the lack of the term eating in the verse; however, the prohibition of meat in milk is also missing that term. Therefore, there are no grounds for this challenge: If the lack of the word eating leads to the conclusion that one is flogged even when deriving benefit in an unusual manner, logically that punishment should apply to both diverse kinds and meat in milk.

The Gemara asks: **And the other Sage, who raised this objection, holds that for this reason Isi ben Yehuda derives this aspect of the prohibition from the case of an animal carcass. Just as with regard to an animal carcass one is flogged only when deriving benefit in the usual manner,^N as the verse that prohibits it uses the term eating, so too, with regard to meat in milk, one is flogged only when deriving benefit in the usual manner.** Despite what is written in the Gemara, the fact that one is flogged only for deriving benefit from the animal in the usual manner is not derived from the carcass of an unslaughtered animal but from *tereifa*, an animal with a condition that will cause it to die within twelve months. With regard to *tereifa* it is written: "And you shall be holy 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). From the fact that one may cast it to the dogs it can be derived that one may derive benefit in any manner other than the usual manner, i.e., eating.

And Abaye holds that **for this reason it did not write the term eating in the verse itself with regard to the prohibition of meat in milk: In order to say that one is flogged even when deriving benefit in an unusual manner.**

The Gemara continues. **Let Isi ben Yehuda challenge: What comparison can be made to diverse kinds in a vineyard, as the forbidden produce had no time that it was fit because the prohibition came into effect as soon as the produce began to grow? Rabbi Adda bar Ahava said:** Apparently, since this question was not asked, **that is to say that with regard to diverse kinds in a vineyard, their roots are forbidden as well, including the seeds and saplings from which the mature plants grow. Therefore, no challenge can be raised, since they had a time when they were fit, before taking root.**

NOTES

Comes to teach, etc. – בא ללמד וכו' – Some explain this to mean that the juxtaposition of the murderer and the betrothed young woman indicates a leniency. Just as murder is a prohibition that one violates actively, so too, for a betrothed young woman to be liable she must violate the prohibition actively, rather than passively (*Nimmukei Yosef*).

Save him by taking the pursuer's life – להצילו בנפשו – The precise meaning of this expression is not entirely clear. One could understand it to mean that one should save the pursued at the expense of the pursuer's life; however, this lacks grammatical consistency, as the same third-person pronoun is used to refer to two different people. Therefore, it seems that the preferable explanation is that one may save the pursuer from this stringent transgression by taking his, the pursuer's, life (*Tosafot, Sanhedrin 73a*).

That your blood is redder – דדמך סופק טפי – Some explain this as follows: The reason one is permitted to commit a serious transgression, such as violating Shabbat, in order to save a life is that by transgressing the mitzva this one time, the person saved will be able to live and fulfill many more mitzvot. However, in this case that rationale does not apply, as one cannot know whether the potential murderer or the potential victim is to be preferred in this regard. Rava is asking: Who says that your blood is redder, i.e., purer and cleaner, than the blood of this other person, such that you will live a longer life of fulfilling mitzvot (*Rabbeinu Yehonatan; Nimmukei Yosef*)?

Unripe orla – גוהרקי ערלה – Some explain that this phrase refers to grains of *orla* (*Rabbeinu Hananel; Arukh*).

HALAKHA

One may save him by taking the pursuer's life – ניתן להצילו בנפשו – If one person is pursuing another person to kill him, one should save the pursued in any way possible, even if one must take the assailant's life (*Rambam Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh 1:6*).

A murderer...should be killed and not transgress – רוצח יעבור ואל יעבור – If a person is threatened that he will be killed if he does not kill another person, he should be killed and not kill the other person. Similarly, if a person is forced to have sexual relations with a betrothed young woman, or anyone else with whom sexual relations would be a capital offense, then he should allow himself to be killed rather than commit this transgression (*Shulhan Arukh, Yoreh De'a 157:1*).

Medicinal use of prohibited items – ריפוי באיסור – One may use prohibited items for medicinal purposes only if one's life is in danger. However, this applies only if he derives benefit from the prohibited item in its usual manner. If he does so in an unusual manner, he is permitted to use the item for medicinal purposes even if he is not in mortal danger (*Shulhan Arukh, Yoreh De'a 155:50*).

LANGUAGE

Guharkei – גוהרקי – The *Arukh* has a version of the Gemara that reads *gurkei*. This word may be derived from the Middle Iranian *gurak*, which is related to the New Persian *yoragi*, meaning unripe fruit.

BACKGROUND

High fever – אישתא צמורתא – This refers to a type of illness, perhaps one that causes a daily recurrence of high fever. Presumably the name of this malady, which literally means fiery illness, comes either from the high fever it causes or from the shivering attacks that accompany it.

ושפיכות דמים or bloodshed.

עבודה זרה – הא דאמרן גילוי עריות ופשכות דמים – דתנאי, רבי אומר: "כי באשר יקום איש על רעהו ורוצחו נפש בן הדבר הזה" וכי מה ענין רוצח אצל נערה המאורסה?

הרי זה בא ללמד ונמצא למד, מקיש ורוצח לנערה המאורסה. מה נערה המאורסה ניתן להצילה בנפשו – אף רוצח ניתן להצילו בנפשו. ונערה המאורסה מרוצח, מה רוצח – יהרג ואל יעבור, אף נערה המאורסה – תהרג ואל תעבור.

ושפיכות דמים גופיה מנלן? סברא הוא: כי ההוא דאתא לקמיה דרבא, אמר ליה: מרי דוראי אמר לי "ויל קטליה לפלגיא, ואי לא – קטלינא לך". אמר ליה: ליקטלוך ולא תיקטול. מאי חזית דדמא דידך סופק טפי? דילמא דמא דההוא גברא סופק טפי?

מר בר רב אשי אשתי אשתא צמורתא דשייף לה לברתיה בגוהרקי דערלה, אמר ליה: אימור דאמור רבנן בשעת הספנה, שלא בשעת הספנה מי אמור?

אמר ליה: האי אישתא צמורתא נמי בשעת הספנה דמיא. איכא דאמרי אמר ליה: מידי דרך הנאה קא עבידנא?

איתמר, הנאה הבאה לו לאדם בעל כרחו. אביי אמר: מותרת, ורבא אמר: אסורה.

That one may not heal oneself with idolatry even when his life is in danger is learned from that which we just said, based on the verse: "With all your soul and with all your might." From where is this *halakha* derived with regard to forbidden sexual relations and murder? As it was taught in a *baraita* that Rabbi Yehuda HaNasi says: The verse says about one who rapes a betrothed woman: "But you shall do nothing to the young woman; the young woman has committed no sin worthy of death; for as when a man rises against his neighbor, and slays him, so too with this matter" (Deuteronomy 22:26). What does a murderer have to do with a betrothed young woman who was raped? Why would the verse mention murder in this context?

Rather, the mention of murder comes in order to teachⁿ a *halakha* about the betrothed young woman, and it turns out that, in addition, it derives a *halakha* from that case. The Torah juxtaposes a murderer to a betrothed young woman to indicate that just as in the case of a betrothed young woman one may save her by taking the rapist's life, so too, one may save a potential murder victim by taking the pursuer's life.^{nh} Conversely, it is possible to learn about the case of a young betrothed woman from the case of a murderer. Just as with regard to a potential murderer the *halakha* is that if one is being forced to murder someone else, he should allow himself to be killed and not transgress^h that prohibition, so too, with regard to a betrothed young woman the *halakha* is that she should allow herself to be killed and not transgress the prohibition of forbidden relations.

The Gemara asks: And from where do we derive this *halakha* with regard to murder itself? The Gemara answers: It is based on logical reasoning that one life is not preferable to another. The Gemara relates an incident to demonstrate this: This is similar to a certain man who came before Rava and said to him: A local official said to me: Go kill so-and-so, and if not I will kill you. Rava said to him: It is preferable that he should kill you and you should not kill. What did you think, that your blood is redderⁿ and more precious than his? Perhaps that man's blood is redder. Apparently, one may not save his own life by taking someone else's.

The Gemara relates: Mar bar Rav Ashi found Ravina rubbing his daughter with unripe olives [*guhharkei*]^l of *orla*ⁿ for medicinal purposes. Mar bar Rav Ashi said to him: Say that the Sages said that one may derive benefit from such a prohibited item at a time of danger; however, who says that one is permitted to do so when it is not a time of danger?

Ravina said to him: A high fever^b is also deemed a time of danger, and one may derive benefit from a prohibited item in such a situation. Some say that Ravina said to him as follows: Am I deriving benefit in a usual manner? The usual way to derive benefit from these olives is to use them after they have become ripe, so that their oil can be drawn out. Since Ravina was not deriving benefit in the usual manner, he was permitted to do so, although his daughter's life was not in danger.^h

The Gemara continues to discuss various *halakhot* that apply to prohibited items. It was stated: With regard to deriving benefit from a prohibited item that comes to a person against his will, i.e., one's circumstance results in his deriving benefit although he did not place himself in that circumstance in order to derive benefit, Abaye said: Deriving benefit in this manner is permitted, and Rava said: It is prohibited.

It is possible and he does not intend – אָפּשָׁר וְלֹא מִיכּוּן: In this case the phrase: It is possible, means that it is possible for one to achieve the desired outcome in another way without much difficulty. It is not possible means that achieving the desired outcome differently would require a great deal of effort and trouble (Ritva; Maharam Halawa).

אָפּשָׁר וְקָא מִיכּוּן, לֹא אָפּשָׁר וְקִמְיִכּוּן – בּוֹלִי עֲלֵמָא לֹא פְּלִיגִי דְאָסוּר. לֹא אָפּשָׁר וְלֹא מִיכּוּן – בּוֹלִי עֲלֵמָא לֹא פְּלִיגִי דְשָׂרִי. כִּי פְּלִיגִי – דְאָפּשָׁר וְלֹא מִיכּוּן.

The Gemara explains: In a case where it is possible to avoid deriving benefit and he intends to derive benefit from the prohibited object, or where it is not possible to avoid it and he intends to derive benefit, everyone agrees that it is prohibited, because he intended to derive benefit that was prohibited. And when it is not possible to avoid it and he does not intend to derive benefit, everyone agrees that it is permitted, as one had no choice in the matter. Where they disagree is in a case where it is possible for him to avoid the prohibition, and he does not intendⁿ to derive benefit from it.

וְאֵלִיבָא דְרַבִּי יְהוּדָה, דְאָמַר "דְּבַר שְׂאִין מִתְּכַוֵּן – אָסוּר" – בּוֹלִי עֲלֵמָא לֹא פְּלִיגִי דְאָסוּר. כִּי פְּלִיגִי – אֵלִיבָא דְרַבִּי שְׁמַעוֹן, דְאָמַר "דְּבַר שְׂאִין מִתְּכַוֵּן מוֹתֵר". אַבְיִי – בְּרַבִּי שְׁמַעוֹן, וְרַבָּא אָמַר: עַד כַּאֵן לֹא קָא אָמַר רַבִּי שְׁמַעוֹן – אֲלֵא הֵיכָא דְלֹא אָפּשָׁר, אַבְל הֵיכָא דְאָפּשָׁר – לֹא.

The Gemara limits the dispute further: And according to Rabbi Yehuda, who said that an unintentional prohibited act is prohibited, everyone agrees that it is prohibited, as Rabbi Yehuda maintains that one's action is more significant than his intent. Where they disagree is in accordance with the opinion of Rabbi Shimon, who said that an unintentional prohibited act is permitted. Apparently, Abaye holds in accordance with the opinion of Rabbi Shimon. And Rava would say: Rabbi Shimon stated his opinion only with regard to a case where it is not possible to avoid the prohibition. However, in a case where it is possible to avoid the prohibition, no, he did not permit one to derive benefit from such a prohibition even unintentionally. This is one version of the dispute.

אֵיבָא דְאָמַר: אָפּשָׁר וְלֹא מִיכּוּן – הֵינֵן פְּלוּגְתִּינְהוּ דְרַבִּי יְהוּדָה וְרַבִּי שְׁמַעוֹן. לֹא אָפּשָׁר וְלֹא קָא מִיכּוּן – בּוֹלִי עֲלֵמָא לֹא פְּלִיגִי דְשָׂרִי, כִּי פְּלִיגִי – דְלֹא אָפּשָׁר וְקָא מִיכּוּן. וְאֵלִיבָא דְרַבִּי שְׁמַעוֹן דְאָוִיל בְּתַר כּוּנְהָ – בּוֹלִי עֲלֵמָא לֹא פְּלִיגִי דְאָסוּר. כִּי פְּלִיגִי – אֵלִיבָא דְרַבִּי יְהוּדָה, דְאָמַר: לֹא שְׂנָא מִתְּכַוֵּן וְלֹא שְׂנָא שְׂאִין מִתְּכַוֵּן – אָפּשָׁר אָסוּר.

Some say that the dispute should be understood as follows: In a case where it is possible to avoid deriving benefit and he does not intend to derive benefit, this is the case of dispute between Rabbi Yehuda and Rabbi Shimon. Where it is not possible to avoid it and he does not intend to derive benefit from the prohibited item, everyone agrees that it is permitted to do so. Where they disagree is in a case where it is not possible to avoid deriving benefit and he intends to derive benefit from it. The Gemara limits the dispute further: According to the opinion of Rabbi Shimon, who follows one's intent, everyone agrees that it is prohibited. Where they disagree is in accordance with the opinion of Rabbi Yehuda, who said: There is no difference whether one intends or does not intend; the issue is whether he can avoid it or not. Therefore, if it is possible to avoid deriving benefit, it is prohibited.

אַבְיִי בְּרַבִּי יְהוּדָה,

Based on this understanding of the dispute, Abaye holds in accordance with the opinion of Rabbi Yehuda. In other words, in a case where it is not possible to avoid the situation completely, even if one has intent it is permitted.ⁿ

NOTES

The dispute between Abaye and Rava – מַחְלֻקַת אַבְיִי וְרַבָּא

The Disputants		It is possible and he intends	It is not possible and he intends	It is possible and he does not intend	It is not possible and he does not intend
First Version	Abaye	Prohibited	Prohibited	Rabbi Yehuda: Prohibited Rabbi Shimon: Permitted	Permitted
	Rava	Prohibited	Prohibited	Rabbi Yehuda: Prohibited Rabbi Shimon: Prohibited	Permitted
Second Version	Abaye	Prohibited	Rabbi Yehuda: Permitted Rabbi Shimon: Prohibited	Rabbi Yehuda: Prohibited Rabbi Shimon: Permitted	Permitted
	Rava	Prohibited	Rabbi Yehuda: Prohibited Rabbi Shimon: Prohibited	Rabbi Yehuda: Prohibited Rabbi Shimon: Permitted	Permitted

Perek II
Daf 26 Amud a

וְרַבָּא אָמַר לָךְ: עַד כַּאֵן לֹא קָאמַר רַבִּי יְהוּדָה שְׂאִין מִתְּכַוֵּן בְּמִתְכַוֵּן – אֲלֵא לְחֻמְרָא, אַבְל מִתְּכַוֵּן בְּשְׂאִין מִתְּכַוֵּן לְקוּלָא – לֹא.

And Rava could have said to you: Rabbi Yehuda stated that one who lacks intent has the same legal status as one who has intent only with regard to a stringency. In other words, a lack of intent does not negate the fact that the prohibited act has been performed and one is liable. However, to say that one who has intent has the same legal status as one who lacks intent such that it leads to a leniency, no. There is no evidence that Rabbi Yehuda would agree that it would ever be permitted for one who has intent to derive benefit from an otherwise prohibited object, even if he could not avoid the situation.^h

HALAKHA

Benefit against one's will – הַנָּאָה בְּעַל – יְרָחוּ: If one derives benefit from a prohibited item against his will, yet he intends to derive benefit from it, then it is prohibited for him to do so. However, if he does not intend to derive benefit from it, it is permitted. This is in accordance with Rava's opinion in the second version of the Gemara, as the halakha generally follows the second version. The halakha is also generally in accordance with the opinion of Rava in his disputes with Abaye (Rambam Sefer Kedusha, Hilkhot Ma'akhalot Assurot 14:12).