

NOTES

Improvement from the wood in the bread – שֶׁבַח עֵצִים – בִּפְתַּת: The Gemara here makes a distinction between two similar topics: The improvement from the wood, on the one hand; and both this and that cause, on the other hand. The difference between these concepts is that improvement from the wood indicates that a small portion of the wood itself is actually present in the bread through the burning of the wood or through other processes with different prohibited items. Therefore, when the bread is improved by the wood in this way, it becomes prohibited. However, this is not the case with regard to the concept of: Both this and that cause, where the prohibited item is not present in the bread at all and instead only plays a role in achieving a certain result. Therefore, since baking bread in an oven that was strengthened using *orla* falls into this second category, there is no reason to shatter the oven.

וְהָא תַּמְנָא: בֵּין חֲדָשׁ, וּבֵין יָשָׁן – יוֹצֵן!
לֹא קִשְׂיָא, הָא – רַבִּי וְהָא רַבָּנָן.

The Gemara asks. Wasn't it taught in a *baraita*: Whether it was an old oven or a new oven it may be cooled; there is never a need to shatter the oven. The Gemara answers: This is **not difficult**. This *baraita*, which states that one is required to shatter the oven, is in accordance with the opinion of Rabbi Yehuda HaNasi. And that *baraita*, which states that it is sufficient to let the oven cool, is in accordance with the opinion of the Rabbis. Since the prohibited objects merely strengthen the oven, the Rabbis hold that it is enough to let the oven cool. By cooling the oven one no longer derives benefit from the prohibited items used to light it, and there is no need to shatter the oven.

אֵימור דְּשִׁמְעַת לִיה לְרַבִּי – מִשּׁוּם
דִּישׁ שֶׁבַח עֵצִים בִּפְתַּת, זֶה זֶה גּוֹרֵם –
מִי שִׁמְעַת לִיה?! אֶלֶּא לֹא קִשְׂיָא:
הָא – רַבִּי אֶלְיעֶזֶר, הָא – רַבָּנָן.

The Gemara challenges this answer: Say that you heard that Rabbi Yehuda HaNasi prohibits one from deriving benefit from bread baked using the prohibited objects as kindling because there is improvement from the wood used to light the oven in the bread,^N and therefore, it is prohibited. However, in a different case, namely, when both this and that cause it, i.e., both permitted and prohibited items contribute to the result, such as when one subsequently bakes in this oven and benefit is derived both from the prohibited wood that strengthened the oven and from permitted wood that is used in subsequent baking, did you hear him say that it is prohibited as well? Rather, reject this explanation and say: This is **not difficult**. This stringent *baraita* is in accordance with the opinion of Rabbi Eliezer, who says that in a case where both this and that cause it, it is prohibited. And that lenient *baraita* is in accordance with the Rabbis, who disagree with regard to that principle.

הֵי רַבִּי אֶלְיעֶזֶר? אֵילִמָּא רַבִּי אֶלְיעֶזֶר
דִּישָׂא, דְּתַנֵּן: שָׂאֹר שֶׁל חוּלִין וְשֶׁל
תְּרוּמָה שֶׁנִּפְלוּ לְתוֹךְ עִיסָה, וְאִין בָּזָה
בְּדִי לְהַחֲמִיץ וְאִין בָּזָה בְּדִי לְהַחֲמִיץ,
וְנִצְטְרְפוּ וְחִמְצוּ, רַבִּי אֶלְיעֶזֶר אָמַר:
אַחַר אַחֲרוֹן אֲנִי בָּא. וְחֲכָמִים
אוֹמְרִים: בֵּין שֶׁנִּפֵּל אִיסוּר לְכַתְּחִלָּה,
וּבֵין שֶׁנִּפֵּל אִיסוּר לְבִסּוֹף – לְעוֹלָם
אֵינוֹ אוֹסֵר

The Gemara asks: Which statement of Rabbi Eliezer serves as the basis for this explanation? If you say that it is the opinion of Rabbi Eliezer with regard to leaven, as we learned in a mishna: In a case where non-sacred leaven and leaven of *teruma* fell into non-sacred dough, and neither one alone is potent enough to cause the dough to become leavened bread, and they were joined together and caused the dough to become leavened bread, there is a dispute as to whether this dough is considered to be *teruma* or non-sacred bread. Rabbi Eliezer says: I follow the final element that fell into the dough. If the *teruma* fell in last, the dough is prohibited to non-priests. And the Rabbis say: Whether the prohibited item, i.e., the *teruma*, fell in first or the prohibited item fell in last, it never renders the dough prohibited

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Daf 27 Amud a

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Both this and that cause – זֶה זֶה גּוֹרֵם: Some explain that the principle: Both this and that cause, applies only when both items perform the same action, e.g., both provide heat. However, if the two items have different effects, then even if they both play a role in attaining a certain outcome, the resulting object is prohibited. Nonetheless, most authorities reject this distinction (Ritva).

I follow the final element – אַחַר אַחֲרוֹן אֲנִי בָּא: It is possible to understand Rabbi Eliezer's opinion differently. With regard to the leavening of dough, it is the last substance that completes that process, causing it to rise. Since the first amount of leaven was insufficient, it is considered as though it were not present, and the result is attributed completely to the latter amount.

עַד שֶׁיֵּהָא בּוֹ בְּדִי לְהַחֲמִיץ. וְאָמַר
אֲבִי: לֹא שָׁנוּ אֶלֶּא שְׁקָדִים וְסִילֵק
אֶת הָאִיסוּר, אֲבָל לֹא קָדָם וְסִילֵק
אֶת הָאִיסוּר – אָסוּר. אֶלְמָא: זֶה זֶה
גּוֹרֵם אָסוּר.

until there is enough of the prohibited leaven to cause the dough to become leavened bread. And Abaye said: Rabbi Eliezer taught that when the permitted leaven fell in last, the mixture is permitted only when he first removed the prohibited leaven before the permitted leaven fell into the dough and made it rise. However, if he did not first remove the prohibited leaven, the dough is prohibited even if the permitted leaven fell in last. Apparently, when both this and that cause^N the dough to become leavened bread, it is prohibited.

וּמֵמַאי דְּטַעֲמָא דְּרַבִּי אֶלְיעֶזֶר בְּאֲבִי?
דִּילְמָא טַעֲמָא דְּרַבִּי אֶלְיעֶזֶר מִשּׁוּם
דְּאַחַר אַחֲרוֹן אֲנִי בָּא, לֹא שָׁנָא קָדָם
וְסִילֵק אֶת הָאִיסוּר לֹא שָׁנָא לֹא
קָדָם וְסִילֵק אֶת הָאִיסוּר. אֲבָל בִּבְתַּת
אַחַת – הֵכִי נִמְי דְּשָׂרִי!

The Gemara rejects this statement: And from where is it apparent that the reason for Rabbi Eliezer's opinion is in accordance with Abaye's explanation? Perhaps the reason for Rabbi Eliezer's opinion is due to the following, which Rabbi Eliezer said explicitly: I follow the final element.^N And it is no different if he first removed the prohibited item and it is no different if he did not first remove the prohibited item. However, if they both fell in at once it should be permitted, because where both this and that cause the dough to become leavened bread Rabbi Eliezer rules that the mixture is permitted.

פת שנאפתה – Bread baked with prohibited substances – **באישורי הנאה**: Bread baked using *asheira* wood as fuel is prohibited. If this bread was mixed together with other bread, one should destroy money that has an equal value to that of the prohibited bread (see *Tosafot* and others). After doing so, the rest of the bread may be eaten. This ruling is in accordance with the opinion of Rabbi Yehuda HaNasi, as it is explicitly stated that the *halakha* is in accordance with his opinion (*Shulhan Arukh, Yoreh De'a 142:4*).

קערות וכוסות וצלוחיות – Bowls, cups, flasks, and pots that were formed using wood from an *asheira* are prohibited, in accordance with the opinion of Rabbi Yehuda HaNasi as explained in the Gemara (*Shulhan Arukh, Yoreh De'a 142:5*).

NOTES

He casts the benefit – **יולך הנאה**: The benefit described here is explained in several ways. According to Rashi and the Ra'avad, this is referring to the benefit from the wood; therefore, one must cast away a sum of money that is equal in value to the wood itself. According to the Rambam, the Ra'ah, and *Tosafot*, it is referring to the benefit from the bread; therefore, one must cast away a sum of money that is equal to all the bread that was baked in a prohibited manner. Rabbeinu Tam understands that this is referring to the payment one would receive for baking the bread; according to his opinion, one must cast away this amount. The Ritva supports this opinion by explaining that if the Gemara wished to refer to the benefit from the bread or the wood, it would have said so explicitly.

He casts the benefit into the Dead Sea – **יולך הנאה לים**: **המלה**: Some say that this applies only when the prohibited bread was mixed with other permitted bread, and that otherwise the benefit cannot be redeemed (Ramban; Ritva; and others). Others say that it can be redeemed even when the prohibited bread stands alone (Rashi). There is also a dispute as to whether Rabbi Eliezer permits one only to benefit from the prohibited item, e.g., by selling it (Rabbi Zerahya HaLevi; Ra'ah; and others), or that he holds that one may even eat it (Rabbanei Tzarfat).

Idolatry cannot be redeemed – **אין פדיון לעבודה זרה**: The solution of casting away the value of the benefit of the prohibited item is offered in several different cases where a prohibited item was nullified within a mixture of permitted objects. Despite this, if one still wishes to refrain from using the prohibited object, then in these cases he takes the value of the prohibited item and destroys it. This also applies to certain cases of offerings into which a prohibited item was mixed. The Sages disagree here as to whether this principle can be applied to idolatry as well.

BACKGROUND

The Dead Sea [Yam HaMelah] – **ים המלח**: The Dead Sea mentioned by Rabbi Eliezer, literally the Sea of Salt, is also referred to in talmudic texts as the Sea of Sodom. It is common for the Gemara to suggest that a prohibited object be thrown into the Dead Sea, as there are no fish there and therefore no fishermen might chance across the object and take it for personal use. It is also possible that the high salt and mineral content of the Dead Sea were viewed by the Sages as elements that would ruin anything thrown into it.

אלא: רבי אליעזר דעצי אשירה. דתנן: נטל הימנה עצים – אסורין בהנאה. הסיק בהן את התנור, חדש – יותץ, ישן – יוצן.

אפה בו את הפת – אסורין בהנאה. נתערבה באחרות ואחרות באחרות – כולן אסורין בהנאה. רבי אליעזר אומר: יולך הנאה לים המלח. (אמר) לו: אין פדיון לעבודה זרה.

אימור דשמעת ליה לרבי אליעזר בעבודה זרה, דחמיר אסורה – בשאר אסורין שבתורה מי שמעת ליה? אלא אם כן אמאן תרמיה? ועוד, הא תניא בהדיא: וכן היה רבי אליעזר אוסר בכל אסורין שבתורה.

אמר אבוי: אם תמצא לומר "זה וזה גורם אסור" – רבי היינו רבי אליעזר. ואם תמצא לומר "זה וזה גורם מותר" והכא משום דיש שבח עצים בפת הוא – הני קערות וכוסות וצלוחיות אסירי.

כי פלגי – בתנור וקדירה. למאן דאמר "זה וזה גורם אסור" – אסור, למאן דאמר "זה וזה גורם מותר" – שרי.

איכא דאמרי: אפילו למאן דאמר "זה וזה גורם מותר" – קדירה אסורה, דהא קבלה בישולא מקמי דניתן עצים דהיתירא.

Rather, the reference is to the opinion of Rabbi Eliezer with regard to wood from an *asheira*. As we learned in a mishna: If one took wood from an *asheira*, it is prohibited to derive benefit from it. With regard to one who lit an oven with the wood, if it was a new oven, it must be broken. If it was an old oven, it may be cooled.

If one baked bread with *asheira* wood as the fuel, it is prohibited to derive benefit from it.^H If this bread was mixed together with other bread, and that other bread was mixed with other bread, it is prohibited to derive benefit from all of this bread. Rabbi Eliezer says: He casts the benefit^N into the Dead Sea [*Yam HaMelah*].^{NB} In other words, one is not required to destroy the entire mixture when the prohibited bread is mixed with a large quantity of other bread. Instead one should designate money equal in value to the value of the original wood from the *asheira*, and he should destroy this money to offset the benefit he derived from the prohibited wood. The first *tanna* said to him: Idolatry cannot be monetarily redeemed.^N Once the bread becomes prohibited, it cannot be redeemed by having its value cast into the Dead Sea. Apparently, the opinion of both Sages, including Rabbi Eliezer, is that when both this permitted object and that prohibited object cause a change to another item, the latter item is prohibited.

The Gemara rejects this conclusion: Say that you heard that Rabbi Eliezer and the first *tanna* are stringent in this matter with regard to idolatry, whose prohibition is stringent. However, with regard to other prohibitions in the Torah, which are less stringent, did you hear him express this opinion? The Gemara responds to this question: Rather, if it is so that Rabbi Eliezer does not hold the same opinion with regard to other prohibitions, to whom will you attribute this *baraita*? If it is not Rabbi Eliezer who says this, then who is it? And furthermore, wasn't it taught explicitly in a *baraita*: And, similarly, Rabbi Eliezer would prohibit these types of mixtures with regard to all prohibitions in the Torah.

Abaye said: If you say, based on the previously stated opinions, that Rabbi Yehuda HaNasi holds that when both this and that cause, it is prohibited, then the opinion of Rabbi Yehuda HaNasi is identical to the opinion of Rabbi Eliezer, as both state that it is prohibited for this same reason. And if you say that Rabbi Yehuda HaNasi holds that when both this and that cause, it is permitted, and here, where Rabbi Yehuda HaNasi rules that it is prohibited, it is because there is improvement from the wood in the bread itself, then in that case, deriving benefit from any of these earthenware bowls, cups, and flasks^H that were made in such an oven should also be prohibited, since the improvement from the wood is in them as well. If one were to use such utensils he would be deriving benefit from a prohibited item.

When Rabbi Yehuda HaNasi and the Sages disagree is in a case where an oven and a pot were formed using prohibited wood. According to the one who says that when both this and that cause it is prohibited, it is prohibited to derive benefit from these as well, since the prohibited item was a contributing factor in the initial formation of the object. However, according to the one who says that when both this and that cause, it is permitted, it is permitted to derive benefit from them. This is because one derives benefit from the prohibited oven and pot only once they have been subsequently heated by permitted wood. Therefore, the influence on the pot of the prohibited item is only one component in the preparation of this food.

Some say that even according to the one who says that when both this and that cause, it is permitted, the pot made through the use of prohibited wood is prohibited, since it holds the food inside it before the permitted wood is placed in the oven. Therefore, one derives benefit from the prohibited vessel itself without any contribution from a permitted source.

NOTES

Cooking with coals – בישול בגחלים: One is permitted to cook with coals produced from prohibited wood only when there is a requirement to destroy the wood specifically through burning, as the ash of such items is permitted. However, if one is required to eliminate the object, but not necessarily through burning, as is the case with regard to leavened bread before Passover, then it is prohibited to use even the coals made from it (Rosh, citing Rabbeinu Yona).

Glowing coals – גחלים לוחשות: Coals are considered to be glowing if one can place a stick inside them and they will ignite on their own (Ritva).

HALAKHA

Glowing coals – גחלים לוחשות: One may derive benefit from coals produced from prohibited wood, even if they are still glowing. It is prohibited only if one benefits directly from the fire, in accordance with the Gemara's conclusion (*Shulhan Arukh, Yoreh De'a* 142:7).

אמר רב יוסף, אמר רב יהודה, אמר שמואל: תנור שהסיקו בקליפי ערלה, או בקשין של בלאי הפרס, חדש – יותץ, ישן – יוצן. אפה בו את הפת, רבי אומר: הפת מותרת, וחכמים אומרים: הפת אסורה. והתניא איפכא! שמואל איפכא תני.

ואיבעית אימא: בעלמא קסבר שמואל הלכה כרבי מחבירו, ולא מחבירו, ובכא – אפילו מחבירו. וסבר: אתנייה איפכא, כי היכי דניקום רבנן לאיסורא.

בישלה על גבי גחלים – דברי הכל הפת מותרת. (אמר) רב יהודה אמר שמואל, ורבי חייא בר אשי אמר רבי יוחנן; חד אמר: לא שנו אלא גחלים עוממות, אבל גחלים לוחשות – אסורין. וחד אמר: אפילו גחלים לוחשות נמי מותרין.

בשלמא למאן דאמר לוחשות אסורין – משום דיש שבח עצים בפת. אלא למאן דאמר אפילו לוחשות מותרות – פת דאסר, דיש שבח עצים בפת, לרבי היכי משכחת ליה? אמר רב פפא: בשאבוקה כנגדו.

Rav Yosef said that Rav Yehuda said that Shmuel said: With regard to an oven that one lit with peels of *orla* fruit, or with straw of grain that was planted in a prohibited mixture of diverse kinds in a vineyard, if it is a new oven, it must be shattered. If it is an old oven, it may be cooled. If one baked bread in it, Rabbi Yehuda HaNasi says: The bread is permitted, and the Rabbis say: The bread is prohibited. The Gemara challenges: Wasn't the reverse taught in the *baraita*? The Gemara answers: Shmuel teaches the reverse, that it is Rabbi Yehuda HaNasi who permits one to derive benefit from this bread even in the previously mentioned *baraita*.

And if you wish, say: Shmuel accepts the original text of the *baraita* that Rabbi Yehuda HaNasi is the one who prohibits deriving benefit from the bread. And generally, Shmuel holds that the *halakha* is in accordance with the opinion of Rabbi Yehuda HaNasi over his individual colleague who disagrees; however, the *halakha* does not follow him over several of his colleagues who disagree. And in this particular case, the *halakha* follows Rabbi Yehuda HaNasi even over his colleagues. And Shmuel holds: I will reverse the two sides presented here, in order to establish the Rabbis' opinion as a prohibition. Therefore, the conclusion will be to rule that it is prohibited, in accordance with the majority opinion. Although in Shmuel's version the attributions of the opinions are technically inaccurate, the benefit is that when people see that the Rabbis rule that it is prohibited in this case, they will be inclined to accept their majority opinion, which is the correct *halakha*.

It was taught as part of the previously stated *halakha* that if one cooked the bread over coalsⁿ produced from an *asheira*, everyone agrees that the bread is permitted. The Gemara records a dispute: Rav Yehuda said that Shmuel said one opinion, and Rabbi Hiyya bar Ashi said that Rabbi Yohanan said another opinion. One of them said: They taught this leniency only when one cooks with dim coals, whose heat is merely a remnant of the earlier lighting; however, when one cooks with glowing coals,^{nh} the bread is prohibited. And one of them said: Even when the coals are glowing, the bread is also permitted.

The Gemara asks: Granted, according to the one who said that baking with glowing coals renders the bread prohibited, this is because there is improvement from the prohibited wood in the bread. However, according to the one who said that even when baking with glowing coals the bread is permitted, since they are no longer considered to be wood, where do you find the case where Rabbi Yehuda HaNasi deems bread to be prohibited because there is improvement from the prohibited wood in it? Why should there be a difference between glowing coals and actual burning wood? Rav Pappa said: The case is when a flame is directly opposite the bread. When he cooks the bread directly in front of the wood, it is improved directly by the wood. When the coals are merely glowing, there is no direct benefit from the wood.

Perek II
Daf 27 Amud b

מכלל דרבנן דפליגי עליה שרו אפילו בשאבוקה כנגדו! אלא עצים דאיסורא לרבנן היכי משכחת להו? אמר רב אמי בר חמא: בשרשיפא.

The Gemara asks: Does this prove by inference that the Rabbis who disagree with Rabbi Yehuda HaNasi permit one to eat this bread even when the flame is opposite it? But if this is the case, where do you find the case where it is prohibited according to the Rabbis to derive benefit from wood? Rav Ami bar Hama said: It is found in the case of a stool made from the wood. Although they hold that it is permitted to derive indirect benefit from the wood, even the Rabbis agree that one may not derive benefit from a stool that is made from the wood itself.

Consecrated wood is not nullified – **הַקֹּדֶשׁ... לֹא**: Several explanations are offered in order to explain why this is the case. Some say it is not nullified because it is an object whose prohibition is temporary, as it is possible to have one's vow consecrating the object annulled by a Sage, and any item whose prohibition can or will lapse at some future time is not subject to nullification. Others say that it will not be canceled because it is not only a question of prohibitions; rather, there is also a monetary element to its status: It is the property of the Temple, and there is no nullification with regard to ownership of property (*Me'irin*).

Misuse of consecrated property – **מְעִילָה**: The *halakha* of misuse of consecrated property are stated in the Torah (Leviticus 5:14–16) and discussed in greater detail in tractate *Me'ila*. The basic principle is that anyone who derives benefit from consecrated property unwittingly, i.e., without the knowledge that it was consecrated property, transgresses this prohibition. One who does so is obligated to bring an offering and to pay to the Temple the value of the object from which he benefited. In addition, he must pay an extra one-fifth of the value as a fine. After one uses such an item it loses its consecrated status, which is transferred to the money that he pays to the Temple.

The Torah does not discuss one who derives benefit intentionally. Therefore, such a person cannot atone for deriving benefit by sacrificing an offering or by paying the additional fifth of the value as a fine.

HALAKHA

Ash from the wood of an *asheira* – **אֶפֶר עֵצֵי אֲשֵׁרָה**: It is prohibited to derive benefit from ash left over after an idol or an *asheira* tree has been burned (*Shulhan Arukh, Yoreh De'a* 142:1).

Consecrated ash – **אֶפֶר הַקֹּדֶשׁ**: It is permitted to derive benefit from the ash left over from any consecrated item that must be burned, except for the ash removed from the outer altar, from the inner altar, and from the candelabrum. According to the Ra'avad it is prohibited to derive benefit only from the ash removed from the outer altar (Rambam *Sefer Avoda, Hilkhot Pesulei HaMukdashin* 19:13).

בְּעֵא מִינֵיהּ רְמִי בַר חָמָא מִרְבַּח סְדָא:
תְּנִיר שְׁהִסִּיקוּ בְּעֵצֵי הַקֹּדֶשׁ וְאָפֶה בֹּ
הַפֶּת, לְרַבְנָן דְּשֵׁרוּ בְּקַמִּיתָא מֵאִי?
אָמַר לֵיהּ: הַפֶּת אֲסוּרָה. וּמַה בֵּין זֶה
לְעֵרְלָה? אָמַר רַבָּא: הֲכִי הִשְׁתָּא!
עֵרְלָה – בְּטִילָה בְּמִתְאִים, הַקֹּדֶשׁ –
אֶפְלוּ בְּאַלְף לֹא בְּטִיל.

אֵלָא אָמַר רַבָּא: אִי קִשְׂיָא לֵיהּ – הָא
קִשְׂיָא: וְהֵלָא מְעַל הַמִּסְיָק, וְכָל הַיִּכָּא
דְּמְעַל הַמִּסְיָק – נִפְקוּ לְהוּ לְחֻלִּין!

אָמַר רַב פַּפָּא: הֲכָא בְּעֵצֵי שְׁלָמִים
עֲסָקִין, וְאֵלִיבָא דְרַבִּי יְהוּדָה, דְּאָמַר:
הַקֹּדֶשׁ, בְּשׁוּגָג – מִתְחַלֵּל, בְּמִזִּיד – אֵינוֹ
מִתְחַלֵּל.

בְּמִזִּיד מֵאִי טַעְמָא לָא – בֵּין דְּלָאוּ בַר
מְעִילָה הוּא לֹא נִפְקִי לְחֻלִּין, שְׁלָמִים
נִמְי, בֵּין דְּלָאוּ בַר מְעִילָה נִיבְהוּ – לֹא
נִפְקִיא לְחֻלִּין.

וְכָל הַיִּכָּא דְּמְעַל הַמִּסְיָק נִפְקִי לְחֻלִּין?
וְהָא תִּנְיָא: כָּל הַנְּשַׁרְפִין אֶפְרֹן מוֹתֵר,
חוּץ מְעֵצֵי אֲשֵׁרָה. וְאֶפֶר הַקֹּדֶשׁ לְעוֹלָם
אֲסוּר!

אָמַר רְמִי בַר חָמָא: כְּגוֹן שְׁנַפְלָה דְּלִיקָה
מֵאִילֵיהּ בְּעֵצֵי הַקֹּדֶשׁ, דְּלִיקָא אֵינִשׁ
דְּנִמְעוּל. רַב שְׁמַעְיָה אָמַר: בְּאוֹתָן
שְׁטַעוּנִין גְּנִיזָה, דְּתִנְיָא: "וְשָׂמוּ" – בְּנַחַת,
"וְשָׂמוּ" – כּוֹלוּ, "וְשָׂמוּ" – שְׁלָא פִּיר.

Rami bar Hama raised a dilemma before Rav Hisda: With regard to an oven that one kindled with consecrated wood and baked bread in it, according to the Rabbis, who permitted the bread in the first case where it was baked with *orla* wood, what is the *halakha*? He said to him: The bread is prohibited. He responded: What is the difference between this bread and bread baked with *orla* wood? Rava said: How can these cases be compared? *Orla* is nullified in a mixture of one part in two hundred; it is possible that less than this amount of *orla* was absorbed by the bread. However, consecrated wood is not nullifiedⁿ even in a mixture of one part in one thousand. Therefore, even when there is only a miniscule amount of the consecrated matter in the bread it is still prohibited.

Rather, Rava said: If it was difficult for Rami bar Hama, this is what he found difficult: Didn't the kindler of the fire transgress the prohibition of misuse of consecrated property, as anyone who unwittingly uses consecrated property for a non-sacred use violates this prohibition? And any case where the kindler of an oven misuses consecrated propertyⁿ by doing so, the wood is transferred to non-sacred status. The wood loses its sanctity when misused, and the one who misused it must donate other wood to the Temple in its place. In that case, the wood used to heat the oven is non-sacred wood and the bread should be permitted.

Rav Pappa said: Here, we are dealing with wood which had been set aside for purchasing peace-offerings. This wood, while sanctified, has a lesser status of sanctity and does not become fully consecrated until the blood of the offering has been sprinkled. And this dilemma was raised in accordance with the opinion of Rabbi Yehuda, who said: If one unwittingly misused consecrated property, it becomes desecrated and loses its elevated status. However, if one used the object intentionally, it is not desecrated and remains consecrated. Since the act here is intentional, the consecrated wood does not lose its status.

The Gemara explains: What is the reason that when one intentionally uses this object it does not lose its status? Since it is not subject to the *halakha* of misuse of consecrated property, as one is liable to bring an offering only for unwitting misuse of consecrated property, it is not transferred to non-sacred status. The same *halakha* applies to the wood set aside for peace-offerings as well. Since at that stage it is not subject to the *halakha* of misuse of consecrated property, as that applies only after the animal's blood has been sprinkled, then according to the opinion of Rabbi Yehuda, even if one unwittingly uses this wood, it is not transferred to non-sacred status; rather, it remains prohibited.

The Gemara asks: And anywhere the kindler of an oven transgresses the prohibition of misuse of consecrated property by using consecrated wood, is it transferred to non-sacred status? Wasn't it taught in a *baraita*: With regard to all prohibited items that must be burned, their ashes are permitted after the burning, except for wood from an *asheira*.^h And consecrated ash^h is prohibited forever. Therefore, it is possible that when one kindles an oven with this consecrated wood, although he misuses consecrated property, the ash remains prohibited.

Rami bar Hama said: That *baraita* is discussing a case where a fire began on its own among consecrated wood and there is no one who misused consecrated property. Since this is the case, even the ash that is left from this wood remains consecrated property and one may not benefit from it. Rav Shemaya said: This *baraita* is dealing with those types of consecrated ash that require burial, such as the ash removed from the altar. As it was taught in a *baraita*: "And he shall take up the ash from where the fire has consumed the burnt-offering on the altar, and he shall put it beside the altar" (Leviticus 6:3). The phrase "And he shall put it" indicates that he must do so gently; "and he shall put it" also indicates that he must place all of it; "and he shall put it" also indicates that he may not scatter the ashes. Apparently, even after the offering has been burned it remains sacred, and one may not derive benefit from it. However, when it was burned it was not subject to misuse of consecrated property, as its burning is a necessary step in the process of sacrificing the offerings.

”רבי יהודה אומר אין ביעור חמץ אלא שריפה. ואמר רבי יהודה: אין ביעור חמץ אלא שריפה. והדין נותן: ומה נותר שאינו בכל יראה ובכל ימצא – טעון שריפה, חמץ שישנו בכל יראה ובכל ימצא – לא כל שכן שטעון שריפה?!

אמרו לו: כל דין שאתה דן תחלתו להחמיר וסופו להקל – אינו דין. לא ימצא עמים לשורפו – יהא יושב ובטל? והתורה אומרת: “תשביתו שאור מבתיכם” – בכל דבר שאתה יכול להשביתו.

תור רבי יהודה ודנו דין אחר: נותר אסור באכילה וחמץ אסור באכילה, מה נותר בשריפה – אף חמץ בשריפה.

אמרו לו: נבילה תוכיח, שאסור באכילה ואינה טעונה שריפה. אמר להן: הפרש: נותר אסור באכילה ובהנאה, וחמץ אסור באכילה ובהנאה. מה נותר טעון שריפה – אף חמץ טעון שריפה.

אמרו לו: שור הנסקל יוכיח, שאסור באכילה ובהנאה – ואינו טעון שריפה. אמר להן: הפרש: נותר אסור באכילה ובהנאה ועגוש כרת, וחמץ אסור באכילה ובהנאה ועגוש כרת. מה נותר בשריפה – אף חמץ בשריפה. אמרו לו: חלבו של שור הנסקל יוכיח, שאסור באכילה ובהנאה ועגוש כרת – ואין טעון שריפה.

It was taught in the mishna that Rabbi Yehuda says: The removal of leavened bread is to be accomplished only through burning. It was taught in a *baraita* that Rabbi Yehuda said: The removal of leavened bread is to be accomplished only through burning.^N And a logical derivation leads to this conclusion: Just as that which is left over from an offering after the time period in which it may be eaten, which is not subject to the prohibitions: It shall not be seen, and: It shall not be found, requires burning, so too, with regard to leavened bread, which is more stringent as it is subject to the prohibitions of: It shall not be seen, and: It shall not be found, all the more so is it not clear that it requires burning?

The Rabbis said to him: Any logical derivation that you derive whose initial teaching is stringent but whose subsequent consequences are lenient^N is not a valid logical derivation. According to Rabbi Yehuda, if one did not find wood to burn his leavened bread, must he sit idly and not remove it? And the Torah said: “You shall remove leaven from your houses” (Exodus 12:15), indicating that this must be done in any manner which you can remove it. Apparently, Rabbi Yehuda’s logical derivation leads to a leniency.

Then Rabbi Yehuda presented a different logical derivation based on the principle of: What do we find with regard to, rather than on an *a fortiori* inference (Rashash). It is prohibited to eat the leftover of offerings and it is prohibited to eat leavened bread. Based on this similarity, one can conclude that just as the leftover of offerings requires burning, so too, leavened bread requires burning.

They said to him: The case of an animal carcass can prove that eating the leftover of offerings is not a factor in determining whether or not leavened bread requires burning, as eating an animal carcass is prohibited and it does not require burning. Therefore, there is no clear connection between the prohibition to eat a particular object and a requirement to burn it. He said to them: There is a difference between these cases, as it is explicitly stated that one may benefit from an animal corpse. Therefore, the following comparison can be made: It is prohibited to eat and derive benefit from the leftover of sacrificial meat, and it is prohibited to eat and derive benefit from leavened bread. Just as the leftover of sacrificial meat requires burning, so too, leavened bread requires burning.

The Rabbis said to him: The case of an ox that is stoned can prove that this is not a clear factor, as it is prohibited to eat and derive benefit from such an ox and it does not require burning. He said to them: There is a difference between leavened bread and an ox that is stoned, as there is an additional factor that is not relevant to the ox. It is prohibited to eat and derive benefit from the leftover of sacrificial meat, and one who does so is punished with *karet*. And it is prohibited to eat and derive benefit from leavened bread, and one who does so is punished with *karet*. Just as the leftover of sacrificial meat requires burning, so too, leavened bread requires burning. They said to him: If so, the fats of an ox that is stoned^N can prove that this too is an insignificant factor, as it is prohibited to eat the fats and derive benefit from them, and one who eats them is punished with *karet*, and they do not require burning.

NOTES

The removal of leavened bread is to be accomplished only through burning – אין ביעור חמץ אלא שריפה: It seems that this dispute is only with regard to rabbinic law; by Torah law it is sufficient for one to make a declaration of nullification. However, according to Rabbi Yehuda, the ideal way to perform this mitzva is to burn one’s leavened bread, while according to the Rabbis one can perform the mitzva in its ideal form by crumbling the leavened bread and throwing it to the wind (*Tosefot Rid*).

Whose initial teaching is stringent but whose subsequent consequences are lenient – תחלתו להחמיר וסופו להקל: The reasoning behind this principle is that an *a fortiori* inference is used to derive a stringency by comparing a less stringent case to a more stringent one. However, if the comparison results in a leniency under certain circumstances, the *a fortiori* inference loses its logical basis. In the Jerusalem Talmud other cases are cited where a similar

claim is made against Rabbi Yehuda, and it appears that Rabbi Yehuda does not agree with the idea that an *a fortiori* inference is weakened in this manner. Perhaps he abandoned this derivation in this case because he wished to prove his opinion in a manner that would also be consistent with the opinion of the Rabbis (Maharam Halawa).

Fats of an ox that is stoned – חלבו של שור הנסקל: This issue is discussed in the Jerusalem Talmud and in the *Mekhilta*, where it is mentioned that according to Rabbi Yehuda there is a difference between the fats of an ox that is stoned on one hand and the removal of leavened bread and the leftover of sacrificial meat on the other. While the prohibitions of leavened bread and the leftover of sacrificial meat are both connected to time, namely, Passover and the day after the offering is sacrificed, respectively, the prohibition of the fats of an ox that is stoned is not time dependent.