

Daf Digest for this month is dedicated in memory of ישראל צבי בן זאב גוטליב ז"ל

By the Weiss/Gotlib Families—London, England

OVERVIEW of the Daf

1) An additional source prohibiting chometz from benefit (cont.)

R' Shmuel bar Nachmani rejected the source for the prohibition against benefit from chometz and the ox that is to be stoned, presented by a certain scholar in the name of R' Yehoshua ben Levi.

The scholar presented an alternative source in the name of R' Yochanan.

This suggestion is rejected as well.

Abaye reintroduces the original source and answers the challenge against it presented by R' Shmuel bar Nachmani. This suggestion is refuted as well.

R' Pappa suggests an alternative source.

Ravina unsuccessfully challenges R' Pappa's source.

The Gemara proceeds to present how R' Pappa interprets the remainder of the pasuk he used for the prohibition against benefit from chometz.

2) The punishment for consuming prohibited foods

Two versions of a statement by R' Avahu in the name of R' Yochanan are presented. According to the first version one receives lashes for consuming a prohibited food only when it is consumed in the normal manner of consumption. According to the second version one receives lashes for benefiting from a food prohibited from benefit only when one benefits in the normal fashion.

Another quote of R' Yochanan supports the second version of R' Yochanan's ruling.

R' Zeira unsuccessfully suggests a proof to R' Yochanan's ruling.

Abaye asserts that kilayim of the vineyard are an exception to this rule because the Torah does not use a form of the word אכילה.

The Gemara begins a challenge to this assertion. ■

*Today's Daf Digest is dedicated
As a zechus for our sister to find her zivug*

*Today's Daf Digest is dedicated by Mr. and Mrs. Paul Pinkus
In loving memory of their father
ר' שלמה בן ר' פנחס, ע"ה*

Distinctive INSIGHT

The opinion of Rambam regarding benefit from chometz

אמר רב אבהו א"ר יוחנן כל איסורין שבתורה אין לוקין עליהן אלא דרך אכילתן...איכא דאמרי...אלא דרך הנאתן

According to the second version of the statement of Rebbe Yochanan, lashes (מלקות) is only administered when a prohibited food is eaten in the normal manner, whereby one derives full benefit from it. However, if a person consumes this forbidden food in an abnormal manner, although he has still violated the איסור, there is no punishment of lashes. This is also the opinion of Tosafos (Chullin 120a, ד"ה אלא) in which we find that benefit from chometz does not result in kareis (which is only for where one eats chometz), but the negative commandment has been violated, and lashes are to be applied. Shiltei Giborim (#4, beginning of the perek) cites the ריא"ז who says that selling chometz to a gentile or feeding one's animal on Pesach is a type of normal benefit, and one would be חייב מלקות for doing so.

Rambam (מאכלות אסורות פ"ח הט"ז), however, rules that selling chometz to a gentile, giving it to a Kuti or tossing it to one's animal does not result in מלקות, although he would receive מכת מרדות. What is the rationale of Rambam?

Magid Mishne writes that Rambam holds that anything edible should be enjoyed for its food value, and selling it is, by definition, benefiting from it in a less effective and abnormal manner.

Mishne L'melech (Yesodei HaTorah 5:8) writes that Rambam holds that the prohibition against benefiting from chometz is not written explicitly in the Torah, and it is simply derived from a drasha (אוטו or יאכל) written by (נבילה). Therefore, there is no מלקות.

Finally, Sefer HaChinuch (Mitzvah 113) explains that the לאו of benefiting from chometz can be done passively, and it is therefore, by definition, a לאו שאין בו מעשה. Even if a person would benefit actively, there would still not be any מלקות for this particular negative commandment is in the category of those which are exempt from lashes. ■

HALACHAH Highlight

Using forbidden items for medicinal purposes

א"ר אבהו אר"י כל¹ איסורין שבתורה אין לוקין עליהן אלא דרך הנאתן

R' Abahu said in the name of R' Yochanan: "All prohibited items¹ mentioned in the Torah, one is only liable for lashes if he derives pleasure from them in the normal way that their benefit is derived."

According to this version of the Gemara, it is permitted² to use the cheilev (forbidden fats) of an ox which was liable for stoning (and thus forbidden to be used to derive benefit from) for medicinal purposes e.g. as a salve to soothe and heal a flesh wound.

Certain authorities³ maintain that if benefit from a product is only a Rabbinical prohibition, it is permitted to use that product in the normal way and to derive benefit from it for medicinal purposes⁴ and only eating it would be prohibited. The exception⁵ to this rule is non-kosher wine (wine that has been used in a gentile religious ceremony). The law regarding this wine is more stringent, and one may not derive benefit from it in the normal way. ■

REVIEW and Remember

1. Explain the principle of אם אינו ענין.
2. In what way is a היקש stronger than a וחומר?
3. When does benefit not qualify as benefit?
4. What makes כלאי הכרם different from other prohibitions?

1. חוץ מבכלאי הכרם ובשר בחלב כדלהלן בגמ' וכ"ה בשו"ע יו"ד סימן קנ"ה ס"ג
2. לשון הגמ' הוא 'שפטור' אמנם עי' בר"ן (בדפי בריף ו' ע"ב בד"ה וראיתו) שהדין הוא 'שמותר'. וכ"ה בשו"ע ו"פ ביו"ד קנ"ה ס"ג. ונראה שהוא מפני המרדכי בריש פירקין שבכל התורה חוץ מבשבת פטור פי' מותר.
3. בר"ן הביא בזה מחלוקת. ובשו"ת הריב"ש סימן רנ"ה פסק להתיר בזה. וכן עי' רמ"א שם
4. שם
5. שם. וכ"ה בדרכי משה שם ס"ק ג'. אמנם עי"ש בדרכי תשובה שם ס"ק כ"ג שיש מי שהתיר גם בזה ■

STORIES off the Daf

To remain holy in all one's endeavors

ואנשי קדש תהיון לי

The Chafetz Chaim, זת"ל, like many Rabbis, would not eat any food about which a question had been raised. Even if it was deemed perfectly kosher, he still would not partake of it although he would allow it for the members of his household. This was known to all the members of his

family, and anyone hired to work in the kitchen was made aware of it. Once, when he was served the main course of his meal, the Chofetz Chaim questioned the talmid serving him as to who prepared the food. The talmid replied that it was prepared in the kitchen like every other day. The Chofetz Chaim, however, was not satisfied with that answer and sent him to investigate. The Rebbetzin, hearing her husband's sudden interest in the day's meal decided to do some of her own investigating. She called the maid who helped

in the kitchen and asked her which chicken she had used to prepare that day's meal. Hearing the question, the maid realized that she had made a mistake and inadvertently used a chicken which had been brought to the Rav for a question.

This would explain the pasuk using the word "תהיון— you will be," and not you should be. Through sanctifying oneself, one can come to a level of holiness where anything resembling impurity will not come into contact with him. ■

