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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. Everyone agrees that one receives lashes if one benefits from kelayim of the vineyard.

We learned that there are two versions of Rabbi AVahu’s statement. One version was that one only receives lashes if the Torah prohibits something and he consumes that item in the regular manner. Alternatively, one only receives lashes if the Torah prohibits something and he derives benefit from that item in the regular manner.

Abaye said that everyone agrees one will receive lashes if he derived benefit from kelayim of the vineyard even if the benefit is not in a regular manner. The reason for this is because it does not state the word achilah, consumption, regarding kelayim of the vineyard. The reason one is forbidden to derive benefit from kelayim of the vineyard is because it is said pen tikdash hamileiah, lest the growth become forbidden. One is prohibited from planting grain or greens near a single grapevine or near a vineyard. If one does so, the growths of the mixtures planted are called kelay hakerem, or mixtures of the vineyard. (24b)

2. Meat cooked in milk is prohibited in eating and deriving benefit from the mixture.

One is forbidden to eat meat that was cooked in milk because prior to the prohibition of eating meat cooked with milk it is said: for you are a holy people, and regarding a tereifah it is said: and you shall be holy men to me, and meat in the field you shall not eat. In both instances the Torah uses the word holy, and just like one is forbidden to eat at a tereifah, so too one is forbidden to eat meat cooked with milk. One is also forbidden to derive benefit from meat cooked with milk because of the following kal vachomer: Orlah, with which no sin was committed, yet one cannot derive benefit from orlah, so meat that was cooked with milk, which had a sin committed with it, certainly should be forbidden to derive benefit from the mixture. (24b)

3. Kelayim of the vineyard have a moment of permissibility before taking root.

The Gemara rejects the above mentioned logic because orlah is stringent that it never had a moment of permissibility, i.e. one could not eat the fruit from the time of its blossoming through its ripening stage, whereas regarding meat cooked with milk, the meat was permitted before it was cooked with the milk. This would refute the kal vachomer that one is forbidden to derive benefit from meat that was cooked in milk.



This refutation is challenged, because chametz on Pesach has a moment of permissibility before Pesach, but one is prohibited to derive benefit from chametz on Pesach.

The Gemara refutes this objection because eating chametz on Pesach is stringent, as it is punishable by kares (excision), but eating meat with milk is not punishable by kares.

This refutation is rejected because eating kelayim of the vineyard is not punishable by kares, yet it is forbidden for one to derive benefit from kelayim of the vineyard.

The Gemara wonders why we do not employ the logic that kelayim of the vineyard is stringent, as one would receive lashes if he derives benefit from them even if he does not derive benefit in a regular manner. Using this stringency will deflect Abaye's assertion that one receives lashes even if he derives benefit from kelayim of the vineyard in an irregular manner. Since kelayim of the vineyard has stringency, one would not utilize kelayim of the vineyard as a source that meat that is cooked in milk is not forbidden to derive benefit from.

Abaye will answer this difficulty by stating that if the leniency is that one only receives lashes if he derives benefit in a normal manner from the meat that was cooked in milk, this cannot be. The difficulty with this statement is that it does not state achilah, consumption, regarding meat mixed with milk. Abaye maintains that the reason the Torah did not state achilah with regard to meat mixed with milk is to teach us that one receives lashes even if he derives

benefit in an irregular manner from the meat that is cooked in milk. One may say that kelayim of the vineyard is stringent because it never had a moment of permissibility, as opposed to meat cooked with milk that had a moment of permissibility. Since we do not use this logic as a refutation, this teaches us that the original plantings of the kelay hakarem are also prohibited because kelayim of the vineyard have a moment of permissibility also, which is before they take root. (25a)

4. One who carries a perforated pot with a growing plant inside through a vineyard, if there was an increase of one two hundredth in the plant, it is prohibited.

If one carries a perforated pot which has a blooming plant inside through a vineyard, if while carrying it the plant increases by one two-hundredth of a part, it is prohibited. The law is that orlah and kelayim can only be nullified through a ratio of two hundred to one. If either fruit that is orlah or kelayim become mixed with permitted food, the mixture is only permissible if there are two hundred parts of permitted food in relation to one part of the forbidden food. When a plant passes through a vineyard, only the part of the plant that grew while passing through will be prohibited because of kelayim. If the plant would have grown 1/200th of its size when carried through the vineyard, the new part that grew is not negated by the remaining 199 parts and it will remain forbidden. If the plant grew less than 1/200th, and there is two-hundred parts of permitted growth in relation to the one forbidden part, the new growth would be permitted. (25a)



5. A plant that was planted in the vineyard from the beginning will become forbidden when it takes root there.

It is said with regard to kelayim in the vineyard: you shall not sow your field with a mixture; lest the "growth" of "the seed" that you plant and the produce of the vineyard become forbidden. The words "the seed" implies that the seed that exists is prohibited, and the words "the growth" imply that only what actually grows as kelayim is prohibited.

We resolve this contradiction as follows: If a plant was planted in the vineyard from the beginning, it becomes completely prohibited when it takes root in the vineyard. If the plant is planted somewhere else and then was transplanted in the vineyard, then it will only be prohibited if it increases a 200th part, but if it did not increase a 200th part, it will not be forbidden. (25a)

6. One can heal himself with any item except with the wood of asheirah, even if one is in a life-threatening danger.

One can heal himself with any item except for the wood of asheirah, a tree that is worshipped or that has an idol placed underneath it. If one is not in danger, then he cannot heal himself with any item that is prohibited by the Torah. Even if one is in danger, he cannot heal himself with the wood of asheirah. (25a)

7. Some people value life more than their money and some people value their money more than their life.

We have a rule that one can violate a biblical commandment in order to save a Jewish life. This is derived from the verse where it is said: you should observe....My laws, which man shall carry out and by which he shall live. One is supposed to "live" by the Torah, so it is preferred that one commits the sin rather than place his life in danger. Nonetheless, one cannot use wood of asheirah to heal himself, because it is said: and you shall love Hashem with all your heart, with all your soul, and with all your resources. The reason the Torah must state with all your soul and also state with all your resources is because if a person values his life more than his money, then for that person the greatest sacrifice is to forfeit his life. If a person values his money more than his life, then for that person the greatest sacrifice is to forfeit his wealth. This teaches us that one must forfeit his life rather than to worship idols. This is because idolatry is the antithesis to loving Hashem, which is the subject of this verse. When one attempts to heal himself through the wood of asheirah, he is demonstrating that the idol has power, and this cannot be performed even if he is faced with a life-threatening danger. (25a)

8. One is prohibited from healing with anything that is related to idolatry, illicit relations or murder.

One can heal himself with anything except if the remedy is related to idolatry, illicit relations, or murder. The source for idolatry was stated above. Concerning illicit relations and murder, it is said regarding a betrothed naarah (maiden) who is not punished for committing adultery against her will: for like a man who rises up against his fellow and

murders him, so is this thing (the raping of a betrothed naarah). The Torah likens the laws regarding a murderer to the laws regarding the betrothed naarah, which teaches us that just like a betrothed naarah should be saved from the rape even at the expense of her attacker's life, so too if someone will fall prey to murderer, the victim should be saved even at the expense of the murderer's life.

The law regarding the betrothed naarah is learned from the law of a murderer, as just like one must forfeit his life rather than to murder another Jew, also a betrothed naarah should forfeit her life rather than commit adultery.

We know that one must forfeit his life rather than murder someone else because a person came to Rava and told him that the governor of his town told him to either murder someone else or the governor would kill him. Rava said he should let himself get killed rather than murder someone else, because since one does not know whose life Hashem values more, he cannot murder someone else in order to save his own life. (25a -25b)

9. One can benefit from orlah if there is a life-threatening danger involved.

Ravina was once smearing oil of underdeveloped olives of orlah on his daughter as a remedy.

Mar bar Rav Ashi questioned Ravina's actions, because one should not be allowed to benefit from a prohibited item unless the person being healed is in life-threatening danger.

Ravina defended his actions by stating that the burning fever that his daughter was suffering from was equivalent to a life-threatening danger, and therefore he was allowed to use the oil from orlah fruits to heal her. (25b)

10. There is a dispute whether one needs to avoid a forbidden benefit that came to a person against his will.

Regarding a forbidden benefit that comes to a person against his will, Abaye maintains that he is not required to avoid it, and Rava maintains that he is required to avoid it.

There are four possible situations of a benefit that comes to a person against his will. One case is when it is possible for one to avoid the benefit and he intends to have the benefit, like if he anticipates inhaling forbidden aroma, yet he keeps walking with the intent of inhaling the fragrance. A second case is when he cannot avoid the benefit, i.e. he would have to take a circuitous route to avoid the forbidden fragrance, and he intended to enjoy the fragrance anyway. Since in both these cases he intends to have benefit, everyone agrees that this is forbidden. If, however, he cannot avoid the forbidden benefit and he does not intend to have benefit, both Abaye and Rava agree that it is permitted, because he is forced to walk that way, and he does not intend to have benefit. The dispute is in a case where one can avoid the forbidden benefit, and even if he does not avoid it, he does not intend to have benefit. According to Rabbi Yehudah who maintains that even when one does not intend it is prohibited, everyone will agree that it is prohibited to perform that forbidden

activity. According to the opinion of Rabbi Shimon, however, who maintains that if one performs something without intention it is permitted (i.e. dragging a bench across the ground on Shabbos even though it may make a furrow in the ground, which falls under the prohibited act of labor of plowing or building) Abaye will rule like Rabbi Shimon and one would be permitted to walk past a forbidden fragrance, and Rava would maintain that Rabbi Shimon only permits one to perform an unintended act if he cannot avoid the activity, but if he can avoid the activity then Rabbi Shimon does not permit one to engage in that activity. (25b)

tent was aligned in a way that no one could see inside his neighbors' tent. Besides for the issue of privacy, there was another dimension to this blessing. Balaam had an evil eye, and Balaam wished to curse the Jewish People with his influence. By casting an evil eye on a neighbor, one is essentially influencing his Jewish friend with the character of Balaam, and this is detrimental to one's well-being. For this reason one should avoid casting an evil eye on someone else, and one must also be careful to avoid allowing others to cast an evil eye on himself or on his possessions.

DAILY MASHAL

The Evil Eye

The Gemara states that one is forbidden to spread out a lost article that he is watching when he has guests because when the guests see the article being displayed, they may be envious and they will cast an evil eye on the article.

One must wonder why one should be concerned of someone else's jealousy, especially if it is said: and the rotting of the bones is jealousy. Why should one be concerned that someone else's envy will harm his belongings and property?

We find that the gentile prophet Balaam, when blessing the Jewish people, declared, how good are your tents, Yaakov, your dwelling places, O Israel. The Gemara states that Balaam saw that every Jewish