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Pesachim Daf 23

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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

But there is terumah, of which the Merciful One said: There shall no common man eat of the holy thing: yet we learned: An eruv may be made for a nazir with wine, and for a [lay] Israelite with terumah?<sup>1</sup> — Said Rav Pappa: There it is different, because Scripture said, your terumah, it shall be yours. And the other? It means, ‘your terumah,’ [viz.] that of all Israel.<sup>2</sup> (23a1)

But what of a nazir, though the Merciful One said: from the kernels even to the husk, he shall not eat, yet we learned: An eruv may be made for a nazir with wine? — Said Mar Zutra: There it is different, because Scripture said, [All the days of] his nezirus, it shall be his.<sup>3</sup> Rav Ashi said: He shall be holy, he shall let the locks of the hair of his head grow long, his [hair] growth is holy, but nothing else is holy. Is then ‘and nothing else’ written? But it is clearly as Mar Zutra [stated]. (23a2)

But what of chadash, where the Merciful One said: And you shall eat neither bread, nor parched corn, nor fresh ears, until this selfsame day; yet we learned: He may cut [the corn] for fodder and feed his cattle?<sup>4</sup> — Said Rav Shemayah: There it is different, because Scripture said, [you shall bring the sheaf of the firstfruits of] your harvest, [implying,] it shall be yours. And the other? — ‘Your harvest’ implies that of all Israel. (23a2 – 23a3)

<sup>1</sup> Though these may not be eaten by each respectively. — Thus a non-Kohen may benefit from terumah.

<sup>2</sup> I.e., it is merely the idiomatic usage of the language.

<sup>3</sup> I.e., the things which he may not eat are nevertheless available for his use in other ways’.

<sup>4</sup> With this chadash, though he may not eat it himself. Thus benefit is permitted.

But what of sheratzim, where the Merciful One said: It is a detestable thing; it shall not be eaten; yet we learned: Hunters of beasts, birds, and fish, who chance upon non-kosher species, are permitted to sell them to gentiles? — There it is different, because Scripture said, [they are a detestable thing] unto you, it shall be yours. If so, [it should be permitted] at the very outset too?<sup>5</sup> — Here it is different, because Scripture said: and they shall be [a detestable thing], [meaning] they shall be in their [forbidden] state. Now according to Chizkiyah, for what purpose is ‘shall not be eaten’ written-so that ‘unto you’ is adduced to teach that it is permitted; let the Merciful One not write ‘shall not be eaten,’ so that ‘unto you’ will be unnecessary? — Chizkiyah can answer you: My opinion is indeed [deduced] from this.<sup>6</sup> (23a3 – 23a4)

But what of chametz, though the Merciful One said: chametz shall not be eaten, yet it was taught: Rabbi Yosi HaGellili said: Wonder at yourself! how can chametz be prohibited for [general] use the whole seven [days]? — There it is different, because Scripture said: neither shall there be chametz seen unto you: [this implies,] it shall be yours. And the Rabbis? — Your own you must not see, but you may see that belonging to others and to the Most High. And the other? ‘unto you’ is written twice. And the other? — One refers to a gentile whom you have conquered, and the other refers to a gentile whom you have not conquered.<sup>7</sup> And the other? — ‘Unto

<sup>5</sup> To hunt non-kosher animals, whereas the Mishnah merely permits selling if they happened to trap them.

<sup>6</sup> The very fact that ‘unto you’ is required shows that elsewhere ‘shall not be eaten’ includes the prohibition of benefit in general.

<sup>7</sup> I.e., whether the gentile is a Jewish subject or not, his chametz may be seen in a Jewish house.



you' is written three times. And the other? — One refers to leaven [se'or], and one refers to chametz, and they are [both] necessary.<sup>8</sup> (23a4 – 23a5)

Shall we say that it<sup>9</sup> is dependent on Tannaim? [And the fat of an animal that dies of itself] may be used for all service. Why is 'for all service' stated? For I might think, for the service of the Most High let it be permitted, but for secular service let it be forbidden;<sup>10</sup> therefore it is stated, 'for all service', this is the view of Rabbi Yosi HaGellili. Rabbi Akiva said: For I might think, for secular service let it be tahor, [but] for service of the Most High let it be tamei; therefore it is stated, 'for all service'. Now Rabbi Yosi HaGellili [holds] that in respect of tumah and taharah a verse is not required, a verse being required only in respect of what is forbidden and what is permitted. While Rabbi Akiva [maintains]: [in respect of] what is forbidden and what is permitted no verse is required, a verse being required only in respect of tumah and taharah. Surely then they differ in this, [viz..]: Rabbi Yosi HaGellili holds, you shall not eat' connotes both a prohibition of eating and a prohibition of benefit, and when the verse comes to permit neveilah, it comes in respect of benefit. While Rabbi Akiva holds: it connotes a prohibition of eating, [but] does not connote a prohibition of benefit, and for what [purpose] does the verse come? In respect of tumah and taharah! No: all hold that 'you shall not eat' connotes both a prohibition of eating and a prohibition of benefit, but here they differ in this: Rabbi Yosi HaGellili holds, when neveilah was permitted,<sup>11</sup> it [alone] was permitted, [whereas] its fat [cheilev] and its gid [hanasheh] were not permitted, and [therefore] for what purpose is the verse required? It is in respect of permission for use. But Rabbi Akiva holds: when neveilah was permitted, its fat [cheilev] and its gid [hanasheh] too were permitted; hence for what purpose is the verse necessary? It is in respect of tumah and taharah. -

<sup>8</sup> If leaven (se'or) alone were written, I might argue that it is forbidden because its degree of chametz is very strong, but chametz which is not so strong, is permitted. And if chametz were written, I would say that that is forbidden because it is fit to be eaten, but not so leaven, which cannot be eaten.

<sup>9</sup> Rabbi Avahu's ruling.

Now as to Rabbi Yosi HaGellili, we have found that the Divine Law permits cheilev for use; but as for the gid [hanasheh], let us say that it is forbidden? - If you wish I can say that it is in fact forbidden. Alternatively, it is learned through a kal vachomer: if cheilev, for which there is a penalty of kares, is permitted for use, how much the more the gid [hanasheh], for which there is no penalty of kares. (23a5 – 23b1)

But Rabbi Shimon, who forbids it, [argues]: This can be refuted. As for cheilev, that is because it is freed from its general [prohibition] in the case of a beast;<sup>12</sup> will you say [the same] of the gid [hanasheh], which was not freed from its general [prohibition] in the case of a beast?<sup>13</sup> And the other? — We are speaking of cattle [beheimah]; [and] in the case of cattle at all events it [sc. cheilev] was not permitted. (23b1 – 23b2)

Consider: we have raised objections from all these verses and answered them; [then] where is it that Chizkiyah and Rabbi Avahu differ? — In respect of chametz during Pesach, on the view of the Rabbis,<sup>14</sup> [and] in respect of the ox that is stoned, and this on the view of all: Chizkiyah deduces it from 'shall not be eaten', while Rabbi Avahu learns it from neveilah. Consider: according to both Masters they are forbidden for use; [then] where do they [practically] differ? — They differ in respect of chullin which was slaughtered in the Temple Court: Chizkiyah holds, 'shall not be eaten' is to exclude these, while 'it' is to exclude chullin which was slaughtered in the Temple Court. Rabbi Avahu holds: 'it' is to exclude these, while chullin which was slaughtered in the Temple Court is not forbidden [for use] by Scriptural law. (23b2 – 23b3)

One of the scholars sat before Rabbi Shmuel bar Nachmeini, and he sat and said in Rabbi Yehoshua ben Levi's name: How

<sup>10</sup> Since we find fat used in the service of God, the fat of a sacrifice being burnt on the altar.

<sup>11</sup> In respect of benefit.

<sup>12</sup> The cheilev of a chayah (wild or semi-wild animal) is permitted.

<sup>13</sup> The prohibition of a gid [hanasheh] applies also to a beast.

<sup>14</sup> Who hold that its benefit is forbidden.

do we know of all prohibitions in the Torah, that just as they are forbidden for food, so are they also forbidden for use, and which are they? Chametz during Pesach and the ox that is stoned? ([You ask,] 'How do we know'! — learn it from 'it shall not be eaten'? - To him 'it shall not be eaten' implies a prohibition of eating, but it does not imply a prohibition of benefit. Then let him deduce it from neveilah? — He agrees with Rabbi Yehudah, who maintained: The words are as they are written. If he agrees with Rabbi Yehudah. let him deduce it whence Rabbi Yehudah deduces it, [viz.] from 'you shall cast it to the dogs'? - He holds that chullin which was slaughtered in the Temple Court is [forbidden for use] by Scriptural law.<sup>15</sup> From where then do we know it? — From the verse: And no chatas, from where any of the blood is brought into the tent of meeting to make atonement in the holy place, shall be eaten; it shall be burnt with fire. Now, 'it shall be burnt with fire' need not be stated; then what is the purpose of 'it shall be burnt with fire'? If it is unnecessary in its own connection, seeing that it is written, and, behold, it was burnt,<sup>16</sup> apply its teaching to all [other] prohibitions of the Torah;<sup>17</sup> and if it is irrelevant in respect of eating,<sup>18</sup> apply the matter to the prohibition of benefit.<sup>19</sup> If so, just as there [it must be destroyed] by burning, so all prohibited things of the Torah [must be destroyed] by burning? - Scripture said, 'in the holy place . . . it shall be burnt with fire,' [that which is forbidden] in the holy place requires burning. but all the [other] forbidden things of the Torah do not require burning, But does this [phrase,] 'in the holy place . . . it shall be burnt with fire,' come for this [teaching]? Surely it is required for

Rabbi Shimon's [dictum]! For it was taught, Rabbi Shimon said: 'In the holy place ... it shall be burnt with fire'; this teaches concerning the chatas that we burn it in the holy place.<sup>20</sup> Now, I only know this alone; how do we know it of the unfit of the [other] most sacred sacrifices and the eimurim<sup>21</sup> of the lesser sacrifices?<sup>22</sup> Therefore it is stated: in the holy place . . . it shall be burnt with fire!<sup>23</sup> — Said he to him, Rabbi Yonasan your teacher deduced it from this verse: And if any of the flesh of the consecration, or of the bread, remain unto the morning, then you shall burn the remainder with fire; it shall not be eaten, because it is holy. Now 'it shall not be eaten' need not be stated; then why is 'it shall not be eaten' stated? If it is irrelevant in respect of itself, seeing that it is written, 'then you shall burn the remainder with fire' apply its teaching to the other interdicts of the Torah. And if it is irrelevant in respect of eating, apply its teaching to the prohibition of benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah [must be destroyed] by burning? - Scripture said, 'then you shall burn the [nossar] remainder; nossar requires burning, but all [other] forbidden things of the Torah do not require burning. Yet does this [verse] 'it shall not be eaten' come for this [teaching]? Surely it is required for Rabbi Elozar's [dictum]! For Rabbi Elozar said: 'it shall not be eaten, because it is holy': whatever of holy [flesh. etc.] that is unfit, the Torah comes to impose a negative injunction against eating it. (23b3 – 24a2)

<sup>15</sup> Deducing it from 'it'; hence it cannot be utilized for these two.

<sup>16</sup> Moshe upbraided the sons of Aaron for burning it, observing, 'Behold, the blood of it was not brought into the sanctuary within'. This proves that when it is brought within, the sacrifice must be burnt; hence the present verse is superfluous.

<sup>17</sup> This is a principle of Talmudic exegesis: when a statement or verse is superfluous in its own connection, it is applied to other laws.

<sup>18</sup> It certainly cannot teach that, since each prohibition of eating is stated separately.

<sup>19</sup> For 'it shall be burnt' shows that all benefit is forbidden, and this has now been applied to all other prohibitions.

<sup>20</sup> For 'and, behold, it was burnt' does not teach where it must be burnt.

<sup>21</sup> Lit., 'devoted objects'; those portions of the sacrifices offered on the altar.

<sup>22</sup> Sacrifices were divided into two categories; (i) most sacred; these included the chatas, minchah, olah and asham. (ii) Sacrifices of lesser sanctity, e.g., the shelamim and the todah. The question is: how do we know that if these are defiled or their blood is spilled, thus rendering them unfit, they must be burnt in the Temple Court? The flesh of the lesser sacrifices is not mentioned, for this was eaten outside the Temple precincts and consequently when unfit was burnt without the Temple Court.

<sup>23</sup> I.e., whatever would normally be consumed or otherwise disposed of in the holy place must now be burnt there.