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Abaye said: From where do I know it? Because it was taught: It was related of Rabbi Yochanan ben Zakkai that he was sitting in the shadow of the Temple and teaching all day.¹ Now here it was impossible [not to lecture], and he intended [to benefit from the shade], and it is permitted?² But Rava said: The Temple was different, because it was made for its inside.³ (26a1)

Rava said: From where do I know it? Because we learned: There were passage ways opening in the upper chamber to the Holy of Holies, through which the artisans were lowered in boxes,⁴ so that they might not feast their eyes on the Holy of Holies. Now here it was impossible [to avoid going there], and he [the workman] intended [to gaze at the Holy of Holies], and it was forbidden. But is that logical? Surely Rabbi Shimon ben Pazi said in Rabbi Yehoshua ben Levi's name on Bar Kappara's authority: Sound, sight, and smell are not subject to me'ilah?⁵ Rather, they set up a higher standard for the Holy of Holies.⁶ (26a1 – 26a2)

Others state, Rava said: From where do I know it? Because it was taught, Rabbi Shimon ben Pazi said in Rabbi Yehoshua ben Levi's name on Bar Kappara's authority: Sound, sight, and smell not subject to me'ilah. [Thus] they merely do not involve me'ilah, but there is an interdict. Is that not for those who stand inside [the Temple], so that it is impossible [to avoid it], while there is, an intention [to enjoy], and it is forbidden? — No: it refers to those standing outside. (26a2)

[It was stated in] the text, 'Rabbi Shimon ben Pazi said in Rabbi Yehoshua ben Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve me'ilah.' But, does not smell involve me'ilah? Surely it was taught: He who compounds incense in order to learn [its art] or to give it over to the community⁷ is exempt; [if] in order to smell it, he is liable; while he who smells it is exempt, but that he commits me'ilah!⁸ Rather, said Rav Pappa: Sound and sight do not involve me'ilah, because they are intangible; and smell, after its smoke column has ascended,⁹ doesn't involve me'ilah, since its mitzvah has been performed.¹⁰

¹ He was lecturing on the laws of Festivals to the masses, this being within thirty days before a Festival; as his own school-house was too small for the large number who wished to hear him, he taught in the open, choosing this site on account of the shade afforded by the high walls of the Temple.

² Though one must not derive any benefit from the Temple.

³ It was normally used inside; hence the shade was not forbidden at all.

⁴ I.e., closed lifts. When they had to pass there for making repairs.

⁵ He who benefits from sacred things (hekdesh) has committed me'ilah and is liable to a sacrifice. But no me'ilah is involved when he benefits by sound, sight or smell, e.g., when he hears the music in the Temple, sees the beauty of the Temple, or smells the frankincense.

Consequently, even if workmen did look upon the Holy of Holies it would not really matter.

⁶ Forbidding even that which the law permitted.

⁷ For use in the Temple.

⁸ The reference is to the verse: Whoever compounds any like it, or whosoever puts any of it upon a stranger, he shall be cut off from his people (kares). In the first case he is exempt from kares, in the second he is liable, while in the third he is exempt from kares but liable to a me'ilah-offering. This contradicts Rabbi Shimon ben Pazi.

⁹ The incense was thrown upon burning coals, which caused a cloud or a column of smoke to ascend. This constituted its sacred service.

¹⁰ The incense then does not count as the sacred things of Hashem, and it is to this case that Rabbi Shimon ben Pazi refers. But before the

Shall we say that wherever the mitzvah has been performed no me'ilah is involved? But what of the separation of the ashes,¹¹ though its mitzvah has been performed, yet it involves me'ilah, for it is written; and he shall put them [the ashes] beside the altar, [which means] that he [the Kohen] must not scatter nor use [them]? — Because [the references to] the separation of the ashes and the Kohen's garments are two verses written with the same purpose, and the teaching of two such verses does not illumine [other cases].¹² 'The separation of the ashes': that which we have stated. 'The Kohen's garments,' as it is written, and he shall leave them there:¹³ this teaches that they must be hidden.¹⁴

That is well on the view of the Rabbis who say: This teaches that they must be hidden, but according to Rabbi Dosa who disagrees with them and maintains: But they are fit for an ordinary Kohen, while what does 'and he shall leave them there' mean? That he [the Kohen Gadol] must not use them on another Yom Kippur, what can be said? — Because the separation of ashes and the eglah arufah¹⁵ are two verses with the same teaching, and such two verses do not illumine [other cases].

That is well according to him who maintains: They do not illumine [other cases]; but on the view that they do

smoke has ascended me'ilah is involved, because the smell, being directly caused by the spices with which the incense is compounded, is regarded as tangible.

¹¹ A shovelful of the ashes of the daily burnt-offering was taken every day and placed at the side of the altar, where the earth absorbed it.

¹² This is a general principle of exegesis. When a law is taught in one case it may be extended to other cases too by general analogy. But when it is taught in two cases it cannot be extended; for if it were intended to illumine others too, it would be written in one instance only, and the second, together with all others, would follow from it.

¹³ This refers to the additional garments worn by the Kohen Gadol on Yom Kippur when he entered the Holy of Holies.

¹⁴ And all use is forbidden. Here too they had fulfilled their mitzvah.

¹⁵ There too it is written, 'and shall break the heifer's neck there in the valley. 'There' indicates that it must remain there and its benefit is forbidden, though its mitzvah had already been fulfilled.

illumine, what can be said? — Two limitations are written: it is written, 'and he shall put them [the ashes]'; and it is written, [over the heifer] whose neck was broken [etc.].¹⁶ (26a2 – 26a4)

Come and hear: If he took it [the heifer] into the team¹⁷ and it [accidentally] did some threshing, it is fit;¹⁸ [but if it was] in order that it should suck and thresh, it is unfit. Now here it is impossible [to do otherwise],¹⁹ and he intends [to benefit], and he [the Tanna] teaches that it is unfit! — There it is different, because Scripture said: 'which has not been worked with,' [implying] in all cases. If so, even in the first clause too [the same applies]? — This can only be compared to the following: If a bird rested upon it [the red heifer], it remains fit;²⁰ but if it copulated with a male, it is unfit. What is the reason? — Said Rav Pappa: If it were written "avad" – 'he worked her' and we pronounce it 'avad' – 'he worked her' - [I would say, it becomes unfit] only if he himself worked with it. While if "uvad" – 'work has been done with her' were written and we pronounce it "uvad" – 'work has been done with her' - [it would imply] even if it worked on its own;²¹ now, however, it is written "avad" [he worked her], while it is pronounced "uvad" [work has been done with her], 'work has been done with her' must be similar to 'he worked her':²² just as 'he worked her' must mean that he approved of it, so also

¹⁶ 'The' too is a limitation and the combined effect of the two limitations is to exclude all other cases from the operation of this law, which forbids benefit even after the mitzvos have been carried out.

¹⁷ Of three or four cows used for threshing; his purpose was that it should suck.

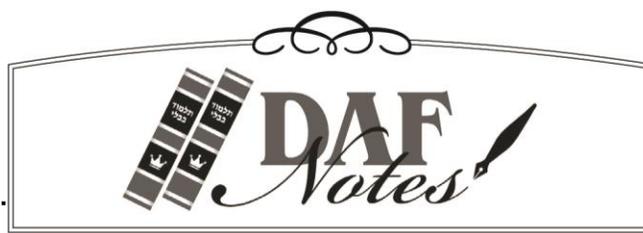
¹⁸ To make atonement for a murder by an unknown person. The heifer was to be one which has not been worked with and which has not been pulled with a yoke.

¹⁹ It must be taken into the team to suck.

²⁰ It is not disqualified because it has been put to some use. The red heifer had to be one 'upon which never came yoke', i.e., it had not been put to service.

²¹ It would be unfit.

²² I.e., though it may have been put to work without the knowledge of its master, it shall nevertheless be only such work as its master would have approved.



'work has been done with her' refers only to what he approved.²³ (26a4 – 26b1)

Come and hear: He may not spread it [viz.,] a lost [garment]²⁴ upon a couch or a frame for his needs, but he may spread it out upon a couch or a frame in its own interests. If he was visited by guests, he may not spread it over a bed or a frame, whether in its interests or his own!²⁵ — There it is different, because he may destroy it, either through an evil eye or through thieves. (26b1 – 26b2)

Come and hear: Clothes merchants sell in their normal fashion, providing that they do not intend [to gain protection] from the sun in hot weather or from the rain when it is raining;²⁶ but the discreet ones sling them on a staff behind their back.²⁷ Now here, though it is possible to do as the discreet ones, yet when he has no intention [of benefiting], it is permitted; this is a refutation of the one who learns Rava's first version? This is [indeed] a refutation. (26b2)

And one may not fire etc. Our Rabbis taught: If an oven was fired with the shells of orlah or with the stubble of

kill'ayim of the vineyard, if new, it must be demolished; if old, it must be allowed to cool.²⁸ If a loaf was baked in it, — Rebbe said: The loaf is forbidden;²⁹ but the Sages maintain: The loaf is permitted.³⁰ If he baked it upon the coals, all agree that it is permitted.³¹ But it was taught: Whether new or old, it must be allowed to cool? — There is no difficulty: one agrees with Rebbe, the other with the Rabbis. Granted that you know Rebbe [to rule thus] because the benefit of the fuel lies in the loaf; do you know him [to maintain this ruling] where two things produce [the result]?³² — Rather, [reply thus:] There is no difficulty: one is according to Rabbi Eliezer, the other according to the Rabbis. Which [ruling of] Rabbi Eliezer [is alluded to]? Shall we say. Rabbi Eliezer['s ruling] on se'or'³³ For we learned: If se'or of chullin and [se'or'] of terumah fall into dough, and neither is sufficient to make [it] leaven, but they combined and made [it] leaven, — Rabbi Eliezer said: I regard the last;³⁴ but the Sages maintain: whether the forbidden matter falls in first or the forbidden matter falls in last, it never renders it forbidden

²³ Now, if a bird rests on it, the master does not approve, since he does not benefit; but he does benefit from its copulation. Similarly, if he takes the heifer into the team and it accidentally threshes, he does not benefit thereby, as the team itself would have sufficed. Therefore it is not made unfit, unless that was his express purpose. — Though one passage refers to the beheaded heifer, while the other deals with the red heifer, it is deduced in Sotah by a gezeirah shavah that they are alike in law.

²⁴ Which he has found, and awaiting the owner to come and claim it.

²⁵ Thus, though he must spread it out, yet since he intends to benefit himself, it is forbidden.

²⁶ The reference is to garments containing the forbidden mixture of wool and linen, sold to gentiles. Merchants slung their wares across their shoulders for display, and though it is like wearing them, and some protection is afforded thereby, it is permitted.

²⁷ So that they do not actually lie upon them.

²⁸ 'New' means that the oven has never been used yet. Before it is fit for use it must be burnt through so as to harden it, and if this was done with the shells of orlah, the oven must be demolished, since it was made fit with prohibited fuel. But if it had been used before, the only benefit is that it is now hot; hence that benefit must be forfeited by allowing the oven to cool without using its heat.

²⁹ He holds that the benefit of the forbidden fuel is contained directly in the loaf.

³⁰ In their view the benefit of the forbidden fuel is not actually contained in the loaf, for the flame of the burning shells is not identical with the shells themselves. By the same reasoning they reject the ruling that if new, the oven must be destroyed, holding it sufficient that it should be allowed to cool.

³¹ When the nutshells or stubble are burnt through and a mass of coals, they are regarded as already destroyed and not in existence. Consequently, if he bakes the bread upon them, the bread is not regarded as having benefited directly from them, and even Rebbe admits that it is permitted.

³² For when the new oven is fired, bread is not baked in it yet, and it will have to be fired a second time. Thus the bread that is baked will be the product of two things: the forbidden fuel and the permitted fuel. We do not find Rebbe holding that this too is forbidden, and if it is not, there is no need to demolish the oven.

³³ Se'or is leaven with which other dough is made leaven. Chametz is leavened bread.

³⁴ The status of the dough is determined by which fell in last: if chullin, the dough is permitted to a lay Israelite; if terumah, it is forbidden.

unless it contains sufficient to induce fermentation.³⁵ Now Abaye said: They learned this only where he anticipated and removed the forbidden matter; but if he did not anticipate and remove the forbidden matter, it is forbidden;³⁶ this proves that the product of two causes is forbidden. Yet how do you know that Rabbi Eliezer's reason is as Abaye [states it]; perhaps Rabbi Eliezer's reason is because I follow the last, there being no difference whether he anticipated and removed the forbidden matter or he did not anticipate and remove the forbidden matter; but [if they fell in] simultaneously, then indeed it may be permitted?³⁷ — Rather it is Rabbi Eliezer's [ruling] on the wood of the asheirah [which is alluded to]. For we learned: If he took wood from it [sc. the asheirah], its benefit is forbidden. If he fired an oven with it, if new, it must be destroyed; if old, it must be allowed to cool. If he baked bread in it, benefit thereof is forbidden; if it [the bread] became mixed up with others, and [these] others [again] with others, they are all forbidden for use. Rabbi Eliezer said: Let him carry the benefit [derived from it]³⁸ to the Dead Sea.³⁹ They said to him: You cannot redeem an idol. Granted that you hear Rabbi Eliezer [to rule thus] in the case of idolatry, whose interdict is [very] severe; do you know him [to rule likewise] in respect of other interdicts of the Torah? — Then if so, to whom will you ascribe it?⁴⁰ Moreover, it was explicitly taught: And thus did Rabbi Eliezer declare it forbidden in the case of all interdicts in the Torah. (26b2 – 27a2)

DAILY MASHAL

³⁵ If forbidden matter falls into permitted, it does not render it forbidden unless it imparts its taste to it. The se'or imparts its taste to the dough when it makes it leaven. — Se'or of terumah is designated forbidden matter, since it is forbidden to a lay Israelite.

³⁶ Rabbi Eliezer holds that if the chullin fell in last, the dough is permitted. This is only if he removed the terumah immediately the chullin fell in, and before the dough was leavened. Though the terumah must have helped slightly in the leavening, yet since it is no longer there when the dough really becomes leaven, it is disregarded. But if the

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 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.

terumah was left there, the dough becomes forbidden even if the chullin fell in last.

³⁷ Because Rabbi Eliezer permits the product of two causes.

³⁸ I.e., the value of the wood.

³⁹ But Rabbi Eliezer admits that if the benefit is not thrown into the Dead Sea, the new oven must be destroyed, which proves that he holds that the product of two causes is forbidden.

⁴⁰ This is the answer: there is none other to whom the Baraisa can be ascribed. Hence it must be assumed that Rabbi Eliezer draws no distinction between idolatry — and other interdicts.