

כתיב הכא ושמו וכתיב התם הערופה – It is written here, ‘and they shall place it’, and it is written there, ‘the decapitated’

OVERVIEW

גמרא taught that there is no איסור of הנאה after the מצוה was performed. The גמרא states that by תרומת הדשן and עגלה הערופה there is an איסור הנאה even שנעשה מצותו. The גמרא continues that even שני כתובים הבאים כאחד ואין מלמדין מצותו, but they are מלמדין, nevertheless there is a מיעוט by each according to the מ"ד that שני כתובים are מלמדין, nevertheless there is a מיעוט by each of these two¹ to teach us that it is only by these two that there is an איסור after שנעשה מצותו, but not by other איסורי הנאה. תוספות explains why two מיעוטים are necessary.

תוספות asks:

תימה לרבינו יצחק אמאי איצטריך תרי מיעוטי בחד סגי דלהכי כתביה דלא למילף מינייהו - The ר"י is astounded! Why are two מיעוטים necessary; one מיעוט is sufficient, for the תורה wrote this one מיעוט in order not to derive from either of them (תרומת הדשן and/or ערופה) an איסור הנאה לאחר שנעשה מצותו.²

תוספות answers:

ויש לומר דאי לא כתיב אלא חד מיעוטא - And one can say; that if only one מיעוט was written - לא הוה מצי למעוטי אלא מילתא דלא דמי כל כך למיסר³ - We would only be able to exclude something which is not so similar (to the דבר [either תרומת הדשן or ערופה]) so that it should be prohibited - אבל מילתא דדמי למיסר⁴ לא להכי איצטריך תרווייהו: However something which is similar enough (to either תרה"ד or ע"ע) so that it should be prohibited (from having הנאה from it even שנעשה מצותו), it would

¹ By תרומת הדשן it states ושמן, that only this has to be placed (near the מזבח) and no הנאה is permitted (לאחר שנעשה מצותו) but in other cases it is permitted, and by עגלה הערופה it states that this שנעשה מצותו (which is derived from שם קבורתה; וערפו שם meaning תהא קבורתה) is only by this הערופה, but not in other cases,

² See 'Thinking it over'.

³ Whenever a מיעוט is used it excludes items which are least likely to be included in the initial ruling, for (in general) we limit the חידוש as much as possible unless we have ample reason to broaden the חידוש.

⁴ דמי למיסר does not indicate which are the cases that are דמי כ"כ למיסר and which are the cases which are דמי למיסר. Perhaps we can say that if the מיעוט was written only by ערופה (for instance), we might have said that by עגלה the תורה wants that it should always be remembered (as the תורה also writes ולא יזרע even in the future), therefore there is also an איסור הנאה even שנעשה מצותו, we would therefore exclude only those מצות where do not find any reason that there should be a remembrance; however we would perhaps not exclude other מצות where there is a reason that it should be remembered (and are therefore similar to עגלה ערופה).

not be excluded from this one מיעוט, **therefore both** מעוטים **are necessary** to teach us that everything is excluded from being מצותו שנעשה מצותו (even things which are very similar to ע"ע and תרה"ד).

SUMMARY

A single מיעוט is limited in its exclusion; however a dual מיעוט excludes everything.

THINKING IT OVER

asked that it should only state one מיעוט.⁵ Why cannot we answer, if it would only state a מיעוט by one of these rules (let us say תרוה"ד), we would say that (since the מיעוט informs us that this rule cannot be applied elsewhere it is as if) this rule (of תרוה"ד) is not mentioned at all (as far as deriving anything from it elsewhere), so there remains only the other rule (ע"ע) which has no מיעוט and we can derive everything else from it (since they are no more כאחד הבאין)?!

⁵ See footnote # 2.