



## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents a dispute whether orlah and kilayom combine.

### 2) Clarifying R' Shimon's ruling

The Gemara clarifies R' Shimon's statement in the Mishnah.

3) **MISHNAH:** The Mishnah discusses combining different materials from garments to make them susceptible to tum'ah.

### 4) Combining materials

A Baraisa further elaborates on the topic of combining materials.

The Baraisa's last ruling is explained.

הדרן עלך קדשי מזבח

5) **MISHNAH:** The Mishnah discusses different categories of objects and the point at which one has derived sufficient benefit that he transgressed the me'ilah prohibition.

### 6) Clarifying the dispute between R' Akiva and Chachamim

A Baraisa teaches that R' Akiva agrees with Chachamim, regarding objects that deteriorate, that one violates the me'ilah when the object deteriorates.

Rava explains the point of dispute between R' Akiva and Chachamim.

A lengthy Baraisa cites the sources for the different rulings in the Mishnah. ■

## REVIEW and Remember

1. What is the minimum size material that could contract tum'ah?  
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2. What is the point of dispute between R' Akiva and Chachamim?  
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3. What is derived from parallel between terumah and me'ilah?  
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4. What is the source that separate acts of benefit combine for a me'ilah transgression?  
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## Distinctive INSIGHT

*Benefit of less than a peruta from the holy*

הנהנה מן ההקדש שוה פרוטה

The Mishnah teaches that one is only liable to pay for a me'ilah violation if he has benefitted at least the value of a peruta. The Rishonim discuss whether there is a prohibition of me'ilah for less than a peruta. Rambam writes (Hilchos Me'ilah 7:8), that a person would not get lashes for intentional me'ilah for less than a peruta. Mishneh LaMelech infers from this that benefitting even less than a peruta is prohibited, just as we find regarding many other prohibitions in the Torah, but one does not get lashes unless he takes at least a full peruta. Many Rishonim (Riva"m, Rashba) say that there is no Torah prohibition of me'ilah for less than a peruta, but it is disallowed rabbinically.

The Gemara in Bava Metzia (55a) says that if one uses less than a peruta of value of the Mikdash, he must still pay back that which he used, but he does not have to pay a one-fifth penalty. This is derived from the posuk (Vayikra 5:16), "And that which he took from the holy he must pay." Rambam writes that when a person takes less than a peruta, he must pay the principal, but not a one-fifth penalty, and he does not have to bring an asham offering. He adds that the person would also not be given lashes.

Toras Kohanim derives from the end of the posuk cited by Rambam (ibid.) that the words "from the holy" teach us that restitution must be made for even less than a peruta, even though me'ilah does not apply. And how do we know that one would even have to add a fifth and an asham with this payment? The posuk therefore says, "the holy he shall pay."

Rabeinu Hillel explains that when Toras Kohanim says "and an asham" it is referring to the principal payment, which is sometimes called "asham." It cannot mean that the offender would bring an offering, though, because all agree that there is no asham offering for less than a peruta.

Ra'aved understands Toras Kohanim differently, and he concludes that there is no proof that Toras Kohanim believed that there is a one-fifth payment for a trespass of

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 By the Okner family  
 In memory of their grandfather  
 Mr. Samuel Matthew  
 ר' שמשון בן ר' לוי ע"ה

# HALACHAH Highlight

## Combining small acts of theft

אפילו לזמן מרובה

Even if it extended over a long period of time

The Gemara derived from the phrase **כי תמעול מעל** that minor benefits from sacred property combine to constitute a me'ilah violation even if the different benefits took place over an extended period of time. Even though regarding eating prohibitions a second consumption does not combine with a first consumption, when it comes to me'ilah different benefits combine. Poskim discuss whether theft follows the pattern of me'ilah and different acts of theft of less than a perutah can combine to constitute a transgression of the prohibition of theft or perhaps each theft is judged independently and they do not combine to constitute a violation of the prohibition.

The Midrash<sup>1</sup> teaches that the sin of **חמס** that was prevalent in the generation of the flood is when people steal less than a perutah many times. Such an act is easily violated even nowadays – for example, one who steals a single grape or small candy from a store multiple times. On the one hand each act of “theft” was worth less than a perutah but when all of the “thefts” combine they would exceed the value of a perutah. Is he liable for theft or not? Minchas Chinuch<sup>2</sup> asserts that the issue revolves around the question of whether stealing less than a perutah is comparable to **חצי שיעור** – violating half a measure of a prohibition or whether one is exempt because people forgive such a small loss. If

(Insight...continued from page 1)

less than a perutah.

Regarding the view of Rambam, Malbim explains that the text which Rambam had in the Toras Kohanim reads, “and how do we know that there is no one-fifth payment for less than a perutah?” Malbim also says that even if Rambam’s text of the Toras Kohanim is as we have it, he could have interpreted it the way Ra’aved does, and that the conclusion is that the one-fifth penalty is not assessed for less than a perutah.

Sefer M’kor Baruch writes that Rambam holds that Toras Kohanim learns that me'ilah of less than a perutah requires a person to pay a one-fifth penalty to satisfy his obligation to Heaven, although he is technically exempt and “does not have to pay the one-fifth.” ■

one who steals less than a perutah is exempt because it is a **חצי שיעור** we should combine the different thefts until one has stolen a perutah’s worth and at that time he should be obligated to return the money. Regarding eating each act of eating is distinct due to the principle that only that which is eaten within **כדי אכילת פרס** is considered a single act of eating but something consumed after that time is a separate act of eating. This principle does not apply to theft so different acts of theft could combine even if they transpired over an extended period of time. On the other hand if the exemption is the result of the fact that people forgive theft of less than a perutah then each act is forgiven as it occurs and multiple acts will not combine. ■

1. ב"ר ל"א:ה.

2. מנחת חינוך מצוה ק"ל אות ד'. ■

# STORIES Off the Daf

## Child's Play

הערלה

Years ago, when toys were harder to come by, children used their active imaginations to make playthings out of most anything. In Israel to this day, apricot pits are known as aju'im, and children compete for them fiercely during the short season when they are available. Children collect these seeds playing a game of skill with them, and the winner takes all. Once the season is

ended the aju'im are considered worthless and are looked upon like the pit of any other fruit.

One religious kibbutz planted a large quantity of apricot trees. Obviously, the fruits were absolutely forbidden for the first three years due to orlah. As we find on today’s daf, one who eats a k'zayis of orlah purposely after being warned is liable to receive lashes. But the children quickly noticed great possibilities for these fruits: they could use the seeds to play aju'im! But of course, they first needed to ask whether one can use pits of orlah fruits in this manner.

When Rav Moshe Fried asked this question to Rav Yosef Shalom Eliyashiv, he ruled that the pits can be used in this manner. “It is permitted.”

Rav Fried was amazed, “But don’t we find in the Gemara that that the words ‘ואת פרינו’ teach that the seeds of orlah are also forbidden?”

As always Rav Eliyashiv had an immediate response. “That is only regarding one who wishes to eat the seeds or derive some similar pleasure from them, like to plant them. But there is no prohibition against children playing with them.”<sup>1</sup> ■

1. וישמע משה, ע"י ש"י ■