



OVERVIEW of the Daf

1) Clarifying the dispute between R' Akiva and Chachamim (cont.)

The Gemara concludes its citation of the Baraisa that provides the sources for the rulings in the Mishnah.

Different parts of the Baraisa are analyzed and clarified.

2) Deterioration of gold and animals

R' Kahana unsuccessfully challenges the assumption in the Mishnah that gold does not deteriorate with use.

R' Pappa clarifies the Mishnah's ruling related to committing me'ilah with a love animal.

3) **MISHNAH:** The Mishnah concludes its discussion of objects that deteriorate with use and the me'ilah prohibition. The second part of the Mishnah discusses the question of whether two people could violate me'ilah with the same object.

4) Identifying the author of the Mishnah

The Mishnah's ruling that multiple people could violate me'ilah with sacred Beis HaMikdash objects follows R' Nechemiya's position.

The Baraisa presents the dispute between Tanna Kamma and R' Nechemiya.

The point of dispute between Tanna Kamma and R' Nechemiya is explained.

5) The dispute between Tanna Kamma and Rabbi

Rava identifies the point of dispute between Tanna Kamma and Rabbi.

Rava and R' Pappa develop Rabbi's position to draw conclusions regarding other cases.

R' Pappa suggests another explanation of the point of dispute between Tanna Kamma and Rabbi. ■

REVIEW and Remember

1. Why is me'ilah compared to a sotah?

2. How does the Gemara prove that gold deteriorates?

3. Can one commit me'ilah to an object after someone else already committed me'ilah?

4. What are some of the applications that Rabbi considers wood to be an actual korban minchah?

Distinctive INSIGHT

Many users - many violations of me'ilah

כיצד רכב על גבי בהמה ובא חבירו ורכב ובא חבירו ורכב כולן מעלו

The Mishnah teaches the rule that once me'ilah occurs when someone uses an item, that item's holiness is released, and no one else who subsequently uses it is liable for me'ilah. The exception to this is if me'ilah is performed with an animal or a service vessel of the Mikdash. The example given is where a person rides upon a consecrated animal, and this is followed by several others who also ride on the animal. The law is that each one of them is liable for me'ilah. The Mishnah applies this exception to the case where the animal was not sanctified for its value, but rather where it was sanctified for itself, i.e. where it was designated to be an offering. However, if the animal was only sanctified for its value, only the first one to ride on it is guilty of me'ilah. The first one's usage of the animal releases the animal's monetary designation of hekdesh, and others who ride on it are not in violation of me'ilah. The law for any item which is sanctified for its value is that the first who uses it releases its sanctity, and others who then use it are not me'ilah violators.

Tosafos cites the Tosefta (2:1) which teaches that if an axe owned by the Mikdash is used to chop wood by several people, one after the other, or if several people ride on a hekdesh animal one after the other, they are all guilty of me'ilah. Yet, notes Tosafos, this law is said in reference to items sanctified for their value, as it also says there that if one person took the item and gave to a second person who then used it, only the first person is guilty of me'ilah. The Tosefta also illustrates a contrast and states that if an item has intrinsic holiness, and not just for its value, then all who use it are liable for me'ilah, even where one person who uses it and then gives it to the next person. The ruling regarding the axe where all are guilty of me'ilah is contrary to our Mishnah, where only the first person is responsible for me'ilah with an item consecrated only for its value.

Tosafos offers several answers to resolve this contradiction. The Tosefta which says that all who use the axe are liable for me'ilah is discussing a case where each person who used the axe did not hand it to his friend, but he rather returned the tool to the Mikdash after his use. In

HALACHAH Highlight

May the treasurer separate terumah from Beis HaMikdash produce?

נטל אבן או קורה של הקדש הרי זה לא מעל

If one took a stone or beam of hekdesch he did not commit me'ilah

The Mishnah teaches that if someone takes a stone or beam that belongs to hekdesch he has not yet committed the transgression of me'ilah. If he gives that stone or beam to his friend he has committed the transgression of me'ilah but his friend, the recipient of the sacred item, did not commit me'ilah. The Gemara explains that the Mishnah is addressing the treasurer of the Beis HaMikdash and for that reason if he took it for himself he has not violated the prohibition of me'ilah since it has not yet entered another person's domain. When he gives it to a friend he has violated the prohibition of me'ilah since the sacred item left the domain of hekdesch and entered another's domain. Poskim point to this Mishnah and Gemara for guidance in determining the halachic status of a treasurer.

Teshuvos Oneg Yom Tov¹, for example, wonders about the relationship the Beis HaMikdash treasurer has with untithed wheat that he purchased for use as a Korban Mincha. Is he comparable to the owner and as such is empowered to separate terumah from the wheat or perhaps he is a custodian of the wheat and he may not separate terumah

(Insight...continued from page 1)

this case, each person is guilty of taking the axe from the Mikdash anew. If a person who uses a hekdesch tool hands it to his friend, the second person would not be responsible for me'ilah because the sanctity of the item was removed by the first person.

Tosafos also answers that when the Tosefta reports that all the users of the axe are liable, it is speaking about where the users were all treasurers and caretakers of the Mikdash. Their usage of the item does not remove the item from the domain of the Mikdash, so subsequent users are also using a tool owned by the Mikdash. ■

since one may not separate terumah from produce that is not his own? He points to our Gemara to prove that the treasurer is considered the owner of the object that is in his care. As mentioned, when the treasurer takes a hekdesch item to his own home he has not violated the prohibition of me'ilah since the item has not left the domain of hekdesch being that his domain and the domain of hekdesch are one in the same. Accordingly, one may assume that the same holds true with regards to the wheat purchased by the treasurer for Menachos. As the treasurer the wheat is considered his and as such he is empowered to separate terumah from that wheat. After further elaborating on this point he cites the Yerushalmi² that rules explicitly that the treasurer is empowered to separate terumah from produce purchased for the Beis HaMikdash. ■

1. שו"ת עונג יום טוב ס"י קי"ב.

2. ירושלמי תרומות פ"א ה"א. ■

STORIES Off the Daf

The Fruit of the Land

"מה תרומה..."

When the Chayei Adam, zt"l, and his family were miraculously spared when their house collapsed, the Chayei Adam pledged to try to move to Eretz Yisrael. He even wrote a separate sefer on the halachos of zera'im, which most often can only be fulfilled in Eretz Yisrael. It is clear from even a superficial glance at these halachos that they are complex.

Although today there are excellent

hechsherim, it was not always so. It used to be that people would take their own terumos and ma'asros. But what should be done with the tithed produce? As we find on today's daf, it is forbidden to damage terumah. Even today when kohanim are not tehorim, it is still forbidden to damage terumah, which should really be buried if it cannot be used to feed animals of kohanim.

When one man who was always meticulous to take terumah and ma'asros learned that he was supposed to bury them he was very upset. He lived in a city which was mostly on bedrock, and burying anything was a very

difficult proposition. Burying pieces of fruit and vegetables day by day, week by week, was virtually impossible. He wondered if there was any other way to dispose of the terumah respectfully.

When this question reached the Chazon Ish, zt"l, he ruled decisively. "If it is difficult for one to bury the terumah he may place it in a plastic bag and throw it out. As long as he does not destroy it or burn it, he can dispose of it this way, despite the fact that doing so hastens the time it takes it to decompose."¹ ■

1. מובא בקונטרס ה' תרו"מ עפ"י החז"א שנדפס בסוף דרך אמונה ח"ג ■