



Meilah – A Pit and its Contents

The *Mishnah* (3:6) teaches that if one consecrates an item, whether or not it is fit for use as an offering or for the upkeep of the *Beit HaMikdash*, the prohibition of *meilah* applies. Even if it is not fit for either, its monetary value still attains *hekdesh bedek habayit*.

Amongst the cases listed is a pit filled with water. The *Mishnah* teaches that if the pit was filled when consecrated, then the prohibition of *meilah* applies to both the water and the pit. If however the pit was empty when consecrated, the prohibition of *meilah* does not apply to the contained water if it filled later.

The first question to ask is how one can violate the prohibition of *meilah* regarding the pit alone. The *Rashbam* explains that hiding something inside it would qualify. *Rabbeinu Tam* disagrees. He explains that we learnt that if one consecrates an *eved* the prohibition of *meilah* is not violated when using his hair since *avadim* are legally associate with land and one does not violate the prohibition of *meilah* with things attached to land.

Rabbeinu Tam suggests that detaching some of the dirt from the pit and using it would constitute the violation. Alternatively the *Ramban* suggests that one could also violate *meilah* if the pit's walls were constructed with stones. This would answer *Rabbeinu Tam's* question. Even though the stone are now attached to ground, since they were initially detached, the prohibition of *meilah* applies.

Another question raised by the *Rishonim* is why the water does not automatically become the property of *hekdesh* when the pit later fills. We know that one's *chatzer* (courtyard) can acquire objects in its area for the owner, so why is this case different?

There is a discussion (*Bava Metzia* 10) regarding how one's *chatzer* acquires. One understanding is that *chatzer* acquires in the same manner as one's hand (*yad*). The *Bartenura* explains that since there is no *yad* for *hekdesh* the pit does not acquire.

The *Tosfot Yom Tov* asks, that the *Gemara* concludes that even though the *chatzer* was included as a means of acquisition because it acts as a *yad*, it should be no worse than *shelichut* (agency). The *Gemara* teaches that the *kohanim* act as *shluchoi shamyim*. That being the case, if the *gizbar* (treasurer) is standing by the pit ensuring it is protected, since *shelichut* can apply to *hekdesh*, one would think that the pit could acquire based on this mechanism. He leaves the question unanswered.

The *Tifferet Yisrael* cites the *Tosfot* (*Bava Batra* 54a) who explains that it is true that one's (protected) *chatzer* can acquire on his behalf even without the owner's knowledge. This is however only referring to where the owner is unaware of the object's presence. If however the owner is aware and does not intend to acquire it, it is not acquired. The *Tifferet Yisrael* explains that regarding *hekdesh*, the *gizbar* is not obligated to stand by the *chatzer* and declare that it acquires for *hekdesh*. Consequently it is as if *hekdesh* intended that the pit shall not acquire.

The *Ramban* however explains that the *chatzer* or pit does indeed acquire for *hekdesh*. However becoming the property of *hekdesh* does not imply it is *kadosh* and that the prohibition of *meilah* applies. The *Ritva* adds that *meilah* only applies when *hekdesh* arises through verbal declaration and not only by transfer of ownership.

Yisrael Bankier

Revision Questions

מעילה ב' ט': ד' ה'

- What is the general rule relating to the previous question? (ב' ט')
- What are the *chatat metot*? Where else was this *Mishnah* taught? Why is it taught here? (א': ג')
- Why does the prohibition of *meilah* not apply to money separated for the purpose of a *Nazir's korbanot*? (ב': ב')
- What is done with this money if the *Nazir* dies? Provide both scenarios. (ב': ב')
- In what way is the blood (of a *korban*) and the *nesachim* opposite from one another? (ג': ג')
- What is the law regarding *meilah* for the ashes from the *menorah*? (ד': ג')
- When does the law of *meilah* apply to the ashes from the inner altar? (ד': ג')
- What is the law regarding *meilah* for *Torin* that are too young to be offered and *bnei onah* that are too old to be offered? (ד': ג')
- About which of the above two cases does *R' Shimon* argue? (ד': ג')
- Regarding which form of *hekdesh* does *meilah* apply to the milk of the animal? (ה': ג')
- Can *meilah* apply to manure? (ו': ג')
- In what case would *meilah* not apply to the water in a designated water hole? (ו': ג')
- In what case is there a debate regarding whether *meilah* applies to the fruit of a *hekdesh* tree? (ו': ג')
- Can the off-spring of an animal set aside for a *korban* feed from its mother? (ו': ג')
- What is the law regarding spring water that has flowed from a *hekdesh* field into a regular field? (ז': ג')
- List the other three cases that are similar to the one in the previous question. (ז': ג')
- Which of those is the subject of debate? (ז': ג')
- What is the law regarding a nest in a *hekdesh* tree? An *asheira* tree? (ח': ג')
- To what "part" of *hekdesh* wood does *meilah* not apply? (ח': ג')
- To what four prohibitions can different sacrifices combine to make the minimum *shiur*? (ט': ד')
- Do *kodshei ha'mizbeach* and *kodshei bedek ha'bait* combine together for the prohibition of *meilah*? (ט': ד')
- What are the five parts of an *olah* that combine for the prohibition of *meilah*? (י': ב')
- Regarding the previous question, how many parts are there for a *korban todah* and what are they? (י': ב')
- Does *trumah* and *challah* combine? (י': ב')
- Does *trumat ma'aser* and *bikurim* combine? (י': ב')
- What general rule does *R' Yehoshua* provide for which types of *tumah* combine together and why is it important? (יא': ג')
- Do *pigul* and *notar* combine? (יא': ד')
- Do two *tameh* objects that are on different levels of *tumah* combine? Explain. (יא': ד')
- For what fives laws do "all food combine"? (יא': ד')
- For what two laws do "all drinks combine"? (יא': ד')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
28 th September ד' תשרי	29 th September ה' תשרי	30 th September ו' תשרי	1 st October ז' תשרי	2 nd October ח' תשרי	3 rd October ט' תשרי	4 th October י' תשרי
Meilah 4:6-5:1	Meilah 5:2-3	Meilah 5:4-5	Meilah 6:1-2	Meilah 6:3-4	Meilah 6:5-6	Tamid 1:1-2

