

Daf Notes

Insights into the Daily Daf
Me'ilah Daf 11

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Daily Daf

Mishna

The offspring of a *chatas*, the *temurah* of a *chatas*, and a *chatas* whose owner has died, are left to die. A *chatas* whose year is passed or which was lost and found blemished, the law is as follows: if the owners obtained atonement (*through another animal*), it is left to die; it does not effect *temurah*; it is Rabbinically forbidden to derive benefit from it, but the law of *me'ilah* (sacrilege; *one who has unintentionally benefited from hekdesh or removed it from the ownership of the Beis Hamikdash has committed the transgression of me'ilah, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a korban asham*) does not apply to it. If, however, the owners have not yet obtained atonement, it must be left to graze until it develops a blemish. It is then sold and another is bought with the proceeds. It (*before it is sold*) effects *temurah*, and the law of *me'ilah* applies to it. (10b – 11a)

Me'ilah and Temurah

The *Gemora* explains that the *Tanna* of the *Mishna* did not state all five *chatas* offerings which are left to die together, for the three cases are clear-cut (*that they are left to die*), whereas the final two cases are not (*for the chatas whose year has passed, and the one which was lost and found to be blemished are only left to die if the owner has this chatas and another one before him, and he chooses to gain atonement through the other one*).

The *Gemora* explains that the *Mishna* here in *Me'ilah* needed to cite these *halachos* on account of the laws relevant to *temurah*,

and accordingly, it states the other *halachos* as well, and the *Mishna* in *Temurah* needed to cite these *halachos* on account of the laws relevant to *me'ilah*, and accordingly, it states the other *halachos* as well. (11a)

Mishna

If one designated an unspecified amount of money for his *korbanos* (*of nezirus; a chatas, olah and shelamim*), it is prohibited to benefit from it, but one does not commit *me'ilah* by using it since all the money can be used to purchase a *shelamim* (*which is classified as kodashim kalim, and is therefore not subject to me'ilah*). If he died and he had designated an unspecified amount of money for his *korbanos*, they are to be used for voluntary communal offerings. If the money was specified, the *halachah* is as follows: The money set aside for the *chatas* must be cast into the Dead Sea. It is prohibited to benefit from it, but one does not commit *me'ilah* by using it (*since it is not destined to be brought on the Altar*). The money set aside for the *olah* should be used for a voluntary *olah*, and one does commit *me'ilah* if he uses it. The money set aside for the *olah* should be used for a voluntary *olah*. The *shelamim* can only be eaten for one day, but it does not require the breads. (11a)

Unspecified Money

[*The Mishna had stated: If one designated an unspecified amount of money for his korbanos (of nezirus; a chatas, olah and shelamim), it is prohibited to benefit from it, but one does not commit me'ilah by using it since all the money can be used to purchase a shelamim (which is classified as kodashim kalim, and is therefore not subject to me'ilah).*] Rish Lakish asked: Why doesn't

the *Mishna* teach also the following case: If one has set aside money for bird-offerings, they are prohibited for benefit, but one does not commit *me'ilah* by using them, because he might buy with them turtledoves whose time has not yet arrived (*they are still too young to be offered, but the consecration is valid*) or pigeons whose time has passed? [*Rish Lakish argues as follows: As he might buy with the money something which is not subject to me'ilah (the immature turtledoves), the money then should not be subject to the law of me'ilah, similar to the instance of the Mishna.*]

Rava answers: In the *Mishna's* case, the Torah has stated that with the unspecified money, a *shelamim* shall be purchased (*and therefore we can say that the money stands to be used as a shelamim, and therefore it is not subject to me'ilah*); but does the Torah ever state (*regarding unspecified money for bird offerings*) that turtledoves whose time has not yet arrived which are unfit for the Altar shall be brought? (11a)

Mishna

Rabbi Shimon says: The law relating to blood is lenient in the beginning (*of the offering service*) and stringent in the end; the law relating to libations is stringent in the beginning and lenient in the end.

He explains: Blood is exempted from the law of *me'ilah* in the beginning, but is subject to it after it has flowed into the Kidron Valley (*after the blood of a sacrifice was thrown on the Altar, the remaining blood was poured onto the yesod – the foundation of the Altar; it then flowed through a channel of water that ran through the Courtyard into this valley, located to the south of Yerushalayim*); libations are subject to the law of *me'ilah* in the beginning, but are exempted from it after they flowed down into the *shissin* (*a deep hollow located under the southwest corner of the Altar, into which the water and wine libations flowed*). (11a)

Sacrificial Blood

The *Gemora* cites a *braisa*: The law of *me'ilah* applies to blood (*on a Rabbinic level after the service has been performed*); these are the words of Rabbi Meir and Rabbi Shimon; but the Sages say. *Me'ilah* does not apply to all (*with blood*).

The *Gemora* notes (*according to Tosfos' text*): They only argue on a Rabbinic level, but they all agree that sacrificial blood is not subject to Biblical *me'ilah*.

The *Gemora* cites several sources for this law (*that me'ilah does not apply to blood*).

Ulla says: It is written: *and I have assigned it for you (upon the Altar to provide for atonement)*. This teaches us that it shall be yours (*and not subject to the laws of me'ilah*).

In the academy of Rabbi Yishmael it was taught that it is written: *to provide for atonement*. This teaches us that it was given to provide for atonement and not subject to the laws of *me'ilah*.

Rabbi Yochanan says: It is written: *for it is the blood that atones for the soul*. This (*'it is'*) teaches us that it has the same status before the atonement as it does after the atonement. Just as it is not subject to the laws of *me'ilah* after the atonement, it is not subject to the laws of *me'ilah* before the atonement.

The *Gemora* asks on Rabbi Yochanan: Perhaps the reverse is true!? Just as it is subject to the laws of *me'ilah* before the atonement, it is subject to the laws of *me'ilah* after the atonement!?

The *Gemora* answers: There is nothing that is subject to the laws of *me'ilah* once its function has been performed.

The *Gemora* asks: And is that true!? But there is *terumas hadeshen* (*the removal of the ashes from the Altar in the morning; it is forbidden for benefit even after it was placed on the floor of the Courtyard*)!?

The *Gemora* answers: That is because the *terumas hadeshen* and the limbs of the goat that is sent to *Azazel* (*where they are prohibited for benefit even after the mitzvah was performed*) are two Scriptural verses which come for the same purpose, and wherever two verses come for the same purpose, they do not teach (*their common law*) to other cases.

The *Gemora* asks: That is well according to the Rabbis who maintain that the limbs of the goat that is sent to *Azazel* are prohibited for benefit; but according to the view who maintains that they are permitted, what is there to say?

The *Gemora* answers: That is because the *terumas hadeshen* and the priestly vestments (*of the Kohen Gadol on Yom Kippur, which are forbidden for benefit after they are used*) are two Scriptural verses which come for the same purpose, and wherever two verses come for the same purpose, they do not teach (*their common law*) to other cases.

The *Gemora* asks: That is well according to the Rabbis who maintain that, when the Torah writes: *and leave them there*, this teaches us that they must be permanently stored away; but according to the view of Rabbi Dosa, who holds that they are

INSIGHTS TO THE DAF

Burying a dead person twice

By: Meoros HaDaf HaYomi

permitted to an ordinary *Kohen*, and it is only that the *Kohen Gadol* is prohibited from using them on another *Yom Kippur*, what is there to say?

The *Gemora* answers: That is because the *terumas hadeshen* and the *eglah arufah* (the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person; the calf is then forbidden for benefit) are two Scriptural verses which come for the same purpose, and wherever two verses come for the same purpose, they do not teach (their common law) to other cases.

The *Gemora* asks: That is well according to the opinion that they do not teach to other cases; but what can be said according to the view that they do teach to other cases?

The *Gemora* answers: Two exclusionary words are written: here it is written: *the calf that was decapitated*; while there it says: *and he shall place them*. [This teaches us that it is only in these cases that the substance is forbidden for benefit even after its function has been performed.] (11a – 11b)

Libations

The *Mishna* had stated: Libations are subject to the law of *me'ilah* in the beginning (but are exempted from it after they flowed down into the *shissin*).

The *Gemora* assumes that our *Mishna* is not in agreement with the view of Rabbi Elozar the son of Rabbi Tzadok, for it was taught in a *braisa*: Rabbi Elozar the son of Rabbi Tzadok said: There was a small gap between the ramp and the Altar near the western side of the ramp and once in seventy years the Kohanim youth would go down there and gather up the congealed wine from the libations, and the congealed wine was akin to pressed figs. They would then burn the wine in a holy location in the Courtyard of the Bais HaMikdash. [Now, accordingly, the wine would still be subject to *me'ilah*, for its mitzvah was not performed completely until it was burned!?]]

The *Gemora* disagrees and notes that our *Mishna* may well agree with Rabbi Elozar the son of Rabbi Tzadok, as the *Mishna* refers only to the case where the wine was caught before it reached the bottom of the *shissin* (and therefore it is not subject to *me'ilah* then, for it acquires sanctity through the floor of the Courtyard). (11b)

Two halachos were stated about the deceased: the mitzvah of burial and the prohibition to derive benefit from the deceased. It is a mitzvah from the Torah to bury him, as we are told: "You shall bury him on that day" (Devarim 21:23; see Rambam, *Hilchos Eivel* 12:1) and it is also forbidden to derive benefit from him (*Tur* and *Shulchan Aruch*, Y.D. 349:1). What about a deceased who was already buried? Is it still forbidden to derive benefit from him? The root of the issue stems from the halachos of *me'ilah* explained in our Gemara.

Sanctity that dissipates with the end of the use of an article: Our *sugya* explains that it is forbidden to derive benefit from an article of *hekdesh*. However, after its mitzvah has been observed, its sanctity dissipates and he who uses it for a mundane purpose does not transgress a prohibition of the Torah. Tosfos state (Temurah 33b) that in the light of this rule, we can understand the Gemara (ibid) which we have recently learnt, that articles from which it is forbidden to derive benefit, which must be burnt, are permitted for benefit after they're burnt and have become ashes. However, articles forbidden for benefit which must be buried - so that people should not erroneously make use of them - are not permitted for benefit, even if they were burnt and became ashes. This halachah is well understood, write Tosfos, in light of our Gemara, which says that if the mitzvah of an article was observed, the *issur hana'ah* departs from it. Therefore, those which must be burnt and were burnt had their mitzvah observed but those which must be buried so that people shouldn't err with them had no mitzvah observed with them when they were burnt as there's no mitzvah to burn them.

Let's pay attention to the following distinction. According to Rambam (*Hilchos Tzara'as* 11:1), it's a mitzvah of the Torah to bury the slaughtered bird which the *metzora'* brings for his purification to the Temple. This burial utterly differs from the halachah of burying articles forbidden for benefit for they are buried to hide them lest people err with them whereas this bird is buried because this is its halachah, this is its mitzvah and thus its purpose is attained. Apparently, the halachah of this bird should be identical to the halachah of an article forbidden for benefit that must be burnt: just as it is permitted after its mitzvah has been observed, the bird should also be permitted for benefit after its mitzvah has been observed. Is this true?

When does the mitzvah of burial end? Many years ago a Torah journal called *Kol HaTorah* was distributed in London containing halachic dissertations by *talmidei chachamim* who survived the Holocaust. One of them was HaGaon Rabbi Moshe Sternbuch, who wrote an article about our topic and suggests a very fine contention. The mitzvos of burial in the Torah – burying the deceased and the metzora's bird – don't end with **putting** the corpse in the ground as their aim is that the corpse should **remain** buried in the ground. What is this like? Like a person who hides a diamond in a safe. Everyone understands that merely putting the diamond in the safe doesn't help unless it stays in the safe. In the same way, the mitzvah of burial is that the burial site shall be the place of the article buried and therefore if someone wants to derive benefit from the buried bird because its mitzvah has ended, as it has already been buried, he is wrong, as the mitzvah that it be buried is constantly observed and this mitzvah never ends.

The prohibition to derive benefit and the burial are not connected: Many *talmidei chachamim* (see Responsa *Seridei Eish*, I, 42) toiled over this profound topic and we shall mention an interesting conclusion indicated by the *Noda' BiYehudah* zt"l, who discusses the prohibition to derive benefit from bones of a dead body that crumbled and became dust (Responsa, 1st edition, 90). In his opinion, the issue of deriving benefit from a deceased who was buried and exhumed is meaningless and everyone must admit that the prohibition remains. Only articles whose *din* to be burnt stems from their *issur hanaah* are permitted for benefit after being burnt as "their mitzvah has been observed": the *issur hanaah* was the basis for their being burnt and with their being burnt, the prohibition dissipated. However, burying the deceased and the prohibition to derive benefit from him are not connected at all. We don't bury the deceased because it's forbidden to derive benefit from him but because of his honor, so that he won't be left despised on the ground. Aside from that, it's forbidden to derive benefit from him. Therefore, how can one imagine that the prohibition for benefit disappears with his burial?

DAILY MASHAL

Yesterday and Today

Before the Kohen would start the daily service, he would go to the place where the Olahs were burnt and scoop up a handful of ashes. He placed this handful of ashes next to the Altar. This ritual of Terumas HaDeshen [lifting the ashes] is not to be confused with another ritual – Hotza'as HaDeshen [removal of the ashes]. This other ritual is mentioned in the very next pasuk: "He shall remove his garments and he shall wear other garments and he

shall REMOVE the ashes to the outside of the camp, to a pure place." [Vayikra 1:4] Hotza'as HaDeshen is merely "clean-up". Terumas HaDeshen is part of the Avodah [Temple Service].

What is the symbolism of this Avodah? What is the symbolism of the fact that every single morning, the first thing the Kohen did was gathering the ashes from the previous day's offerings and placing them next to the altar for today's offerings?

Rav Samson Raphael Hirsch says something here that is strikingly beautiful. I quote (from the English translation of Hirsch's original German commentary): "The Jewish today has to take its mission from the hand of its yesterday." This means, we have to bind today's Avodah [Divine Service] with yesterday's Avodah. This is because yesterday's Avodah and today's Avodah are the same Avodah. In Judaism, there is no such thing as "Oh that was yesterday's challenge. Today is something different."

No. Today is the same Avodah as yesterday. As Rav Hirsch explains "The very last Jewish grandchild stands there before G-d with the same mission of life that his first ancestor bore." Avraham Avinu, the first Jew has the exact same mission as the "last Jew." It hasn't changed in 4,000 years.

Each day's service must be done with a freshness and exuberance. Each day, they should be in our eyes "AS IF they were new." But, in the final analysis, it is the same thing.

Rav Yissochar Frand says that such a message has no resonance today. Politicians always speak of the "new era", the "fresh start", "new challenges", and "new approaches." The common attitude is that what worked in the past, won't work now. This is not the Jewish approach.

Of course, each generation does have its own challenges. But the basic mission and the basic message do not change. The Avodah is the same as it was yesterday. The first thing the Kohen does to start today's service is to remember that it is the same thing that he did yesterday and the same thing that he will do tomorrow.

There is a principle in the Sacrificial Service, that once a mitzvah has been completed (na'asis mitzvasa), the prohibition of meilah (trespassing sacred property), no longer applies. Despite this principle, the Terumas HaDeshen is an exception. After the ashes are lifted and placed next to the Mizbayach (ostensibly completing the mitzvah), the law of meilah still applies. The explanation is: just PLACING the ashes there does not complete the mitzvah. The ashes' BEING there is the mitzvah. This fits in with the symbolism we mentioned. The ashes need to remain in that place for every one to see in order to serve the purpose of demonstrating this continuity of the Divine Service.