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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Violating Me'ilah

The *Mishna* says that if one took a stone or beam of *hekdesh* - designated for use by the *Bais Hamikdash*, he has not yet violated *me'ilah*. If he gave it to someone else, only he violated *me'ilah*, but not the recipient. Even if he built it into his house, he only violates *me'ilah* when he lives under it for a time span worth a *perutah* coin.

The *Mishna* teaches similar rules about a coin of *hekdesh*. If he took a *perutah* of *hekdesh*, he has not yet violated *me'ilah*. If he gave it to someone else, only he violated *me'ilah*, but not the recipient. If he used it to pay entrance to a bathhouse, he has violated *me'ilah* even before he bathes, as getting the right to bathe is already a benefit.

If someone took a *perutah* of *hekdesh*, and ate or benefited from it along with someone else, even over a long time period, he is liable for *me'ilah*.

Shmuel explains that the *Mishna* is referring to the administrator of *hekdesh*, in whose possession the consecrated objects reside. Therefore, he only violates *me'ilah* when he gave it to someone else, removing it from the possession of *hekdesh*, or when he benefited from it personally, but not when taking it. (19b – 20a)

Detached and Later Attached

The *Gemora* asks why one isn't liable until he lived under the *hekdesh* building material, as he should have acquired it from *hekdesh* when he changed during construction.

Rav answers that the *Mishna* is referring to one who simply placed the stone or beam over an opening in the roof, without any physical change to the object.

The *Gemora* notes that one is liable for *me'ilah* on *hekdesh* used as part of a house, even though it now is attached to the ground.

The *Gemora* suggests that this supports Rav, who says that if one worships a house, it is prohibited. Although something attached to the ground is not prohibited when one worships it, since the house was originally detached, it is prohibited. Similarly, one is liable for *me'ilah* on the part of the house built from *hekdesh*, even though one is not liable for *me'ilah* on misuse of *hekdesh* that is attached to the ground.

Rav Acha the son of Rav Ikka deflects this, saying that any visible benefit from *hekdesh*, like the object placed on the house, is prohibited in *me'ilah*, even though it is technically considered attached.

The *Gemora* attempts to support Rav from a *braisa* which says that if one lives in a *hekdesh* house violates *me'ilah* when he benefited a *perutah* worth.

Rish Lakish deflects this, saying that the *braisa* refers to one who consecrated stones, and then built them into a house.

The *Gemora* challenges this, as the *braisa* contrasts the first statement by saying that if one lived in a consecrated cave house of *hekdesh*, he is not liable for *me'ilah*. If Rav is correct, one would not be liable for *me'ilah* for a normal house, if it was consecrated after construction, and the *braisa* could have used this as the contrast.

The *Gemora* deflects this, as the case of a cave is a simpler contrast, as it is never liable for *me'ilah*. (20a)

WE SHALL RETURN TO YOU, HANEHENEH



Delegating Me'ilah

The *Mishna* says that if one sent an agent to misuse *hekdesh*, he violates *me'ilah* if he fulfilled his task. If he didn't fulfill the task, the agent violated *me'ilah*.

The *Mishna* illustrates this with cases of a host who told someone to feed his guests from *hekdesh* food. If he told him to serve *hekdesh* meat, but he served *hekdesh* liver, or vice versa, he didn't fulfill his task, so he violated *me'ilah*. If the host told someone to give them one piece of *hekdesh* meat, and he told them to take two pieces, and they took three, all of them violated *me'ilah*. The host violated *me'ilah* on the first piece, the one serving on the second piece, and the guests on the third piece.

The *Gemora* explains that one who was sent to buy meat but only found liver (*or vice versa*) would first check if he should buy it.

Rav Chisda says that the *Mishna*, which considers them different, does not follow Rabbi Akiva, as he says that if one vowed not to eat vegetables, he also may not eat legumes, even though one sent to buy vegetables would first check if he only found legumes.

Abaye deflects this, since even Rabbi Akiva agrees that the agent must first check. Therefore, although it is included in the oath, one who changed from one to the other without checking has not fulfilled his task. When the scholars told Rava about Abaye's answer, Rava said that it was a good answer.

The *Gemora* says that the opinion disputing Rabbi Akiva is Rabban Shimon ben Gamliel, citing a *braisa*. The *braisa* says that if one took an oath to not eat meat, it includes all meat, including the head, legs, windpipe, liver, and heart, and fowl, but not fish and grasshopper meat. Rabban Shimon ben Gamliel says that it does not include the heat, feet, windpipe, liver, fowl, fish or grasshoppers, and he would say that the innards are not considered meat, and eating them is abnormal.

The *Gemora* asks why the first opinion in the *braisa* includes fowl, but not fish. Just as one would check if fowl could replace meat, he would also check if fish could replace meat.

Rav Pappa answers that the *braisa* is referring to one who took the oath when he let blood, when one doesn't eat fish, and therefore wouldn't have referred to fish at all with his oath.

The *Gemora* challenges this, as one wouldn't eat fowl then either, as Shmuel says that if one let blood and then ate fowl, his heart will weaken and leave him like a bird flying away, and the *braisa* says that one should not let blood planning to eat fish, fowl, or salted meat.

Rav Pappa instead answers that the *braisa* is referring to one who has an eye ailment, and therefore does not eat fish, but does eat fowl.

The *Gemora* attempts to infer from the *Mishna* that one who did more than he was told to is still considered to have fulfilled his task, as the host is liable for *me'ilah* on the first piece the agent served, even though he did more than he was told to.

Rav Sheishes deflects this, saying that the case is where the agent told the guests that they can take one piece as per the host, and one piece that he is offering himself, leaving the first piece intact as his task. We may have thought that by offering a separate second piece he has subverted his task, so the *Mishna* must teach us that the task is intact. However, if he simply added on to his task, this may indeed subvert the full task, including the part that followed the instructions. (20a – 21a)

INSIGHTS TO THE DAF

Fowl and Meat

Rabban Shimon ben Gamliel said: If one makes a *neder* prohibiting himself from meat, he is permitted in fowl. It is evident that he maintains that fowl is not included in meat.

The Chasam Sofer asks: How can he hold that fowl is not included in "meat," when it is seemingly clear from the Torah that it is? The Jews in the Wilderness complained that they desired meat and the Ribbono shel Olom sent fowl to them. Evidently, fowl is a type of meat!



He answers that the *Gemora* explains that fowl is not included in “meat” because it is not healthy to eat fowl on a day of bloodletting. Since in the Wilderness, the northern wind did not blow, and that is the reason why there was no circumcision then (*the wind is needed to heal the child*). Accordingly, there was no bloodletting in the desert, as well. It emerges that there would be no distinction between fowl and meat in the Wilderness and fowl would be included in “meat.”

DAILY MASHAL

Eating kishke (stuffed gut)

Stuffed *kishka* is an integral part of the Shabbos morning meal in many homes. Therefore, it is surprising to discover Rabbi Shimon ben Gamliel’s statement in our Gemara: “Intestines are not meat and their eaters are not human”! In this article we shall, of course, clarify how so many people eat *kishke* but before that we shall relate to a few important halachic implications resulting from Rabbi Shimon ben Gamliel’s statement.

A respectable portion: Daf HaYomi learners surely remember the *sugyos* regarding a forbidden article becoming insignificant (*bateil*) if it became mixed into a majority of permitted articles. This is *bitul berov*. However, there is an important exception: “a portion fit to be served to honor someone” does not become insignificant in a majority. In other words, if the forbidden food is important and fit to be served to guests, no majority can make it insignificant and it remains forbidden (Chulin 100a). The *poskim* assert that intestines are not “a portion fit to honor someone” and they always become insignificant in a majority as our Gemara says that he who eats them is not human, so they are surely not fit to be served to honor guests (*Tur*, Y.D. 110; *Semag*, lavin, 141; *Kolbo*, 100; *Semak*, mitzvah 214 and *Hagahos Rabeinu Peretz*, ibid, *hagahah* 2; *Shulchan Aruch*, Y.D. 101:5 and *Beur HaGera*, ibid, S.K. 15).

A great loss: “A great loss” is a widespread rule, disputed by former *poskim* and detailed in halachic works, that in certain instances one can be lenient and rely on the permissive opinion because of a great loss if the food were forbidden. As our Gemara explains the inferior status of intestines, *Pri Megadim* asserts (Y.D. in *Sifsei Da’as*, 72, S.K. 20 and in *Mishbetzos Zahav*, 75, os 6) that one

shouldn’t be lenient about intestines because their loss is not considered great.

Indeed, our Gemara says that intestines are not as important as the meat and even rules that “their eaters are not human” but the meaning of the statement is not really so simple. Tosfos explain (s.v. *Kirbayim lo basar ninhu*) that the statement means that usually people don’t eat intestines but doesn’t mean that he who eats them is not human. Rashi (s.v. *Kirbayim*) completely negates the simple explanation. He explains that he who buys intestines at the price of meat is outstandingly stupid because there’s no doubt that meat is far better. Therefore the statement that he who eats intestines is not human is merely a figure of speech.

The *Mordechai* (Beitzah, Ch. 1, §647) adds an important aspect to understand the issue. He writes: “The statement that he who eats them is not human, means that even those who eat intestines only eat them with stuffing.” Indeed, Tosfos stated in *Pesachim* (74b, s.v. *Tafli*) that in their era people were accustomed to eat intestines stuffed with dough.

Therefore, our Gemara’s statement concerns eating intestines as they are, without stuffing. In their natural state they are not fit to be served before kings and involve no great loss. If they are stuffed with tasty dough, they are fit to be served to kings and even for the Shabbos table.

The author of Responsa *Yad Chanoch* states (30) that a puzzling ruling of the *Shach* is well understood in the light of the *Mordechai*’s statement. The *Shach* rules (Y.D. 113, S.K. 2) that intestines cooked by a gentile are forbidden because of *bishul akum*. But one of the conditions for *bishul akum* is that the food should be fit to serve to kings (see at length in *Meoros Hadaf HaYomi*, ‘Avodah Zarah 38, in the article “Drinking coffee according to halachah”) and, after all, are intestines included in this definition? It could only be that our Gemara concerns eating intestines as they are, while the *Shach*’s ruling concerns intestines stuffed with tasty dough. Such a dish is surely fit to be served to kings.