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Me'ilah Daf 21

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"h
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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

If a householder (*the Temple treasurer, according to Tosfos, for someone else would have committed me'ilah as soon as he took the money*) tells his agent, "Bring me money from the window or from the box (*and use them for me at the market*)," and the agent used consecrated money (*by mistake*), even though he said (*later*) that he wanted the agent to use the money from a different purse, the householder is guilty of *me'ilah* (*for he did not give specific instructions to take from a different bag*). But if he said to him, "Bring me money from the window," and the agent brought him from a box (which were *hekdesh*), or if he said, "Bring me from the box," and he brought from the window, the agent is guilty of *me'ilah* (*for he deviated from his instructions; accordingly, when the money has been transferred out of the domain of hekdesh, the guilt lies with the agent*).

If one (*unwittingly*) has commissioned a deaf-mute, a deranged person or a minor (*to buy goods with money which belongs to hekdesh*) and they carried out their appointed errand, the householder is guilty of *me'ilah*, but if they did not carry out their appointed errand, the storekeeper is guilty of *me'ilah* (*when he later uses the money*). [*The householder did not commit me'ilah, for his agent deviated from his instructions. The agent did not commit me'ilah, for they, being mentally incompetent, cannot be held responsible for their actions. Therefore, the money remains in the domain of hekdesh. When the storekeeper later spends the money,*

he has transferred it out of the domain of hekdesh, and therefore he has committed me'ilah.]

If he sent a competent person with *hekdesh* money (*unknowingly*), and he remembered (*that it was hekdesh*) before the agent arrived by the storekeeper (*and then the agent used the money to purchase something for the treasurer's personal needs*), the storekeeper is guilty of *me'ilah* when he spends the money. [*If one unknowingly misappropriates hekdesh, it will become chullin, but not in the case where it was done knowingly. This is why the householder has not committed me'ilah.*] What shall he do? [*What can the householder do so as to prevent the storekeeper from committing me'ilah?*] He shall take a *perutah* (*coin of very little value*) or any object (*worth at least a perutah*) and declare as follows: "The *perutah* belonging to *hekdesh*, wherever it may be, shall be deconsecrated with this." The *Mishna* explains that this is effective, for consecrated things can be redeemed both with money and with (*movable*) things that are worth money.

The *Gemora* notes that the first ruling of the *Mishna* informs us that unexpressed words are not words (*and the householder is guilty of me'ilah even though he claimed later that he intended for the agent to take from his private funds*).



The Mishnah had stated: If one has commissioned a deaf-mute, a deranged person or a minor, and they have carried out etc. But surely these people are legally not fit to become agents! — Said Rabbi Elozar: They have the same status as the vat of olives¹ of which we have learned: From what tree do olives become susceptible to tumah? When they begin to exude, the moisture being one that comes out of them when they are in the vat and not moisture that comes out of them when they are still in the store basket.² Rabbi Yochanan said: This is to be compared to that which we have learned: If one placed it upon an ape or upon an elephant, which carried it to the right quarter (and another person was charged to receive it), the 'eruv is valid. Does this not prove that the fact of the execution of the appointed errand alone matters?³ So in our case: The appointed errand has at any rate been carried out.

The Mishnah had stated: if he has commissioned a sane person etc. [Does this apply] even though the agent has not remembered? Against this the following contradiction is raised: If the employer remembered and not the agent, the agent is guilty of me'ilah, [but if both remembered the shopkeeper is guilty]. — Said Rav Sheishes: Also our Mishnah has to be understood that both remembered.⁴

MISHNAH: If he gave him a perutah and said to him: 'Get me for half a perutah lamps and for the other half

wicks', and he went and brought for the whole wicks or for the whole lamps, or if he said to him, 'Get me for the whole lamps or for the whole wicks', and he went and brought for half [a perutah] lamps and for the other half Wicks, they are both exempted from the guilt of me'ilah. But if he said to him, 'Get for half a perutah lamps from one place and for half a perutah wicks from another' and he went and brought the lamps from the place where the wicks [were to be brought] and the wicks from the place where the lamps [were to be brought], the agent is guilty. If he gave him two perutah's and said, 'Get me for them a citron', and he brought for one perutah a citron and for the other a pomegranate, both have transgressed the law of me'ilah.⁵ Rabbi Yehudah holds that the employer is not guilty, for he can argue, I wished for a large citron and you brought me a small and ugly one. If he gave him a golden denar and said to him, 'Get me a shirt and he brought him for three [silver selas] a shirt and for the other three a cloth, both have transgressed the law of me'ilah. Rabbi Yehudah holds the employer is not guilty, for he can argue, I wished for a big shirt and you brought me a small and bad one.

GEMARA: May we infer from this that if a man said to his agent, 'Go, buy for me a kor of land' and he bought only a lesech the acquisition on behalf of the buyer is valid? — I might retort: [Our Mishnah] refers to a case where [the messenger] bought something worth six

¹ To prepare the olives for the press they used to be packed in vessels until they formed a viscid mass. Previous to that they were kept in baskets. The exudation produced in the vat was preserved. It was advantageous for the owner that such exudation should take place. We, therefore, assume that the owner was satisfied with the dripping of the olives, which accordingly become fit for tumah. The juice produced in the basket, however, trickles down and its formation is against the owner's interest and wish.

² We learn from this that the vat may be considered an instrument for the realization of the owner's wish. In the same way are the deaf-mute, the

deranged person and the minor to be considered a mere instrument by which the employer's wish is fulfilled. In other words: With me'ilah it is not the act of appropriation that is decisive, but the effect of possessing or deriving a benefit from consecrated things. It does not matter, therefore, whether it be achieved by legally qualified persons or not.

³ Irrespective of the instrument by which it was achieved.

⁴ And only the shopkeeper is subject to the law of me'ilah.

⁵ The employer by reason of that part of the order which was carried out according to his desire, and the messenger because of the other part.

[silver selas] for three. But read then the concluding clause: Rabbi Yehdah holds the employer is not guilty. For he can argue, I wished for a big shirt and you brought a small and bad one? — [This is to be understood in the following manner]: Because he can say to him: Had you spent the whole [golden] denar you could have bought something worth two [golden] denars. This interpretation stands to reason, for it says [in the concluding section]: Rabbi Yehudah agrees with reference to pulse, for it makes no difference whether you buy pulse for a perutah or for a denar! But how is this? If it deals with a place where it is customary to sell cereals by estimate, surely then also in the case of pulse when one buys for a whole sela he buys much cheaper? — Said Rav Pappa: It refers to a place where it is customary to sell it in kannas, each kanna for a perutah, in which case the price is absolutely fixed.

MISHNAH: If one deposited money with a moneychanger, and it was tied up, he may not use it; and therefore if he did spend it he is guilty of me'ilah; if it was loose he may use it and therefore if he spent it he is not guilty of me'ilah. If [the money was deposited] with a private person, he may not use it in neither case, and therefore if he did spend it he is guilty of me'ilah. A shopkeeper has the status of a private person says Rabbi Meir. Rabbi Yehudah holds, he is like a moneychanger. If a perutah belonging to the temple fell into his bag or if he says, one perutah in this bag shall be dedicated, he is guilty of me'ilah as soon as he spends the first perutah. Thus the view of Rabbi Akiva. While the Sages hold: not before he has spent all the money that was in the bag. Rabbi Akiva agrees, however, with the Sages that if he said, a perutah out of this bag shall

⁶ Why does Rabbi Akiva differ from the Sages in the first clause and agree with them in the last?

be dedicated, he is permitted to keep on spending [and is liable only] when he has spent all that was in the bag.

GEMARA: When Rav Dimi arrived, he said, Rish Lakish had questioned Rabbi Yochanan: What is the difference between the first clause and the last?⁶ To this he [Rabbi Yochanan] replied: In the last clause the man's declaration was: This bag should not be spared from a donation to the Temple.

When Ravin arrived he said: He raised before him a contradiction between the case of the pocket and that of the oxen. For we have learned: If one said, I dedicate one of my oxen to the Temple, and he had two oxen, the larger one becomes sacred. To this the other replied: In the last clause the man's declaration was, 'this bag shall not be spared from a donation to the Temple'.

Rav Papa said: He raised before him a contradiction between the case of the bag and that of loss; for we have learned: If one has bought wine from Cutheans, he shall declare: Two logs which I shall separate are herewith designated as terumah, ten as first tithe and nine as second tithe, the latter portion is redeemed and then he may begin to drink at once. This is the view of Rabbi Meir, while Rabbi Yehudah, Rabbi Yosi and Rabbi Shimon hold it is prohibited. To this he replied: In the last clause the man's declaration was, 'this bag shall not be spared from a donation to the Temple'.

**WE SHALL RETURN TO YOU, HASHALIACH SHE'ASAH
SHELICHUSO
AND TRACTATE ME'ILAH IS CONCLUDED**