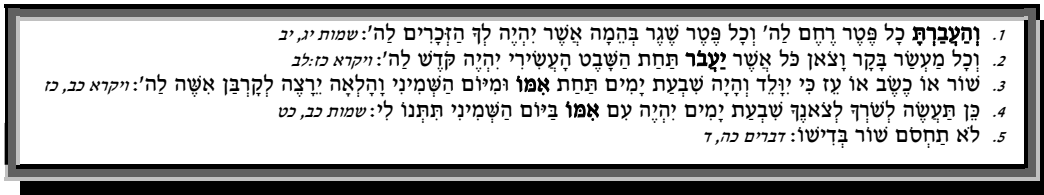


35.3.3

12b (משנה ו) → 13b (לטעמא דמנחם יודאפה קאמר)



- I מוקדש לבדק הבית – whether (cannot be both; if fit for מזבח, can't be both) range of מעילה – משנה ו
- a Examples: of that which is fit for מזבח only; בדק הבית only or neither
- i Fit for הבית only: if he was מקדיש a pit with water in it;
- ii Fit for מזבח only: if he was מקדיש a dove-cote with doves in it; or a tree (vine) with grapes (for ניסוך היין)
- iii Fit for neither: is he was מקדיש a dung-heap with dung on it; a field with grass on it
- 1 In all these cases: מעילה applies to the area and its contents
- b However: if he were to be מקדיש such an area and the contents arrive later (grow in or are brought in)
- i Then: מעילה only applies to the area, not to the “new” contents or byproducts
- ii יוסי does apply to growths of הקדש (field/grass, tree/fruit)
- c Nursing: the young of a מעושרת may not nurse from its mother, nor may a וילד nurse from its mother
- i Source: העברה from בכור (vv. 1-2) – just as בכור is קדוש, so all of מע"ב is קדוש (even milk)
- ii Source (for מוקדשין): אמו: from בכור (vv. 3-4)
- d However: some people (wrongly) make a condition as a “workaround”
- i מעושרת: when putting female into דיר for מע"ב stipulate that they are excluding milk from הקדש
- ii מוקדש: they sanctify animal to the exclusion of its milk
- e Impact of הקדש on field: פועלים and animals may not eat from הקדש growth in field
- i Workers: in spite of rights in field (כה-כו)
- ii Animals: in spite of prohibition against muzzling an animal while it is threshing (v. 5)
- 1 Argument: תורה prohibits muzzling בדישו – but not of הקדש
- 2 בריתא: if someone threshes beans in a הקדש-field, that is מעילה (for using the area)
- (a) Challenge: מעילה only applies to תלוש
- (b) Answer (רבינא): implies that the dust kicked up helps the threshing
- II מעילה in “shared” קרקע and its byproducts
- a Tree: of הדיוט that go through הקדש-field or vice versa – ולא מועלין
- b Spring: that comes from הקדש-field – ולא מועלין
- i However: if it goes out of that field – may get הנאה
- c Waters of המים: water in jug used to draw water (not קודש – see ד: סוכה) – ולא מועלין
- i However: once it's put in flask used to pour onto מזבח – מעילה attaches
- d לא נהנין ולא מועלין: (סוכה ד: see סוכות on מזבח “used to decorate” ערבות)
- i לולבין דאב"צ: the elders used to use them for their לולבין
- III Dispute regarding שיעור of המים רשב"ל/ר' יוחנן
- a exclusion of מעילה from jug – only if there is more than לוגין 3; but לוגין 3 – מעילה attaches
- i challenge: משנה rules that מעילה only applies to flask → no matter how much water in jug, doesn't apply
- ii rather: read רשב"ל's comment as being about flask – מעילה only applies to לוגין 3, not if there are more
- 1 applies to any of the water ד' יוחנן
- 2 Implication: רשב"ל hold that ניסוך המים have a minimal שיעור (of לוגין ג')
- (a) However: רבינא records בריתא as ruling that ר' אליעזר as ruling that ניסוך המים during סוכות outside – חייב for חוץ
- (i) And: ר' יוחנן, quoting יודאפה מנחם, aligned ר'א with ר'ע's read of ניסוך המים, equating ניסוך היין: ניסוך המים
- (ii) דשב"ל: countered – if so, ניסוך המים should require לוגין 3 (as ניסוך היין)
- 1 Implication: רשב"ל assumes no שיעור for ניסוך המים
- 2 Defense: רשב"ל was responding to יודאפה מנחם – (he himself maintains the שיעור of לוגין 3)