



Hekdesh in an Ir Ha'Nidachat

An *ir ha'nidachat* refers to a city, where most of the population of have been convinced to engage in idol worship by one or more of the residents. During this week we learnt about the circumstances that would define the city as an *ir ha'nidachat* and the capital punishment given to the inhabitants. The *Torah* also teaches the all the possessions of the city are collected and burnt. The *Mishnah* (10:6) teaches that since the *Torah* refers to "its [i.e. the city's] spoils", certain property is treated differently. *Hekdesh* must be redeemed, *terumah* is left to rot while *maaser sheni* and *sifrei kodesh* are stored away (*nignaz*). We shall focus on the case of *hekdesh*.

Hekdesh can be understood in two ways. One is *kodshei bedek ha'bayit* which is property that was consecrated to the treasury of the *Beit HaMikdash*. The *kedusha* (sanctity) of such *hekdesh* is referred to *kedushat damim*. In other words, its value has *kedusha* until it is redeemed, after which it is considered regular property. The second is *kodshei mizbach* which refers to animal that has been designated to be used as a *korban*. In such a case the animal itself has *kedusha* – *kedushat ha'guf*. In both cases, neither are burnt with the spoils of the city, since the *Torah* refers only to the city's spoils which would not include property that has *kedusha*. These possessions are not considered the property of the residents, but rather *shalal shamayim* (literally, spoils of the heavens).

The *Rambam* (*Avodah Zara* 4:13) explains that *kodshei mizbeach* and *kodshei bedek ha'bayit* are treated differently. The *Mishnah* is not referring to *kodeshei mizbeach* since they not at all considered the property of the city. Nevertheless, they cannot be offered as *korbanot* due to the *pasuk* "the offering of the wicked is an abomination". The *Mishnah* is instead referring to *kodshei bedek ha'bayit* that can be redeemed. The *Rambam* rules that once redeemed, that property is burnt along with the other property of the city.

The *Raavad* however does not understand why *kodshei bedek ha'bayit* should be burnt after redemption. Prior to

redemption they are considered *shalal shamayim* and should therefore not be considered part of the city's spoils.

The *Kesef Mishnah* suggests that he *Rambam* understands that *kodshei bedek ha'bayit* is indeed considered the property of the city. The fact that it has a status of *hekdesh* (*kedushat damim*) prevents it from being burnt. Once however it is redeemed, and the status of *hekdesh* is removed, it would immediately be defined as property of an *ir ha'nidachat* that must be burnt.

The *Minchat Chinuch* however finds this explanation difficult. If the status did not apply out the outset, why should it apply later? Instead the *Minchat Chinuch* suggests that since (*ho'il*) the *hekdesh* of the individual in the city could have been redeemed, it is considered his property and prohibited like all possessions in the city. Why then can it not be burnt immediately? The logic of *ho'il*, does not extend to someone else's property. Consequently, the monetary value belongs to *hekdesh* and is not impacted by the *issur* (prohibition) despite the fact that the object itself is impacted. Consequently, we must redeem the object and compensate *hekdesh* such that the object can then be burnt with the other spoils of the city.

The *Avodat HaMelech* notes that the *Raavad* expresses the opinion of most of the *Rishonim*, and provides a different explanation of the debate. The *Avodat HaMelech* explains that they understand the exposition of "its spoils" excludes all *hekdesh* from the *issur hanaah* (prohibition against deriving any benefit) that applies to all the possession of the *ir ha'nidachat*. The *Rambam* however understands that the *issur* applies to all the property of the *ir ha'nidachat*; due to the *pasuk* "lay it waste and everything that is in it." When excluding *shalal shamayim* (*hekdesh*, *terumah*, etc) it only excludes them from the requirement to be burnt. Consequently, in order that the *hekdesh* can be burnt, it must be redeemed first.

Revision Questions

סנהדרין ט: ב' – י"א: ג'

- If one strikes another and the person dies, assuming he was warned, what two component are critical to charge the person with murder? (ט: ב')
- Explain the murder case where *R' Yehuda* argues. (ט: ב')
- What is law if one of two people committed murder and one of the people is righteous? (ט: ג')
- In general, what does *beit din* do if people found of guilty capital punishments, each carry different punishments, get mixed together? (ט: ג')
- Regarding the previous question, which specific cases are debated between the *Chachamim* and *R' Shimon*? (ט: ג')
- How is a person punished if *beit din* ruled he must receive two different capital punishments? (ט: ד')
- Regarding the previous question, in what case does *R' Yosi* argue? (ט: ד')
- What does *beit din* do to a repeat offender that has already received lashes? (To which sins is the *Mishnah* referring?) (ט: ה')
- Regarding the previous question, who else is treated in this manner? (ט: ה')
- For which three crimes do "*kana 'in pog 'in bo*"? (ט: ו')
- For which offence committed by a *kohen* do his "brothers" deal with him? Explain. (ט: ו')
- Explain the debate regarding the punishment for a non-*kohen* that serves in the *Beit Ha'Mikdash*. (ט: ו')
- Complete the phrase: " _____ להם "כל ישראל יש להם" (י: א')
- For which three offences does one lose their *chelek*? (י: א')
- Which offences do *R' Akiva* and *Abba Sha'ul* add? (י: א')
- Which three kings and four individuals lost their *chelek*? (י: ב')
- Which three groups of people lost their *chelek* and which three groups are a subject of debate? (י: ג')
- Regarding the previous question, with respect to what detail does *R' Nechemya* argue? (י: ג')
- What are the requirements for a city to be judged as an *ir ha'nidachat*? (י: ד-ה')
- What is the difference between the way the possessions of the righteous and wicked are treated in an *ir ha'nidachat*? (י: ה')
- What happens to the *hekdesh*, *trumah*, *ma'aser sheni* and *kitvei kodesh* of an *ir ha'nidachat*? (י: ו')
- What seven crimes are punished with *chenek*? (י"א: א')
- In what two ways is cursing a parent harsher than striking a parent? (י"א: א')
- In which three locations would the *batei dinim* debate with the *zaken mamre*? (י"א: ב')
- After returning from that final location to his home town, at what point would a *zaken mamre* be liable for a capital punishment? (י"א: ב')
- For holding to which specific class of laws does one become a *zaken mamre*? (י"א: ג')

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Sunday -Thursday
10 minutes before *Mincha*
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Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
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Melbourne, Australia

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Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
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Kollel Magen Avraham
Reemon Neighbourhood

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
28 April כ"ג ניסן	29 April כ"ד ניסן	30 April כ"ה ניסן	1 May כ"ו ניסן	2 May כ"ז ניסן	3 May כ"ח ניסן	4 May כ"ט ניסן
Sanhedrin 11:4-5	Sanhedrin 11:6 - Makkot 1:1	Makkot 1:2-3	Makkot 1:4-5	Makkot 1:6-7	Makkot 1:8-9	Makkot 1:10- 2:1

