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Kiddushin Daf 53

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Betrothing with a Korban

The *Gemora* cites a *braisa*: If one betroths a woman with a portion from a *korban*, Rabbi Yehudah said: She is *mekudeshes*. Rabbi Yosi said: She is not *mekudeshes*.

Rabbi Yochanan explains that they both expounded the same Scriptural verse as the source for their respective opinions.

Rabbi Yochanan said: They took a count and they concluded that if a *Kohen* gave a woman *kiddushin* from his portion of the *korbanos*, whether it was from *kodshei kodoshim* or *kodshim kalim*, the *kiddushin* is invalid (even Rabbi Yehudah agreed to this). And Rav said: The matter is still disputed.

Abaye cites a *braisa* to support Rabbi Yochanan’s viewpoint: What is the source that the *Kohanim* may not barter their *Minchah* offerings for slaughtered offerings? It is written: *And every minchah that is baked in the oven...shall belong to all of Aaron’s sons (it must be given to the Kohanim performing the Temple service; it cannot be traded to them from other Kohanim).*

Perhaps the *Minchah* offerings may not be bartered for slaughtered offerings, because one may not bring a *Minchah* in place of an animal due to poverty, but *Minchah* offerings may be bartered for birds, because one may bring a *Minchah* as a substitute for birds due to poverty (if he cannot afford birds, by certain sin offerings).

The Torah therefore writes: *And any that is made in a deep pan...shall belong to Aaron’s sons.*

But perhaps one may not barter *Minchah* offerings for birds, for birds are blood offerings and *Minchah* offerings are flour (*they are so different from each other*), but one may barter birds for animals, for both are blood offerings. The Torah therefore writes: *or upon a shallow pan.*

But it still might be thought that one may not barter birds for animals, for the service of bird offerings are done by hand (*melikah*) and the service of the animals are done with a utensil (*a knife for slaughtering; they are so different from each other*), but one may barter *Minchah* offerings for other *Minchah* offerings, since the service for both is done by hand (*the kemitzah*). The Torah therefore writes: *and any minchah that is mixed with oil...shall belong to all of Aaron’s sons.*

But perhaps you might think that one may not barter *Minchah* offerings made in a shallow pan for *Minchah* offerings made in a deep pan, or *Minchah* offerings made in a deep pan for *Minchah* offerings made in a shallow pan, for these (*deep pan*) are made with a soft consistency and those (*shallow pan*) are made with a hard consistency (*and therefore they are different than each other*), but one may barter *Minchah* offerings made in a shallow pan for *Minchah* offerings made in a shallow pan, or *Minchah* offerings made in a deep pan for *Minchah* offerings made in a deep pan, for they are both made with either a hard consistency or a soft consistency. The Torah therefore writes: *or that is dry, shall belong to Aaron’s sons.*

But perhaps we might think that only *kodshei kodoshim* offerings cannot be bartered with each other, but they may barter *kodshei kalim* offerings with each other. The Torah therefore writes: Every man alike, and the verse, If he shall offer it for a *todah* offering is written nearby. This teaches us that just as *kodshei kodoshim* offerings cannot be bartered, so too, *kodshei kalim* offerings cannot be bartered.

The *braisa* concludes: It is written: *Every man*. This teaches us that a *Kohen* gets his share in the offerings, even if he is blemished, but a minor does not receive a share, even if he is not blemished.

Abaye now proves his point: Who is the author of the anonymous opinions mentioned in Sifra? It is Rabbi Yehudah. And he holds that the *Kohanim* may not barter their portions with each other (*which indicates that they are not considered the owners of these portions; rather, they are eating from the table of Hashem*). This proves that Rabbi Yehudah retracted his opinion (*and holds like Rabbi Yochanan said that he may not betroth a woman with his portion*).

Rava asked: And is there not a *braisa* that is in accordance with Rav? For we learned in a *braisa*: [*The Gemora states that in the times of Shimon Hatzadik, there was a blessing in the lechem hapanim and a Kohen who would eat a k'zayis would be satisfied, but afterwards, they would only*

¹ During the forty years that Shimon Hatzadik served as *kohen gadol* there was a blessing in the *lechem hapanim* showbreads which the *kohanim* divided up to eat after they were removed from a week's stay on the Sanctuary table. Each *kohen* managed to receive a *kazayit* measure of the holy bread, which more than satisfied him. After his passing there was a shrinking of the breads, which meant that each *kohen* would receive only a tiny portion. The dignified *kohanim* therefore withdrew from the division while the gluttons grabbed the portions of others.

receive a portion the size of a bean, and still not be satiated.] The righteous *Kohanim* would withdraw their hands from the *lechem hapanim* (*for eating a portion the size of a bean would not be regarded as a mitzvah*), but the gluttons would divide their shares (*seemingly this means that they would leave a large amount for one Kohen, and they would take his share a different time*). [*This would be a proof that the portions were considered to be in the Kohanim's possession!?*]¹

The *Gemora* answers: They would not divide their shares, but rather, they grabbed large pieces for themselves. This is as the last part of the *braisa* states: There was an incident where a *Kohen* grabbed his portion and his fellow's portion, and he was called *Ben Chamtzan* until he died. (52b – 53a)

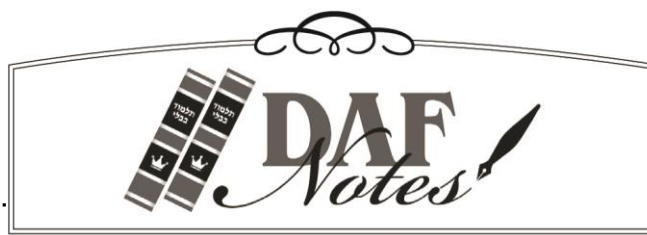
Betrothing with Ma'aser Sheini

The *Mishna* had stated: If someone betrothed a woman with *ma'aser sheini*, whether he did so knowingly or unknowingly, the *kiddushin* is invalid. This is the opinion of Rabbi Meir (*who holds that ma'aser sheini is regarded as Divine property*). Rabbi Yehudah says: If he did so unknowingly, the *kiddushin* is invalid. If he did so knowingly, the *kiddushin* is valid.

Rav Acha the son of Rava said in the name of the *Gemora* (*the earlier generations*): The Scriptural source where Rabbi Meir derives that *ma'aser sheini* is considered

One *kohen* who thus grabbed another's portion was derisively called a thief for the rest of his life.

Rashi points out that this *gemara* is not in conflict with the *gemara* (*Succah* 56a) which states that the *kohanim* entering the Sanctuary for their week's duty divided the breads due to them in the northern part of the Sanctuary. The *gemara* refers to the era of Shimon Hatzadik, when the division amongst all the *kohanim* left each of them with a proper amount and there was no cause for any grabbing. [Ohr Sameach]



Divine property is as follows: *And every tithe of the land, from grain of the earth or from fruit of the tree, it is to Hashem – holy to Hashem.* We see from here that *ma'aser sheini* belongs to Hashem, and cannot be used for betrothing a woman.

The *Gemora* asks: But by *terumas ma'aser*, it is also written, *terumah of Hashem*, and yet, we learned in a *Mishna* that if one betroths with *terumah*, the *kiddushin* is valid!?

The *Gemora* answers: It does not say *to Hashem*.

The *Gemora* asks: But by *chalah*, it is written: You shall give to Hashem, and yet, we learned in a *Mishna* that if one betroths with *terumah* (which includes *chalah*), the *kiddushin* is valid!?

The *Gemora* answers: It does not say *holy*.

The *Gemora* asks: But by *shemita*, it is written: *It is a Yovel year, it shall be holy to you*, and yet, we learned in a *Mishna* that if one betroths with produce of *shemita*, the *kiddushin* is valid!?

The *Gemora* answers: It does not say *to Hashem*.

The *Gemora* asks: But by *terumah*, it is written: *Israel is holy to Hashem, the first of His fruits*, and yet, we learned in a *Mishna* that if one betroths with *terumah*, the *kiddushin* is valid!?

The *Gemora* answers: When the Torah says the term *holy*, it is referring to the nation of Israel (*not the terumah*).

The *Gemora* asks: But doesn't the verse also imply that *terumah* is holy?

The *Gemora* offers a new answer: By *ma'aser sheini*, it is written: *it is to Hashem*. We derive from here that *it is*

what it is intended to be (*but not to betroth a woman with*). (53a – 53b)

Betrothing with Hekdesh

The *Mishna* had stated: If he betroths her with *hekdesch*, the *kiddushin* is valid, if he did so knowingly. If he did so unknowingly, it is invalid. This is the opinion of Rabbi Meir. Rabbi Yehudah says: If he did so unknowingly, it is valid. If he did so knowingly, it is invalid.

Rabbi Yaakov said: I heard from Rabbi Yochanan two explanations – one was regarding Rabbi Yehudah's ruling of one who unknowingly uses *ma'aser sheini* to betroth a woman, and the other one is regarding Rabbi Meir's ruling of one who unknowingly uses *hekdesch* money to betroth a woman, where in both these cases, the *kiddushin* is not valid. One reason is because there is an assumption that the woman does not want to be married with such an item, and the other reason is because they both (*the man and the woman*) do not want to be married with such an item. However, I do not know which reason applies to which ruling.

Rabbi Yirmiyah said: Let us see: We may assume that the woman does not want to receive the *ma'aser*, for then she will be compelled to trouble herself and bring the produce to Yerushalayim. Concerning the man, however, he would not mind at all, for it would save him the trip. And with respect to *hekdesch*, it would seem that they both would not want, for they are not interested in having *hekdesch* desecrated through them.

Rabbi Yaakov said: It is logical to say the exact opposite: We may assume that the woman does not want to receive the *ma'aser*, for then she will be compelled to trouble herself and bring the produce to Yerushalayim. And he will not want to betroth her with *ma'aser*, for there is the responsibility of an accidental loss on the way up to Yerushalayim. [*The ma'aser is not worth anything until it*

is brought to Yerushalayim, so she will not become betrothed until then. If something happens to the *ma'aser*, he will have to give her something else for *kiddushin*. This, he does not want.] However, with respect to *hekdesh*, it may be said that she does not want *hekdesh* to be desecrated through her (for she gains nothing by it, for even if she doesn't accept it, the man would be required to give her other money). However, the man might not necessarily mind to betroth her in this manner (for although he will have to repay *hekdesh*, it is pleasing to him that he does not have to lay out money now).

Rava inquired of Rav Chisda: According to Rabbi Meir, who holds that the *kiddushin* is not valid if one unknowingly uses *hekdesh* money to betroth a woman, does the money become *chullin* (unconsecrated) through this (which usually happens by *me'ilah*)?

Rav Chisda replied: Since the woman is not *mekudeshes*, the money does not become *chullin*.

Rav Chiya bar Avin inquired of Rav Chisda: What is the *halachah* by a sale (if they unknowingly used *hekdesh* money, do we say that the transaction is not valid, for if they would have known, they would not have done it)?

Rav Chisda replied: The sale is not valid (and *me'ilah* would only apply in a case where the *hekdesh* object would be consumed, for then, it has been removed from the possession of *hekdesh*). (52b)

INSIGHTS TO THE DAF

Eating the Size of a Bean

The *Gemora* states: The righteous *Kohanim* would withdraw their hands from the *lechem hapanim* (for eating a portion the size of a bean would not be regarded as a *mitzvah*), but the gluttons would divide their shares (seemingly this means that they would leave a large

amount for one *Kohen*, and they would take his share a different time)

Rashi cites the *Gemora* in Yoma 39a which states that in the times of Shimon Hatzadik, there was a blessing in the *lechem hapanim* and a *Kohen* who would eat a *k'zayis* would be satisfied, but afterwards, they would only receive a portion the size of a bean, and still not be satiated.

Tosfos Yeshonim comments that if they would have become satiated from a portion the size of a bean, they would have fulfilled their *mitzvah*.

Chasam Sofer notes that there exists a novelty in the *mitzvah* of eating *kodoshim*. If one person eats from the *korban* the size of a *k'zayis* and the rest of the *Kohanim* all have less than a *k'zayis*, that is sufficient in respect to the *korban*. The first *Kohen* is the only one that fulfilled his *mitzvah*. This is why the righteous ones held back from eating when it was only the size of a bean.

The Beis Halevi explains the Tosfos Yeshonim that there is a distinction between the *korban pesach* and other *korbanos*. By the *korban pesach*, there is an obligation on the individual and he is required to eat a *k'zayis*. By the other *korbanos*, the *mitzvah* is that the *korban* should be eaten, and if accumulatively, the *korban* was eaten, even though there was no *Kohen* who had a *k'zayis*, that is sufficient.

According to the Beis Halevi, we do not understand why the righteous ones held back from eating when it was only the size of a bean; as long as everyone ate the entire *lechem hapanim*, the *mitzvah* would be fulfilled!?

Al HaDaf

The braisa lists many miracles and blessings that occurred in the Bais Hamikdash during the forty-year term of *Kohen*

Gadol Shimon Hatzadik, one of which was that every Kohen would be satiated by the portion of lechem hapanim that he received. In contrast, after Shimon Hatzadik's death there was a curse upon the lechem hapanim and Kohanim received only bean-sized portions which would not satiate their hunger. As a result of these small un-satisfying portions, the gluttonous Kohanim would try to grab larger portions of lechem hapanim, and the צנועין - modest Kohanim - unwilling to fight, would forego their portion.

The Ritva explains that the pious individuals would forego their portion only because it was smaller than a k'zayis (olive's volume) and thus in any case they would not fulfill a mitzvah by eating it. However, if they would have been able to obtain a k'zayis, which is the minimum required for the fulfillment of the mitzvah of (קדשים אכילת) eating sacrificial food), they would not have relinquished their portion so easily.

The B'nai Chayah adduces proof from the words of this Ritva that if one has less than the required k'zayis of matzah or marror on the first night of Pesach, it is pointless for him to eat it, for one does not fulfill any mitzvah by eating less than a k'zayis.

The Chidah disputes this ruling and maintains that a k'zayis is the minimum required in order to fulfill the complete mitzvah. However, one fulfills a partial mitzvah by eating any amount, even less than a k'zayis. [He compares eating a half-k'zayis of a mitzvah food to eating a half-k'zayis of forbidden food. Although one is not subject to malkus (the Torah penalty of lashes) unless he eats at least a k'zayis of forbidden food, nevertheless, R' Yochanan rules (Gemara below, 73b) that it is biblically forbidden to eat even less than a k'zayis.

The Ritva means to say that since a half-k'zayis is only a partial mitzvah the צנועין decided not to fight over it. However, as a rule, it is better to eat a half-k'zayis of

matzah or kodashim than not to eat any at all. [The words of the Tosfos Yeshanim here seem to corroborate this approach.]

2] The Sharei Teshuva considers a case in which there are two people who each have a half-k'zayis of matzah. Should one person surrender his piece of matzah to enable his friend to fulfill the mitzvah properly, or perhaps each person should eat his own matzah even though by doing so they each fulfill only a partial mitzvah (as above). In conclusion, he rules that it is wrong for a person to graciously offer his matzah to his friend, because every person is responsible for the performance of his own mitzvos. Therefore, each person should eat his own half k'zayis of matzah, even though they will each fulfill only a partial mitzvah. Alternatively, he says they should draw lots to determine who should get both pieces of matzah. In this manner, one person will fulfill the mitzvah in its entirety and the other will not be guilty of forgoing his matzah without good reason. Rather, he surrenders his matzah because he entered a lottery in an effort to acquire the rights to the entire mitzvah.

DAILY MASHAL

Chazal teach that a great *Neis* occurred weekly with the *Lechem HaPanim* and they remained as hot when they were removed from the Shulchan a week later, as they were when they were placed on the Shulchan. The people who came to be *Oleh LeRegel* were shown the steaming hot *Lechem HaPanim* and were told: "See how precious you are to Hashem!" Rav Elyashiv explains that what we are supposed to take with us from the Chag is the warmth, the feeling of how cherished we are by Hashem--and this warmth should not cool off or cool down after the Chag when the weekdays begin!