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Kiddushin Daf 55

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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

### ***A Transfer of Holiness***

We learned in a *Mishna*: If an animal was found between Yerushalayim and Migdal Eder, or within this same distance in any direction from Yerushalayim, if it is a male animal, it is presumed to be an *olah* and if it is a female, it is presumed to be a *shelamim*.

The *Gemora* asks: Why are the males only presumed to be *olos* and not *shelamim*? [*How can they be brought as olos when they may in fact be a shelamim?*]

Rabbi Oshaya answers: We are discussing someone who voluntarily wants to obligate himself for the value of the *korbanos* (by redeeming them). The *Mishna* means that such a person must also suspect that the male is an *olah* (besides the fact that he must suspect it is a *shelamim*). This is like the opinion of Rabbi Meir, who says that one can knowingly deconsecrate *hekdesh* (for otherwise, how could an unblemished animal be redeemed).

The *Gemora* asks: Can one indeed transfer the integral holiness of a *korban* onto something else? The *Mishna* says: One cannot usurp the same object of *hekdesh* twice unless it is a vessel used in the Beis Hamikdash or an animal set aside for a *korban*. [*Otherwise, after the first time he usurps it, the object leaves hekdesh and becomes mundane. Of course, he must pay for it.*] What is an example of this law? If he rode on an animal, and his friends also rode on this animal (that was set aside to be a *korban*), they all transgressed using *hekdesh* wrongly. If he was drinking from a golden vessel (of the Beis

*Hamikdash*), and his friends followed suit, they all transgressed using *hekdesh* wrongly.

The *Gemora* answers: The *Mishna* (quoted in the question) follows the opinion of Rabbi Yehudah. The *Mishna* discussing the lost animal follows the opinion of Rabbi Meir.

The *Gemora* asks: Based on Rabbi Yehudah’s opinion, we can understand further Rabbi Meir’s opinion. Doesn’t Rabbi Yehudah say that *hekdesh* can be transferred accidentally, but not if it is integral holiness of a *korban*? Why don’t we say that Rabbi Meir similarly holds that *hekdesh* can be transferred knowingly, but not if it is the integral holiness of a *korban*?

The *Gemora* answers: [*It is logical that we should not derive one from the other.*] In the case of Rabbi Yehudah, there is no intent to transfer the *hekdesh* (and therefore integral holiness cannot be transferred). In contrast, (in the case of the lost animal) there is intent to deconsecrate the animal.

The *Gemora* asks: We only know that Rabbi Meir holds this way regarding *kodshei kodoshim*. Does he hold this way regarding *kodshim kalim*?

A Rabbi named Rabbi Yaakov answered: It is certainly true. If the holiness of *kodshei kodoshim* is transferred, certainly the (lighter) holiness of *kodshim kalim* can be transferred!

It was taught: Rabbi Chama b'Rabbi Akiva said in the name of Rabbi Yosi b'Rabbi Chanina that Rabbi Meir said the following statement. *Hekdesh* can be deconsecrated knowingly, but not by accident. This applies to both *kodshei kodoshim* and *kodshim kalim*. If the holiness of *kodshei kodoshim* is transferred, certainly the (lighter) holiness of *kodshim kalim* can be transferred!

Rabbi Yochanan asked on Rabbi Oshiya's statement above (that the case is someone who is transferring *hekdesh* from this lost animal presumed to be a *korban*): Should we tell a person to sin (by instructing him to deconsecrate an unblemished animal) in order to rectify this lost animal's holiness?

Rather, Rabbi Yochanan explained the *Mishna* as stating the following: One should wait until this lost animal receives a blemish (making it permissible to redeem the animal), and he should then bring both an *olah* and *shelamim* and stipulate. [He stipulates that if it was an *olah*, its holiness should be on the animal that will be brought for an *olah*, and if it was a *shelamim* its holiness should be on the animal that will be brought for a *shelamim*. The other animal will be offered as a donation.] (55a – 55b)

### **Found Male Animal**

Mar (the *Mishna*) said: If it is a male, it is an *olah*.

The *Gemora* asks: Why not say it is a *korban todah*?

The *Gemora* answers: Indeed, one should also bring a (third animal) *korban todah*.

The *Gemora* asks: Wouldn't this also require bringing the forty loaves of bread that is brought with a *todah*?

The *Gemora* answers: He should also bring the bread.

The *Gemora* asks: Perhaps it is also a *korban asham*?

The *Gemora* answers: An *asham* is two years old, and the case is where the animal was one year old.

The *Gemora* asks: Perhaps it was an *asham metzora* or *asham* for a *nazir*?

The *Gemora* answers: These are not common *korbanos* (and therefore one does not have to suspect that this animal was one of these *korbanos*).

The *Gemora* asks: Perhaps it was a *korban pesach*?

The *Gemora* answers: People are careful with their *korban pesach* in its proper time (and they do not lose it), and if it was not offered in its proper time, it turns into a *shelamim* anyway.

The *Gemora* asks: Perhaps it is a *korban bechor* or *ma'aser beheimah*?

The *Gemora* answers: What would be the halachic difference if it was? Just as they are eaten if they are blemished, this animal would also be eaten when they become blemished. (55b)

### **Found Female Animal**

Mar (the *Mishna*) said: If they are female, they are presumably a *shelamim*.

The *Gemora* asks: Why not say it is a *korban todah*?



The *Gemora* answers: Indeed, one should also bring a *korban todah*.

The *Gemora* asks: Wouldn't this also require bringing the forty loaves of bread that is brought with a *todah*?

The *Gemora* answers: He should also bring the bread.

The *Gemora* asks: Perhaps it is a *korban chatas*?

The *Gemora* answers: A *chatas* is one year old, and this animal that was found was two years old.

The *Gemora* asks: Perhaps it was a *chatas* whose first year passed already?

The *Gemora* answers: This is uncommon.

The *Gemora* asks: What if the animal that was found was one year old?

The *Gemora* answers that Chananya ben Chachinai said in a *braisa*: If it is one year old, he should bring it as a *chatas*.

The *Gemora* asks: Do you really think he meant a *chatas* should be brought?! [A *chatas* cannot be brought voluntarily. It can only be brought if there is a clear obligation for it to be brought!]

Rather, Abaye says: It is like a *chatas* in this situation, as it should be taken into a small structure and it will die by itself (*of starvation*). (55b)

## INSIGHTS TO THE DAF

### *Food for Thought*

We learned in a *Mishna*: If an animal was found between Yerushalayim and Migdal Eder, or within this same distance in any direction from Yerushalayim, if it is a male

animal, it is presumed to be an *olah* and if it is a female, it is presumed to be a *shelamim*.

\*\*\* How can the animal be offered as a *korban* with out the owner's knowledge? [Rashba]

\*\*\* Shouldn't there be a double uncertainty (*sefeik sefeika*) that the animal is not a *korban*? Perhaps the animal is not from Yerushalayim, and even if it was, perhaps it was *chullin*? [Minchas Yehudah]

\*\*\* Rashi writes that most animals found in Yerushalayim were *korbanos*. Why would this be? It was common practice for people to consecrate their animals in the Beis HaMikdash in order to avoid working with an animal of *hekdesh*. And for an animal to get lost after it was brought into the Beis HaMikdash was extremely uncommon!? [Dvar Shalom]