

30 Nissan 5776  
May 8, 2016



Kiddushin Daf 58

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

***Chullin in the Azarah***

The *Gemora* cites an incident: Mar Yehudah found Rav Yosef and Rav Shmuel the son of Rabbah bar bar Chanah by the entrance of Rabbah’s Beis Medrash. He said to them: It was taught in a *braisa*: If someone betroths a woman with a firstborn donkey, meat cooked with milk, or an unconsecrated animal slaughtered in the Temple Courtyard, Rabbi Shimon says: She is *mekudeshes*, and the *Chachamim* say: She is not.

The *Gemora* notes: It would seem from Rabbi Shimon that slaughtering an unconsecrated animal in the Temple Courtyard is only Rabbinically forbidden.

The *Gemora* asks that this would contradict that which Rabbi Shimon said in a *Mishna*: An unconsecrated animal, which was slaughtered in the Temple Courtyard, should be burned. And so too, if a wild species was slaughtered there, it must be burned. [Now, if it would only be Rabbinically forbidden, they would not have extended this decree to a wild species, which cannot be used as a *korban*!?!]

They remained quiet (*they did not know how to answer this contradiction*).

They brought this challenge to Rabbah, and he told them: I see that the dissenter has baffled you. The answer to the contradiction is as follows: When Rabbi Shimon ruled that she is *mekudeshes*, he was dealing with a case where the animal was found to be a *tereifah*, and Rabbi Shimon is following his own line of reasoning. For we learned in a

*braisa*: If one slaughters an animal which is a *tereifah*, or he slaughters it and it was found to be a *tereifah*, and they both were unconsecrated animals slaughtered in the Temple Courtyard, Rabbi Shimon permits the animal for benefit (*for he holds that a shechitah which does not render the animal fit to be eaten is not considered a shechitah*), whereas the *Chachamim* prohibit it. (58a)

***The Exchanged Item***

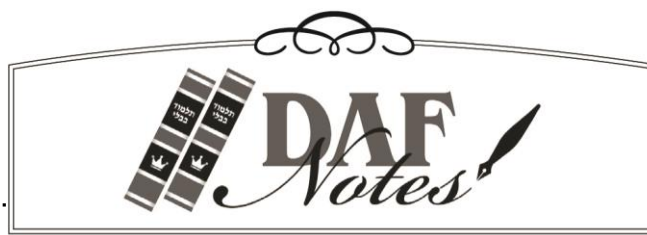
The *Mishna* had stated: If he sold these items, and married her with the money, the *kiddushin* is valid.

The *Gemora* asks: What is the source for this?

The *Gemora* answers: The Torah writes by idolatry: *and you will become banned like it*; this teaches us that something which was exchanged for an item that was used for idolatry is just like it. We can infer that this does not apply by all other prohibitions.

The *Gemora* asks: Let us learn from idolatry that the exchanged item is also prohibited!?

The *Gemora* answers: It is because idolatry and *shemita* are two verses that teach the same thing, and therefore, we cannot learn from it. It is written by *shemita*: *It is a Yovel year; it should be holy to you*. This teaches us that *shemita* is similar to a consecrated item. Just as the exchange for a *hekdes* item becomes like it, so too, the exchange for *shemita* produce becomes like it.



The *Gemora* asks: If so, why don't we say the following: Just as by *hekdes*, that which was exchanged for the *hekdes* becomes like it and the *hekdes* becomes deconsecrated, so too, by *shemita*, that which was exchanged for the *shemita* becomes like it and the *shemita* produce should become *chullin*!?

The *Gemora* answers: It is written with respect to *shemita* produce: *it shall be*. We learn from here that the *shemita* produce remains as is. For example, if one bought meat with *shemita* produce, the *halachos* of *bi'ur* (the produce of *Shemita* may be kept as long as that produce is still available in the fields for the animals; afterwards, it may no longer remain in the house) applies to both the meat and the produce. If he then exchanges the meat for fish, the meat loses its *shemita* status and the fish acquires the sanctity of *shemita*. If he then exchanges the fish for wine, the fish loses its *shemita* status and the wine acquires the sanctity of *shemita*. If he then exchanges the wine for oil, the wine loses its *shemita* status and the oil acquires the sanctity of *shemita*. The rule is that the last item of exchange acquires the sanctity of *shemita*, and the *shemita* produce always remains prohibited. (58a)

### **Mishna**

If a man betroths a woman with *terumah*, with *ma'aser*, with the presents (the foreleg, cheeks and stomach that must be given to a *Kohen* after a *chullin* animal has been slaughtered), the *chatas* water, or with the *chatas* ashes (the ashes of the *parah adumah* were mixed with water, and they then were sprinkled on someone who was a *tamei meis* in order to purify him), she is *mekudeshes*, and even if this man was a *Yisroel* (and not a *Kohen*). (58a)

### **Benefit of Gratitude**

Ulla said: The "benefit of gratitude" (*tovas hana'ah* – the fact that a person has the right to give the *matnos kehunah* to whomever he wishes) is not regarded as

money (and he therefore cannot betroth a woman with such things).

Rabbi Abba challenged Ulla from our *Mishna*: If a man betroths a woman with *terumah*, with *ma'aser*, with the presents, the *chatas* water, or with the *chatas* ashes, she is *mekudeshes*, and even if this man was a *Yisroel*. [Evidently, the "benefit of gratitude" is regarded as money!?!]

Ulla replied: The *Mishna* is discussing a case where a *Yisroel* inherited *tevel* from his maternal grandfather, and the *Tanna* holds that the *matanos* (gift portions for the *Kohen*) that were not yet separated are considered as if they were separated (and therefore it is as if the grandfather separated the *terumah* before he died; hence, the *Yisroel* inherited *terumah* from his grandfather, and since it is his, he may betroth a woman with it).

Rabbi Chiya bar Avin inquired of Rav Huna: Is the "benefit of gratitude" regarded as money or not?

He replied: This can be resolved from our *Mishna*: If a man betroths a woman with *terumah*, with *ma'aser*, with the presents, the *chatas* water, or with the *chatas* ashes, she is *mekudeshes*, and even if this man was a *Yisroel*. [Evidently, the "benefit of gratitude" is regarded as money!]

Rabbi Chiya bar Avin asked him: But did we not explain this *Mishna* to be referring to a case where a *Yisroel* inherited *tevel* from his maternal grandfather?

Rav Huna replied: You are *hutz'a'ah* (you don't understand the *Mishna*!)"

Rabbi Chiya became embarrassed, for he assumed that Rav Huna meant that he is removed from the understanding of this topic matter.



Rav Huna explained: What I said was that Rav Assi of Hutzal is in agreement with you.

The *Gemora* comments: Let us say that this is a matter of a *Tannaic* dispute, for we learned in a *braisa*: If one steals the *tevel* (*untithed produce*) of his fellow, he is obligated to pay him for the value of the entire *tevel* (*including the terumah and ma'aser that is mixed in, according to its value to him based upon his ability to choose who he wants to give them to*). Rabbi Yosi the son of Rabbi Yehudah says: He is only obligated to pay him for the value of the *chulin*. It must be that Rebbe holds that the ability to choose who to give something to has a monetary value, while Rabbi Yosi holds it does not.

The *Gemora* rejects this, and gives an alternate explanation to their argument. Everyone agrees that the mere choice regarding who to give something to does not have a monetary value. The *braisa* is discussing a case where a *Yisroel* inherited *tevel* from his maternal grandfather, and they argue if the *matanos* (*gift portions for the Kohen*) that were not yet separated are considered as if they were separated or not. Rebbe maintains that they are regarded as if they were separated (*and therefore it is as if the grandfather separated the terumah before he died; hence, the Yisroel inherited terumah from his grandfather, and the thief stole the terumah from the grandson and is therefore required to compensate him for the full value of the produce*). Rabbi Yosi the son of Rabbi Yehudah holds that it is not considered as if they were separated (*and therefore the grandson only has the "benefit of gratitude"; the thief, therefore, is required to pay him for the tevel, but not for the terumah and ma'aser, which is mixed in*).

Alternatively, we can explain the *braisa* that everyone holds that the *matanos* (*gift portions for the Kohen*) that were not yet separated are considered as if they were separated, and the "benefit of gratitude" is not regarded as money, and the dispute is regarding Shmuel's ruling,

for Shmuel said: One grain of wheat can exempt an entire pile (*and there would be no need to separate any more terumah*). Rebbe holds of Shmuel's ruling (*and the thief would be required to pay the full value, for the owner could have exempted himself with one grain of wheat*), and Rabbi Yosi the son of Rabbi Yehudah does not.

Alternatively, we can explain the *braisa* that everyone disagrees with Shmuel's ruling, and Rebbe's reason here is that we penalize the thief (*to pay for the terumah, even though, by rights, he would not be obligated to pay for it*).

Alternatively, we can explain the *braisa* that everyone agrees with Shmuel's ruling, and Rabbi Yosi the son of Rabbi Yehudah's reason here is that we penalize the owner, for he should not have delayed in the rectifying of his *tevel*.

The *Gemora* notes the following contradiction: Our *Mishna* said: If a man betroths a woman with *terumah*, with *ma'aser*, with the presents, the *chatas* water, or with the *chatas* ashes, she is *mekudeshes*, and even if this man was a *Yisroel*. Yet we learned in the following *Mishna*: If someone takes wages for judging, his judgments are invalid. If it is for testifying, his testimony is void. If it for sprinkling or for mixing the *chatas* water, the water is regarded as cave water, and the ashes are like regular ashes! [*If so, how can the chatas water or ashes be used to betroth a woman? Since he wants to derive benefit from them, they should be voided!?*]

Abaye answers: Our *Mishna* is discussing the payment for bringing the ashes and drawing the water (*which is permitted because it is toil, and not regarded as part of the mitzvah*). The other *Mishna* is discussing the payment for the sprinkling or mixing of the water (*where one would be forbidden to accept payment for, since that involves the performance of the mitzvah itself*). (58a – 58b)

WE SHALL RETURN TO YOU, HA'ISH MEKADESH

## INSIGHTS TO THE DAF

### *A Single Grain is Sufficient*

Rabbi Chiya bar Avin inquired of Rav Huna: Is the “benefit of gratitude” regarded as money or not?

The *Gemora* comments: Let us say that this is a matter of a *Tannaic* dispute, for we learned in a *braisa*: If one steals the *tevel* (*untithed produce*) of his fellow, he is obligated to pay him for the value of the entire *tevel* (*including the terumah and ma’aser that is mixed in, according to its value to him based upon his ability to choose who he wants to give them to*). Rabbi Yosi the son of Rabbi Yehudah says: He is only obligated to pay him for the value of the *chulin*. It must be that Rebbe holds that the ability to choose who to give something to has a monetary value, while Rabbi Yosi holds it does not.

The *Gemora* rejects this, and gives an alternate explanation to their argument. Everyone holds that the *matanos* (*gift portions for the Kohen*) that were not yet separated are considered as if they were separated, and the “benefit of gratitude” is not regarded as money, and the dispute is regarding Shmuel’s ruling, for Shmuel said: One grain of wheat can exempt an entire pile (*and there would be no need to separate any more terumah*). Rebbe holds of Shmuel’s ruling (*and the thief would be required to pay the full value, for the owner could have exempted himself with one grain of wheat*), and Rabbi Yosi the son of Rabbi Yehudah does not.

The Acharonim ask that Shmuel is only discussing the Biblical requirement, but the *Chachamim* instituted that one must give at least one sixtieth of his produce to the *Kohen* as *terumah*! If so, the thief should be exempt from paying the value of *terumah* that he is Rabbinically required to give!?

The Oneg Yom Tov answers based on the *Tosfos Ri*’d, who says that even Rabbinically speaking, one grain of wheat can exempt an entire pile from the prohibition of *tevel*. The *Chachamim* instituted that there is a *mitzvah* of giving to the *Kohen*. This, however, the owner could claim that he would not have given, and the thief would therefore be required to pay the entire amount.

The Mishnah *Lamelech* disagrees and holds that if one does not give at least one-sixtieth to the *Kohen*, it is Rabbinically regarded as *tevel*. Accordingly, the thief should not be required to pay the entire amount!?

## DAILY MASHAL

### **Bilaam’s Intention**

When Bilaam received permission from Hashem, he proceeded to travel to Balak, in response to Balak’s request that Bilaam curse the Jews. It is written: *Vayichar af Hashem ki ‘holech’ hu* - And Hashem was angry that Bilaam went.

The obvious question is asked: If he had received permission, why was Hashem angry at him?

R’ Moshe Wolfson *shlit*”a answers that we see from our *Gemora* that the word ‘holech’ has a connotation that implies deceit. The verse’s use of this word tells us that Bilaam’s intention was to try to deceive Hashem and that was what aroused Hashem’s anger.