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Kiddushin Daf 54

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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

### ***Betrothing with a Korban***

Rav said: We searched all places where Rabbi Meir discusses *hekdesh*, and we could not find any place where he said that *hekdesh* funds do not become *chullin* (i.e., they are not deconsecrated) when they are unknowingly misappropriated, but they do become *chullin* when they are knowingly misappropriated (like Rav explained). [Rather, Rabbi Meir holds that *hekdesh* is always deconsecrated, and if one betroths a woman with *hekdesh* funds, whether it was done knowingly or even if it was done unknowingly, she will be *mekudeshes*.] And the *Mishna* which says that if he betroths a woman unknowingly, the *kiddushin* is invalid is dealing with a case where he gave her the *Kohen's* garments that were not worn out (they still were fit to be used in the Temple service). These do not become *chullin* (when he uses them unknowingly), for the *Kohanim* are permitted to derive benefit from them, for the Torah was not given to the ministering angels (and they were not expected to remove these garments at the moment that they concluded the service; and since this was the *halachah* with respect to a *Kohen*, it was said that a non-*Kohen* cannot commit *me'ilah* with an unintentional use of these garments either – that is why the woman is not betrothed when he unknowingly uses these garments).

The *Gemora* challenges Rav from a *braisa*: The *halachah* of *me'ilah* (one who has unintentionally

*benefited from hekdesh or removed it from the ownership of the Beis Hamikdash has committed the transgression of me'ilah, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a korban asham) applies to the "new shekalim" [There was a commandment for all generations that all Jews during the Temple period were required to give a half shekel annually for the community sacrifices. These were supposed to be brought during the month of Adar. If they were brought afterwards, they were placed in a box, which was labeled "new shekalim." These funds were used to purchase the communal offerings that were sacrificed during this year.], but not to the "old shekalim" [If someone did not donate shekalim one year, he would bring it the next year. Those were placed in a different box, named "old shekalim." That money was used for general communal purposes.] [Since the old shekalim were not designated for korbanos, although one was not permitted to misappropriate them, there was no halachah of me'ilah by them.] These are the words of Rabbi Yehudah. Rabbi Meir said: *Me'ilah* applied even by the "old shekalim," for Rabbi Meir would say: *Me'ilah* does apply to the leftover *shekalim* from the treasury chamber (even though they were used for the building of the cities walls, and not used to purchase korbanos).*

But why should this be? Let us say that there is no *halachah* of *me'ilah* by them, since one is permitted to

derive benefit from them (*the walls*), for the Torah was not given to the ministering angels. [It is humanly impossible to avoid deriving pleasure from these funds] as the walls of the city and its towers came from the leftover *shekalim* from the treasury chamber, for we learned in a *Mishna*: The funds for the walls of the city and its towers and all the needs of the city were brought from the leftover *shekalim* from the treasury chamber.

The *Gemora* answers: The *braisa* should be emended to say Rabbi Yehudah, and not Rabbi Meir.

The *Gemora* asks on Rav from another *braisa*: Rabbi Yishmael the son of Rabbi Yitzchak said: If the stones of Yerushalayim's walls were detached from the wall, the *halachah* of *me'ilah* applies to them; these are the words of Rabbi Meir. [*Why should this be, since he holds that there is no halachah of me'ilah on something that one is permitted to derive benefit from?*]

The *Gemora* answers: The *braisa* should be emended to say Rabbi Yehudah, and not Rabbi Meir.

The *Gemora* asks: How can it be Rabbi Yehudah's opinion, when he maintains that the walls of Yerushalayim were not even consecrated, as we learned in a *Mishna*: If he said, "Like a lamb," "like the sheds (*referring to the animals designates for korbanos which were kept in a special room in the Beis Hamikdash*)," "like the wood (*that was placed on the Altar every day*)" "like the fires," "like the Altar," "like the Heichal," "like (*the korbanos offered in*) Yerushalayim," or if a person vowed by any one of the Altar's accessories, even though he did not mention *Korban*, this is regarded as a vow with a *Korban*. Rabbi Yehudah says: One who says "Yerushalayim" has not said anything. [*This is seemingly because the walls were*

*not consecrated!?*] And if you will say that the vow is not effective because he did not say "like Yerushalayim," but we learned in a *braisa*: Rabbi Yehudah says that if a person says that something should be "like Yerushalayim" to him, he has not said anything, unless he makes a vow with something that is offered in Yerushalayim!? [*Evidently, Rabbi Yehudah holds that the walls were not consecrated!?*]

The *Gemora* answers: Two *Tannaim* disagree as to what Rabbi Yehudah actually holds. (54a – 54b)

### ***Me'ilah b'Hekdesh***

Ulla said in the name of Bar Padda: Rabbi Meir would say: If he knowingly uses *hekdesch* funds, it becomes *chullin*; however, if it was used unknowingly, it does not become *chullin*. It was only said that if he unknowingly uses it, it will become *chullin* only with respect to the *korban* one brings for committing *me'ilah*.

The *Gemora* asks: If it does not become deconsecrated, why is obligated to bring a *korban*?

Rather, when Ravin came to Bavel from *Eretz Yisroel*, he explained that which Bar Padda said: Rabbi Meir would say: If he knowingly uses *hekdesch* funds, it becomes *chullin*; however, if it was used unknowingly, it does not become *chullin*. It was only said that if he unknowingly uses it, it will become *chullin* only with respect to eating (*if the hekdesch is consumed in any manner, he has removed it from its hekdesch state*).

Rav Nachman said in the name of Rav Adda bar Ahavah: The *halachah* follows Rabbi Meir's opinion regarding *ma'aser sheini* (*that it is not in the person's possession, but rather, it is Divine property*), because there is an anonymous *Mishna* that is stated according to his

viewpoint. And the *halachah* follows Rabbi Yehudah's opinion regarding *hekdesh* (*that if one unknowingly misappropriates hekdesh, it will become chullin, but not in the case where it was done knowingly*), because there is an anonymous *Mishna* that is stated according to his viewpoint.

The *Gemora* cites the *Mishna* which is in accordance with Rabbi Meir: Regarding a vineyard of the fourth year (*the fruit that grows from a tree for the first three years of its life are called orlah, they are forbidden for all benefit; the fruits of the fourth year are permitted to eat, but only in Yerushalayim; they can be redeemed and the money is brought to Yerushalayim*), Beis Shamai says: It does not have the *halachah* of a fifth (*if he redeems it himself, he is not required to add a fifth*) and has no removal (*he is not required to remove it from his home on the day before Pesach of the fourth and seventh years of the shemita cycle, for, according to Beis Shamai, kerem reva'ai is not treated in every way as ma'aser sheini*). Beis Hillel says: It has a fifth and has removal. Beis Shamai says: It has the *halachah* of *peret* (*one or two grapes that fall off from the cluster during the cutting, which must be left for the poor*) and *oleilos* (*a small, underdeveloped cluster of grapes*), but Beis Hillel says: All of it goes to the winepress (*it is like ma'aser sheini that it is regarded as Divine property, and the poor take no part in it*).

The *Gemora* explains the dispute: Beis Hillel expounds a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*) from *ma'aser sheini*, and Beis Shamai does not.

By the fact that Beis Hillel holds that its laws are like *ma'aser sheini*, and there, the poor do not take a part

in it, this proves that he is following Rabbi Meir's opinion that *ma'aser sheini* is Divine property.

The *Gemora* cites the *Mishna* which is in accordance with Rabbi Yehudah: If the treasurer sent a competent person with *hekdesh* money (*unknowingly*), and the treasurer (*and the agent*) remembered before the agent arrived by the storekeeper (*and then the agent used the money to purchase something for the treasurer's personal needs*), the storekeeper is guilty of *me'ilah* when he spends the money. [*Evidently, if one unknowingly misappropriates hekdesh, it will become chullin, but not in the case where it was done knowingly.*]

The *Gemora* asks: But is there not an anonymous *Mishna* stated like Rabbi Yehudah with respect to *ma'aser*? For we learned in a *Mishna*: If one redeems his own *ma'aser sheini*, he is required to add a fifth, whether it was always his or if it was given to him as a present.

Now, according to Rabbi Meir, *ma'aser* cannot be given as a present, for it is Divine property. Rather, it must be Rabbi Yehudah!?

The *Gemora* answers: It can represent Rabbi Meir's opinion, and the *Mishna* is dealing with a case where it was given before it was tithed. This *Tanna* holds that the produce before it is tithed is not regarded as if it was already separated.

The *Gemora* asks: But there is another *Mishna*: If one redeems his produce from the fourth year, he is required to add a fifth, whether it was always his or if it was given to him as a present.

Now, according to Rabbi Meir, produce from the fourth year cannot be given as a present, for we learn out from *ma'aser* that it is Divine property. Rather, it must be Rabbi Yehudah!?

The *Gemora* answers: It can represent Rabbi Meir's opinion, and the *Mishna* is dealing with a case where it was given when it was still budding (*before the grapes are regarded as fruit*). And the *Mishna* does not follow Rabbi Yosi's opinion, for he holds that grapes while they are budding are in fact forbidden, since they are regarded as fruit.

The *Gemora* asks from another anonymous *Mishna*: If one (*while he was buying ma'aser sheini from his fellow*) pulled it near to him when it was worth a *sela*, but he did not have time to redeem it before the price rose, and now it was worth two *sela'im*, he is only required to pay one *sela* and he profits a *sela*, since the *ma'aser sheini* is his (*when he pulls it near to him*).

Now, according to Rabbi Meir, why should he profit? If it is Divine property, he cannot acquire it by "pulling it near" (*he must pay for it*)! Rather, it must be Rabbi Yehudah!?

The *Gemora* answers: The *Mishna* does follow Rabbi Yehudah's opinion, but nevertheless, the *halachah* follows Rabbi Meir, for there is only one anonymous *Mishna* in accordance with Rabbi Yehudah, whereas there are two in accordance with Rabbi Meir (*the Mishna above was taught in Ma'aser Sheini and in Eduyos*).

The *Gemora* asks: What is the distinction if there is only one anonymous *Mishna* or two?

Rather, Rav Nachman bar Yitzchak answers: The *halachah* follows Rabbi Meir, for the *Mishna* in the choicest tractate (*Eduyos*) is in accordance to him. (54b)

## INSIGHTS TO THE DAF

### *Yaakov's Altar*

It is written [Breishis 28:18]: And Yaakov arose early in the morning, and he took the stone that he had placed at his head, and he set it up as a monument, and he poured oil on top of it.

The Chasam sofer asks: The *Gemora* in Zevachim (116a) states: Anything used by a common person becomes forbidden to be used for the High! Once Yaakov used these stones for his head, how could he have used them afterwards to build an Altar?

He answers: the Yalkut (119) states that these stones were the stones from Noach's altar, and it was also the stones used for Akeidas Yitzchak. The Zayis Raanan asks: How could Yaakov use these stones to lie upon; he should be guilty of *me'ilah* in *hekdes*! First, he answers that he did not actually use the stones, but rather, he placed them around him as a protection. Accordingly, we can use this to answer the original question. Yaakov could use these stones to build a monument, for he never actually used them for his personal needs.

The Zayis Raanan offers an alternative answer to his question. Yaakov used these stones to lie upon even though they were *hekdes* because he was in dangerous situation. He needed the stones to protect him from the wild animals. Accordingly, the first question returns. How could he then use these stones

to build an altar, if these stones were actually used for his personal needs? He answers based upon our *Gemora*, which states that if one knowingly uses *hekdesh* for his own personal needs, the *hekdesh* does not become deconsecrated. Consequently, Yaakov was permitted to use these stones for an altar, for his deliberate usage of the stones beforehand did not deconsecrate them.

### DAILY MASHAL

#### ***Knowing the Torah Like the Angels***

One must always be exceedingly vigilant to avoid embarrassing any human being. Chazal compare doing so to murder, and they prescribed that one cast himself into a fiery furnace rather than fall into this prohibition. Although some Rishomin write that this is merely a *middas chassidus*, Rav Shlomo Zalman Aurebach, zt"l, rules like most Rishonim who take this at face value.

This is one reason why Rav Fischer, zt"l, refused to test children while their teachers were present. Not only that, but he would test each student separately, lest one who was less prepared be shamed in front of his friends. When the *melamed* would naturally ask after their performance, Dayan Fischer would invariably reply, "They knew the material." He would immediately add, "Some knew more and some less, but they all knew..."

A certain father was very proud of his unmarried son who was studying for the first *chelek* of *Yoreh Deiah* in the hopes of becoming a *rav*. When the young man finished the first one hundred and eleven *simanim*—the customary test for a *rav* in those days—his father took him to the famous Rav Aizel of Slonim, zt"l, to be tested for *semichah*. However, although the young man had covered all of the material, his method had

hardly been thorough. Sadly, his "good answers" proved that he was not nearly ready for the rigorous test which was the only way to obtain *semichah* from Rav Aizel.

The test had not been given in a public place, but there were several scholars waiting to speak with Rav Aizel there who witnessed the young man's performance. They wondered how Rav Aizel would manage to reject him without shaming him or his father. But they could never have guessed what the Rav's response would actually be. He turned to the father and said, "Although I cannot give your son *semichah* now, you should know that he is a *malach*, an angel." The father was thrilled with this approbation, and floated from the room.

Afterward, one puzzled scholar asked Rav Aizel, "Whatever did you mean? The boy is clearly an *am ha'aretz*!" Rav Aizel replied with a twinkle in his eye, "Does it not say in *Kiddushin* 54a that the Torah was not given to the ministering angels?"

Cited in *Daf Digest* and in *Meoros HaDaf HaYomi*