



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kiddushin Daf Mem Beis

- **Q:** The Gemara previously said that we learn the concept of shlichus for kodashim from the pasuk of "v'shachatu oso kol khal adas Yisrael". The Gemara now asks, that can work according to **R' Yehoshua ben Karcha**, However, **R' Yonason** uses this pasuk to teach that all of Klal Yisrael can be yotzeh their Korbon Pesach with one animal, so how does he learn the concept of shlichus by kodashim? **A:** Even according to him the pasuk is still saying that one person can shecht it for everybody, and would therefore still teach the concept of shlichus.
  - **Q:** Maybe there is shlichus in that case because, the people are all partners in the animal and he is doing the act for himself as well. How do we know that a shaliach can act even when the act is not needed for himself? **A:** Rather, the source for shlichus by kodashim is the pasuk that says "v'yikchu lahem ish seh l'beis avos seh labayis", which teaches that one person can take the animal on behalf of others.
  - **Q:** That pasuk again is where they are partners in the animal, and maybe it is only then that shlichus can be done? **A:** We already know that shlichus can be done when he is a partner from the other pasuk. Therefore, this pasuk must be coming to teach shlichus even when he is not a partner.
    - **Q: R' Yitzchak** uses this pasuk to teach that only an adult has the capacity to purchase on behalf of others, and a minor does not. If so, the pasuk is not available to teach shlichus in the case where the shaliach is not a partner!? **A: R' Yitzchak's** drasha can be learned from the pasuk of "ish lefi achlo", which leaves the other pasuk available to teach shlichus.
    - **Q:** The pasuk of "ish lefi achlo" is needed to teach that a single person, without a group, can bring his own Korbon Pesach!? If so, it can't be used for the drasha of **R' Yitzchak**, which means that the pasuk of "v'yikchu lahem ish..." is not available to teach shlichus!? **A: R' Yonason** must hold like the view that holds that a single individual may not bring his own Korbon Pesach, and therefore the pasuk of "ish lefi achlo" is available for the drasha of **R' Yitzchak**.
  - **Q: R' Gidal in the name of Rav** learns shlichus from the pasuk of "v'nasi echad nasi echad mimateh", written regarding dividing EY. Why doesn't he instead learn the concept from the other sources we have given? **A: R' Gidal in the name of Rav** is not learning shlichus from that pasuk, as can be proved from the fact that the Nasi was also acting on behalf of minors, who can't make a shaliach! Rather, he is learning from that pasuk the concept that we can be zoche for a person even if the person is not aware of it.
    - **Q:** How can he learn that concept from the division of EY? Some people would presumably not be happy with the portion that they got, and therefore the nasi would not be acting in the capacity of "zoche"! **A:** Rather, **R' Gidal in the name of Rav** was learning from this pasuk that at times a person can act on another's behalf even if the person is not happy with the results. This is applied when Beis Din sets up an apitrapis for orphans to divide their father's estate. As long as the apitrapis has the best interests of the child in mind, then even if the child is not happy with the portion that he receives, the apitrapis' act is considered a valid act and choice on behalf of the child. This is learned from the fact that the nasi was able to choose the portion for the people, even if they were not happy with the portion.
    - **R' Nachman in the name of Shmuel** said, that if a court appointed guardian divides the property of an estate among the orphans, when the orphans

become adults they may not dispute the way it was divided, because if we say that they may, how is Beis Din any better than anyone else?

- **Q:** A Mishna says, if property is sold by Beis Din and was sold at a sixth less or more than its true value, the sale is void. **R' Shimon ben Gamliel** says the sale is valid, because if not, in what way is Beis Din better than anybody else? And, **R' Huna bar Chinina in the name of R' Nachman** paskens like the **T"K!**? We see that **R' Nachman** does not agree with the argument of "how is Beis Din better than anyone else"? **A:** The Mishna is discussing where Beis Din made an error. In such a case **R' Nachman** says that we do not need to be concerned for them. In the case of the guardian they did not make a mistake, and we therefore must respect their decision.
  - **Q:** If no mistake was made, what are the orphans complaining about? **A:** They are complaining that they wanted a portion on the other side of the field, but the portions were of equal value.
- **R' Nachman** said, when brothers divide their father's estate they are treated as purchasing their share from the other. Therefore, if the division turns out not to have been equal, if the discrepancy is less than 1/6, the transaction remains valid. If it is more than 1/6, it becomes batel. If it is exactly 1/6, the transaction is valid but the amount must be returned to the brother who received the lesser portion.
  - **Rava** said, the only time the transaction remains valid even if it is less than 1/6 is when it was not done through a shaliach. If it was, he can tell the shaliach, I sent you to benefit me, not to hurt me.
  - **Rava** said, when it is more than 1/6 it becomes batel only if they had not agreed to use, but did ultimately use, the appraisal of a Beis Din. If they did agree beforehand, the transaction would remain valid.
  - **Rava** said, when we said that if it is exactly 1/6 the transaction is valid but the overage must be returned, that is only if they divided moveable property, but if they divided land it would not have to be returned, because there is no concept of "ona'ah" by land. However, that is only if they divided the land based on value. If they divided based on measurement, the overage must be returned, because **Rabbah** said that when something is sold based on measurement, weight, or number, even a slight overage must be returned.
- **Q:** Once we have now established the concept of shaliach, why does a Mishna say that if a shaliach causes a fire that causes damage, the shaliach himself is chayuv? If he is a shaliach, the principle should be chayuv!? **A:** That case is different, because we say that there is no shlichus to do an aveirah, because when faced with listening to the sender or to Hashem, the shaliach should have chosen to listen to Hashem and not done the aveirah.
  - **Q:** A Mishna says that it is possible for the act of a shaliach to cause the principle to be chayuv for me'ilah. Now, if we don't apply the concept of shlichus to an aveirah, why do we apply the concept of shlichus in this case? **A:** The case of me'ilah is different, because we learn from a gezeirah shava on the word "cheit" from terumah, that just as there is shlichus by terumah, there is also shelichus for me'ilah.
  - **Q:** Let me'ilah be the standard from which we learn to all other places that there is shlichus even for an aveirah!? **A:** We find that there is shlichus for the aveirah of a shomer using the item for himself (which he may not do). Therefore, the case of the shomer and the case of me'ilah are two pesukim teaching the same concept, in which case we cannot use them to teach in other cases.
    - The case of the shomer is actually a machlokes between **B"S** and **B"H**. **B"H** say that the pasuk there teaches that he would be chayuv if his shaliach acted on his behalf. **B"S** says the pasuk teaches something else

– that a shomer would become responsible for the item if he even had a thought to use the item.

- **Q:** According to **B”S**, why can’t we learn from me’ilah to all over? **A:** The case of me’ilah and the case of one who stole an animal and then slaughtered it or sold it are two pesukim that teach one concept (the concept of shlichus applies to that case as well), and therefore, even according to **B”S** we cannot learn from me’ilah and apply it to all other cases.
  - We learn that shlichus applies to the case of the stolen and slaughtered or sold animal as follows.
    - The Gemara says that just as a sale is done with another person, so too the slaughter can be done by another person.
    - In the Yeshiva of **R’ Yishmael** they said that the word “oy” in the pasuk comes to include the case of the act done by a shaliach.
    - In the Yeshiva of **Chizkiya** they said that the word “tachas” in the pasuk comes to include the case of the act done by a shaliach.