



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

Kiddushin Daf Nun Daled

- **Rav** said, we looked at the shita of **R' Meir** from all angles, and we do not find that he says that a shogeg use of hekdesch funds doesn't make the money into chullin, but a meizid use does. The reason he says in our Mishna that a shogeg use of hekdesch money for kiddushin is not a valid kiddushin is because the case is that the man gave her the special Kohanim shirts used for the Avodah, that were not yet worn out. These do not become chullin if they are used b'shogeg, because the Torah knew that Kohanim will benefit from them (by wearing them). Therefore, they remain hekdesch even if used b'shogeg.
 - **Q:** A Braisa says, **R' Meir** says that the shirts of the Kohanim used for the Avodah, that were worn out, are subject to me'ilah. Now, presumably the same would be true for these shirts even if they were not worn out!? **A:** **R' Meir** only said this when the shirts are worn out.
 - **Q:** The halacha is, that when the new shekalim of the machtzis hashekel were collected, the leftover of the previous year were used for communal needs, like for the building of the wall and towers of Yerushalayim. A Braisa says, that **R' Meir** says that there is a halacha of me'ilah on the old coins. Now, since people are allowed to benefit from the coins at that point in time (people benefit from the wall and the towers), according to **Rav** there should not be a concept of me'ilah on this money!? **A:** We must change the Braisa to be quoting the shita of **R' Yehuda**, and not **R' Meir**.
 - **Q:** A Braisa says, **R' Yishmael bar R' Yitzchak** says, **R' Meir** says that stones that fell off of the wall of Yerushalayim are subject to me'ilah. According to **Rav**, since people may benefit from them when they are in the wall, they should be allowed to benefit from them now as well, and therefore they should not be subject to me'ilah!? **A:** We must change the Braisa to be quoting the shita of **R' Yehuda**, and not **R' Meir**.
 - **Q:** This Braisa can't be the shita of **R' Yehuda**, because he says in a Mishna that if one compares something to Yerushalayim (e.g. this thing should be to me like Yerushalayim), **R' Yehuda** says the item does not become assur (although comparing something to an item of kedusha, like a korbon, generally makes the thing being compared assur as through a neder). We see that he holds that Yerushalayim does not have kedusha in this way!? **A:** There are two Tanna'im who disagree as to what **R' Yehuda** held on this issue.
 - **Ulla in the name of Bar Padda** said, **R' Meir** would say that hekdesch only becomes chullin when used b'meizid, and not when used b'shogeg. The only effect the shogeg use of the hekdesch has is that the person is required to bring a korbon me'ilah.
 - **Q:** If the item remains hekdesch, why must the person bring a korbon me'ilah!? **A:** When **Ravin** came, he explained that **Bar Padda** said, **R' Meir** would say, hekdesch only becomes chullin when used b'meizid, and not when used b'shogeg. The only time that a shogeg use makes the hekdesch into chullin is if the person ate the hekdesch b'shogeg.
- **R' Nachman in the name of R' Adda bar Ahava** said, we pasken like **R' Meir** regarding one who is mekadesh with maaser sheini, since we find an anonymous Mishna that agrees with him, and we pasken like **R' Yehuda** regarding one who is mekadesh with hekdesch, since we find an anonymous Mishna that agrees with him.
 - We find an anonymous Mishna like **R' Meir** as follows. The Mishna brings a machlokes between **B"S and B"H** regarding the fruit of a tree in the 4th year of its planting. **B"H** say it is treated like maaser sheini and must be eaten in Yerushalayim, and the owner does not need to leave the "peret" and "oleilos" for the poor people. Now, **B"H** must be following the shita of **R' Meir**, who says that maaser is considered the property of

Heaven, because according to **R' Yehuda**, maaser sheini belongs to the one who possesses it, and therefore it would make sense that they would have to leave the peret and oleilos for the poor people. This then is the Mishna that shows that we hold like **R' Meir** (since **B"H** holds like him, it is like an anonymous Mishna that says like him).

- We find an anonymous Mishna like **R' Yehuda** as follows. The Mishna says, if the hekdesher treasurer mistakenly gave hekdesher money to a shaliach to buy something for his personal use, and the treasurer realizes what happened before the purchase was done, the storekeeper who got the money will be guilty of me'ilah when he spends that money. We see that only a shogeg makes the money chullin, which is what **R' Yehuda** said.
- **Q:** There seems to be an anonymous Mishna that agrees with **R' Yehuda** regarding maaser as well!? A Mishna says, if a person redeems his own maaser sheini, he must add a fifth of its value to the redemption. This is whether this was produce that he had grown, or whether it was given to him as a gift. Now, this Mishna must be following **R' Yehuda**, because according to **R' Meir** a person doesn't own maaser sheini and therefore could not gift it to somebody else. So, we have an anonymous Mishna that follows **R' Yehuda**!? **A:** The Mishna can be said to follow **R' Meir**. The case is where the person gave a gift of produce while it was still tevel. In that case even **R' Meir** would say that the gift is effective.
- **Q:** A Mishna says, if one redeems his own fourth year fruits, he must add a fifth of the value to the redemption price. This is so whether he grew the fruits or whether it was given to him as a gift. Now, this must follow **R' Yehuda**, because **R' Meir** learned from a gezeirah shava that fourth year fruit is like maaser sheini, and just as maaser sheini is not owned and cannot be gifted, the same would be for fourth year fruit!? **A:** The Mishna can follow **R' Meir**. The case is that the fruit was gifted when it was still in its budding stage, at which time it does not yet have the status of fourth year fruit.
- **Q:** A Mishna says, if a person did meshicha on someone else's maaser sheini (to redeem it) when it was worth one selah, and before he could pay for it, the value increased to 2 selahs, he need only pay one selah and profits the additional selah, because the maaser became his as soon as he did meshicha. Now, this can't follow **R' Meir**, because he would say that maaser is like hekdesher, and can only be acquired with money, not with meshicha, and therefore he should have to pay the two selahs! Rather, it must follow **R' Yehuda**, who says that maaser is owned by the individual, and as such can be acquired with meshicha!? **A:** Although this anonymous Mishna follows **R' Yehuda**, the anonymous Mishna that follows **R' Meir** is taught twice, and therefore the halacha follows **R' Meir**.
 - **Q:** Why should it make a difference how many times the anonymous Mishna is stated? **A:** **R' Nachman bar Yitzchak** said, the reason the halacha follows **R' Meir** is because the anonymous Mishna that follows him is taught in Idiyus, whose Mishnayos we typically follow in halacha.