



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

Kiddushin Daf Nun Vuv

- A Braisa says, one may not buy an animal with maaser sheini money outside of Yerushalayim. If he did: if it was done b'shogeg, then the sale is voided and the money is returned to the buyer; and if it was done b'meizid, then the animal is to be brought to Yerushalayim and eaten there. **R' Yehuda** said, this is only if the animal was bought with intention to bring it as a Shelamim. However, if his intent was to make the maaser money into chullin, then whether it was done b'shogeg or b'meizid, the sale is voided and the money is returned.
 - **Q:** We have learned that **R' Yehuda** says that if one intentionally uses maaser sheini money to be mekadesh a woman the kiddushin is valid, so why does he say in the Braisa that the sale is void? **A:** **R' Elazar** said, the case of the kiddushin is different, because the woman sees that the maaser money does not become chullin, because nothing else is becoming kadosh in its place. Therefore, we can presume that she will take the money to Yerushalayim to buy food there, and we do not have to void the kiddushin. In a transaction like the Braisa, the seller will not take the money to Yerushalayim, because he sees that the animal has taken the place of the maaser sheini money.
 - **Q:** **R' Yirmiya** asked, if someone uses maaser sheini money to buy a non-kosher animal, or slaves, or land, in which case the seller knows that the maaser sheini money cannot lose its kedusha to those items, and yet a Mishna says that in that case the buyer must use other money in place of the maaser sheini money he spent on these items. We see that we don't say that since the seller knows that the money did not become chullin, he will take the money to Yerushalayim and buy food there!? Why is it that we say that the woman will do that!? **A:** The case of kiddushin is discussing a woman who is well versed in the halachos, and that is why we can assume that she understands and will take the money to Yerushalayim.
 - **Q:** Why is it that in this Mishna the sale remains effective, but the buyer must now use other money to make up for the maaser sheini money that he spent, but in the case of the Braisa we said that the sale is voided and the money is returned? **A:** **Shmuel** said, the Mishna is discussing where the seller ran away, and we can no longer get the money back from him.
 - **Q:** This suggests that if the seller had not ran away we would say that the sale is voided and the money is returned. That penalizes the seller by making him lose the sale. Why not penalize the buyer (who actually did the wrong) and make him have to spend new money for food in Yerushalayim? **A:** If not for the seller, the buyer would not have been able to do that aveirah.
 - **Q:** Still, it is the buyer who actually does the aveirah, so he should be penalized!? **A:** We penalize based on where the assur item is. Since the money is by the seller, it is he who must suffer the lost sale.

MISHNA

- If a man is mekadesh a woman with orlah, with klayim of the vineyard, with an ox that was sentenced to be stoned, with an eglah arufah, with the birds of a metzora, with the hair of a nazir, with the bechor of a donkey, with meat cooked in milk, or with a chullin animal that was shechted in the Azarah (all these items are assur b'hana'ah), she is not mekudeshes. However, if he sold any of these items and used the money as kiddushin, she is mekudeshes.

GEMARA

- **Q:** How do we know that orlah is assur b'hana'ah? **A:** A Braisa says, this is learned from an extra pasuk of "va'araltem orlaso".
- **Q:** How do we know that klayim of the vineyard is assur b'hana'ah? **A: Chizkiya** learns this from the pasuk of "pen tikdash", which he darshens as if it says "pen tukad aish" (it shall be burned in fire). **R' Ashi** darshens the pasuk to mean "pen yihyeh kodesh" (it becomes assur like hekdesch).
 - **Q:** According to **R' Ashi** we should say that klayim can be redeemed like hekdesch!? **A:** We must use the answer of **Chizkiya**.
- **Q:** How do we know that an ox that was sentenced to be stoned is assur b'hana'ah? **A:** A Braisa says, the pasuk regarding such an ox says "the ox shall be stoned and its meat may not be eaten". Now, it seems obvious that it can't eaten if it was killed by stoning. The pasuk is teaching that even if it was shechted after being sentenced for stoning, its meat may not be eaten. The pasuk of "ubaal hashor naki" teaches that it is assur b'hana'ah.
 - **Q:** The Gemara asks, maybe if it was shechted after the sentence it is mutar to eat, and the pasuk of "its meat may not be eaten" teaches that it is assur b'hana'ah, as we find that **R' Avahu in the name of R' Elazar** says that an issur of "eating" written in the Torah is an issur to have hana'ah as well? **A:** The Gemara says, that is only true when we also learn the issur of eating from the words "do not eat", but in the case of the ox, we learn that he may not eat it from the words "the ox shall be stoned". Therefore, the issur hana'ah can't be learned from the "do not eat". Or we can say that since the pasuk said "do not eat *the meat*", instead of saying "do not eat *it*". This teaches that even if it was shechted when it was alive, it is still assur to eat.
 - **Q: Mar Zutra** asked, maybe it is only assur if it was shechted with a stone (and is therefore a "stoned ox"), but if it was shechted with a knife after the sentence it would be mutar to eat? **A:** There is never a requirement to shecht using a knife. A Mishna teaches that any sharp and smooth object may be used for shechita.
 - **Q:** Since we can learn the issur of eating and of having hana'ah from "lo yei'acheil", what does the pasuk of "baal hashor naki" come to teach? **A:** It comes to teach that not only is the meat assur, but rather even the skin is assur b'hana'ah as well.
 - **Q:** According to the Tanna'im who use this pasuk for another drasha, how do they know that the skin is assur as well? **A:** They learn it from the word "*es bisaro*" – that which is secondary to the meat – i.e. the skin.
 - The other view does not darshen the word "*es*".