



## Daf In Review – Weekly Chazarah

### Maseches Kiddushin, Daf כז – Daf נ

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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- The Gemara previously said, that **Rav** said that one who is mekadesh with a loan is not mekudeshes.
  - **Q:** Maybe we should say this is a machlokes among Tanna'im in a Braisa. The Braisa says, if a man says "be mekudeshes to me with a shtar", **R' Meir** says it is invalid, **R' Elazar** says it is valid, and the **Chachomim** say we appraise the paper – if it is worth a prutah she is mekudeshes, and if it is not she is not. Now, what type of shtar is the Braisa discussing? If it is a promissory note from a third person to this man, then there would be a contradiction of **R' Meir**, because he says in another Braisa that such a shtar could be used for kiddushin!? Rather, we must say that the document is a promissory note from this woman to this man, and the machlokes must be whether kiddushin of a loan can be a kiddushin! **A:** **R' Nachman bar Yitzchak** said, the shtar in the Braisa is a shtar kiddushin that wasn't signed by witnesses. **R' Meir** follows his own shitah, that the signing witnesses create the validity of the shtar, and since there are no such witnesses, the shtar is invalid. **R' Elazar** follows his own shitah that the witnesses to the delivery create the validity of the shtar, and since there were such witnesses, the shtar is valid. The **Chachomim** are unsure of who to follow, and therefore they say that if the shtar is itself worth a prutah, the kiddushin is valid and if not, it is not. **A2:** The case is that the shtar of kiddushin was not written lishma, and they argue in the halacha of **Reish Lakish**, who says that a shtar of kiddushin must be written lishma. **A3:** We can say that they all agree with **Reish Lakish**, but the case is that the shtar was written without her knowledge, and they argue in a machlokes of Amora'im, whether a shtar kiddushin must be written with the woman's knowledge.
  - **Q:** Maybe we should say this is a machlokes among Tanna'im in a Braisa. The Braisa says, if a woman gives gold to a goldsmith and tells him to make jewelry out of it, and tells him "make the jewelry and I will become mekudeshes to you", **R' Meir** says as soon as he makes the jewelry, she becomes mekudeshes. The **Chachomim** say that she does not become mekudeshes until money reaches her hand. Now, what do the **Chachomim** mean? If they mean the gold that she gave him, and they mean to say that when he returns it to her she is mekudeshes, that would mean that the **R' Meir** holds she is mekudeshes even if he doesn't give it back to her? That can't be right, because with what would she be mekudeshes!? We must say that the machlokes is whether the man can be mochel the money that she owes him for the work and use that loan as the kiddushin – **R' Meir** says he can and the **Rabanan** say that he can't!? **A:** It may be that everyone holds that one cannot be mekadesh with a loan. The machlokes here is that the **Rabanan** hold that the goldsmith is owed the money from when he begins to work on the project. Therefore it is a loan and can't be used for kiddushin. **R' Meir** holds that he does not earn his money until he completes the project and returns it to her. Therefore, when he gives it to her and tells her not to pay for it, it is not yet a loan and therefore can be used for kiddushin. **A2:** We can say that all agree that a loan can't be used and that all agree that he earns his fee from when he begins to work. The machlokes is whether a craftsman is koneh the value added to the keili. **R' Meir** says he is, and it is this value that he uses for kiddushin. The **Rabanan** say that he is not, and therefore the only thing he gives her is a loan. **A3:** It may be that all agree that he is not koneh the portion of the keili. The case is that the goldsmith added a jewel of his own onto the gold. The machlokes is whether when a woman is given a loan and an additional prutah she focuses on that additional prutah or the entire thing. **R' Meir** says she focuses on the prutah, and the **Rabanan** say she focuses on the entire thing. This point is actually a point of machlokes between other Tanna'im in another Braisa.

MISHNA

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- If a man told a woman: be mekadesh to me with this cup of wine, and the cup was found to be of honey, or visa-versa; or he said be mekadesh to me with a silver dinar and it was found to be of gold, or visa-versa; or he said be mekadesh to me on condition that I am wealthy and it is found that he is poor, or visa-versa – in all these cases she is not mekudeshes. **R' Shimon** says if he tricked her in a way that she comes out better than she thought, she is mekudeshes.

### GEMARA

- A Braisa says, if a man told a woman “be mekadesh to me with this cup”, one Braisa says she is koneh the cup and whatever is in it, another Braisa says she is only koneh the cup and not what is in it, and a third Braisa says that she is only koneh what is in it, but not the cup itself. The Gemara explains, these Braisos don’t argue. The first Braisa is discussing where there is fish brine in the cup (which is eaten slowly over time, and therefore she likely meant to accept the contents along with the cup), the second Braisa is dealing with a cup full of water (in which case she had in mind to accept the cup, and not the water), and the third Braisa is discussing a cup full of wine (it is customary for people to offer wine and to expect the cup to be returned, so we assume that that is what the woman agreed to do).

### IHM HITAH L’SHEVACH HAREI ZU MEKUDESHES

- **Q:** A Mishna says that if one sold vinegar and it turned out to be wine, or visa-versa, either party may back out in either case. We see that some people value wine more, and some people value vinegar more. If so, in our Mishna we should also say that some people value gold more and others value silver more. Why does **R' Shimon** seem to say that the kiddushin is valid if she received a more valuable item than she thought she was getting? **A:** **R' Simi bar Ashi** said that he heard **Abaye** explain the Mishna to be discussing a case where the man told a shaliach “lend me a silver dinar and give it to this woman to be mekadesh her”, and the shaliach then went and used a gold dinar. In that case the **T”K** holds that since he didn’t listen to the specific instructions of the principle, the shaliach’s actions are not valid. **R' Shimon** holds that the man was just showing him one possible way to do the kiddushin, but is fine with the fact that gold was used instead of silver, and therefore the kiddushin is valid.
  - **Q:** Based on this, the Mishna should not have said that the man says “be mekudeshes to *me*”!? It should have said “be mekudeshes to *him*”, since it is the shaliach who is saying that!? Also, the Mishna should say “if he tricked *him*” (the husband), not “if he tricked *her*”!? Finally, what does the Mishna mean “it was later found to be...”? It was known all along what was being used!? **A:** Rather, **Rava** and **R' Chiya bar Avin** said, the case of the Mishna is where the woman appointed a shaliach to accept kiddushin and tells him to get the money from the man “because he told me that he will be giving me a silver dinar” and the shaliach went and was given a gold dinar. The **T”K** holds that the woman specifically wanted a silver dinar and the kiddushin is therefore not valid, and **R' Shimon** holds that she was just giving him one way of getting the kiddushin, and therefore she is okay with him accepting a gold dinar as well. The reason the Mishna says “it was later found to be...” is because the shaliach was given the money wrapped in cloth, and it is only later that it was unwrapped and found to be of a different kind.

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- **Abaye** said, **R' Shimon**, **R' Shimon ben Gamliel**, and **R' Elazar** all hold that when a person tells a shaliach to do something and tells him how to do it, he only means to give him one possible one of doing it, and not to preclude the shaliach doing it any other way.
  - The previous Gemara has shown that **R' Shimon** holds this way.
  - We see that **R' Shimon ben Gamliel** holds this way based on a Mishna. The Gemara explains the Mishna to mean that **R' Shimon ben Gamliel** holds that in a place where the custom is to write a get either as a “get mekushar” or as a “get pashut”, and the shaliach was instructed to do it one way, but did it the other way, the get is still a valid get. We see that he holds that the person meant to instruct with one possible way.
  - We see that **R' Elazar** holds this way based on a Mishna. The Mishna says, if a woman instructs a shaliach to accept a get for her in a certain place, and he then accepts it for her in another place, **R'**

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**Elazar** says the get is valid. We that he also holds that the woman meant to instruct with one possible way.

- **Ulla** said, the machlokes in our Mishna whether a mistake that is to the advantage of the woman will make the kiddushin invalid or not, is only with regard to a monetary advantage. In that case, **R' Shimon** says the kiddushin is valid. However, if the mistake was regarding “yichus” (she was told that the man was of less distinguished yichus, and it turned out that he was of more distinguished yichus) all would agree that the kiddushin is not valid, because she says “I don’t want a shoe that is too big for me” (she doesn’t want someone of greater yichus, who will feel superior and treat her as inferior).
  - A Braisa clearly says like **Ulla**, that **R' Shimon** agrees in the case of mistaken yichus.
  - **R' Ashi** said, we can see this from the next Mishna as well. The Mishna says that if a man gives kiddushin on condition that he is a Kohen, and turns out to be a Levi, or visa-versa, the kiddushin is invalid, and **R' Shimon** does not argue in that case.
    - **Q: Mar bar R' Ashi** asked, that Mishna goes on and says that if the man gave kiddushin on the condition that he has a maid to serve him, and it is found that he does not, or visa-versa, the kiddushin is invalid. Now, that is simply a monetary case, so **R' Shimon** must argue over there as well (even though he does not specifically argue in the Mishna), and it must be that when he argues in the very beginning of the Mishna (i.e. our Mishna) he means to argue in this part of the Mishna as well. If so, we can say that he even argues in the part of the Mishna regarding yichus, and the Mishna is therefore not a proof to **Ulla**!? **A:** The Gemara says, there is no need for him to argue again regarding the case of the maid, because that is a case of money, just like the beginning of the Mishna, and there is therefore no need to repeat his view. However, regarding the case of yichus, if he does argue in that case, he would need to specifically say so to tell us that he argues even in a non-monetary case. Since he did not, it shows that he does not argue, and the Mishna therefore is a proof to **Ulla**. **A2:** We can also answer that **R' Shimon** doesn’t argue in the case of yichus and also doesn’t argue in the case of the maid, because that is similar to the case of yichus in the following way. The case of the maid is where the man is found to have a respected maid. A wife doesn’t want her husband to have such a maid, because she becomes privy to her private conversations, and is believed by people when she goes and repeats them.
- A Braisa says, if a man gives kiddushin “on condition that I am a reader of Mikra”, then once he reads even 3 pesukim in shul, she is mekudeshes. **R' Yehuda** says he must read the Mikra and the Targum Unkelas.
  - The Gemara says, this is only if he says “I am a reader”. However, if he said “I am an expert”, it is only a kiddushin if he can expertly read Torah, Nevi'im, and Kesuvim.
  - If a man gives kiddushin “on condition that I study”, **Chizkiya** says the kiddushin is only valid if he learns halachos (Halacha L'Moshe MiSinai), and **R' Yochanan** says it is valid if he learns Torah.
    - **Q:** A Braisa says, what is “Mishna” (studying)? **R' Meir** says it is halacha, and **R' Yehuda** says it is Medrash. Now, we see that no one says it is Torah (chumah)!? **A:** When **R' Yochanan** says “Torah” he means “Medrash on the Torah”.
    - This is only if he said “I study”. However, if he said “I am a Tanna”, then the kiddushin is only effective if he learns halacha, Sifra, Sifri, and Tosefta.
  - If a man gives kiddushin “on condition that I am a talmid”, we do not take this to mean that he has to be from the great talmidim. Rather, as long as he can answer a question on an area that he is currently learning, that is sufficient.
  - If a man gives kiddushin “on condition that I am a chochom”, we do not say that he must be a chochom like **R' Akiva**, rather as long as he can answer anything that needs wisdom to be answered, he would be considered a chochom.
  - If a man gives kiddushin “on condition that I am a strong person”, we do not say that he must be as strong as the great generals of the past. Rather, as long as people fear him because of his strength, he is considered to be a strong person.

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- If a man gives kiddushin “on condition that I am a wealthy person”, we do not say that he must be as wealthy as **R’ Elazar ben Azarya** and others at that level. Rather, as long as people honor him due to his wealth, he is considered to be a wealthy person.
- If a man gives kiddushin “on condition that I am a tzaddik”, then the kiddushin is effective even if he is a complete rasha, because he may have thought of doing teshuva.
- If a man gives kiddushin “on condition that I am a rasha”, then the kiddushin is effective even if he is a complete tzaddik, because he may have had thoughts of avodah zarah.
- There are 10 measures of wisdom that were brought to this world – EY got 9 of the portions and the rest of the world got 1 portion.
  - There are 10 measures of beauty that were brought to this world – Yerushalayim got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of wealth that were brought to this world – the early Romans got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of poverty that were brought to this world – Bavel got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of arrogance that were brought to this world – Eilam got 9 portions, and the rest of the world got one portion.
    - **Q:** We find that **R’ Yochanan** darshened a pasuk to teach that there was a lot of arrogance in Bavel!? **A:** The arrogance was initially brought down to Bavel, and from there it travelled and made its way to Eilam.
    - **Q:** We have learned that poverty is a sign of arrogance, so there must have been a lot of arrogance in Bavel!? **A:** The poverty that comes from arrogance is poverty from Torah.
  - There are 10 measures of strength that were brought to this world – the Persians got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of lice that were brought to this world – Madai got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of kishuf that were brought to this world – Mitzrayim got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of “nega'im” that were brought to this world – pigs got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of zenus that were brought to this world – Arabia got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of chutzpah that were brought to this world – Meishan got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of talking that were brought to this world – women got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of drunkenness that were brought to this world – the Kushim got 9 portions, and the rest of the world got one portion.
  - There are 10 measures of sleep that were brought to this world – slaves got 9 portions, and the rest of the world got one portion.

### MISHNA

- If a man gives kiddushin “on condition that I am a Kohen” and we find that he is a Levi, or visa-versa; “on condition that I am a nasin” and we find that he is a mamzer, or visa-versa; “on condition that I am from a town” and we find that he is from the city, or visa-versa; “on condition that my house is near the bathhouse” and we find that it is far away, or visa-versa; “on the condition that I have a grown daughter or maidservant” and he is found not to have one, or visa-versa; “on condition that I don’t have any children” and he is found to have children, or visa-versa; in all these cases, even if the woman says “I intended to become mekudeshes to him even if what he said was not true”, still, she is not mekudeshes.
- The same applies if she is the one who misleads him.

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## GEMARA

- A person sold his possessions with the intent to move to EY, but he never expressly stated his reason. In the end he couldn't make the move to EY. **Rava** said, these thoughts are “dvarim shebileiv” (thoughts that were not expressed), which are given no effect.
  - **Q:** How does **Rava** know this?
    - We can't say it is from a Braisa which says that we force someone to verbally agree to bring a korbon even though a korbon must be brought willingly, and we know that in his heart he doesn't want to bring the korbon, so we see that we don't give effect to what is said in his heart, because that case may be different, because we say that every person truly wants to get kaparah, and therefore really does want to bring the korbon.
    - We can't say it is from the next part of that Braisa, which says that we can also force someone to give a get or a get shichrur until he says that he agrees to give it, although we know that in his mind he is not willing to do so, because that case may be different, because we say that every person truly wants to do what the **Rabanan** tell him to do.
    - **A: R' Yosef** said, we learn it from a Mishna that says, that if a man gave kiddushin and later says, “I gave the kiddushin because I thought she was a Kohenes and it turned out that she was a Leviya”, the kiddushin remains valid, because she in no way misled him. Now, he is stating what he had in his mind, and we don't give effect to it.
      - **Abaye** said, this is no proof, because it may be that the Tanna only paskens that way l'chumra, because he is unsure what the true halacha should be!? **Abaye** therefore said, the source for **Rava** is from our Mishna, which says that if the woman was misled, even if she says that she had in mind to agree to the kiddushin if she was misled, the kiddushin is still ineffective. We see from here that we give no effectiveness to what she says she had in her heart.
      - The Gemara says, this is not a valid source. It may be that in that case she is not believed, because she has to render the condition ineffective if she is to be believed, and to that extent, maybe we don't listen to what someone had in their heart. However, in another case, maybe we would listen to what a person says was in their heart!?
    - **A: R' Chiya bar Avin** said, **R' Huna** explained to **R' Chisda**, the source is a Mishna that says that if a person told a shaliach to get him coins from “the wallet on the window”, and he took coins from hekdesch, the principle is chayuv me'ilah, even if he says that he had a different wallet in mind. We see that unexpressed intent is not given any affect.
      - **Q:** It may be that only in that case we don't believe him, because he is trying to make himself patur from bringing a korbon!? **A:** If he wanted to make himself patur, he could have said that he was a meizid instead of a shogeg, and he would be patur from bringing a korbon.
      - **Q:** He wouldn't say that, because he doesn't want to make himself seem to be a rasha!? **A:** He could have said that he remembered that the money belonged to hekdesch right before the shaliach took it, in which case a Mishna says that it is the shaliach who would be chayuv, and not the principle.
  - There was a person who sold his possessions so that he could go to EY, and he expressed this intention. He moved there and realized that he could not live there. He moved back and wanted his possessions returned. **Rava** said, when someone sells his possessions “to go to EY”, he means he wants to live there. Since this person couldn't live there, the sale is now void. **Others** say that **Rava** said, the person said he wanted to “go to EY”, and he did in fact go to EY. Therefore, he cannot void the sale at this point.
  - There was a person who sold his possessions and said he was doing so, so that he could go to EY. At the end he did not go to EY. **R' Ashi** said, if he wanted to he could have gone. He chose not to, and therefore

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the sale is not voided. Another version is that R' Ashi said, if he wanted, couldn't he have gone to EY? The difference between the versions is that according to the first version, even if he was an oneis the sale would not be voided, and according to the second version, an oneis would void the sale.

### MISHNA

- If a man tells a shaliach, "Go be mekadesh that woman for me in this place", and the shaliach was then mekadesh her in a different place, the kiddushin is not valid. If the man had told the shaliach "Go be mekadesh her for me, and you can find her in this place", and the shaliach was mekadesh her somewhere else, she is mekudeshes.

### GEMARA

- The Mishna regarding get says the same halachos. The Mishna says, if a man tells a shaliach, "give this get to my wife in a particular place" and he went and gave it to her somewhere else, it is passul. If the husband had told him "give this get to my wife, who can be found in this particular place", and the shaliach then gave it to her in a different place, the get is valid. Both these Mishnayos are needed. If we would only have it regarding kiddushin, we would say only here is he particular regarding the place, because he wants it to take place in a place where people like him, so that they will say nice things about him to the woman. However, regarding get, maybe he doesn't really care where the get is given. If we would only say the Mishna regarding get, we would say that he is particular there, because giving the get is an embarrassing thing, and he only wants to be embarrassed in that place. However, regarding kiddushin maybe he doesn't care.

### MISHNA

- If a man is mekadesh a woman on condition that she is not under any vows and it turns out that she is, she is not mekudeshes. If he was mekadesh her without any condition and it turns out that she is under vows, the kiddushin is effective, but she may be divorced without a kesubah payment.
- If a man is mekadesh a woman on condition that she does not have any mumin and it turns out that she has, she is not mekudeshes. If he was mekadesh her without any condition and it turns out that she has, the kiddushin is effective, but she may be divorced without a kesubah payment.
  - Any mum that would make a Kohen pasul would also make a woman "pasul" for purposes of the above scenario.

### GEMARA

- This Mishna is written regarding kesubos as well. Here, the main point is regarding the effectiveness of the kiddushin, and once we teach that, we teach the law of the kesubah as well. In Mesechta Kesubos, the main point is regarding the kesubah, and once we teach that halacha, we teach the law of the kiddushin as well.

### MISHNA

- If a man is mekadesh 2 women with one prutah (1/2 to each), or he is mekadesh one woman with less than a prutah, even if he then sends her gifts, she is not mekudeshes, because we assume that the gifts were sent based on the original kiddushin (which was invalid), and not to create a new kiddushin.
  - The same halacha would apply to a minor who was mekadesh a woman and then sent her gifts after becoming an adult.

### GEMARA

- All 3 cases of the Mishna are necessary to be taught. If we would only give the first case, we would say in that case he mistakenly thinks that he gave a full prutah, and therefore he thinks the kiddushin was effective, and the presents he later sends are clearly not for a new kiddushin. However, in the second case, he knows the kiddushin is not valid, and therefore we should assume that when he gives the gifts it is given with intent to make a kiddushin. If we would only have these 2 cases, we would say in those cases, since a person doesn't realize the difference between a prutah and a drop less (in his mind he thinks it is worth a prutah) therefore the

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later gifts are not given as a new kiddushin. However, when a minor gives the kiddushin, he knows it is invalid, and therefore the gifts he later gives are surely given with intent for a new kiddushin. The Mishna therefore teaches that even there they are not thought of as being for a new kiddushin.

- We have learned that **R' Huna** said, we are concerned that gifts sent are sent with intent for a new kiddushin. **Rabbah** said this as well.
  - **Q: Rabbah** asked, our Mishna says the opposite!? **A: Abaye** answered, in our Mishna it is because he gave her a previous kiddushin, and therefore he doesn't have in mind for another kiddushin. However, **R' Huna** was discussing a case where no previous kiddushin was given.
  - **Another** version says that **Rabbah** said, I have a proof to **R' Huna's** statement from the Mishna, because the Mishna says we don't consider it a kiddushin because he already gave her a kiddushin. This suggests, that in another case we would have to be concerned that the gifts create a kiddushin. **Abaye** said, this is no proof. The Mishna may be saying, that not only are the gifts not a kiddushin when they are given without a prior kiddushin (and there is no reason to think they were given for kiddushin), rather even in a case of a prior kiddushin, the gifts are still not considered to be a kiddushin.
  - **Q:** What is the end result? Are we concerned that a gift was sent as a kiddushin? **A: R' Pappa** said, in a place where people normally give a kiddushin and then send gifts, we must be concerned that the gifts were sent to act as a kiddushin. In a place where gifts are sent before a kiddushin is given, we need not be concerned that the gifts were sent as kiddushin.
    - **Q:** If people normally give kiddushin first it is obvious that the gifts must be viewed as a possible kiddushin!? **A:** The case he is discussing is where most people give kiddushin first and then gifts, but some people first give gifts and then kiddushin. We would think to look at the minority and therefore say that the gifts are not a kiddushin. **R' Pappa** therefore teaches that we must follow what the majority of people do.
  - **Q: R' Acha bar R' Huna** asked **Rava**, what is the halacha if a kesubah is found in the marketplace, are we concerned that the woman named is mekudeshes to the man named? **A: Rava** said, just because we find the kesubah, do you think we will presume that she is now a married woman!?
    - **Q:** How do we pasken? **A: R' Ashi** said, in a place where people first give kiddushin and then write a kesubah, we are concerned that she is mekudeshes. In a place where the kesubah is written before the kiddushin, we are not concerned that a kiddushin took place.
      - **Q:** It is obvious that in a place where kiddushin is given before a kesubah is written, we must be concerned for a kiddushin!? **A:** The case is where a sofer was hard to find. We would think that maybe he found a sofer and therefore had the kesubah written even before he gave kiddushin. **R' Ashi** therefore teaches that we are still concerned that a kiddushin was given.

### MISHNA

- If a man is mekadesh a woman and her daughter, or a woman and her sister, simultaneously, neither of them are mekudeshes.
  - It once happened that there were 5 women, of which 2 of them were sisters. A man gathered a basketful of figs – these figs belonged to the women, and were of shmitta – and the man said to the women, “All of you should be mekudeshes to me with this basket”. One of the women then accepted the basket on behalf of all of them. The **Chachomim** said, the sisters in the group are not mekudeshes (but the other women are).

### GEMARA

- **Q:** How do we know that the mother and daughter, or the 2 sisters, who are given kiddushin simultaneously are not mekudeshes? **A: Rami bar Chama** said, the pasuk of “v'isha ehl achosa lo sikach litzror” teaches that at a time when sisters will become “tzaros” (co-wives) to each other (when they are given kiddushin simultaneously), kiddushin cannot be effective.

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- **Q: Rava** asked, the pasuk later says that this person will get kares. Now, if the kiddushin is not effective, why is he getting kares? **A: Rava** therefore said, the pasuk is discussing where they were given kiddushin one after the other, and teaches that the kiddushin to the second woman is not effective. The reason the kiddushin is not effective in the case of the Mishna is based on the statement of **Rabbah**, who says that anything that cannot take place consecutively, cannot take place simultaneously.

### -----Daf 51-----

- **Rabbah** said, anything that cannot take effect if done consecutively, will also not take effect if done simultaneously.
  - **Q: Abaye** asked, a Braisa says, if one separates more than a tenth of his produce as ma'aser, the leftover produce may be eaten but the full amount that he separated as ma'aser may not be eaten (because any amount over 10% that is separated does not have a din of ma'aser, and at the same time is not considered to be part of the leftover produce for which ma'aser was given, therefore it remains "tevel" and is forbidden to eat). Why is this the halacha? If a person separates 10% and then tries to separate additional produce as ma'aser, the additional amount will not receive the ma'aser designation. If so, according to **Rabbah**, since it cannot be done consecutively, it should not be able to be done simultaneously and the entire designation should be invalidated!? **A:** The case of ma'aser is different, because one may designate parts of individual fruits as ma'aser without designating the entire fruit. Therefore, when he designates more than 10%, we assume he meant that only parts of each fruit should become ma'aser, equaling to a total of 10% of the produce. A person cannot be mekadesh half a woman, and therefore this logic does not apply to our case of kiddushin.
  - **Q:** When one gives ma'aser from his animals he may not designate part of an animal, and yet **Rabbah** says that if 2 animals exit the pen at the same time (these 2 being the 10<sup>th</sup> and 11<sup>th</sup> of his count), and he calls them both "number 10", they both get kedusha. The 11<sup>th</sup> would not get kedusha simply by calling it "number 10" if it walked out after the 10<sup>th</sup> animal, so why does it get kedusha when it walks out together with the 10<sup>th</sup> animal?! **A:** Animal ma'aser is different, because there are times when number 11 does get kedusha (in a case when he mistakenly calls number 10 as 9, and then calls number 11 as 10). Therefore, when done simultaneously it will get kedusha as well.
  - **Q:** If one brings a korbon todah which requires 40 challos to be brought, and he is "makdish" 80 challos, if it is done mistakenly, they do not become kadosh, and if it is done intentionally, but consecutively (first 40 then another 40) it is also not kadosh. Yet, if all 80 are done at once, **Chizkiya** says that 40 out of the 80 do become kadosh!? **A:** Even Chizkiya says that if he clearly states "I want all 80 to be kadosh", none of them will become kadosh. That case is discussing where he brings the 80 without saying anything. Chizkiya feel that we assume he is bringing 80 only so that he has 40 as a backup in case something happens to the first 40. That is why the kedusha is effective on 40 out of the 80.
- **Q:** Why did **Rava** have to say that the reason that our Mishna says that kiddushin given to sisters simultaneously is not effective is based on the principle of **Rabbah**? Why didn't he say that this kiddushin could not lead to a possible bi'ah (because he doesn't know which sister is truly his wife) and we have a rule that a kiddushin that can't lead to a bi'ah is not effective at all!? **A:** He could have answered that, but he was giving an answer according to **Rami bar Chama**, who used the pasuk of "isha ehl achosa". He was saying that if the reason is based on that pasuk, we have to come onto the principle of **Rabbah**.
  - We have learned, regarding a kiddushin that cannot lead to a permissible bi'ah, **Abaye** says it is a valid kiddushin, and **Rava** says it is not a valid kiddushin. **Rava** said that **Bar Ahina** explained, this is based on the pasuk of "ki yikach ish isha ubi'alah".
  - **Q:** Our Mishna said, if one is mekadesh a mother and daughter, or two sisters, simultaneously the kiddushin is not valid. This suggests that if he gives kiddushin to one of either of the pairs (i.e. one of the sisters) without specifying to which sister he is giving the kiddushin for, the kiddushin would be valid. Now, since he doesn't know which sister is his wife, he couldn't have bi'ah with either sister. Therefore, this is a kiddushin that can't lead to a bi'ah, and should therefore be invalid!? **A: Rava** said, look at the end of the Mishna, where the Mishna gave the story of the person who gave a basket of figs to be



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mekadesh 5 women, among whom were 2 sisters, and the Mishna says that the sisters are not mekudeshes, but the other women are. We see that the kiddushin is invalid regarding the sisters, because it cannot lead to a possible bi'ah!

- **Q:** Based on this, the beginning of the Mishna is problematic according to **Rava** and the end of the Mishna is problematic according to **Abaye**!? **A: Abaye** answers the Mishna as follows. The Mishna says that giving kiddushin to 2 sisters simultaneously is invalid, however, giving to one of them without specifying for which one, will lead to a valid kiddushin. If he says “let any of you with whom I am permitted to have bi'ah become mekudeshes to me”, then neither of them is mekudeshes (because neither is mutar for bi'ah, and that is now a condition of the kiddushin). The Mishna then says, it once happened where a man gave a basket of figs to 5 women and said “any of you with whom I can have bi'ah should be mekudeshes to me”, and the **Chachomim** said that the sisters among the group do not become mekudeshes. **Rava** answers the Mishna as follows. The Mishna says, if a person gives kiddushin to one of 2 sisters, without specifying which one, it is treated as if he gives kiddushin to the 2 sisters simultaneously, and neither is mekudeshes. And there is a story that shows this, where a man gave a basket of figs to 5 women and said, “let all of you and one of the two sisters be mekudeshes to me”, and the **Chachomim** said that the sisters are not mekudeshes.
- **Q:** A Mishna says, if a man accepts kiddushin for one of his daughters, without specifying for which one, the adult daughters are not included in the daughters that are possibly mekudeshes. This suggests that the minor daughters are all possibly mekudeshes. Now, this is a kiddushin that can't lead to a bi'ah, and yet we see that it is valid, and refutes **Rava**!? **A: Rava** will say, the case is where there was only one adult daughter and one minor daughter.
  - **Q:** The Mishna said “adult daughters” – in the plural!? **A:** It is referring to all cases of adult daughters, not to the plural in this specific case.
  - **Q:** If there is only one minor daughter, what is the chiddush of the Mishna? **A:** The case is that the adult daughter made her father a shaliach to accept kiddushin for her. We would think that maybe he therefore accepted the kiddushin for her. The Mishna teaches that he will first accept kiddushin for his minor daughter, because he keeps that kiddushin money.
    - **Q:** Maybe the case is that the adult daughter told him to keep the money from her kiddushin as well!? **A:** The Mishna teaches, that a person will rather do a mitzvah that is incumbent on him (to marry off his minor daughter) rather than a mitzvah that is not incumbent on him (for his adult daughter to get married).
- **Q:** A Mishna says, if a man has 2 daughters from one wife, and then has 2 daughters from another wife, and he says “I was mekadesh my older daughter, but I do not know if it was the older of the older set, the older of the younger set, or the younger of the older set who is older than both of the younger set, **R' Meir** says all the daughters become assur to marry (since they may already be mekudeshes) except for the youngest of the younger set. Now, we see from here that the kiddushin is valid even though it cannot lead to a bi'ah!? **A:** The case is that at the time of the kiddushin it was known which daughter was becoming mekudeshes. After that there was confusion. Therefore, the kiddushin was one that could lead to a bi'ah, and that is why it was valid. We can prove this from the Mishna, because the Mishna says that the father said “I do not know”, and the Mishna does not say that “it was not known”.
  - **Q:** If so, what is the chiddush of the Mishna? **A:** The chiddush is to exclude the view of **R' Yose** who says that they are all mutar except for the oldest of the older set, because a person would not say anything with ambiguity that can lead to a safek, so her surely meant the oldest of the older set.
- **Q:** A Mishna says, If one gave kiddushin to one of 2 sisters, but does not remember to which one, he must give a get to both of them. We see that a kiddushin is valid even when it can't lead to a bi'ah!? **A:** Here too, the case is that it was known at the time of the kiddushin to which of the sisters he was giving the kiddushin, and it later became confused. Here too we can prove it from the Mishna which says “and he did not know”, and doesn't say “and it was not known”.

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- **Q:** If so, what is the chiddush? **A:** The chiddush is the next part of the Mishna which says, if he dies without children and has only one brother, he must give chalitza to each woman. If he has 2 brothers, one must do chalitza and the other can then do yibum to the other sister. If both brothers went and did yibum (each to a different sister), we do not make them get divorced. The chiddush is that it is only if first chalitza is given and then the yibum is done that it is permitted. However, the reverse would be assur, because he is possibly marrying the sister of his yevama.
- **Q:** That Mishna then says, if two men gave kiddushin to 2 sisters (each man to one of the sisters), but they don't remember to which one they gave the kiddushin to, each of the men must give a divorce to each of the women. We see that a kiddushin is valid even when it can't lead to a bi'ah!? **A:** Here too, the case is that it was known at the time of the kiddushin to which of the sisters he was giving the kiddushin, and it later became confused. Here too we can prove it from the Mishna which says "and he did not know", and doesn't say "and it was not known".
  - **Q:** If so, what is the chiddush? **A:** The chiddush is the next part of the Mishna which says, if they both died and each one had one brother, each brother must give chalitza to each of the sisters. If one man had one brother and the other had 2 brothers, the lone brother must give chalitza to each woman, and the 2 brothers should have one give chalitza to one sister and the other brother may even do yibum to the other sister. If the two brothers each did yibum to a different sister, we don't make them get divorced. The chiddush is that it is only if the lone brother first gives chalitza and then one of brothers of the other man does yibum that it is permitted. However, the reverse would be assur, because he is possibly marrying a yevama who still has a zika to a yavam.
- **Q: Tavyumei** taught a Braisa, if a man with five sons said to a man with 5 daughters "let one of your 5 daughters become mekudeshes to one of my sons", each daughter will need a get from each of the sons. We see that the kiddushin is valid even though it cannot lead to a bi'ah!? You can't say that it was known at the time the kiddushin was given and was later confused, because the Braisa says "one of your daughters to one of my sons"! **A:** This is a **TEYUFTA** of **Rava**.
  - The Halacha follows **Abaye** in the cases of "Y'A'L K'G'M".

### -----Daf נב-----52-----

#### MAASEH B'CHAMESH NASHIM

- **Rav** said, we can learn 4 halachos from our Mishna, however **Rav** himself only accepted 3 of the 4.
  - We can learn that using shmitta produce for kiddushin is a valid kiddushin.
  - We can learn that using stolen items for kiddushin, even if the items are stolen from the woman herself, is an invalid kiddushin.
    - We learn this from the fact that the Mishna says "the figs belonged to the women, and it was figs of shmitta". This teaches that it was a kiddushin only because the fruit was hefker, because it was of shmitta. If it had been from another year, the kiddushin would have been invalid.
  - We can learn that a woman can be a shaliach to accept kiddushin for another woman, even if that other woman is going to become her co-wife through this shlichus.
  - The 4<sup>th</sup> halacha that can be learned from the Mishna, and that **Rav** did not accept, is that we can learn from the beginning of the Mishna that a kiddushin which will not result in a permitted bi'ah, is still a valid kiddushin. The reason **Rav** did not accept this is because he was unsure whether the halacha follows **Rava** or **Abaye**.
- **R' Zeira** repeated the second halacha (regarding kiddushin with stolen goods) to **R' Yochanan**. **R' Yochanan** was surprised that **Rav** said this halacha. The Gemara asks that we find that even **R' Yochanan** said that a person cannot give kiddushin with stolen property!? The Gemara answers, **R' Yochanan** was surprised that **Rav** agreed with him.

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- **Q:** A Braisa says, if a person uses stolen property for kiddushin, or if he grabs money from the woman and gives it back to her as kiddushin, she is mekudeshes. We see that stolen items may be used for kiddushin!? **A:** The Braisa is discussing items that were stolen from the woman herself,
  - **Q:** The second part of the Braisa discusses items that were stolen from the woman herself, which suggests that the first case is discussing items stolen from somebody else!? **A:** The second part of the Braisa is explaining the first part of the Braisa, and is saying that the case being discussed is where he steals something from the woman that he is giving the kiddushin to.
  - **Q: Rav** said that it is not a valid kiddushin even if he uses something stolen from the woman herself!? **A:** The Braisa is discussing a case where this man and woman had previously agreed to get married. **Rav** is discussing where this discussion and agreement never took place.
- A man once grabbed money from another person and threw them to a woman and told her to become mekudeshes with this money. **Rava** said, no one holds like **R' Shimon** who says that we assume that the owner of the money gave up hope of getting the money returned. Therefore, the kiddushin is not valid.
- A sharecropper once took a handful of onions from the field and gave it to a woman as kiddushin. **Rava** said to him, the owner of the field owns some of those onions as well, and therefore the kiddushin is not valid.
  - The Gemara says, this is only the case because he used a handful of onions. However, if he would have used a bundle of onions the kiddushin would have been valid, because he could tell the owner of the field – I took this bundle and you can take a different bundle.
- A person once took the dates already used for making beer, that were owned by his boss, and gave them to a woman as kiddushin. When his boss heard what he did, he said to him, “Why didn’t you give her from the better dates!?” They asked **Rava** whether the kiddushin was valid (did the boss’s statement mean that he was really okay with him taking the dates that he took, or not). **Rava** said, we only find that the statement of “why didn’t you take better ones” shows that the person was okay with what was taken, regarding the separation of terumah (if someone took terumah for another person without his permission). However, in any other context, we assume that the person made this statement because he was embarrassed to say that he was upset about what was taken.

### MISHNA

- If a person is mekadesh with his portion of a korbon, whether it is of kodshei kodashim or of kodshei kalim, she is not mekudeshes.
- If he is mekadesh with maaser sheini, **R' Meir** says whether he used this b’shogeg or b’meizid, it is invalid. **R' Yehuda** says, if it was done b’shogeg it is invalid, and if it was done b’meizid, it is valid.
- If he is mekadesh her with hekdes, **R' Meir** says if it was done b’meizid the kiddushin is valid and if it was done b’shogeg it is invalid. **R' Yehuda** says, if it was done b’shogeg it is a valid kiddushin, and if it was done b’meizid it is invalid.

### GEMARA

- **Q:** Maybe we must say that the Mishna doesn’t follow **R' Yose Haglili**, who says in a Braisa that a pasuk teaches that kodshei kalim are considered to be owned of the person who has it (which should mean that if he gives it for kiddushin, the kiddushin should be valid)!? **A:** He only says that when the animal is still alive. Once the animal has been shechted as a korbon, he agrees that it is no longer considered to be owned by the person who has it, because when the person get a portion to eat, it is given to him from “Hashem’s portion”.
- A Braisa says, after **R' Meir** passed away, **R' Yehuda** prohibited the students of **R' Meir** from entering the Beis Medrash, because he said “They are not coming to learn, but are rather coming to harass me” and to show that **R' Meir's** way of learning was sharper. **Sumchos** fought his way in to the Beis Medrash and said, “**R' Meir** taught the Mishna that if one uses kodshei kalim or kodshei kodashim as kiddushin, the kiddushin is not valid”. **R' Yehuda** became angry and said, this is why I told you to keep them out of here. They are only coming to harass me. A woman is not allowed into the Azarah (and kodshei kodashim cannot be taken out of the Azarah), so how can we even have a case of someone using kodshei kodashim for kiddushin!? **R' Yose** was present and knew that

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**R' Meir's** statement was correct. He said, I can't remain quiet now out of respect for **R' Yehuda**, because then the correct version of the Mishna will be lost. **R' Yose** therefore said, a man can accept kiddushin for his daughter, and a woman can appoint a shaliach to accept kiddushin, and a woman can force her way into the Azarah (albeit unrightfully so), and in those cases we have to be taught that kodshei kodashim cannot be used for kiddushin.

### -----Daf 53-----

- A Braisa says, if someone used his portion of a korbos for kiddushin, **R' Yehuda** says it is a valid kiddushin, and **R' Yose** says it is not a valid kiddushin.
  - **R' Yochanan** said, they both get their views based on a drasha of the same pasuk – “zeh yihyeh lecha mikodesh kakodashim min ha'eish”. **R' Yehuda** darshens the word “lecha” to teach that the Kohen's portion of the Korbos shall be his for all purposes, including for kiddushin. **R' Yose** darshens that it is like the portion of the fire. Just as the portion put on the fire is “eaten” by the fire, so too the portion given to the Kohen, is only his for purposes of eating it.
  - **R' Yochanan** said, eventually everyone agreed (even **R' Yehuda**) that using one's portion of a korbos for kiddushin does not create a valid kiddushin. **Rav** said, it remains a matter of machlokes.
    - **Abaye** said, **R' Yochanan's** view seems correct based on a Braisa. The Gemara quotes a long Braisa from the Sifra, which says that a Kohen may not trade or deal his portion of a korbos for a portion of another korbos. Now, an anonymous Braisa of the Sifra is known to be the opinion of **R' Yehuda**. This means that **R' Yehuda** holds in this Braisa that a Kohen does not have ownership in his portion of a Korbos to trade it, and similarly would not have ownership to use it for kiddushin either. From here we see that **R' Yehuda** must have retracted his opinion of the earlier Braisa.
    - **Rava** said, there is a Braisa that suggests like **Rav** as well. The Braisa says, that after the death of Shimon Hatzaddik, the Lechem Hapanim no longer satiated with just a small piece. Therefore, the proper Kohanim would not take a piece (since they were not getting a kezayis and were not being satiated, there was no mitzvah being done by eating it), whereas the gluttonous Kohanim would divide it. This seems to suggest that they would divide it based on giving up their portion in some other korbos for a larger piece of the Lechem Hapanim. We see that there still is a view that the Kohanim do fully own their portion of the korbos.
      - The Gemara says, this is no proof, because “divide” in the Braisa refers to these Kohanim grabbing a portion that didn't belong to them.

MAASER SHEINI BEIN B'SHOGEH BEIN B'MEIZID LO KIDEISH DIVREI R' MEIR...

- **Q:** Why does **R' Meir** say that maaser sheini can't be used for kiddushin? **A:** **R' Acha the son of Rava** said a tradition, the pasuk says that maaser is “LaShem hu, kodesh LaShem”. He darshens, this means it is for Hashem, and not for use to be mekadesh a woman.
  - **Q:** The pasuk regarding terumas maaser says “terumas Hashem”, and yet we have learned in a Mishna that if someone is mekadesh with terumah, the kiddushin is valid!? **A:** Regarding maaser the pasuk says “LaShem”, which is different than simply stating “terumas Hashem” (without the “lamed”).
  - **Q:** The pasuk regarding challah (which is considered terumah) says “titnu LaShem”, and a Mishna teaches that terumah can be used for kiddushin!? **A:** The pasuk regarding challah does not say “kodesh”.
  - **Q:** The pasuk regarding shmitta says “kodesh” and yet the Mishna says that one may use shmitta produce for kiddushin!? **A:** The pasuk doesn't say “LaShem”.
  - **Q:** The pasuk regarding terumah says “kodesh Yisrael LaShem” like terumah, and yet the Mishna says that terumah may be used for kiddushin!? **A:** Although the pasuk compares the Yidden to terumah, this phrase refers to the Yidden being kodesh to Hashem.
    - **Q:** The pasuk is comparing the Yidden to terumah, so if the Yidden are “kodesh LaShem”, terumah is as well!? **A:** **Ravin Saba** explained to **Rav**, the pasuk regarding maaser says “LaShem hu”, which teaches that it is only for Hashem.

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UVIHEKDESH B'MEIZID KIDEISH B'SHOEG LO KIDEISH DIVREI R' MEIR...

- **R' Yaakov** said, I heard two explanations from **R' Yochanan** – one explained the reason why **R' Yehuda** holds that if maaser sheni was used b'shogeg for kiddushin, the kiddushin is not valid, and the other explained why **R' Meir** holds that if hekdesch was used b'shogeg for kiddushin, the kiddushin is not valid. One reason was because the woman does not want the kiddushin to happen in this way, and one reason was because they both don't want the kiddushin to happen in this way, however, I don't know which reason applies for which halacha.
  - **R' Yirmiya** said, we can figure it out. Maaser sheini must be eaten in Yerushalayim, so the woman does not want kiddushin of maaser sheini, because she would have to schlep to Yerushalayim to eat the maaser, but the man doesn't care. Regarding hekdesch, they both don't want kiddushin to happen with hekdesch, because they would be doing an aveirah of using hekdesch for mundane use.
    - **R' Yaakov** didn't agree with this, because he felt the opposite makes sense as well. We can say that regarding maaser, the woman is not happy because she has to schlep, and the man is not happy because it is only worth a prutah in Yerushalayim, and it is quite possible that something will happen to the maaser on the way, making it worth less than a prutah, and making the whole kiddushin invalid. However, regarding hekdesch, although she is not happy to get kiddushin that involves her helping to do an aveirah, but he may not care, because he is gaining something through this (he is getting a wife at no cost to himself).
- **Q: Rava** asked **R' Chisda**, according to **R' Meir**, when hekdesch is used the kiddushin will be invalid, but will the hekdesch become chullin through this use? **A: R' Chisda** said, since the woman does not become mekudeshes, the money remains hekdesch and does not become chullin.
  - **Q: R' Chiya bar Avin** asked **R' Chisda**, what would **R' Meir** say in the case of a sale? Do we assume there too that the parties would not want the transaction to happen with hekdesch money? **A: R' Chisda** said, in the case of a sale, the buyer is not koneh the item being sold.
    - **Q:** A Mishna says, there is a machlokes between **R' Meir and R' Yehuda**, if the hekdesch treasurer deposits money with a storekeeper, whether the storekeeper is given the status of a moneychanger (who would be patur if he used the money when it was given to him not in a bundle, and the treasurer would be chayuv for me'ilah) or of a regular person (who would be chayuv for me'ilah for spending the money even when it is given to him not in a bundle). However, it would seem they all agree that if a storekeeper unknowingly used the money, that either he or the treasurer would be chayuv for me'ilah, which means that a sale in which this money was used is a completed sale even according to **R' Meir**!? **A: R' Meir** was saying his view according to **R' Yehuda**. He was saying, according to me, the sale is not completed and therefore no me'ilah was done. However, according to you, **R' Yehuda**, at least agree to me that a storekeeper has the status of a regular person! **R' Yehuda** answered that he does not agree, and that a storekeeper has the status of a moneychanger.

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- **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 Kohen 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,

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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'meidid, 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'meidid, 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 4<sup>th</sup> 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 hekdesch treasurer mistakenly gave hekdesch 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.

## Daf In Review – Weekly Chazarah

- **Q:** A Mishna says, if a person did meshicha on someone else's maaser sheni (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 hekdesch, 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.