

OVERVIEW of the Daf

1) Kiddushin with a korban (cont.)

R' Yochanan asserts that a vote was taken and there was a unanimous decision that kiddushin cannot be done with a korban whereas Rav maintains that the matter is subject to a debate.

Abaye cites a Beraisa in support of R' Yochanan's position.

Rava cites a Beraisa that supports Rav's opinion.

The proof from this Beraisa is rejected.

2) Clarifying R' Meir's position regarding kiddushin with ma'aser sheni

R' Acha the son of Rava in the name of the Gemara suggests a source for R' Meir's ruling that kiddushin performed with ma'aser sheni is invalid.

After numerous attempts the Gemara refutes that source and cites another phrase to support R' Meir's position.

3) R' Yochanan's explanations of the Mishnah

R' Yaakov reports that R' Yochanan gave an explanation for R' Yehudah's ruling related to using ma'aser sheni for kiddushin and R' Meir's ruling concerning the use of hekdesh for kiddushin but he did not remember which explanation applied to which ruling.

R' Yirmiyah suggests a way of matching an explanation with an opinion.

The reason R' Yaakov did not accept this explanation is explained.

4) The use of hekdesh

Rava asked R' Chisda whether the hekdesh money improperly used for kiddushin becomes deconsecrated.

R' Chisda answered that the money remains hekdesh.

R' Chiya bar Avin asked whether a sale made with hekdesh money is valid.

R' Chisda answered that the sale is invalid.

R' Chiya bar Avin unsuccessfully challenges this ruling. ■

Distinctive INSIGHT

Eating from the lechem hapanim

והתניא הצנועים מושכין את ידיהם

Rabbi Yehuda had said earlier in a Beraisa that kiddushin is valid if a kohen presents a woman with his portion that he received from holy items in the Bais Hamikdash. Rabbi Yochanan reported that a discussion in the bais midrash then ensued, and a vote was taken where it was decided that kiddushin given by a kohen with his portion of קדשים is not valid, and everyone, including Rabbi Yehuda, concurred with this ruling. Rav reported that the disagreement still remained.

The Gemara brought a Beraisa from which it was proven that Rabbi Yochanan was correct when he said that Rabbi Yehuda had reversed his opinion. Yet, the Gemara now brings another Beraisa from which it seems that the items a kohen receives in the Bais Hamikdash are his personal property. The case is regarding the dividing of the lechem hapanim each Shabbos afternoon. As Rashi explains, during the forty-year tenure of Shimon Hatzaddik as kohen gadol, the miracle of the lechem hapanim was that any kohen who received even an olive-size portion would eat and be satisfied, and some would even have some of this bread left over. After the term of Shimon Hatzaddik, the effect of the lechem hapanim declined, and a kohen who received a bean-size share found it to be of no benefit. The conscientious among them denied the portion offered to them, as it served no purpose and no mitzvah was accomplished. The gluttonous among them dealt with their piece and negotiated to give it to others in order to receive other benefits. We see from this report that the kohanim were allowed to deal with their portions, apparently as it was their personal property. It seems, therefore, that Rabbi Yehuda did not reverse his opinion.

Regarding the amount eaten by the kohanim, Ritva notes that when a blessing was apparent in the bread, most kohanim who received and ate an olive-size were satiated. Therefore, even those who only received a bean-size felt somewhat satisfied. Minchas Chinuch (Mitzvah 134, #2) notes that the general rule is that whenever an act of אכילה is required, the minimum amount to fulfill this act is the size of an olive. How, then, could a mitzvah have been fulfilled by the kohanim who received a portion only the size of a bean? Sefer Mikdash David suggests that when a kohen eats a portion, the food the size of an olive does not have to be eaten from each food item separately. It is enough if the kohen eats a complete olive-size combined from all the items he eats. Therefore, if the kohen ate a small portion of the lechem hapanim, but he ate other things as well, he has satisfied the need to eat an olive-size of food. ■

HALACHAH Highlight

Kiddushin with stolen property

לא ניחא לה דנתחיל הקדש על ידה

She is not comfortable with the hekdesch being deconsecrated through her

Bais Shmuel¹ ruled that if a man gave a woman stolen property for kiddushin and she was unaware that the object was stolen the kiddushin is invalid. Even though the object becomes her property since the owner gave up hope on recovering the object (יאוש) and there was a change of possession (שינוי רשות), nevertheless, it is assumed that she is not interested in becoming betrothed with a prohibited object. Proof to this ruling can be found in our Gemara where the Gemara states that a woman does not want to become betrothed with hekdesch property that will become deconsecrated as a result of her acceptance of the kiddushin even though she does not violate any prohibitions in the process.

Avnei Miluim² rejects the proof suggested by Bais Shmuel from our Gemara. It is possible that the reason a woman does not want to be betrothed with hekdesch property is that the punishment for deconsecrating property is death and she does not want to participate in such a grave transgression. The case of stolen property, on the other hand, is different because, as mentioned, by the time it reaches her possession it becomes legally hers and the sin of theft is not as grave as misusing hekdesch property for personal benefit.

Noda B'yehudah³ suggests another rationale why Bais Shmuel ruled that kiddushin with stolen property is invalid.

REVIEW and Remember

1. Is it permitted for a Kohen to trade his portion of a Korban Mincha for a piece of another Kohen's animal korban?
2. What two words teach, according to R' Meir, that one may not use ma'aser sheni for kiddushin?
3. What is the case where the woman refuses to become betrothed with an item as opposed to the man?
4. Is a sale valid if it was made with hekdesch funds?

He suggests that in those circumstances that rejecting the kiddushin will remove the prohibition, we assume that the woman does not want to accept kiddushin that will result in a prohibition. In those circumstances where the prohibition will remain in place even if the woman rejects the kiddushin we cannot say that she would necessarily reject the kiddushin, and thus the kiddushin is valid. Thus, in the case of theft if she were to refuse to accept the stolen property the act of theft would not be completed (since the object would not undergo a change of possession there remains an obligation to return the stolen property) and thus she would certainly refuse to assist in the completion of this transgression. ■

¹ בית שמואל סי' כ"ח סק"ג.

² אבני מילואים שם סק"ב ד"ה ומ"ש.

³ שו"ת נודע ביהודה מהדו"ת אה"ע סי' ע"ז ד"ה ואמנם לברר. ■

STORIES Off the Daf

"The tzenuim would refrain from taking the showbread"

"שהצנועין היו מושכים את ידיהם מליטול לחם הפנים..."

Rav Yisrael Salanter, zt"l, said that one's main focus in Divine service should be his relationship between himself and his fellow man. He would comment on how oblivious a spiritual seeker can be to this aspect of his service. "At times people who truly desire improvement are completely oblivious to perpetrating the most serious sins in their fervor for spiritual perfection. For example, there was a man

who was so on fire for mussar that he ran to hear a mussar shmuess. Unfortunately, he failed to notice that in his haste he ran down an infirm or elderly person. What value is his mussar shmuess if he is so oblivious to being an adam hamazik, a destructive human being?"

Some chassidic rebbes mentioned this problem as well.

It is well known that many rebbes give out "shirayim". When some chasidim snatched these leftovers in a very inappropriate manner, the Ahavas Yisrael of Vizhnitz, zt"l, pointedly said, "In Kiddushin 53 we find that the tzenuim, the modest ones, would withdraw their hands from it."

Yet the rebbe always found ways to

show his great love for even the simplest of his chasidim. Once, even though people took "shirayim" with dignity some fell on the table. Everyone was shocked when the rebbe himself ate his chasidim's "shirayim"!

When asked why the "tzenuim" didn't take the lechem hapanim, which is a mitzvah, the Rebbe of Lelov, zt"l, explained, "Although one should always do his utmost to do every mitzvah with his entire being, these tzenuim, in their great humility, felt that they were simply not worthy of this great mitzvah!"² ■

¹ קדוש ישראל, חלק א', עמוד קל"ט

² אמרי קודש, עמוד ס"א