

OVERVIEW of the Daf

1) Clarifying R' Meir's position

Rav asserts that according to R' Meir hekdesh property cannot be deconsecrated unless it is done intentionally (במזיד).

Three challenges to Rav's explanation are presented.

The third challenge was dismissed by claiming that a Beraisa reflects R' Yehudah's opinion rather than R' Meir's opinion.

The possibility that the Beraisa represents R' Yehudah's opinion is challenged and the Gemara is forced to recognize that there is a dispute regarding R' Yehudah's position.

Ulla in the name of Bar Pada offers an explanation for R' Meir's opinion.

This explanation is successfully challenged and Ravin cites another explanation in the name of Bar Pada.

R' Nachman in the name of R' Ada bar Ahava rules in accordance with R' Meir's opinion concerning ma'aser sheni and like R' Yehudah regarding hekdesh.

The Gemara elaborates on the rationale behind these rulings.

The assertion is unsuccessfully challenged that the halacha follows R' Meir regarding ma'aser sheni because there is an anonymous Mishnah consistent with his position.

Two more unsuccessful challenges are presented to the assertion that halacha follows R' Meir because there is an anonymous Mishnah like him. ■

REVIEW and Remember

1. What is the rationale that permits kohanim to derive personal benefit from the priestly garments?
2. Was the wall surrounding Yerushalayim sanctified?
3. What guided R' Nachman to rule like R' Meir in one case and like R' Yehuda in another?
4. Which massechta is considered the most authoritative?

Distinctive INSIGHT

When does using a consecrated item remove it from its status?

ומשנתינו בכתנות כהונה שלא בלו

The Mishnah (52b) concluded with a disagreement regarding a kohen who offers items consecrated to the Bais Hamikdash to a woman for kiddushin. Rabbi Meir rules that if the man knowingly took these items, the kiddushin is valid, but if he unknowingly used these consecrated items, the kiddushin is not valid. Rabbi Yehuda makes the exact reverse ruling. If the items were taken without realizing that they were consecrated, the kiddushin is valid, but not if he took them intentionally.

In the Gemara, Rav explains that the scholars searched the words of Rabbi Meir and they discovered that he consistently was of the opinion that when someone uses an item which was consecrated for the Bais Hamikdash, the item always is released to חולין—to become unconsecrated, whether the user was aware of the item's status or not. In other words, if a man uses הקדש for kiddushin the kiddushin should be valid whether the man acted with or without knowledge of the item's being הקדש. Why, then, in the Mishnah does Rabbi Meir make a distinction and say that if taking of הקדש was done unknowingly that the kiddushin is not valid? To this, Rav answers that the Mishnah is speaking about a kohen giving a woman a shirt of the uniforms of the kohanim. These shirts were originally made for הקדש, with the understanding that the kohanim would wear them during the time they serve. However, since the kohanim are not able to remove these uniforms immediately after their usage, these shirts are permitted to be used for private use momentarily, yet unintentionally. In this case, unintentional use of הקדש does not result in the item's being removed from its status of being consecrated. The item cannot be used for kiddushin.

Tosafos Ri"l explains that kiddushin is valid if a shirt of the kohanim is used intentionally, as the shirt loses its status of being הקדש and the person has committed מעילה. Rabbi Yehuda, even in this case, holds that the only allowance to use the בגדי כהונה unintentionally is to wear them a bit beyond the time of service. But if it is used for kiddushin, מעילה is committed, and the item becomes חולין. On the other hand, if an article of the בגדי כהונה is taken intentionally, the kiddushin would not be valid, as הקדש cannot be removed intentionally from its status.

Pnei Yehoshua explains that from Rashi's commentary it seems that according to Rabbi Meir, that the only time the clothing of the kohanim has its consecrated status removed is when there is intent to use it and remove its holiness. If, however, there is no such intent, מעילה is not violated. ■

HALACHAH Highlight

Is a kohen permitted to wear his belt when he is not performing the service of the Bais Hamikdash?

לפי שלא ניתנה תורה למלאכי שרת

Since the Torah was not given to the Ministering Angels

Seemingly the Gemara's ruling that it is permitted for kohanim to wear the priestly garments even when they are not involved in the avodah of the Bais Hamikdash applies to all of the priestly garments. Meiri¹, however, records a dispute whether the kohen is permitted to wear the belt – אבנט, when he is not actively involved in the service of the Bais Hamikdash. The reason to consider the belt differently than the other garments is that it contains sha'atnez and the prohibition against wearing sha'atnez is suspended only for the kohen to perform the service in the Bais Hamikdash but once he has completed that task the prohibition against wearing sha'atnez resumes.

Rambam² rules that it is permitted for a kohen to wear his priestly garments when he is not performing the service of the Bais Hamikdash except for the belt which he is not permitted to wear unless he is performing the avodah. Ra'avad³ disagrees with this ruling and asserts that the ko-

hen is permitted to wear even the belt when he is not performing the service of the Bais Hamikdash. Mahari Kurkus⁴ suggests that if a kohen completed the avodah he is permitted to continue to wear, for the remainder of that day, all the priestly garments, even the belt. What is not permitted is to put on the belt in the first place if one is not going to perform the service in the Bais Hamikdash, as opposed to the other garments that a kohen may wear even if he is not going to do the avodah.

Aruch Hashulchan Ha'asid⁵ notes that the wording of Rambam implies that a regular kohen is not permitted to wear the belt when he is not involved in the service of the Bais Hamikdash but a kohen gadol is permitted to wear the belt at all times. He wonders, what is the rationale to distinguish between a regular kohen and a kohen gadol? He suggests that the kohen gadol is in a perpetual state of being involved in the avodah since he can choose to perform the service of the Bais Hamikdash whenever he wants, as opposed to a regular kohen who may perform the avodah only at specific times. ■

1. מאירי ד"ה כל.
2. רמב"ם פ"ח מהל' כלי מקדש הי"א וי"ב.
3. ראב"ד שם.
4. מהר"י קורקוס שם.
5. ערוך השלחן העתיד הלי קדשים סי' כ"ט ס"ק י"א. ■

STORIES Off the Daf

"The Torah was not given to angels..."
 "לא ניתנה תורה למלאכי השרת..."

One must always be exceedingly vigilant to avoid embarrassing any human being. Chazal compare doing so to murder, and they prescribed that one cast himself into a fiery furnace rather than fall into this prohibition. Although some Rishonim write that this is merely a midas chassidus, Rav Shlomo Zalman Aurbach, zt"l, rules like most Rishonim who take this at face value.¹

This is one reason why Rav Fischer, zt"l, refused to test children while their teachers were present. Not only that, but he would test each student separately, lest one who was less prepared be shamed in front of his friends. When the melamed would naturally ask after

their performance, Dayan Fischer would invariably reply, "They knew the material."

He would immediately add, "Some knew more and some less, but they all knew..."

A certain father was very proud of his unmarried son who was studying for the first chelek of Yoreh Deiah in the hopes of becoming a rav. When the young man finished the first one hundred and eleven simanim—the customary test for a rav in those days—his father took him to the famous Rav Aizel of Slnim, zt"l, to be tested for semichah.

However, although the young man had covered all of the material, his method had hardly been thorough. Sadly, his "good answers" proved that he was not nearly ready for the rigorous test which was the only way to obtain semichah from Rav Aizel.

The test had not been given in a

public place, but there were several scholars waiting to speak with Rav Aizel there who witnessed the young man's performance. They wondered how Rav Aizel would manage to reject him without shaming him or his father. But they could never have guessed what the Rav's response would actually be. He turned to the father and said, "Although I cannot give your son semichah now, you should know that he is a malach, an angel."

The father was thrilled with this approbation, and floated from the room.

Afterward, one puzzled scholar asked Rav Aizel, "Whatever did you mean? The boy is clearly an am ha'aretz!"

Rav Aizel replied with a twinkle in his eye, "Does it not say in Kiddushin 54 that the Torah was not given to מלאכי השרת – to the ministering angels?"² ■

1. עיין שו"ת מנחת שלמה, א.
2. גן יוסף, עמוד קצ"ג.