KIDDUSHIN DAF 2 • קידושין דף ב

פרק א – האשה נקנית

1 Methods through which a woman becomes acquired and acquires herself

The opening Mishnah states: האשה נקנית בשלש דרכים — *A woman is acquired* for marriage *in three ways*, וקונה את עצמה בשתי דרכים — *and acquires herself* (to remarry) *in two ways*. נקנית בכסף בשטר ובביאה — *She is acquired with money, a document, or relations*. Beis Shammai says that the minimum amount of money for *kiddushin* is a *dinar* or an item of equivalent value, and Beis Hillel says it is a *perutah* (the smallest unit of money) or its equivalent value. A *perutah* is valued at an eighth of an Italian *issar*. The Mishnah continues: וקונה את עצמה בגט ובמיתת הבעל — *She acquires herself with a get, or with the husband's death*. היבמה נקנית בביאה — *A yevamah is acquired* by the *yavam with relations,* וקונה את עצמה בחליצה ובמיתת היבם — *and she acquires herself* to marry someone else *with chalitzah, or with the yavam's death*.

2 קיחה קיחה משדה עפרון, and the meaning of the word *kiddushin*

The Gemara wonders why the Mishnah uses the expression "האשה נקנית" — *a woman is acquired*, whereas the first Mishnah of the second *perek* says "האיש מקדש" — *a man marries*. It answers: משום דקא בעי למיתני כסף — *Because it wants to mention "money"* as a method of *kiddushin*. That money can effect *kiddushin* can be derived from a *gezeirah shavah* of קיחה קיחה משדה עפרון — the words קיחה קיחה *learned from the field of Efron*: Regarding *kiddushin* it says: כי יקח איש אשה — *When a man will "take" a wife,* and regarding purchasing Efron's field, Avraham said: נתתי כסף השדה קח ממני — *I have given the money of the field; "take" it from me*. The Gemara then demonstrates that "קיחה" — *taking* is referred to as "קנין" — *acquiring*, which is why our Mishnah uses this term. The Gemara explains that the second *perek* uses the term "מקדש" — *marries*, because the first Mishnah uses the Scriptural term describing marriage, and the later Mishnah uses the Rabbinical term for marriage, *kiddushin*. This term is explained דאסר לה אכולי עלמא כהקדש — *that* by marrying her, *he prohibits her to everyone like hekdesh*.

3 דרכו של איש לחזר על אשה ואין דרכה של אשה לחזר על איש

The Gemara explains that the Mishnah uses the feminine "שלש" and not the masculine "שלשה" because of the word "דרכים" — *ways*, which has a feminine usage (and women are the subject of our Mishnah). The Gemara persists: Instead of using דרכים, requiring the feminine שלש, let it use the word דברים — *things*, which would allow the masculine שלשה (the more common usage)! Two answers are given: 1) משום דקבעי למיתני ביאה — *Because* the Mishnah *wants to mention relations* as a method of *kiddushin*, which a *pasuk* describes as a "*derech*": אשה מנאפת "דרך" גבר בעלמה כן "ודרך" — *And the "way" of a man with a young woman, likewise is the "way" of an adulterous woman*. 2) Alternatively, the *Tanna* is Rebbe Shimon, who explained why the Torah describes marriage with the words "כי יקח איש אשה" — *when a man will take a woman*, and not "כי תלקח אשה לאיש" — *when a woman shall be taken by a man*: מפני שדרכו של איש לחזר על אשה — *Because it is the way of a man to pursue a woman* for marriage, ואין דרכה של אשה לחזר על איש — *but it is not the way of a woman to pursue a man*. משל לאדם שאבדה לו אבידה — This is *analogous to a man who lost an item*; מי חוזר על מי — *who searches after whom?* בעל האבידה מחזר על אבידתו — *The owner of the lost item searches after his item* (therefore, a man searches for a woman, who was created from his bone). The Mishnah uses "way," because the "way" of man is relevant to how *kiddushin* comes about. These answers are challenged on the next *daf*, and a different answer is given.

KIDDUSHIN DAF 3 • קידושין דף ג

1 The Mishnah's number excludes other methods from effecting *kiddushin* (חופה, חליפין)

The Gemara asks what the number of the Mishnah ("three ways") excludes (from effecting *kiddushin*). It initially answers that it excludes *chuppah*, but the Gemara asks that according to Rav Huna, who holds that *chuppah* is an effective method for *kiddushin*, what then is excluded? The Gemara answers that it excludes חליפין — *exchange* (a *kinyan* of an "exchange" of items, effected through receiving one of them), and explains: Since money for *kiddushin* is derived from land acquisitions (קיחה קיחה משדה עפרון), one might have thought that just as a field can be acquired through חליפין, *kiddushin* can also be effected through חליפין. The reason that חליפין does not actually effect *kiddushin* is because חליפין איתנהו בפחות משוה פרוטה — חליפין *can be* accomplished *with* an item *less than a perutah's value,* ואשה בפחות משוה פרוטה לא מקניא נפשה — *and a woman does not give herself over for less than a perutah's value* (Rashi explains that this would be demeaning); therefore, חליפין can never effect *kiddushin*, even if one gives an item of higher value.

2 The source that a father receives his daughter's *kiddushin* money

The Mishnah had taught that money can effect *kiddushin*. Another Mishnah states: האב זכאי בבתו בקדושיה — *A father has rights to his daughter's kiddushin* בכסף בשטר ובביאה — *regarding money, a document, and relations* (i.e., he retains money paid for her *kiddushin*, and controls *kiddushin* made through a document or relations). The Gemara asks: מנלן דמיקניא בכסף וכסף דאבוה הוא — *From where* do we know *she can be acquired with money, and that the money is her father's*? Rav Yehudah quotes Rav, who *darshened* a *pasuk* regarding a Jewish maidservant who becomes a *naarah*: ויצאה חנם אין כסף — *And she shall go out for free; there is no money* given. This implies: אין כסף לאדון זה — *No money* is given *to this master,* אבל יש כסף לאדון אחר — *but there is money* given *to another master,* ומאן ניהו אב — *and who is that? The father*. The Gemara questions how we can derive that the money is the father's, and not hers, and ultimately explains: מסתברא דכי קא ממעט — *It is reasonable that when* the *pasuk excludes* (i.e., distinguishes *kiddushin* from going free), יציאה דכוותה קא ממעט — *it excludes a departure similar* to a maidservant's. That is, in contrast to a maidservant leaving her master, where her master receives no money, when a *naarah* leaves her father's domain (through *kiddushin*), her father (the "master" of the domain) does receive money.

3 The source of a father's control over a *naarah* (re: *nedarim* and earnings)

When the Gemara had asked that a *naarah* should retain her *kiddushin* money (when she accepts *kiddushin*), it initially answered: Regarding a father's right to annul his daughter's *nedarim,* the *pasuk* says: בנעוריה בית אביה — *While she is a naarah in her father's house,* teaching that כל שבח נעורים לאביה — *all benefits of* the *naarus* stage *belong to her father*. This apparently proves the father retains *kiddushin* money as well. However, the Gemara proves this cannot be. Rav explained the source that all a *naarah*'s earnings belong to her father, based on a *pasuk*: וכי ימכור איש את בתו לאמה — *When a man shall sell his daughter as a maidservant*, which implies a comparison between the two: מה אמה מעשה ידיה לרבה — *Just as* regarding *a maidservant, her earnings belong to her master,* אף בת נמי מעשה ידיה לאביה — *so, too*, regarding *a daughter, her earnings belong to her father*.

From the fact that Rav required a source and could not derive it from כל שבח נעורים לאביה, it proves that the *pasuk* refers only to the father's *nedarim* rights. Rights to *kiddushin* money cannot be derived from *nedarim* rights, because ממונא מאיסורא לא ילפינן — *monetary law cannot be derived from prohibitory law.*

1 The need for separate sources for the father's rights to his daughter's *kiddushin* and earnings

The Gemara on *daf* 3b brought separate sources for the father's rights to his daughter's *kiddushin* money (ויצאה חנם אין כסף) and her earnings (וכי ימכור איש את בתו לאמה). Here, the Gemara explains why both *derashos* are necessary: If the Torah had only taught that the father is entitled to his daughter's *kiddushin* money, הוה אמינא משום דלא טרחא בהו — *I might have said* this is *because she did not expend effort for* the money, אבל מעשה ידיה דקא טרחא בהו — *but* regarding *her earnings, for which she expended effort,* אימא דידה הוו — *I would say they are hers*. If the Torah had only taught that the father keeps her earnings, I might have said the reason is דקא מתזנא מיניה — *because she is being sustained by him*, אבל קידושיה דמעלמא קאתי לה — *but* regarding *kiddushin* money, *which comes to her from elsewhere*, אימא דידה הוו — *I might say it is hers*. Therefore, both *derashos* were required.

2 re: בא זה ולימד על זה :נערות ובגרות and תושב ושכיר

It was taught in a *Baraisa*: The *pasuk* says "ויצאה חנם" — *and she shall go out for free*, אלו ימי בגרות — *this* refers to *the days of bagrus* (adulthood); "אין כסף" — *there is no money* given, אלו ימי נערות — *this* refers to *the days of naarus*, teaching that a maidservant goes free at either stage. The Gemara asks why both *derashos* are needed, since *bagrus* is after *naarus*! Rabbah answers: בא זה ולמד על זה — *This* additional phrase *came and taught about this* other phrase. (Meaning, if only one phrase was written, only the smaller novelty — the freedom of a *bogeres* — can be derived. The additional phrase clarifies that the other phrase includes even *naarus*.) Another application is found regarding the terms "תושב" and "שכיר", teaching that a Jewish servant of a *kohen* may not eat *terumah*, even if he is permanently owned (i.e., a *nirtza*). Abaye objects that they are not analogous: The two cases of Jewish servants concern different people (permanent and temporary servants), whereas the two cases of maidservants concern the same person. Since she goes free at *naarus*, it is impossible for her to leave at *bagrus*! Instead, Mar bar Rav Ashi eventually explains that the *pasuk* is teaching about an *eilonis* (who never attains *naarus* and proceeds directly to *bagrus* at age twenty), that she goes free at *bagrus*. Although this is obvious, the novelty is that she can be sold initially (because one might have thought that only one capable of leaving at *naarus* can be sold initially).

3 The necessity for two sources of *kiddushin* with money: כי יקח and ויצאה חנם אין כסף

It was taught in a *Baraisa* that money can effect *kiddushin*, based on the *pasuk* (as quoted on *daf* 2): כי יקח איש אשה — *When a man shall "take" a woman*, אין קיחה אלא בכסף — and this *"taking" only means with money*, as a *pasuk* says: נתתי כסף השדה קח ממני — *I have given the money of the field, "take" it from me*. Since the Gemara on *daf* 3b had quoted another source (ויצאה חנם אין כסף), the Gemara explains why both are necessary: Had the Torah only written "כי יקח", one would think that a *naarah* who accepts *kiddushin* money may keep it. Therefore, the Torah wrote "ויצאה חנם אין כסף" to teach that the money belongs to the "other master," namely, the father. Had the Torah only written this *pasuk*, one might think: היכא דיהבה ליה איהי לדידיה וקידשתו הוו קידושי — *Where she gives money to him and is mekadesh him, the kiddushin is valid*. Therefore, the Torah wrote: "כי יקח" ולא כי תקח — *"When he shall take," and not "when she shall take."*

KIDDUSHIN DAF 5 • קידושין דף ה

1 The source for שטר for *kiddushin*, and that money cannot effect divorce

The Gemara discusses the source that a *shtar* can effect *kiddushin*. After a *kal vachomer* from money is rejected, it is learned from a *hekesh*: "ויצאה" "והיתה" — *"She shall leave"* and *"and she will become* [married]"; מקיש הויה ליציאה — *it compares "being"* (*kiddushin*) *to "leaving"* (divorce). מה יציאה בשטר אף הויה נמי בשטר — *Just as "leaving"* is achieved *with a document, so, too, "being"* can be achieved *with a document*. The Gemara asks that the same *hekesh* should also teach that just as money can effect *kiddushin*, it should also effect divorce! Abaye answers that it is illogical that money can both create and terminate marriage: סניגור יעשה קטיגור — *Can a defender become an accuser*? Although a document can effect both, they have distinctly different texts, whereas regarding money (although different statements are made for each process), טיבעא מיהא חד הוא — *the imprint* of the coin *is the same* (i.e., the money itself is identical). Rava answers that the *pasuk* says: וכתב לה — *And he shall write for her* [a *get*], teaching: בכתיבה מתגרשת ואינה מתגרשת בכסף — Only *with writing* a *get can she be divorced,* but *she cannot be divorced with money*.

2 חופה קונה מקל וחומר

Rav Huna says that *chuppah* can effect *kiddushin*, based on a *kal vachomer* from money: ומה כסף שאינו גומר קונה — If *money, which cannot complete* a marriage as *nisuin*, *can acquire* for *kiddushin*, חופה שגומרת אינו דין שתקנה — then *chuppah, which can complete* marriage as *nisuin*, *can certainly acquire* for *kiddushin*! The Gemara clarifies that *chuppah* cannot be derived from any single *kiddushin* method, and is derived from all three: הצד השוה שבהן שקונין בעלמא וקונין כאן — *The common characteristic of* all three *of them is that they acquire elsewhere, and acquire here* for *kiddushin*; thus, we can also include *chuppah*, which acquires elsewhere (for *nisuin*), that it can effect *kiddushin*. Although the other methods can effect a transaction against the will of one party (a document of divorce, relations of *yibum*, and money redeeming a Jewish maidservant), Rav Huna responds that there is no marital transaction that money can effect against someone's will. Rava poses two challenges, and Abaye answers them: The Mishnah lists only three methods of *kiddushin*, because it only lists the methods taught explicitly in the Torah. Although *chuppah* only "completes" marriage when preceded by *kiddushin*, the *kal vachomer* can be reformulated: מה כסף שאינו גומר אחר כסף — *If money, which does not complete* marriage even *after money* effected *kiddushin*, קונה — yet *acquires* for *kiddushin*, חופה שגומרת אחר כסף — then *chuppah, which completes* marriage *after money*, אינו דין שתקנה — *should certainly acquire* for *kiddushin*.

3 נתן הוא ואמרה היא

It was taught in a *Baraisa*: כיצד בכסף — *How* is *kiddushin* accomplished *with money?* נתן לה כסף או שוה כסף — *If he gave her money, or items worth money*, ואמר לה הרי את מקודשת לי — *and said to her, "You are hereby married to me,"* or another declaration of *kiddushin*, she is married. אבל היא שנתנה — *But if she gave* him money, ואמרה היא הריני מקודשת לך — *and she said, "I am hereby married to you,"* or a similar declaration, it is ineffective. Rav Pappa asks that there are contradictory implications about a middle case: The first case, which taught that *kiddushin* is valid where he both gave money and said the declaration, implies that נתן הוא ואמרה היא — where *he gave* her money, *and she said* the *kiddushin* declaration, it would be invalid. But the second case implies that it is only invalid if she both gave money and said the declaration. The Gemara answers that the *Baraisa* means that if she merely said the declaration, נעשה כמי שנתנה היא ואמרה היא — *it is like a case where she gave and said* and is invalid. Alternatively, the *halachah* of this middle case is unknown, and we are concerned, Rabbinically speaking, for the *kiddushin*.



KIDDUSHIN DAF 6 • קידושין דף ו

1 היה מדבר עם האשה על עיסקי גיטה וקידושיה

It was taught in a *Baraisa*: היה מדבר עם האשה על עיסקי גיטה וקידושיה — *If he was speaking with a woman about matters of her get or kiddushin,* and then he gave her a *get* or *kiddushin* without explaining, Rebbe Yose says: דיו — *It is sufficient*, and the divorce or marriage takes effect. Rebbe Yehudah says: צריך לפרש — *He must explain* his purpose for it to take effect. Shmuel says: והוא שעסוקין באותו ענין — *This* ruling of Rebbe Yose *is only when they were dealing with this subject* when the *kiddushin* or *get* was given. The Gemara notes that this is the opinion of Rebbe, but Rebbe Elazar bar Rebbe Shimon says it is effective even if they were not discussing this topic at the time. Abaye explains how she knew, according to this opinion, what his purpose was: מענין לענין באותו ענין — The case is where they switched *from topic to topic, within the same* general *topic* of marriage.

2 המקדש במלוה אינה מקודשת בהנאת מלוה מקודשת

Abaye says: המקדש במלוה אינה מקודשת — Regarding *one who* attempts to *marry with a loan* (i.e., he forgives a loan she owes him as payment for *kiddushin*), *she is not married*, because he did not give her anything now. בהנאת מלוה מקודשת — But if he attempts to marry her *with the benefit of a loan, she is married*, ואסור לעשות כן — *but it is forbidden to do so,* מפני הערמת רבית — *because* it constitutes Rabbinically forbidden *evasion of interest*. This cannot mean that she agreed to pay five coins for a loan of four, and he forgave the fifth coin as payment for *kiddushin*, because that would be full-fledged רבית (not הערמת רבית), and it would also not effect *kiddushin*, since he gave her nothing at the time of *kiddushin*. Rather, the case is דארווח לה זימנא — *where he extended the term* of the loan *for her and* offered to marry her with the benefit received from this extension. Since it is a new benefit, he is giving her something of value for *kiddushin*. It is not Biblically prohibited רבית, because it was not fixed at the outset, and he did not receive anything from her. Rashi notes that if one would marry with the benefit of loan forgiveness, it would be effective. Abaye's case is where he attempted to marry her with the loan money itself, which he did not give her now.

3 מתנה על מנת להחזיר re: *kiddushin*, *terumah*, and others

Rava said that if one says, הילך מנה על מנת שתחזירהו לי — "*Here is a maneh for you, on condition that you return it to me,*" במכר לא קנה — then if the money was given *to* effect *a sale, he does not acquire* the item, באשה אינה מקודשת — and if it was given to marry *a woman, she is not married*, and it also does not qualify for the five-*sela* requirement for פדיון הבן. It does qualify for giving *terumah* to a *kohen*, although the *kohen* must return it (and it is forbidden to do so, as it has the appearance of a *kohen* providing favors to receive *terumah*). The Gemara asks that if Rava holds that מתנה על מנת להחזיר שמה מתנה — *a gift on condition to return* it *is considered a gift*, then it should qualify for all these cases, and if he does not, it should not qualify as giving *terumah* either! Furthermore, Rava himself said that if someone is given an *esrog* on condition to return it, it is considered his (for the mitzvah of *esrog*), provided he returns it! Therefore, Rav Ashi corrected the statement: בכולהו קני לבר מאשה — *In all these* cases, the recipient *acquires* the item to effect the transaction, *except for a woman's kiddushin*, לפי שאין אשה נקנית בחליפין — *because a woman cannot be acquired with* חליפין (and here, too, the item must be returned).

KIDDUSHIN DAF 7 • קידושין דף ז

1 *Kiddushin* money not given by the husband or not received by the wife: ערב and עבד כנעני

Rava said that if a woman says, תן מנה לפלוני ואקדש אני לך — *"Give a maneh to Ploni, and I will* thereby *become married to you*," מקודשת מדין ערב — *she is married, based on the principle of a guarantor*. Just as with a guarantor, אף ע"ג דלא מטי הנאה לידיה — *even though no benefit came to him* (i.e., he did not receive the loan money), קא משעביד נפשיה — *he* still *obligates himself* to pay if the borrower defaults, so, too, this woman becomes married despite the money being given to a different party. If one says to a woman, הילך מנה והתקדשי לפלוני — *"Here is a maneh for you, and become married to Ploni* with it," מקודשת מדין עבד כנעני — *she is married based on the principle* found when freeing *an* עבד כנעני. Although the slave gave nothing, he acquires himself (and goes free) when others redeem him. So, too, the husband marries this woman by someone else giving her money. These principles can also be combined. If a woman says, תן מנה לפלוני ואקדש אני לו — *"Give a maneh to Ploni, and I will* thereby *become married to him*," מקודשת מדין שניהם — *she is married based on* a combination of *both* principles, although she did not receive the money, and the husband did not give it.

2 "Half" a man marrying vs marrying "half" a woman, "spreading" *kedushah* to the second half

Rava said that if a man says, התקדשי לי לחציי מקודשת — *"Become married to half of me," she is married*. But if he said, חצייך מקודשת לי — *"Half of you should become married to me,"* she is not married at all. After Abaye challenged him, Rava explained the distinction: התם איתתא לבי תרי לא חזיא — *There*, in the second case, *a woman is ineligible to* marry *two* men, and *kiddushin* allowing her to do so is invalid, אלא גברא מי לא חזי לבי תרי — *but is a man not fit* to marry *two* women? He is! When he said she would marry "half" of him, he simply meant he can marry another woman if he wishes. Mar Zutra brei d'Rav Mari asked Ravina: וניפשטו לה קידושי בכולה — *Let the kiddushin "spread" through all of her*, allowing the *kiddushin* to take effect! We find that when one is *makdish* half an animal (or any vital limb), the entire animal becomes *hekdesh*. The Gemara answers that here, since she must consent to any *kiddushin*, no "part" can become married without her consent. This is analogous to an animal owned by partners, where the *hekdesh* of one party does not make the entire animal *hekdesh*.

3 If items of undetermined value must be appraised for *kiddushin*

A story is related: ההוא גברא דאקדיש בשיראי — *A certain man married* someone *with silk*. Rabbah said: לא צריכי שומא — *It does not need appraisal* before she accepts it, and Rav Yosef said it does. The Gemara first explains that if he said "בכל דהו" — *whatever it is* worth, all agree the *kiddushin* would be valid. The argument is where he claimed it was worth fifty *zuz* (for example), and in truth it is, but it was not appraised beforehand. Rabbah holds that since she received the correct value, the *kiddushin* is valid, but Rav Yosef holds: כיון דאיתתא לא בקיאה בשומא — *Since a woman is not an expert in appraisal,* לא סמכה דעתה — *she is not certain* that it is worth what he says and does not wholeheartedly agree to the marriage. In a second version, their argument applies even where he said "whatever it is worth," and Rav Yosef holds that שוה כסף — *items worth money* must be similar to true money: מה כסף דקיץ — *Just as money's* value *is set,* אף שוה כסף נמי דקייץ — *so, too, items worth money* require *a set value* that is known.

KIDDUSHIN DAF 8 • קידושין דף ח

1 Giving goods worth less than five *sela'im* for פדיון הבן

Rav Yosef offers a proof from a *Baraisa* that goods must be appraised before using them for *kiddushin*: One who says to a *kohen*, עגל זה לפדיון בני — "Accept *this calf* (or another item) *for the redemption of my* firstborn *son*," his son is not redeemed. But if he said, עגל זה בחמש סלעים לפדיון בני — "Accept *this calf as five sela'im for the redemption of my* firstborn *son*," he is redeemed. Rav Yosef assumes that the calf must be worth five *sela'im*, as otherwise the *pidyon* would not be valid. Still, the *pidyon* is not valid in the first case because the item was not appraised (and the second case means the item was already appraised as five *sela'im*). The Gemara answers that the calf is actually worth less than five *sela'im*. Nevertheless, the redemption is valid in the second case: וכגון דקביל כהן עילויה — *It is where* the *kohen accepted* it *on himself* as if it were worth five *sela'im*. Rav Kahana once accepted a סודרא (cloth head covering) as a *pidyon*, saying: לדידי חזי לי חמש סלעים — *To me it is worth five sela'im* and I accept it as that amount. Rav Ashi added that this only applies to someone like Rav Kahana, דגברא רבה הוא ומבעי ליה סודרא אריסיה — *who is a great man and needs a kerchief on his head* (and can overvalue the item).

2 התקדשי לי במנה ונתן לה דינר

Rebbe Elazar said: If one says, התקדשי לי במנה ונתן לה דינר — *"Be married to me with a maneh," and he* only *gave her a dinar*, הרי זו מקודשת וישלים — *she is married* immediately, *and he must complete* the payment later. Since he offered a *maneh* and gave only a *dinar*, כמאן דאמר לה על מנת דמי — *it is like he said to her* she should be married immediately *on condition* he gives her a *maneh*. Rebbe Elazar is challenged from a *Baraisa*: One who says, "Be married to me with a *maneh*," והיה מונה והולך — *and he was counting out* the money to her, ורצה אחד מהן לחזור — *and one of them wished to retract* from the *kiddushin*, אפילו בדינר האחרון הרשות בידו — *even* before *the last dinar, the ability* to retract *is in their hands*. Clearly, the *kiddushin* is not effective immediately! The Gemara interprets this *Baraisa* as a case where he said he is marrying her "במנה זו" — *with this* specific *maneh*, and she is therefore expecting the full *maneh* before consenting to the *kiddushin*. Rav Ashi answers: מונה והולך שאני — A case where *he is counting out* the money *is different*, דדעתה אכוליה — *because her mind is on all of it*.

3 Saying, "Be married to me with a *maneh*," and giving a משכון — מנה אין כאן משכון אין כאן

Rava quoted Rav Nachman: If someone says, "Be married to me with a *maneh*," and he gave her a משכון — *collateral*, for it, she is not married, מנה אין כאן משכון אין כאן — *there is no maneh here* given to her, and *there is no collateral here* given to her to keep. Rava challenged Rav Nachman from a *Baraisa*, which says that if someone marries a woman with a collateral, she is married! The Gemara answers: התם במשכון דאחרים — *There*, he married her *with the collateral of another person* for money owed to him, and he transfers this loan to her by giving her the collateral. The collateral belongs to the creditor, as Rebbe Yitzchak proved from the *pasuk* about a creditor who returns a collateral to the debtor for his nightly use: ולך תהיה צדקה — *And it will be a merit for you*. אם אינו קונה צדקה מנין — *If he does not acquire* the collateral, *where is the merit* in returning it? מכאן לבעל חוב שקונה משכון — *From here* it can be proven *that a creditor acquires a collateral*.

KIDDUSHIN DAF 9 • קידושין דף ט

1 How *kiddushin* is done with a שטר written by the husband, in contrast to a document of sale

A *Baraisa* teaches how *kiddushin* is performed with a שטר: כתב לו על הנייר או על החרס — *If he wrote for* the girl's father *on a paper, or on a pottery shard*, אף על פי שאין בו שוה פרוטה — *even though it is not worth a perutah*, בתך מקודשת לי — *"Your daughter is married to me,"* or another declaration of *kiddushin*, it is effective. Rebbe Zeira bar Mamal asked that this document is not like a document of sale: התם מוכר כותב לו שדי מכורה לך — For *there, the seller writes, "My field is* hereby *sold to you*," הכא בעל כותב בתך מקודשת לי — yet *here*, it is *the husband* (the one acquiring) who *writes, "Your daughter is married to me"*! Rava initially answers that regarding sales, the *pasuk* writes: ומכר מאחוזתו — *And he shall sell of his heritage*, describing the sale as performed by the seller, whereas regarding *kiddushin*, the Torah writes: כי יקח איש — *When a man shall take*, describing it as performed by the husband. When this answer is challenged, he instead answers: הלכתא נינהו ואסמכינהו רבנן אקראי — *They are halachah l'Moshe miSinai, and the Rabbis supported them with pesukim.* Alternatively, he quotes a *pasuk*: ואקח את ספר המקנה — *And I took the bill of sale*, demonstrating that the seller gives the document to the buyer.

2 שטר of *kiddushin* written לשמה, or שלא מדעתה

Rebbe Shimon ben Lakish asked: שטר אירוסין שכתבו שלא לשמה מהו — *A shtar of kiddushin, written not for her sake, what is* its status? Should it be compared to a *get*, which requires לשמה, or to *kiddushin* of money, which does not need to be created לשמה? He concluded that the *hekesh* between *kiddushin* and divorce dictates that we compare the two documents, and it must be written לשמה.

Another case is discussed: כתבו לשמה ושלא מדעתה — *He wrote it* לשמה*, but without her knowledge*. Rava and Ravina say *kiddushin* with such a שטר is valid, and Rav Pappa and Rav Sheravia say it is not. Rav Pappa explains that both opinions are based on the *hekesh* between *gittin* and *kiddushin*. The first opinion holds: מה יציאה לשמה ושלא מדעתה — *Just as* a *get* is valid if written לשמה, albeit *without her knowledge*, אף הוייה נמי לשמה ושלא מדעתה — *so, too,* a שטר of *kiddushin* is valid if written לשמה *and without her knowledge*. The second opinion holds: מה יציאה בעינן דעת מקנה — *Just as* a *get requires the knowledge of the giver* (i.e., the divorcing husband), אף הוייה בעינן דעת מקנה — *so, too,* a שטר of *kiddushin requires the knowledge of the giver* (i.e., the woman).

3 בביאה מנלן

The Gemara asks for the source that relations can effect *kiddushin*. Rebbe Abahu quoted Rebbe Yochanan as *darshening* a *pasuk*: בעולת בעל — *A woman who had relations with a man*; מלמד שנעשה לה בעל על ידי בעילה — this *teaches that he becomes her husband through relations*. He was challenged: כעורה זו ששנה רבי — *Is this derashah that Rebbe taught objectionable to you*: "ובעלה" — *And he shall have relations with her*; מלמד שנקנית בביאה — this *teaches that she is acquired with relations*? Rebbe Abahu answered that this *pasuk* is insufficient, for one might think that *kiddushin* is not effective עד דמקדש והדר בעיל — *until he is mekadesh* with money *and then has relations* (since the *pasuk* says: כי "יקח" איש אשה "ובעלה"), but neither effects *kiddushin* on its own. The first *pasuk* makes clear that relations alone effect *kiddushin*.

KIDDUSHIN DAF 10 • קידושין דף י

1 תחילת ביאה קונה או סוף ביאה קונה

The Gemara asks: תחילת ביאה קונה — *Does the beginning* of the act *of relations* (הבראה) *acquire* for *kiddushin*, או סוף ביאה קונה — *or does the end* of the act *of relations acquire*? The Gemara mentions two practical differences: (1) כגון שהערה בה — *In a case where he* only *did* הבראה (the beginning of the act), ופשטה ידה וקבלה קדושין מאחר — *and she reached out her hand and accepted kiddushin from another* man before completing the act. (2) Another difference is לכהן גדול דקא קני בתולה בביאה — *for a kohen gadol* (who may only marry a virgin) *who is marrying through relations*. If relations only acquire *kiddushin* at the end, the woman would no longer be a virgin at the time he marries her and would be forbidden to him. Ameimar quotes Rava's conclusion: כל הבועל — *Anyone who has relations*, דעתו על גמר ביאה — *his mind is on the completion of relations*, and that is when *kiddushin* will take effect.

2 ביאה נשואין עושה או אירוסין עושה

The Gemara asks: ביאה נשואין עושה — *Do relations* done for *kiddushin effect nisuin* as well, או אירוסין עושה — *or do they* only *effect eirusin*? The practical differences are the three *halachos* that come into effect after *nisuin*: ליורשה — *to inherit her*, וליטמא לה — *to become tamei for her* burial if he is a *kohen*, ולהפר נדריה — *and to void her nedarim*. After Abaye's proof is rejected, Rava quotes a Mishnah that teaches that relations with a girl above three years of age have the full status of relations, which has numerous implications, including: מתקדשת בביאה — *She can be married with relations*, ואם בא עליה יבם קנאה — and *if her yavam had relations with her, he acquires her*, among others. The Mishnah continues: ואם נישאת לכהן אוכלת בתרומה — *And if she marries a kohen* with *nisuin*, *she may eat terumah*. This implies that before *nisuin*, she may not eat *terumah*, although the Mishnah is discussing a girl who was married through relations. This proves that relations do not constitute *nisuin*! The Gemara answers that the Mishnah means that אי הני נשואין דכהן נינהו אוכלת בתרומה — *if this* aforementioned *nisuin* (achieved with relations) *was with a kohen, she may eat terumah*.

3 *Machlokes* why an *arusah* of a *kohen* after relations may not eat *terumah*

Another *Baraisa* is brought to resolve whether relations effect *nisuin*: Yochanan ben Bag Bag sent to Rebbe Yehudah ben Beseira: שמעתי עליך שאתה אומר — *I heard about you that you say*: ארוסה בת ישראל אוכלת בתרומה — *An arusah* of a *kohen who is a Yisrael's daughter may eat terumah*. He responded that she should be permitted, based on a *kal vachomer*: If a non-Jewish maidservant, who may not eat *terumah* if a *kohen* attempted to acquire her with relations, may eat *terumah* if he purchased her with money, then a Jewish woman, whose relations enable her to eat *terumah*, should certainly be able to eat *terumah* when married with money alone. But Rebbe Yehudah conceded that the Sages forbade an *arusah* from eating *terumah* until after *chuppah* (i.e., *nisuin*). This is explained in three ways: 1) A Jewish woman may eat *terumah* with relations alone, because they effect *nisuin*. 2) Relations only enable eating *terumah* when they are followed by *chuppah*, but the *kal vachomer* can be structured to incorporate this point (a maidservant may not eat *terumah* even through relations followed by *chuppah*, yet may eat *terumah* when purchased with money alone). 3) All agree that Biblically, an *arusah* may eat *terumah*; their argument is why Rabbinically she may not.

KIDDUSHIN DAF 11 • קידושין דף יא

1 First explanation of Beis Shammai: אשה מקפדת על עצמה ואין מתקדשת בפחות מדינר

This *daf* primarily discusses reasons for Beis Shammai's ruling that *kiddushin* with money requires a *dinar*. Rebbe Zeira offers the first explanation: אשה מקפדת על עצמה — *A woman is particular regarding herself*, ואין מתקדשת בפחות מדינר — *and does not* agree to *become married for less than a dinar*. Abaye challenged him that if so, then Rebbe Yannai's daughters, who are even more particular and would not ordinarily accept *kiddushin* of less than three *kav* of gold *dinars*, would not become married if they would accept a *dinar*! Rebbe Zeira responded: פשטה ידה וקבלה לא קאמינא — *I was not speaking* about a case where *she stretched out her hand and accepted* less. In such a circumstance, Beis Shammai would agree that *kiddushin* would take effect for even less than a *dinar*. Rather, he was discussing where the woman did not see the money given to her (because she accepted it at night, or appointed a *shaliach* to accept *kiddushin* for her), in which case Beis Shammai assumes that a woman does not consent to *kiddushin* for less than a *dinar*.

2 Second explanation: כל כסף האמור בתורה כסף צורי ושל דבריהם כסף מדינה

Rav Yosef explains Beis Shammai's ruling based on the statement of Rav Assi: כל כסף האמור בתורה כסף צורי — *Any* "כסף" *mentioned in the Torah* refers to *Tyrian currency*, ושל דבריהם כסף מדינה — *and any* "כסף" *mentioned by the Rabbis* refers to *provincial currency*. Tyrian currency was made from pure silver and did not contain a *perutah* (which is from copper). Since the Torah required a silver coin for *kiddushin* (by indicating "כסף"), it is understood that a coin of significant value is required, which Beis Shammai interprets to be a *dinar*. The Gemara asks that since Beis Hillel holds a *perutah* is sufficient for *kiddushin*, it emerges that Rav Assi's statement accords with Beis Shammai! Therefore, Rav Assi's statement is emended to read: כל כסף **קצוב** האמור בתורה — *Any set amount of* כסף *mentioned in the Torah* (such as five *sela'im* for פדיון הבן) refers to Tyrian currency. For *kiddushin*, which does not have a defined amount, a *perutah* is sufficient. The Ritva comments that Beis Shammai holds that all כסף, even without a defined amount, refers to Tyrian currency, and *kiddushin* therefore requires a *dinar*, as explained above.

3 Third explanation: the minimum purchase price of an אמה עבריה

Reish Lakish explains that Beis Shammai's ruling is based on the law of אמה עבריה — *a Jewish maidservant*. Chizkiyah taught that when the *pasuk* says "והפדה" — *and he shall cause her to become redeemed* (implying the master participates in the redemption), מלמד שמגרעת מפדיונה ויוצאה — *it teaches that she deducts* the time served *from* the total price of *redemption and goes free* by paying the remainder. Now, if she would be purchased for a *perutah*, partial redemption would be impossible, because a fraction of a *perutah* is not considered monetary value. The sale of a maidservant cannot be valid unless it includes the possibility of partial redemption. (This is derived from the law of *yiud*, which allows for the master to marry her. Although he is not required to marry her, it must be possible. Therefore, a maidservant cannot be sold to a relative whom she cannot marry.) Since the Torah disqualified a *perutah* from being used to purchase a maidservant, the Rabbis established it at a *dinar*, a significant denomination. Beis Shammai derives the minimum amount for *kiddushin* from the minimum amount for the sale of a maidservant. Finally, Rava gives a fourth reason on the next *daf*: שלא יהו בנות ישראל כהפקר — It is a Rabbinic enactment, *so that the daughters of Yisrael should not be viewed as public property*, i.e., cheaply acquired.

KIDDUSHIN DAF 12 • קידושין דף יב

1 חיישינן שמא שוה פרוטה במדי

A man once gave a woman a date for *kiddushin*, and Shmuel ruled that even if an entire *kor* of dates is only worth a *dinar*, and a single date is less than a *perutah,* she is considered married, because חיישינן שמא שוה פרוטה במדי — *we are concerned that perhaps it is worth a perutah in Madai* (where dates are less available). Although Beis Hillel taught in the Mishnah that a *perutah* is required for *kiddushin*, which Shmuel's ruling appears to make irrelevant (since there is always a concern that it is worth a *perutah* elsewhere), the Gemara explains: הא בקידושי ודאי — The Mishnah's minimum requirement is relevant for *definite kiddushin* (to invalidate another man's *kiddushin*), הא בקידושי ספק — and Shmuel's statement pertains to *doubtful kiddushin*, i.e., a concern for possible *kiddushin*. A man once married a woman with a blue stone, and another man married her afterwards. Rav Chisda evaluated the stone to see if it was worth a *perutah*, to determine if she was married to the first or second man. Since Shmuel says that even with an item worth less than a *perutah*, we are concerned that it is worth a *perutah* elsewhere, the Gemara explains that Rav Chisda disagrees with Shmuel.

2 The concern of possible witnesses

After Rav Chisda determined that the stone was not worth a *perutah* (and she was married to the second man), the first man's mother told Rav Chisda that the stone was worth a *perutah* on the day of the *kiddushin*. Rav Chisda responded: לאו כל כמינך דאסרת לה אבתרא — *It is not within your ability to prohibit her to the second man* through your testimony. He compared this to an incident where Yehudis, Rebbe Chiya's wife, quoted her mother as saying her father accepted *kiddushin* for her when she was young, and she was forbidden to Rebbe Chiya. Rebbe Chiya responded that her mother's testimony is not believed. Here, too, the mother's testimony about the stone's value is ignored. The Rabbis challenged Rav Chisda, saying that there were witnesses to the *kiddushin* in Iddis, who knew the stone was worth a *perutah* then! He responded with a quote of Rebbe Chanina regarding a captive's status for *kohanim*: עידיה בצד אסתן ותיאסר — *There are witnesses in the north*, who are not present to testify, *and she should be forbidden*? We are not concerned about witnesses who are absent. Abaye and Rava disagreed with the comparison (saying that a captive's case allows for greater leniency), and the Rabbis did not marry this family's descendants.

3 שתיקותא דלאחר מתן מעות

A man once married a woman with a mat of myrtle branches. When he was told that it was worth less than a *perutah*, he responded, "Let her become married with the four *zuz* wrapped inside it." She kept the money and was silent. Rava said: הוה שתיקותא דלאחר מתן מעות — This case *is silence after money was given*, וכל שתיקותא דלאחר מתן מעות לאו כלום היא — *and any silence after money was given is meaningless* and does not constitute consent. Rava brought a proof from a *Baraisa*, which taught that if someone tells a woman to guard a *sela* of his, and afterwards tells her to accept it for *kiddushin*, בשעת מתן מעות מקודשת — if the *kiddushin* proposal was made *at the time the money was given, she is married* because she accepted it for *kiddushin*, לאחר מתן מעות — but if the proposal was made *after the money was given*, רצתה מקודשת לא רצתה אינה מקודשת — then *if she consented* to *kiddushin*, *she is married, but if she did not consent, she is not married*. The implication is that even a "lack of consent" is sufficient at the time money is given, which must mean silence, but it is insufficient after the money was already given. Some *Amora'im* objected to comparing the cases and were concerned for *kiddushin* in Rava's case.

1 Marrying a woman with an item he stole from her

A man once stole ribbons from a woman, and when she asked for them, he responded, אי יהיבנא ליך מיקדשת לי — "*If I give* them *to you, will you be married to me?*" She accepted them and was silent. Rav Nachman ruled that she can say: אין שקלי ודידי שקלי — *Yes, I took* them, *but I took that which was mine*, and did not accept them as *kiddushin*. He was challenged from a *Baraisa* that taught that if someone marries a woman with stolen goods, או שחטף סלע מידה וקדשה — *or he grabbed a sela from her hand and married her* with it, מקודשת — *she is married*! The Gemara answers: התם בדשדיך — *There,* the *Baraisa* is discussing a case *where he discussed marriage* with her, and she agreed. In such a case, her silence is taken as consent to allow the stolen items to become his, and she accepts them from him as *kiddushin*. This distinction is proven from a *Baraisa*.

2 The consequences of involvement in marital law without qualification

Rav Yehudah quoted Shmuel: כל שאינו יודע בטיב גיטין וקדושין — *Anyone who does not know the laws of gittin and kiddushin* לא יהא לו עסק עמהן — *should have no involvement in them*. Rebbe Yochanan added: וקשין לעולם יותר מדור המבול — *And* those who involve themselves without qualification *are worse for the world than the generation of the Flood*. This is based on a *pasuk* that Rav Yosef explained to refer to people having children from other people's wives, about which it says that because of this sin, the land and all its inhabitants would be destroyed, including the fish of the sea, ואילו בדור המבול — *whereas in the generation of the Flood*, לא נגזרה גזירה על דגים שבים — *the decree* of destruction *was not decreed upon the fish of the sea,* as the *pasuk* says: מכל אשר בחרבה מתו — *All that was on dry land died*, as opposed to fish.

3 *Machlokes* if שיעבודא דאורייתא

Two disputes are recorded, revolving around whether שיעבודא דאורייתא — *the obligation* of a person's property *is beholden* to a debt *Biblically*, requiring payment after his death. A Mishnah states concerning a woman who gave birth, brought her requisite *Chatas*, *and* then died before bringing her *Olah*, that her heirs must bring her *Olah*. Shmuel qualifies this: והוא שהפרישתה מחיים — *It* only applies *where she designated* an *Olah while* she was still *alive*, but if she did not, her heirs do not bring an *Olah*. The Gemara deduces that he holds that שיעבודא לאו דאורייתא — *the obligation* on her inherited property *is not beholden Biblically*. Rebbe Yochanan says the heirs must bring her *Olah* even if she did not designate one, because שיעבודא דאורייתא — *the obligation* on her inherited property *is beholden Biblically*.

In the second *machlokes*, Rav and Shmuel both say: מלוה על פה — Regarding *an oral loan* (without a document), אינה גובה מן היורשין ולא מן הלקוחות — the lender *cannot collect from* his property currently owned by his *heirs*, *or those who purchased* his property. Rebbe Yochanan and Reish Lakish say that a creditor can collect from his property currently owned by his heirs or purchasers. This, too, depends on whether the *halachah* follows שיעבודא דאורייתא or not. Both disputes needed to be recorded, because one could argue that דמלוה כתובה בתורה — *a loan written in the Torah* (e.g., a woman who gave birth, where the Torah imposed the *korban* obligations) ככתובה בשטר דמיא — has the stringency *like a loan written in a document*. Rav Pappa says the *halachah* is שיעבודא דאורייתא, so an oral loan is collected from heirs (the purchasers, however, are exempted Rabbinically).

KIDDUSHIN DAF 14 • קידושין דף יד

1 The sources for the *kinyanim* of a *yevamah* — the *yavam's* death permits her based on a *kal vachomer*

The Mishnah on *daf* 2a taught that a *yevamah* is acquired through relations and becomes permitted through *chalitzah* or the death of the *yavam*. The source for acquiring with relations is the *pasuk*: יבמה יבא עליה ולקחה לו לאשה — *Her yavam will have relations with her and take her as his wife*. Nevertheless, she cannot be acquired with all three methods of an ordinary wife, because the *pasuk* says "יבמה", excluding the others. She becomes permitted to remarry through *chalitzah*, as the *pasuk* says: ונקרא שמו בישראל בית חלוץ הנעל — *Its name shall be called in Yisrael, "The house of the one with the removed shoe*," teaching that once the shoe is removed, she is permitted to any *yisrael*. The *yavam*'s death permits her, based on a *kal vachomer*: If a married woman, whose adultery is punishable by death, becomes permitted through her husband's death, then a *yevamah*, whose adultery is only a *lav*, should certainly become permitted with the *yavam*'s death. Although a married woman is uniquely permitted with a *get*, הא נמי יוצאה בחליצה — a *yevamah*, *too, goes out with chalitzah* (which substitutes for a *get*). The Gemara asks that perhaps the husband's death permits a married woman because he caused the prohibition, and Rav Ashi responds that a *yavam*, too, causes the *yevamah*'s prohibition.

2 The *kinyanim* of an עבד עברי, and the source for acquiring with money

The next Mishnah states: עבד עברי נקנה בכסף ובשטר — *A Jewish servant is acquired with money and with a document*, וקונה עצמו בשנים וביובל ובגרעון כסף — *and he acquires himself with* the completion of six *years,* the arrival of *Yovel*, *and* paying *the deduction of money* from the original purchase price (based on time served). An אמה עבריה additionally acquires herself with סימנים — *signs* of physical maturity. A נרצע, a servant who chooses to stay beyond six years, is acquired with רציעה — *boring* his ear against a door, and goes free with *Yovel* and the master's death. The Torah teaches that an אמה עבריה can be redeemed by deducting time served from her original purchase price. This indicates that she was originally purchased with money, proving that an עבד עברי may be acquired with money. Although she can also be married with money, there is a *hekesh* comparing her to an עבד עברי. Although that *pasuk* discusses a servant sold by *beis din*, who can be sold against his will, a servant who sells himself willingly can be derived from it, either through a *gezeirah shavah* (שכיר שכיר) or a *vav* connecting the topics.

3 *Machlokes* if there are four distinctions between a מוכר עצמו and מכרוהו בית דין, ex., becoming a נרצע

A *Baraisa* discusses four distinctions between a servant who sells himself and a servant sold by *beis din*: 1) המוכר עצמו נמכר לשש ויתר על שש — *One who sells himself may be sold for six* years *or more*, מכרוהו ב"ד אינו נמכר אלא לשש — but one *sold by beis din is only sold for six years*. 2) המוכר עצמו אינו נרצע — *One who sells himself cannot* have his ear *bored* to remain after completing his term, מכרוהו ב"ד נרצע — but one *sold by beis din can* have his ear *bored* to remain. 3) One who sells himself does not receive הענקה — *gifts* given when he leaves, but one sold by *beis din* does. 4) Finally, the master cannot give a שפחה כנענית to have offspring for the master to one who sells himself, but can to one sold by *beis din*. Rebbe Elazar disputes all these distinctions, saying that both types of servants are only sold for six years, can become a נרצע, receive gifts upon leaving, and can be given a שפחה כנענית. The Gemara initially suggests they argue if there is a *gezeirah shavah* (שכיר שכיר) connecting the two topics, but then says that each dispute can be explained independently.

KIDDUSHIN DAF 15 • קידושין דף טו

1 Opinion that only a מכרוהו בית דין receives הענקה

A *Baraisa* on the previous *daf* listed a *machlokes* about several differences between an עבד עברי who sold himself and one sold by *beis din*. Here, the Gemara explains the opinion that one who sold himself does not receive הענקה — *gifts* when he goes free. The *pasuk* says about one sold by *beis din*: הענק תעניק לו — *You shall surely give him gifts*, לו ולא למוכר עצמו — teaching that they are only given *to him, and not to one who sells himself*. The Gemara asks what the other *Tanna darshens* from the word "לו." It cannot exclude the heirs from inheriting the gifts if he dies before receiving it, because the Torah calls him a "שכיר" — *hired worker*, indicating that his heirs should inherit his gifts, as a worker's heirs inherit his wages. The Gemara explains it excludes a בעל חוב — *creditor* from collecting the gifts, for one would think the creditor can collect them, based on Rebbe Nosson's principle that if one is owed money from a second person, and that person is owed from a third person, שמוציאין מזה ונותנין לזה — *we take* the money *from this* last person *and give it to this* first person. The first opinion does not need to exclude a בעל חוב, because he does not agree with Rebbe Nosson's principle.

2 Sources for all three cases of עבד עברי to go free in *Yovel*: מוכר עצמו, מכרוהו בי"ד, ונרצע

Rebbe Eliezer ben Yaakov requires three *pesukim* to teach that each type of עבד עברי (one who sold himself, one sold by *beis din*, and a נרצע) goes free in *Yovel*. Although he may hold of the *gezeirah shavah* (שכיר שכיר) comparing the two types of sales, a *pasuk* is still needed for one sold by *beis din*, for one could argue: מכרוהו ב"ד דעבד איסורא — *One sold by beis din, who transgressed a prohibition* of stealing, אימא ניקנסיה — *I would say we penalize him* not to go free in *Yovel*. The *pasuk* teaches otherwise. A third *pasuk* is required to teach that a נרצע also goes free in *Yovel*, because one could say that one sold by *beis din* goes free in *Yovel*, because his time to leave has not yet arrived, אבל נרצע דמטאי זמניה — *but a nirtza, whose time* to leave already *came*, yet he opted to remain a servant, אימא נקנסיה — *I would say we penalize him* not to go free in *Yovel*. If only נרצע was written, one could say he goes free in *Yovel* because he already served six years, but one sold by *beis din*, who has not yet served his term, would not go free early in *Yovel*.

3 *Machlokes* if a Jewish slave of an idolator goes free when redeemed by relatives or others

A *Baraisa* records a *machlokes* about the *pasuk*: לא יגאל באלה — If the Jewish slave of an idolator *was not redeemed by these* (relatives), then he goes free in *Yovel*. Rebbe Yose Haglili says: באלה לשחרור — *When* he is redeemed *by these* relatives, he goes *to freedom*, בשאר כל אדם לשעבוד — but if he is redeemed *by any other person*, he goes *to servitude* for that person. Rebbe Akiva holds the reverse, that if others redeem him, he goes free, but if relatives redeem him, he must serve them. The Gemara initially explains that they argue how to read the *pasuk*, but ultimately says the basis for their argument is a logical one. Rebbe Yose Haglili holds it is logical that he should serve "others" who redeem him, because if he would go free, הוו מימנעי ולא פרקי ליה — *they would hold back* and *not redeem him*. Rebbe Akiva holds it is logical that he should serve relatives who redeem him, because otherwise, כל יומא ויומא אזל ומזבין נפשיה — *every day he would go and sell himself* to idolators, knowing his relatives will free him.

1 The source for acquiring an עבד עברי with a שטר, and *machlokes* who writes it

1) Ulla says the source that an עבד עברי may be acquired with a שטר is the *pasuk*: אם אחרת יקח לו — *If he takes another wife* (in addition to his father's הקישה הכתוב לאחרת; אמה עבריה — *the pasuk compares* the אמה *to the other* ordinary wife. Just as a wife is acquired with a שטר, an אמה (and by extension, an עבד) is also acquired with a שטר. However, this *derashah* depends on a *machlokes* about who writes the שטר of an אמה עבריה. Rav Huna holds: אדון כותבו — *The master writes it* and gives it to the father, and Rav Chisda holds: אב כותבו — *The father writes it* and gives it to the master. According to Rav Huna, the שטר of an אמה עבריה parallels the שטר of *kiddushin* (that the "acquirer," the husband, writes and gives the שטר), but according to Rav Chisda, who holds that the "seller," the father, writes and gives it, the שטר of an אמה עבריה cannot be derived from that of *kiddushin*. 2) Rav Acha bar Yaakov provides a second *derashah*: לא תצא כצאת העבדים — An אמה עבריה *shall not leave like the leaving of* Canaanite *slaves*, אבל נקנית היא כקנין עבדים — *but she may be acquired like* Canaanite *slaves are acquired*. ומאי ניהו שטר — *And what is* the way in which she may be acquired? Through a שטר. The Gemara proceeds to explain how to derive שטר specifically from this *derashah*.

2 An עבד עברי acquiring himself with a שטר: עבד עברי גופו קנוי

It was taught in a *Baraisa*: וקונה את עצמו בכסף ובשוה כסף ובשטר — *And* an עבד עברי *can acquire himself with money, items worth money, and a document*. After explaining the source for money and items worth money, the Gemara analyzes the case of שטר. If the שטר obligates him for the redemption money, that is the equivalent of money, and not an additional method. If, instead, it is a document of שחרור — *emancipation* (freeing him before his term is completed), why is a שטר necessary? לימא ליה באפי תרי זיל — *Let him tell* the servant, *in front of two* witnesses, *"Go!"* אי נמי באפי בי דינא זיל — *Or*, alternatively, tell him *in front of beis din, "Go!"* thereby waiving his monetary right to his service! Rava concludes: זאת אומרת עבד עברי גופו קנוי — *This demonstrates that an* עבד עברי*'s body is owned* by the master during his term, והרב שמחל על גרעונו אין גרעונו מחול — *and* therefore, regarding *the master who forgives the remainder* of what the slave owes him, *the remainder is not forgiven* (because the master's partial ownership of the עבד עברי cannot be forgiven).

3 If an אמה עבריה goes free when her father dies

Reish Lakish says: אמה העבריה קונה את עצמה במיתת האב מרשות אדון — *An* אמה עבריה *acquires herself from her master's domain through the father's death*. This is derived from a *kal vachomer*: If סימנים — *signs* of *naarus* do not remove a girl from the father's domain, yet remove her from the master's domain, then the father's death, which removes her from her father's domain (i.e., her labor belongs to her, and not his heirs), should certainly remove her from the master's domain! Reish Lakish's ruling is challenged and defended, until finally, Rav Amram quotes a *Baraisa* that lists the servants who receive הענקה as one who goes out at the end of six years, at *Yovel*, with the master's death, and an אמה עבריה through סימנים, but does not list the father's death. This proves conclusively that an אמה עבריה does not go free with the father's death, and the Gemara explains that Reish Lakish's *kal vachomer* can be undermined: מה לסימנין שנשתנה הגוף — *What* comparison is there with *signs* of *naarus*, *where* her *body has* physically *changed*, causing her to go free? תאמר במיתת אב שכן לא נשתנה הגוף — *Will you say* the same *with the father's death, where* her *body has not* physically *changed?*

1 *Machlokes* how much is given to an עבד עברי for הענקה

Tanna'im discuss how much an עבד עברי receives for העניקה. Three opinions are offered: 1) Rebbe Meir says: חמש סלעים מכל מין ומין — *Five sela'im from each type* mentioned in the *pasuk* (flock, granary, and wine), שהן חמש עשרה סלעים — *which totals fifteen sela'im*. He mentions the total to clarify that five *sela'im* of each type are not required, so long as the total amount is fifteen *sela'im*. 2) Rebbe Yehudah says: שלשים כשלשים של עבד — *Thirty sela'im, like the thirty* given to the master of a Canaanite *slave* killed by an animal. 3) Rebbe Shimon says: חמשים כחמשים שבערכין — *Fifty sela'im, like the fifty* paid for the highest *erech* pledge. Rebbe Meir derives the amount from a *gezeirah shavah* from the five *sela'im* given to a *kohen* for a *bechor*, and applies it to each variety (rather than the total) because the word "ריקם" — *empty*, appears in the *pasuk* before the three varieties. Rebbe Yehudah has a *gezeirah shavah* from the thirty *sela'im* of an עבד כנעני (the Gemara explains why he did not compare it instead to ערכין), and Rebbe Shimon has a *gezeirah shavah* from ערכין.

2 Which kinds of servants must serve the master's sons

It was taught in a *Baraisa*: עבד עברי עובד את הבן ואינו עובד את הבת — *An* עבד עברי *serves the* master's *son, but not the daughter* (if there is no son). An אמה עבריה, a נרצע, and one sold to an idolater do not even serve their masters' sons. Concerning the first law, a *Baraisa darshens* a *pasuk*: ועבדך שש שנים — *And he shall serve you six years*, implying לך ולא ליורש — he shall serve *you* (the master), *but not the heir* of the master, referring to a brother or daughter. Nevertheless, he serves the son, because the *pasuk* says: שש שנים יעבד — *He shall serve six years* (without specifying "you"). The Gemara explains that a son is presumed to be a more direct substitute of the father than a brother, because a son stands in his father's place for יעוד (to marry his father's אמה עבריה), and for שדה אחוזה — he can redeem *ancestral land* the father was *makdish* before *Yovel* so that it will not transfer to *kohanim* at *Yovel*. Although a brother stands in his deceased brother's place for *yibum*, the Gemara responds: כלום יש יבום אלא במקום שאין בן — *Is there any yibum except where there is no son?* הא יש בן אין יבום — *When there is a son, there is no yibum!*

3 An idolater or *ger* inheriting his father

Rava said: דבר תורה עובד כוכבים יורש את אביו — *Biblically, an idolater inherits his father*, as the *pasuk* says: וחשב עם קונהו — *He shall calculate with his* gentile *purchaser*, which teaches, ולא עם יורשי קונהו — *but not with his purchaser's heirs* (i.e., a Jewish slave of an idolater is not inherited), which implies that ordinarily, they do inherit his possessions (Rebbe Yochanan provides a different source on the next *daf*). A *ger* does not inherit his father Biblically (because he is not halachically related to him), but inherits him Rabbinically. This is seen from a Mishnah discussing a *ger* and idolater (who are brothers) who inherit their father's possessions, and among them are idols or other goods that are prohibited in benefit. The *ger* can offer the idolater to take all the idols, and he will take money or other goods instead. However, he cannot make this exchange after the idols come into his domain. This proves that a *ger* does not inherit his father Biblically, because otherwise he could not offer the above exchange, trading idols he legally owns for other goods. Rather, he only inherits Rabbinically, שמא יחזור לסורו — *lest he return to his* former *ways* to receive the inheritance. A *ger* is not inherited at all by his son who is either an idolater or a *ger*.

1 When an עבד עברי may be sold twice

In a *Baraisa* listing differences between an עבד עברי and אמה עבריה, it was taught that an אמה cannot be sold twice. The Gemara asks that this implies that an עבד עברי can be sold twice, yet a *Baraisa darshens*: כיון שנמכר פעם אחת שוב אי אתה רשאי למוכרו "בגניבתו" — *For his theft*, teaching that *once he was sold one time, you cannot sell him again*! Rava answered that he cannot be sold twice for a single theft, but can be sold multiple times for multiple thefts. Abaye rejects his distinction, saying that "בגניבתו"connotes even multiple thefts, and he cannot be resold even for multiple thefts (if he stood trial for them at once). Instead, Abaye answers: כאן באדם אחד — *Here* (the second *Baraisa*) is where he stole from *one person and* cannot be resold even for multiple thefts; כאן בשני בני אדם — *here* (the first *Baraisa*) is where he stole from *two people*, and was tried separately for each. He can be sold once for each theft victim. In a *Baraisa*, the *Tanna Kamma* says that a thief can be sold twice for one theft if his sale value is half the amount of the theft, but if his value is double the theft, he is not sold at all. Rebbe Eliezer says that in either case, he is not sold; he is only sold when his sale value matches that of the stolen item.

2 A father selling or marrying off his daughter after she was previously sold or married off

A *Baraisa* discusses limitations on the father's right to sell or marry off his daughter. The *Tanna Kamma* says: מוכר אדם את בתו לאישות ושונה — *A man may sell his daughter for marriage repeatedly*, לשפחות ושונה — or sell her *for servitude repeatedly*, לאישות אחר שפחות — or *for marriage after servitude*, אבל לא לשפחות אחר אישות — *but cannot* sell her *for servitude after marriage*. Rebbe Shimon says: כשם שאין אדם מוכר את בתו לשפחות אחר אישות — *Just as a man cannot sell his daughter for servitude after marriage*, כך אין אדם מוכר את בתו לשפחות אחר שפחות — *so, too, he cannot sell her for servitude after servitude*. This *machlokes* hinges upon another, about the Torah saying one cannot sell his daughter "בבגדו בה." Rebbe Akiva interprets it: כיון שפירש טליתו עליה — *Once* the master *spreads his cloak over her* (i.e., marrying her with *yiud*), שוב אין רשאי למוכרה — her father *can no longer sell her*. Rebbe Eliezer interprets it: כיון שבגד בה — *Once he has betrayed her* by selling her into servitude, שוב אין רשאי למוכרה — *he can no longer sell her*. The basis for their disagreement is if יש אם למסורת — *there is primacy for the tradition* of the written form, as Rebbe Eliezer maintains, or למקרא — *the read* form, as Rebbe Akiva maintains. Rebbe Shimon holds there is primacy for both forms and therefore makes both *derashos*, preventing a father from selling her after either selling or marrying her off.

3 יעוד נישואין עושה או אירוסין עושה

Rabbah bar Avuha asked: יעוד נישואין עושה או אירוסין עושה — *Does yiud effect nisuin, or only eirusin?* The practical differences are the *halachos* dependent on *nisuin*, e.g., if the husband inherits her, can become *tamei* to bury her (if he is a *kohen*), and can be *meifir* her *nedarim*. A proof is brought from a *Baraisa* discussing a widow sold as an אמה. Since she would only be considered a true widow if her father married her off (since she is a minor), how can he sell her altogether, since she cannot be sold into servitude after marriage? Rav Yitzchak explained that the *Baraisa* refers to a widow from *yiud*, and that she was originally sold to servitude, not marriage (the Gemara later explains that although she eventually married, the father did not marry her off). This proves that *yiud* only effects *eirusin*, because if it effects *nisuin*, she completely leaves the father's jurisdiction, and he cannot sell her! The Gemara attempts to refute the proof, but the refutation is deflected.

KIDDUSHIN DAF 19 • קידושין דף יט

1 If a minor son can perform יעוד, and the exclusion of אשת קטן

Reish Lakish asked: מהו שמייעד אדם לבנו קטן — *Can a man have his son who is a minor do yiud* with his אמה? Do we say that the Torah simply says "בנו" — *"his son"* may do *yiud*, implying בנו כל דהו — *his son, whatever* his age, or that בנו דומיא דידיה — *his son* is eligible when he is *like him*, i.e., an adult? Rebbe Zeira brought a *Baraisa* that *darshens* regarding the death penalty for adultery: "אשת איש" פרט לאשת קטן — *"A man's wife" excludes a minor's wife* from liability. If a minor can perform *yiud*, then a minor can have a true wife, and her adultery should be liable for death! The Gemara responds that, on the contrary, this *Baraisa* proves he can perform *yiud* (and she is nevertheless exempt), because otherwise, why would a *pasuk* be required to exclude his "wife" from liability? Rav Ashi answers that the *Baraisa* may be discussing a minor who is a *yavam* to whom the *yevamah* is Biblically bound: מהו דתימא כיון דמדאורייתא חזיא ליה וביאתו ביאה — *You might say that since she is bound to him, and his relations are* legal *relations* (once he is nine years old), her adultery would be liable; therefore, the Torah taught it is not.

2 *Machlokes* if מעות הראשונות לקידושין ניתנו

A *Baraisa* derives from the Torah's juxtaposition of *yiud* and redemption in the *pasuk* ":יעדה והפדה" צריך שיהא שהות ביום כדי פדייה — *There must be* enough *time in the day for* her to *be redeemed* with the remaining amount. Based on this, Rebbe Yose bar Rebbe Yehudah said that to perform *yiud*, there must be time in the final day for a *perutah*'s worth of work. The Gemara infers that he holds מעות הראשונות לאו לקידושין ניתנו — *the original* purchase *money is not given for kiddushin* purposes should he ultimately perform *yiud*; therefore, he must be *mekadesh* her based on the remaining work owed him. Rav Nachman bar Yitzchak says that Rebbe Yose may agree that the money was given for *kiddushin*, but the Torah nonetheless required a potential for redemption to perform *yiud*. Later, the Gemara quotes the *Rabbanan*, who disagree and say that *yiud* is possible even at the last moment, because the original purchase money includes *kiddushin* purposes. Another practical difference emerges if the father accepted *kiddushin* for his sold daughter before the master performed *yiud*. According to Rebbe Yose, she is married to the second husband, but according to the *Rabbanan*, the master can still perform *yiud* and she will be married to him.

3 An אמה sold on condition not to do יעוד

It was taught in a *Baraisa*: המוכר את בתו ופסק על מנת שלא לייעד — *One who sold his daughter, and stipulated* the sale as *conditional that he not perform yiud*, Rebbe Meir holds the condition is effective and the master cannot perform *yiud*, but the *Chachamim* say: אם רצה לייעד מייעד — *If he wishes to perform yiud, he may,* מפני שהתנה על מה שכתוב בתורה — *because* the father *has made a condition against what is written in the Torah*, which is always void. The Gemara asks that Rebbe Meir himself holds of this rule in a case where one married a woman ע"מ שאין לך עלי שאר כסות ועונה — *on condition that you have no* claim *against me for food, clothing, and relations*, where Rebbe Meir said the condition is void! Chizkiyah answers that here, the Torah added the extra word "לאמה" — *for a maidservant*, to teach: פעמים שאינו מוכרה אלא לאמה בלבד — *There are times that he only sells her as a maidservant*, and not as a potential wife through *yiud*.

1 Ruling leniently for changes in value

It was taught in a *Baraisa*: נמכר במנה והשביח ועמד על מאתים — If an עבד עברי *was sold for a maneh* (one hundred *zuz*) *and his value* subsequently *increased and reached two hundred zuz*, he can be redeemed for a mere *maneh*, based on the *pasuk*: מכסף מקנתו — *From the money of his purchase* (implying redemption according to his purchase price). נמכר במאתים והכסיף ועמד על מנה — If he was *sold for two hundred, and his value* subsequently *depreciated and reached a maneh*, he is still redeemed for a *maneh*, based on the *pasuk*: כפי שניו — *According to his years*, implying redemption according to current value. Abaye was asked why the *pesukim* are not interpreted in the reverse (to require both higher values), and he responded that since the Torah requires the servant to be treated well, his redemption should also be calculated leniently. This is rejected, because although his physical needs must be provided for, perhaps his redemption amount should be calculated stringently, since a *Baraisa* (brought below) teaches that his servitude is a result of transgressions. The Gemara will ultimately explain that the first segments of the above two *pesukim* indicate how they should be interpreted.

2 כיון שעבר אדם עבירה ושנה בה נעשית לו כהיתר, and כמה קשה אבקה של שביעית

Rebbe Yose bar Rebbe Chanina says: בא וראה כמה קשה אבקה של שביעית — *Come and see how severe is the "dust" of sheviis* (i.e., a lesser prohibition)! He proceeds to list, based on the sequence of *pesukim*, a series of financial hardships that will befall someone who does business with *shemittah* produce and does not repent. He will be forced to sell his movable items, then his fields, then his daughter as an אמה עבריה, then borrow with interest, and then sell himself as a slave, even to an idolatrous temple. The Gemara notes that he expresses the second stage with "לא הרגיש" — *if he does not give thought* to his punishment (to repent), but the later stages are expressed as "לא באת לידו" — repentant thoughts *do not* even *come to his hand*, and explains that it reflects Rav Huna's principle: כיון שעבר אדם עבירה ושנה בה — *Once a person commits a sin and repeats it*, הותרה לו — *it becomes permitted to him,* which the Gemara explains to mean: נעשית לו כהיתר — *It becomes to him as if it is permitted*, since he became accustomed to violating it.

3 If an עבד עברי sold to an idolator can be redeemed by halves

Rav Huna bar Chinena asked Rav Sheishes: עבד עברי הנמכר לעובד כוכבים — Regarding *an* עבד עברי *sold to an idolator*, נגאל לחצאין או אינו נגאל לחצאין — *can he be redeemed by halves, or can he not be redeemed by halves* (i.e., can he reduce half his remaining term by paying half the redemption price)? Do we learn, through a *gezeirah shavah* (גאולתו גאולתו) from שדה אחוזה — *an ancestrally owned field*, that just as a שדה אחוזה cannot be redeemed by halves, so, too, an עבד עברי cannot be redeemed by halves, or do we allow him to be redeemed by halves where it would be more lenient for him, but not where it would be stricter for him (since it was established above, in point 1, that his redemption is calculated leniently)? Rav Sheishes answered that just as an עבד עברי cannot be sold for a theft that is half his sale value (as taught on *daf* 18a), ה"נ נגאל כולו ולא חציו — *so, too, he can* only *be redeemed fully, but not by halves*. Abaye explains that "redeeming by halves" can result in a leniency or a stringency in cases where the slave's value fluctuates (higher or lower) between when he was redeemed halfway to when he can be fully redeemed.

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1 If בתי ערי חומה can be redeemed by relatives

The Gemara on the previous *daf* discussed whether בתי ערי חומה — *houses of walled* cities that were sold can be redeemed by halves, and concluded that the *Rabbanan* (as opposed to Rebbe Shimon) hold they cannot, based on a *gezeirah shavah* (גאולתו גאולתו) from שדה אחוזה — *an ancestrally owned field*. Rav Huna bar Chinena asked Rav Sheishes: המוכר בית בבתי ערי חומה — *One who sells a house among houses of walled cities*, נגאל לקרובים או אין נגאל לקרובים — *can it be redeemed by* the seller's *relatives, or can it not be redeemed by relatives*? Since there is a *gezeirah shavah* between בתי ערי חומה and שדה אחוזה, do we say that just as a שדה אחוזה cannot be redeemed by halves, but can be redeemed by relatives, so, too, בתי ערי חומה cannot be redeemed by halves, but can be redeemed by relatives? Or does the *gezeirah shavah* only teach about the law of redeeming by halves (which is written near the word גאולתו), but not the law of relatives redeeming? Rav Sheishes answered that בתי ערי חומה cannot be redeemed by relatives.

2 *Machlokes* what may be used for רציעה

A *Baraisa* records a *machlokes Tanna'im* regarding what is included in the Torah's requirement of רציעה — *boring* the ear of an עבד עברי who wishes to remain. Rebbe Yose bar Rebbe Yehudah includes wooden implements, such as a peg or thorn, based on the word "ולקחת" — *and you shall take*, לרבות כל דבר שנקח ביד — *to include anything that is taken by hand*. Rebbe requires a metal instrument, similar to the awl of the Torah. The Gemara explains that Rebbe *darshens* the phrase "ולקחת את המרצע ונתתה באזנו ובדלת" as a כלל ופרט וכלל, which includes anything which is כעין הפרט — *similar to the specification*, which includes anything metal, like an awl. Rebbe Yose bar Rebbe Yehudah *darshens* the phrase with the more expansive ריבה ומיעט וריבה, which includes everything but one exception, which the Gemara identifies as סם — *a potion* that pierces the ear. Because the Torah wrote "המרצע" — *"the" awl* (using the definite article), a large awl is also included.

3 An עבד עברי *kohen* re: becoming a *nirtza* and the master giving him a maidservant

Yudan Beribi taught that the piercing is done in the earlobe. The *Chachamim* responded: אין עבד עברי כהן נרצע מפני שנעשה בעל מום — The law is that *an* עבד עברי who is a *kohen cannot become a nirtza, because he would* thereby *become a baal mum* (possessing a disqualifying defect). If you say only the earlobe is pierced, how would he become a בעל מום? Rather, the piercing must be in the upper part of the ear. The Gemara later explains that a *kohen* cannot become a בעל מום because the Torah says: ושב אל משפחתו — *And he shall return to his family*, למוחזק שבמשפחתו — teaching that *he returns to his former position in his family*. The Gemara asks about an עבד עברי *kohen*: מהו שימסור לו רבו שפחה כנענית — *Can his master give a Canaanite slavewoman to him* to produce offspring? Do we say that the *heter* for an עבד עברי to have relations with a maidservant is a novelty, so it applies equally to a *kohen*, or perhaps *kohanim* are different, הואיל וריבה בהן הכתוב מצות יתירות — *since the Torah added more commandments for them*? Rav says it is permitted and Shmuel says it is not. Rav Nachman told Rav Anan that he could have challenged Shmuel from the above *Baraisa*, which implies that a *kohen* cannot be a *nirtza* only because he would become a בעל מום. If an עבד עברי who is a *kohen* cannot marry a slavewoman, he would additionally lack the qualification of the servant "loving his wife"! The Gemara concludes: תו לא מידי — There is *nothing else* to be said to this challenge.

1 How a master should treat his slave — "כי טוב לו עמך"

A *Baraisa* teaches that if either the servant or the master does not have a wife and children, he cannot be a *nirtza*, based on *pesukim*. If the master does not love him, he is not a *nirtza*, because the *pasuk* says: כי טוב לו עמך — *For it was good for him with you*, implying the master is pleased with him. If he does not love his master, he is not a *nirtza*, because the *pasuk* describes him as loving his master. Finally, if one of them is ill, he is not a *nirtza* (based on *pesukim*). A *Baraisa* teaches: The *pasuk* says: כי טוב לו עמך — *For it was good for him with you*, teaching עמך במאכל עמך במשתה — he should be *with you in food*, and *with you in drink*. You should not eat bread of fine flour while he eats bread of poor quality, you should not drink aged wine while he drinks (inferior) new wine, and you should not sleep on a mattress while he sleeps on straw. Based on this it was said: כל הקונה עבד עברי כקונה אדון לעצמו — *Anyone who acquires a servant, it is as if he acquired a master for himself*.

2 Why the ear of the עבד עברי is pierced, and why by a doorpost

In a *Baraisa*, Rebbe Yochanan ben Zakkai *darshened* the following *pasuk* כמין חומר — *like a packet* of pearls or spices: Why was the ear specifically chosen to be pierced? אמר הקדוש ברוך הוא — *Hashem said*: בשעה שאמרתי "כי לי בני ישראל עבדים" אזן ששמעה קולי על הר סיני — *The ear that heard My voice on Har Sinai, at the time when I said, "For to Me, Bnei Yisrael are servants,"* ולא עבדים לעבדים — *and not servants of* other *servants,* והלך זה וקנה אדון לעצמו — yet *this one went and acquired a master for himself,* ירצע — *let* the ear *be pierced!* Rebbe Shimon bar Rebbe *darshened* a different *pasuk* "like a packet": Why is the ear pierced specifically by the door and doorpost? אמר הקדוש ברוך הוא — *Hashem said*: דלת ומזוזה שהיו עדים במצרים — *The door and doorpost, which were witnesses in Mitzrayim* בשעה שפסחתי על המשקוף ועל שתי המזוזות — *when I skipped over the lintel and two doorposts* of Jewish homes, ואמרתי כי לי בני ישראל עבדים — *and I said, "For to Me, Bnei Yisrael are servants,"* ולא עבדים לעבדים — *and not servants of* other *servants,* והוצאתים מעבדות לחירות — *and I took them out from slavery to freedom,* והלך זה וקנה אדון לעצמו — yet *this one went and acquired a master for himself,* ירצע בפניהם — his ear *should be pierced before them!*

3 Methods to acquire an עבד כנעני — Rebbe Shimon: לא תהא חזקה גדולה מהגבהה

The next Mishnah states: עבד כנעני נקנה בכסף ובשטר ובחזקה — *An* עבד כנעני *may be acquired with money, a document, or chazakah* (an act demonstrating ownership). A *Baraisa* adds that he may be acquired with חליפין, and Shmuel says he may be acquired with משיכה — *drawing* him *near*. Still, calling the slave to come to him is not valid משיכה, although it is valid משיכה of an animal. The Gemara explains: בהמה אדעתא דמרה אזלה — *An animal walks according to the owner's will* and is considered to be "moved" by the owner's command, whereas עבד אדעתיה דנפשיה קאזיל — *a slave walks by his own will* to follow the command, not the master's. Based on this, Rav Ashi said that a slave who is a minor can be acquired by calling him, since he has not developed independent thought. A *Baraisa* lists examples of חזקה, such as dressing or undressing him, or even lifting him. However, this *Tanna* holds that if he lifts the slave, he does not acquire him. Rebbe Shimon argues: לא תהא חזקה גדולה מהגבהה — *Chazakah should not be better* for acquiring anything *than lifting* it, שהגבהה קונה בכל מקום — *for lifting acquires in every place* and can acquire slaves as well.

1 Three opinions re: freeing a slave with money or a שטר, through himself or another

In the Mishnah on *daf* 22b, Rebbe Meir had taught that a slave is freed with money provided by someone else, or a שטר given to him, and the *Chachamim* seem to say the reverse. The Gemara ultimately explains that there are three opinions: Rebbe Meir holds that although the slave cannot own money (and cannot redeem himself), someone else can redeem the slave with money, even against his will. Abaye explains: הואיל וקני ליה בעל כורחיה מקני ליה בעל כורחיה — *Since* money *can buy him against his will, it can* also *transfer him* to himself *against his will* (as opposed to a שטר, which is a different שטר than the one used for purchase). Rava explains that the master accepts the money for himself (not on the slave's behalf), thereby freeing the slave (as opposed to a שטר, which must be received on the slave's behalf). The *Rabbanan* hold that he can even free himself with personal money (because they hold he can own money). Finally, Rebbe Shimon ben Elazar holds that a שטר must be given to someone else, but not the slave (as explained below).

2 Rebbe Shimon ben Elazar: a slave cannot receive his גט שחרור, and if he can make a *shaliach*

Rabbah explains why Rebbe Shimon ben Elazar says a slave cannot receive his גט שחרור (and we do not say גיטו וידו באין כאחד — *his get and hand*'s independence *come simultaneously*). He derives a *gezeirah shavah* (לה לה) from a woman, teaching: מה אשה עד שיוציא גט לרשות שאינה שלו — *Just as a woman* is not divorced *until he removes the get to a domain that is not his* (because her hand does not belong to him), אף עבד נמי עד שיוציא גט לרשות שאינה שלו — *so, too, a slave* is not freed *until* the master *removes the* גט שחרור *to a domain that is not his* (i.e., not the slave). Rabbah asked according to this opinion: עבד כנעני מהו שיעשה שליח לקבל גיטו מיד רבו — *Can an* עבד כנעני *make a shaliach to receive his* גט שחרור *from his master?* Do we say that since his law is derived from a woman's, and just as she can make a *shaliach*, so, too, a slave can as well, or do we say that she can make a *shaliach* because she can accept it herself, but a slave who cannot accept his גט שחרור cannot make a *shaliach*? He concluded that he can make a *shaliach*, like a woman.

3 The *machlokes* if a slave can free himself with money (three explanations)

In the Mishnah, Rebbe Meir said that a slave cannot free himself with his own money, and the *Rabbanan* say he can. The Gemara suggests that Rebbe Meir holds that אין קנין לעבד בלא רבו — *a slave has no acquisition without his master* (who automatically acquires anything given to his slave), and holds the same regarding a married woman, while the *Rabbanan* hold that a slave can independently own what is given to him. Rav Sheishes said that even the *Rabbanan* agree that ordinarily, a slave cannot independently own anything. The dispute is where one gave him money and said, על מנת שאין לרבך רשות בו — "This gift is given *on condition that your master has no rights in it*," and they argue if this condition is effective in preventing the master's acquisition. Rebbe Elazar says that everyone would agree such a condition is ineffective, and explains the case is where someone gave the slave money and said, על מנת שתצא בו לחירות — "This is given *on condition that you go free with it*," and they argue if this condition is effective.

1 An עבד כנעני goes free for destruction of any of the ראשי אברים

It was taught in a *Baraisa*: יוצא בשן ועין — A slave *goes free* for destruction of *a tooth or eye,* וראשי אברים שאינן חוזרים — *or the ends of limbs that do not regenerate*. A tooth and eye are written explicitly, and both had to be written, to clarify that the loss of a baby tooth does not set him free, and that the loss of an adult tooth does (despite his not being born with it). The Gemara explains that all other ראשי אברים are derived from a כלל ופרט וכלל: מה שן ועין מומין שבגלוי ואינן חוזרין — *Just as* losing *a tooth and an eye* causes *an exposed blemish, and they do not regenerate,* אף כל מומין שבגלוי ואינן חוזרין — *so, too*, regarding the loss of *all* limbs that cause *an exposed blemish and do not regenerate*, a slave goes free when the master destroys them. The Gemara asks that if so, a loss of function should also be required (similar to losing an eye's sight and a tooth's chewing), yet a *Baraisa* teaches that if his beard is pulled, dislocating a bone, he goes free! The Gemara concludes that this sequence is *darshened* as the more expansive ריבה ומיעט וריבה and excludes only הכהו על ידו וצמתה וסופה לחזור — where *he hit him on his hand and it withered but will eventually return* to health.

2 שן ועין and other damages through sound

A *Baraisa* teaches that although a slave goes free if he was struck on the eye and blinded or on the ear and deafened, but נגד עינו ואינו רואה — if he was struck in a place *opposite his eye* and it shocked him, *and* now *he cannot see*, or כנגד אזנו ואינו שומע — *opposite his ear*, *and* now *he cannot hear*, the slave does not go free. Rav Shemen objected to Rav Ashi about the implication that one is not liable for damage through sound, because Rami bar Yechezkel said that if a rooster crowed into a glass vessel and broke it, the owner is liable, and Rav taught that if a horse or donkey damaged by neighing or braying, the owner is liable! Rav Ashi answered that a man damaged through sound is different: דכיון דבר דעת הוא איהו מיבעית נפשיה — *Since he is an intelligent being, he shocks himself* by focusing on the sudden noise, and the one who produced the noise is not responsible. This is demonstrated by a *Baraisa* that teaches that if someone frightens his fellow and injures him (e.g., he shouts into his ear, deafening him), פטור מדיני אדם וחייב בדיני שמים — *he is exempt from* paying under *man's laws* (i.e., *beis din* will not compel him to pay), *but is liable according to Heavenly law*.

3 Requirement of destructive intent for שן ועין

A *Baraisa* teaches that if the master was a doctor, and the slave asked him to medicate his eye, and in the process the master blinded him, the *Tanna Kamma* says: שיחק באדון ויצא לחירות — *He laughs at the master and goes free*. Rebbe Shimon ben Gamliel says: The *pasuk* says: ושחתה — *And he shall destroy it*, teaching he does not go free עד שיתכוין לשחתה — *until* the master *intends to destroy* the limb, but he does not go free for unintentional destruction. The *Rabbanan darshen* this word for the law taught by Rebbe Elazar in another *Baraisa*: הרי שהושיט ידו למעי שפחתו — *If he stretched his hand into his slavewoman's womb* to deliver her baby, וסימא עובר שבמעיה — *and* inadvertently *blinded the fetus in her womb,* he is not responsible, because the word "ושחתה" teaches, according to this opinion, that he must at least intend to act on the eye (even if he did not intend to damage it).

1 If the tongue is considered an exposed limb

A *Baraisa* lists the twenty-four ראשי אברים for which a slave goes free (for their destruction). Rebbe adds castration, and Ben Azzai adds the tongue (which is exposed when one speaks). Although this implies that Rebbe does not consider the tongue exposed, this is disproven, because Rebbe holds (arguing with the *Rabbanan*) that the tongue is considered exposed regarding sprinkling מי חטאת (which must land on an exposed part of the body), and to consider a *bechor* a בעל מום when it is missing most of the "speaking part" of the tongue. Ulla explains the *machlokes* regarding sprinkling מי חטאת: All agree regarding contracting *tumah* דגלוי הוא אצל השרץ — *that* the tongue *is* considered *exposed regarding a sheretz* (although בית הסתרים — *hidden organs* cannot contract *tumah* through touch), because the *pasuk* says: אשר יגע בו — *That which he shall touch*, and a tongue can be externally touched. All agree regarding *tevilah* that the tongue is not considered exposed (and water need not enter the mouth), because the *pasuk* says: ורחץ בשרו במים — *And he shall immerse his flesh in the water*, requiring only fully external organs, similar to flesh, to be immersed. Their argument about מי חטאת is whether sprinkling should be compared to *tumah* or *tevilah*.

2 Why Rebbe's slavewoman repeated her *tevilah* after finding a bone in her mouth

Ulla said that even Rebbe agrees that the mouth is considered concealed regarding *tevilah*, and water need not enter it. This is challenged from an incident in which Rebbe's slavewoman immersed herself, and later found a bone stuck between her teeth (constituting a *chatzitzah*), and Rebbe required her to repeat her *tevilah*. This proves that Rebbe holds that water must enter the mouth! The Gemara answers: נהי דביאת מים לא בעינן — *Granted, we do not require water to* actually *enter* the mouth, מקום הראוי לבוא בו מים בעינן — but *we do require* the mouth to be *a place fit for water to enter*. The bone stuck in her teeth rendered that part of her mouth unfit for water to enter. This requirement is based on Rebbe Zeira's principle: כל הראוי לבילה — Regarding *any minchah fit for mixing* the flour and oil, אין בילה מעכבת בו — *the mixing is not critical* and the *minchah* is valid without it, ושאינו ראוי לבילה — but *any minchah that is unfit for mixing* (because of an incorrect proportion of flour to oil), בילה מעכבת בו — *the mixing is critical to it*, and the *minchah* is invalid.

3 Methods for acquiring animals, and acquiring an elephant according to Rebbe Shimon

The next Mishnah states: בהמה גסה נקנית במסירה — *A large animal* (such as cattle) *is acquired with handing over* (e.g., handing over the reins), והדקה בהגבהה — *and a small* animal (such as sheep) is acquired *by lifting* it, according to Rebbe Meir and Rebbe Eliezer. The *Chachamim* say: בהמה דקה נקנית במשיכה — *A small animal is acquired with drawing* it *near*. Rav announced that a large animal is acquired with משיכה, and the Gemara explains this is based on a *Baraisa*, in which the *Chachamim* say all animals are acquired with משיכה, and Rebbe Shimon says all animals are acquired with הגבהה. Rav Yosef asked that according to Rebbe Shimon, how can one acquire an elephant, which cannot be lifted? Four answers are offered: 1) Abaye said it can be acquired with חליפין — *exchange* of items, or 2) בשוכר את מקומו — *by renting its place* where it stands, thereby acquiring it with *chatzer*. 3) Rebbe Zeira said he can place four vessels under the elephant's feet, acquiring it with his vessels (like a *chatzer*), or 4) בחבילי זמורות — he can place *bundles of vines* three *tefachim* high, then compel the elephant to step onto them, causing it to be "lifted" above the ground.

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1 Methods for acquiring unmovable and movable property

The next Mishnah states: נכסים שיש להם אחריות — Unmovable *properties* (such as land) *that have "responsibility"* (meaning creditors rely on them for collection) נקנין בכסף ובשטר ובחזקה — *are acquired with money, a document, or chazakah*, an act demonstrating ownership. שאין להם אחריות אין נקנין אלא במשיכה — Movable *properties are only acquired with drawing* them *near*. The Gemara will explain that according to Rebbe Yochanan, who says that Biblically, movable possessions are acquired with money, this Mishnah reflects the Rabbinic enactment to acquire them with משיכה. Rav says: לא שנו אלא במקום שאין כותבין את השטר — *They only taught* that money acquires land *in a place where they do not* ordinarily *write a document* for the sale, אבל במקום שכותבין את השטר לא קנה — *but in a place where they write a document for the sale, he does not acquire* the land until the שטר is given, because the buyer is not confident in the sale until he receives it. Rav adds that the buyer can stipulate to choose which *kinyan* to use, allowing him to retract before the שטר is given, but if the seller wants to retract, the buyer can say he already acquired the land with the money.

2 When a שטר of sale acquires

Shmuel says: לא שנו אלא בשטר מתנה — *They only taught* that a שטר acquires alone *regarding a document of a gift*, אבל במכר לא קנה עד שיתן לו דמים — *but regarding a sale, he does not acquire* it *until he gives him money*, because the seller does not commit to the sale without receiving payment. Rav Hamnuna challenged him from a *Baraisa* describing the שטר, which states that if he writes on a paper or shard, הרי זו שדי נתונה לך — *"My field is hereby given to you,"* שדי מכורה לך — *"My field is hereby sold to you,"* or, מכורה ונתונה — *it is sold or given*. Clearly, a שטר works alone even for a sale! He answered: במוכר שדהו מפני רעתה — The *Baraisa* is discussing *one selling his field because of its poor quality*. To prevent the buyer from retracting, the seller is willing to complete the transaction before receiving money. Rav Ashi answered that the *Baraisa* is actually discussing a single case of a gift, and the owner wrote both terms (of selling and gifting) כדי ליפות את כוחו — *to enhance* the recipient's *rights*. He commits to compensate the recipient if the land is collected by the first owner's creditor, as if it was a sale.

3 If acquisition of אגב requires the items to be in the transacted land

The Mishnah taught that movable possessions can be acquired alongside an acquisition of unmovable property, known as "אגב." This is based on a *pasuk*: ויתן להם אביהם מתנות וגו' עם ערי מצורות ביהודה — *And their father gave them gifts... together with fortified cities in Yehudah*, implying the gifts were acquired automatically with the cities. The Gemara asks: בעינן צבורים או לא — *Do we require* the movable items *to be piled* on the land being acquired to include them in the transaction, *or not*? Can אגב work to acquire items elsewhere as well? Rav Yosef quoted a Mishnah stating that קרקע כל שהוא — *land of any size* is subject to numerous *halachos* of land, including the ability to acquire movable possessions with it. If אגב requires the items to be on the property, what could be acquired on this tiny land? Rav Shmuel bar Bisna answered: כגון שנעץ בה מחט — *Where he stuck a needle into* the land, and when Rav Yosef expressed his annoyance at this answer, Rav Ashi clarified that he could mean where a pearl worth a thousand *zuz* was hung from it. The Gemara on the next *daf* concludes that אגב works even where the possessions are not on the property.

1 אגב where the two *kinyanim* are different types, or to different people

The Gemara asks about the *kinyan* of אגב: שדה במכר ומטלטלין במתנה מהו — *If the field is being sold, and the movable items are being gifted, what is the halachah*? Can items be acquired alongside land with a different type of transaction? This is resolved from a Mishnah in which Rabban Gamliel transferred his future *maaser* to Rebbe Yehoshua by renting his field to him. Since renting is akin to a sale, and the *maaser* was given as a gift, it demonstrates that אגב is effective even in such a case. The Gemara asks further: שדה לאחד ומטלטלין לאחר מהו — *If the field is* given *to one person and the movable items to another person, what is the halachah*? Can אגב enable transferring movable items to a person other than the one acquiring the land? The Gemara quotes the same Mishnah, in which Rebbe Akiva acquired *maaser ani* on behalf of the poor by renting Rabban Gamliel's field, showing that אגב even operates to acquire for another person. The Gemara answers that Rebbe Akiva may have also rented the field on behalf of the poor. Alternatively, Rebbe Akiva is unique, דיד עניים הוה — *because he is the "hand" of the poor*. As their treasurer, his renting land is the equivalent of the poor renting it.

2 Acquiring ten separate fields or animals with one *kinyan*

A *Baraisa* is brought that supports Shmuel's statement: מכר לו עשר שדות בעשר מדינות — *If one sold to* another *ten fields in ten countries,* כיון שהחזיק באחת מהן — *once he performed a chazakah in one of them,* קנה את כולן — *he acquires all of them*. Rav Acha, the son of Rav Ikka, attempted to prove this: שאילו מסר לו עשר בהמות באפסר אחד — *For if one handed* a buyer *ten animals* tied *with a single halter,* ואמר ליה קני — *and he told him, "Acquire* them," מי לא קני — *does he not acquire them* all? The Gemara says the cases are not analogous: התם איגודו בידו — *There,* the animals' *bond is in his hand*, connecting them all, whereas הכא אין איגודו בידו — *here*, the fields' *"bond" is not in his hand*, i.e., the fields are not considered connected. In a second version, Rav Acha attempted to disprove Shmuel, arguing that if one handed a buyer ten animals tied with one halter and said, זו קני — "*Acquire this one*," he would not acquire the other animals. Here, too, telling him to acquire a nearby field (where the others are elsewhere) is tantamount to saying, "Acquire this one"! The Gemara answers: התם גופים מוחלקים — *There*, the animals *are separate bodies*; thus, the seller's instructions mean to acquire only one, whereas הכא סדנא דארעא חד הוא — *here, the block of earth is one*, and all the fields are included in the acquisition.

3 The source for גלגול שבועה

The Mishnah taught that a שבועה obligation on movable items could subject unmovable property to a שבועה (although land is ordinarily exempt from any שבועה obligations) called גלגול שבועה. Ulla provides the source from the *sotah*, who says "אמן אמן," and a Mishnah explains that she is swearing about multiple possible acts of adultery, including: אמן שלא סטיתי ארוסה ונשואה ושומרת יבם וכנוסה — *Amen that I did not stray* while *an arusah, nesuah, shomeres yavam, or married yevamah*, since only a *nesuah* can undergo the *sotah* procedure, and she could not have become a *nesuah* through relations after her illegal seclusion as an *arusah*, because such relations with the husband are forbidden, and disqualify the test. Thus, the case is where she is swearing as a *nesuah*, and also swears about her time as an *arusah* through the principle of גלגול שבועה. The Gemara proceeds to prove that this also applies to monetary *shevuos*, and even where the claimant is uncertain.

KIDDUSHIN DAF 28 • קידושין דף כח

1 Using גלגול שבועה when claiming someone is his עבד

Rav, in describing the extent that גלגול שבועה can obligate one to swear, taught that if the claimant says, הישבע לי שאין עבדי אתה — *"Swear to me that you are not my Canaanite slave,"* he would have to swear. The Gemara objects that such a claimant would be put in *cheirem*, as a *Baraisa* teaches: הקורא לחבירו עבד יהא בנידוי — *One who calls his fellow a slave should be put under ban*! Rather, Rava explained that the claimant said, "Swear that you are not my עבד עברי." This is not an ordinary monetary claim, because Rava taught on *daf* 16a that an עבד עברי is גופו קנוי — *his body is owned* by the master, and therefore likened to land. The Gemara asks why this is a greater novelty than using a גלגול שבועה for land, and explains that land is purchased privately, and its current ownership is not always known, but one might think that a claim that someone is his עבד עברי is not believable, since it would ordinarily be publicly known. Rava therefore teaches that the defendant must still swear.

2 What items can be used for חליפין?

The next Mishnah states: כל הנעשה דמים באחר — Regarding *anything used as payment for something else,* כיון שזכה זה נתחייב זה בחליפיו — *once this* seller *acquired it, the* buyer *becomes responsible for its exchange* (i.e., the item being exchanged for it becomes his). An illustration is then given of exchanging an ox for a cow, or a donkey for an ox. After the Gemara challenges the implication of the Mishnah that coins may be used for חליפין, it interprets the Mishnah to mean כל **הנישום** דמים באחר — *anything requiring evaluation* to be used as payment *for something else* can effect חליפין. This teaches that all movable items, and not just utensils (like the shoe of the *pasuk* of חליפין), may be used, which is illustrated by the exchange of an ox for a cow. The Gemara continues that this only fits with Rav Sheishes, who holds that פירות — *produce* can effect חליפין, but Rav Nachman, who holds they cannot, must explain the Mishnah differently.

3 Kinyanim of hekdesh

The next Mishnah states: רשות הגבוה בכסף ורשות ההדיוט בחזקה — *The "holy domain"* (i.e., *hekdesh*) acquires *with money, but an ordinary* personal *domain* acquires *with a proprietary act* (referring here to אמירתו לגבוה כמסירתו להדיוט). משיכה — Also, *one's declaration* to give to *hekdesh is equivalent to his giving over* an item *to an ordinary person*. A *Baraisa* illustrates the first clause, that if the treasurer gave money to purchase someone's animal (for a *korban*), it is acquired even if it is at the other end of the world. It then illustrates the second clause: האומר שור זה עולה בית זה הקדש — *One who says, "This cow is hereby an Olah," or, "This house is hereby hekdesh,"* אפילו בסוף העולם קנה — *even if they are at the* other *end of the world, hekdesh acquires* them. A private person always requires משיכה.

KIDDUSHIN DAF 29 • קידושין דף כט

1 Mitzvos of a father, from which mothers are exempt

The next Mishnah teaches which *mitzvos* women are exempt from: כל מצות הבן על האב — Regarding *all mitzvos of the son upon the father*, אנשים חייבין ונשים פטורות — *men are obligated, and women are exempt*. The Gemara will explain this to mean that the mother is exempt from all *mitzvos* that are incumbent on the father to perform for his son. וכל מצות האב על הבן — But regarding *all mitzvos of the father upon the son* (meaning the *mitzvos* to honor and revere one's parents), אחד אנשים ואחד נשים חייבין — *both men and women are obligated* in them. The Mishnah enumerates other *mitzvos* from which women are exempt, including מצות עשה שהזמן גרמא — *time-bound positive mitzvos*. A *Baraisa* lists several "*mitzvos* of the son upon the father" from which the mother is exempt: 1) to circumcise him, 2) to redeem him if he is a *bechor*, 3) to teach him Torah, 4) to marry him off, 5) to teach him a trade, 6) and some say, to teach him to swim. Rebbe Yehudah adds: כל שאינו מלמד את בנו אומנות — *Anyone who does not teach his son a trade,* מלמדו ליסטות — *teaches him robbery*, which the Gemara explains means it is as if he teaches him robbery, because he will resort to robbery to provide for himself. The Mishnah concludes that men and women are both obligated in positive *mitzvos* that are not time-bound, as well as all negative *mitzvos* (except for three from which women are exempt).

2 הוא לפדות ובנו לפדות

It was taught in a *Baraisa*: הוא לפדות ובנו לפדות — *If he* himself needs *to be redeemed* as a *bechor*, *and his* firstborn *son* needs *to be redeemed,* the *Tanna Kamma* says: הוא קודם לבנו — *He takes precedence over his son* and he redeems himself first. Rebbe Yehudah says his son takes precedence, שזה מצותו על אביו — *because* his own *mitzvah is* primarily incumbent *on his* own *father* (who should have redeemed him), וזה מצות בנו עליו — *and his son's mitzvah is* primarily incumbent *upon him*. Rebbe Yirmiyah clarifies that all agree that where he has only five *sela'im*, he redeems himself with them, because מצוה דגופיה עדיפא — *a mitzvah* regarding (redeeming) *himself is superior* to a *mitzvah* regarding (redeeming) someone else. Their argument is where the father has five personal *sela'im*, and five *sela'im* of property sold to another. Rebbe Yehudah holds: מלוה דכתיב בתורה ככתובה בשטר דמיא — *A debt written in the Torah* (such as the obligation to redeem a *bechor*) *is like it is written in a* שטר (regarding collecting from sold property). Therefore, he redeems his son with his personal money, and his own redemption is collected from his sold property (since his obligation was in force before he sold his property). The *Rabbanan* hold a Biblical debt is not considered like it is written in a שטר, and cannot be collected from sold property. Since he has only five *sela'im* for redemption, he redeems himself, as above.

3 ללמוד תורה ולישא אשה

It was taught in a *Baraisa*: ללמוד תורה ולישא אשה — In a conflict between *learning Torah* first *or marrying a wife,* ילמוד תורה ואח"כ ישא אשה — *he should learn Torah* first, *and then marry a wife*. But if he cannot be without a wife, he should marry first. Rav Yehudah quoted Shmuel that the *halachah* is that one should marry first, but Rebbe Yochanan said: ריחיים בצוארו ויעסוק בתורה — There is *a millstone around his neck* (i.e., his responsibility to provide for his family), *and he should learn Torah*? Rather, he should learn Torah first. The Gemara explains there is no argument: הא לן הא להו — Shmuel's ruling *is for us* in Bavel, and Rebbe Yochanan's ruling *is for them* in Eretz Yisrael. Those in Bavel primarily learned away from home and could marry first without bearing the burden of providing for their families. In Eretz Yisrael, where they learned in their own land, they should learn first, because marrying first would interfere with their learning. The Gemara proceeds to illustrate the importance of marrying at a young age.

KIDDUSHIN DAF 30 • קידושין דף ל

1 Teaching Torah to one's grandson

The Gemara asks: עד היכן חייב אדם ללמד את בנו תורה — *To what extent is a person obligated to teach his son Torah?* Rav Yehudah quoted Shmuel as saying to follow the example of Zevulun ben Dan, whose grandfather taught him *Mikra*, Mishnah, Gemara, *Halachah*, and *Aggadah*. This is challenged from a *Baraisa* that states: למדו מקרא אין מלמדו משנה — Once the father *has taught him Mikra, he* need *not teach him Mishnah*, and Rava said it refers to Torah alone, and not *Neviim* and *Kesuvim*! The Gemara clarifies that Shmuel merely used the example regarding teaching one's grandchild, but not the subject material. This is also challenged from a *Baraisa* that teaches that one is not obligated to teach his grandson Torah, and when the Torah writes: והודעתם לבניך ולבני בניך — *And you shall make them known to your sons and grandsons*, it means to say that anyone who teaches his son Torah, מעלה עליו הכתוב כאילו למדו לו ולבנו ולבן בנו — *the Torah considers it as if he taught him, his son, and his grandson*, עד סוף כל הדורות — *until the end of all generations*. The Gemara answers that Shmuel follows another *Tanna*, who does interpret this *pasuk* as obligating a grandfather to teach his grandson.

2 ושננתם שיהו דברי תורה מחודדים בפיך, אויבים become אוהבים

It was taught in a *Baraisa*: The *pasuk* says: ושננתם — *And you shall teach them thoroughly*, שיהו דברי תורה מחודדים בפיך — teaching *that the words of Torah should be sharp in your mouth,* שאם ישאל לך אדם דבר — *so that if a man will ask you something* in Torah, אל תגמגם ותאמר לו — *you will not stammer and* then *tell him*; אלא אמור לו מיד — *rather, you will answer him immediately*. The *Baraisa* brings several *pesukim* to support this, with the final one being: אשרי הגבר אשר מלא את אשפתו מהם — *Praiseworthy is the man who fills his quiver with them* (referring to students); לא יבושו כי ידברו את אויבים בשער — *they will not be ashamed when they speak with enemies in the gate*. Rebbe Chiya bar Abba *darshens* the closing words of the *pasuk*:אפילו האב ובנו הרב ותלמידו שעוסקין בתורה בשער אחד — *Even a father and his son*, or *a teacher and his student, who are learning Torah at one gate,* נעשים אויבים זה את זה — *they become* as *enemies to each other* in disagreement, ואינם זזים משם עד שנעשים אוהבים זה את זה — *but do not move from there until they become those who love each other*.

3 "ושמתם" – סם תם – בראתי יצר הרע ובראתי לו תורה תבלין

A *Baraisa darshens* the *pasuk*: ושמתם — *And you shall place*, as סם תם — *a perfect medicine,* teaching: נמשלה תורה כסם חיים — *The Torah is compared to a life-giving medicine*. This is analogous to a father who struck his son and placed a compress upon the wound. He told him that as long as the compress was in place, he could eat, drink, and bathe as he pleased (despite these being potentially harmful to his injury), but if he removes the compress, his injury will worsen. So, too, Hashem says to Yisrael: בני — *My son!* בראתי יצר הרע ובראתי לו תורה תבלין — *I created the yetzer hara, and I created the Torah as its antidote.* ואם אתם עוסקים בתורה — *If you involve yourself in Torah,* אין אתם נמסרים בידו — *you will not be given over into his hand*. A *pasuk* is brought to support this, and *pesukim* are brought to support the following points of the *Baraisa*: ואם אין אתם עוסקין בתורה — *And if you do not involve yourself in Torah,* אתם נמסרים בידו — *you will be given over into his hand,* ולא עוד אלא שכל משאו ומתנו בך — *and furthermore, all his activities concern you,* ואם אתה רוצה אתה מושל בו — *but if you wish, you can master him* through your involvement in Torah.

KIDDUSHIN DAF 31 • קידושין דף לא

1 הקדים כיבוד אב לכיבוד אם, הקדים מורא אם למורא אב

Rebbe taught in a *Baraisa*: גלוי וידוע לפני מי שאמר והיה העולם — *It is revealed and known before He Who spoke and the world came into being* שבן מכבד את אמו יותר מאביו — *that a son* naturally *honors his mother more than his father*, מפני שמשדלתו בדברים — *because she sways him with* pleasant *words;* לפיכך הקדים הקדוש ברוך הוא כיבוד אב לכיבוד אם — *therefore, Hashem placed honoring a father before honoring a mother* in the *pasuk*. וגלוי וידוע לפני מי שאמר והיה העולם — *And it is revealed and known before He Who spoke and the world came into being* שהבן מתייירא מאביו יותר מאמו — *that a son* naturally *reveres his father more than his mother*, מפני שמלמדו תורה — *because he teaches him Torah*; לפיכך הקדים הקדוש ברוך הוא מורא האם למורא האב — *therefore, Hashem placed revering a mother before revering a father* in the *pasuk*.

2 דמא בן נתינה

Rebbe Eliezer was asked: עד היכן כיבוד אב ואם — *What is the extent of* the *mitzvah* of *honoring* one's *father and mother*? He answered: Go and see what one idolator, Dama ben Nesinah, did in Ashkelon. The Sages once sought to purchase stones from him for the *Eifod* of the *kohen gadol*, from which he would profit six hundred thousand gold *dinars* (an alternate version says eight hundred thousand), but the key to access the stones was under his sleeping father's pillow, and Dama refused to disturb him. The next year, Hashem rewarded him with a *parah adumah* born into his herd. The Sages went to him to purchase it, and he said, "I know that if I would ask for all the money in the world for it, you would give it to me. However, I only ask for the amount I lost through honoring my father." Rebbe Chanina said: ומה מי שאינו מצווה ועושה כך — *If one who is not commanded* to honor his parents *and does so*, receives *such* reward, מצווה ועושה על אחת כמה וכמה — *then one who is commanded* in their honor *and does so*, *how much more so* will he be rewarded! This *kal vachomer* is based on his principle that גדול מצווה ועושה — *one who is commanded* in a *mitzvah and performs it is greater* ממי שאינו מצווה ועושה — *than one who is not commanded* in a *mitzvah and performs it*.

3 איזהו מורא ואיזהו כיבוד

It was taught in a *Baraisa*: איזהו מורא ואיזהו כיבוד — *What is* appropriate *reverence* for parents, *and what is* appropriate *honor* for parents? מורא לא עומד במקומו ולא יושב במקומו — *Reverence* means *one may not stand in his* designated *place, nor sit in his* designated *place,* ולא סותר את דבריו ולא מכריעו — *and one may not contradict his* father's *words, nor may he weigh in* on a disagreement between his father and another person. כיבוד מאכיל ומשקה — *Honor* means that *one gives* his father *to eat and drink*, מלביש ומכסה — *he dresses and covers* him, מכניס ומוציא — and *he brings* him *in and takes* him *out*.

KIDDUSHIN DAF 32 • קידושין דף לב

1 *Machlokes* if the funding for כיבוד is משל אב or משל בן — extent of *kavod*

The Gemara asks who pays for the parents' needs. Rav Yehudah says: משל בן — It is funded *from the son's* assets. Rav Nosson bar Oshaya says: משל אב — It is *from the father's* assets (and the son's obligation is only physically providing their needs). The Gemara rules they are funded from the father's assets. This is challenged from a *Baraisa*, which teaches that כיבוד אב even involves חסרון כיס — *a monetary loss* (indicating that it should come from the son's assets). The Gemara answers: לביטול מלאכה — The son could sustain a loss from the *interruption of* his *work* while caring for his parents. This is further challenged from Rebbe Eliezer's describing the extent of כיבוד אב to the point כדי שיטול ארנקי ויזרקנו לים בפניו ואינו מכלימו — *that if* his father *takes his wallet and throws it into the sea in his presence, he does not shame* his father. If the son need not suffer any monetary loss, then the father must be throwing his own wallet, so why should the son care? The Gemara answers that it refers to where the son stands to inherit this wallet. Similarly, Rav Huna once tore silks in the presence of his son Rabbah to test him if he would get angry. The Gemara proceeds to analyze Rav Huna's actions.

2 האב והרב שמחל על כבודו, והנשיא והמלך שמחל על כבודו

Rav Chisda said that a father can waive his son's obligation to honor him. However, הרב שמחל על כבודו אין כבודו מחול — *a teacher who waives his* right to *honor, his honor is not waived*. Rav Yosef said even a teacher's honor can be waived, as the *pasuk* says: וה' הולך לפניהם יומם — *And Hashem went before them by day*, indicating that Hashem (the ultimate Teacher) waived His honor by leading the nation. Rava objected that Hashem is different: עלמא דיליה הוא ותורה דיליה היא — *The world is His, and the Torah is His*, מחיל ליה ליקריה — so *He can waive His honor,* הכא תורה דיליה היא — but *here*, regarding a teacher, *is the Torah his* that he can waive the honor which is due him because of the Torah's honor? Rava later retracted: אין תורה דיליה היא — *Indeed, the Torah is his*, as the *pasuk* says: ובתורתו יהגה יומם ולילה — *And about his Torah he ponders day and night*. Later, Rav Ashi says that all agree that a נשיא cannot waive his honor. This is refuted from an incident in which Rabban Gamliel, the *Nasi*, served drinks to several Sages at his son's wedding feast. Rebbe Eliezer did not allow Rabban Gamliel to serve him, but Rebbe Yehoshua did. He explained that Avraham himself, who was greater than Rabban Gamliel and the greatest of his generation, waited on the angels, who he thought were Arabs. Rebbe Tzadok added that a better proof that a *Nasi* can waive his honor is that Hashem Himself is involved in providing food for all people. Rather, Rav Ashi said that even if the *Nasi's* honor can be waived, the king's honor cannot, based on a *pasuk*.

3 Standing in honor of the elderly

A *Baraisa* states about the *pasuk*: מפני שיבה תקום — *Before an old man you shall rise*, יכול אפילו מפני זקן אשמאי — that *one might* think the obligation applies *even for a sinful and ignorant old man,* so the Torah also writes "זקן," and אין זקן אלא חכם — *the word "zakein" only means a sage*, based on a *pasuk*. Rebbe Yose Haglili says "זקן" means זה שקנה חכמה — *he who has acquired wisdom*, and the Gemara will explain that he holds one must even stand for a young scholar. At the end of the *Baraisa*, Issi ben Yehudah says: אפילו כל שיבה במשמע — The *pasuk implies every old man*, including a זקן אשמאי. The Gemara will say the *halachah* follows Issi ben Yehudah. The *Baraisa* derives several other *halachos* of standing for the elderly, including that it applies במקום שיש הידור — *where there is honor* given by standing, and not at a distance, nor in a bathhouse, and so on.

1 Interrupting work to stand for the elderly or those bringing *bikkurim*

The *Baraisa* on the previous *daf* taught that just as standing for the elderly does not require monetary loss, honoring them also does not require a loss. Although standing that interrupts profitable work would cause a loss, the Gemara explains that we derive that just as honoring them does not require interrupting work, standing for them also does not require interrupting work. Based on this it was said: אין בעלי אומניות רשאין לעמוד מפני תלמידי חכמים — *Craftsmen are not permitted to stand before Torah scholars* בשעה שעוסקין במלאכתם — *while they are involved in their work*. (If they are working for others, they are not permitted to stand.) This is challenged from a Mishnah that teaches that all craftsmen would stand before those bringing *bikkurim* and inquire after their welfare! Rebbe Yochanan answers that although one need not stand for a Torah scholar while working, one does for those bringing *bikkurim*. Rebbe Yose bar Avin marveled: בוא וראה כמה חביבה מצוה בשעתה — *Come and see how beloved is a mitzvah during its time* of performance, that it requires interrupting work for its honor, whereas standing for a Torah scholar does not! The Gemara responds that this may be to avoid discouraging those engaged in the *mitzvah* from performing the *mitzvah* in the future.

2 בנו והוא רבו

The Gemara asks: בנו והוא רבו — If *one's son is his teacher,* מהו לעמוד מפני אביו — *what is the halachah* regarding whether the son *must stand before his father*? The Gemara brings a proof from Shmuel telling Rav Yehudah to stand for his father Rav Yechezkel, although he was the latter's teacher. The Gemara responds that Rav Yechezkel was unique, דבעל מעשים הוה — *because he was a man of* exceptional *deeds*, to the extent that even Mar Shmuel stood for him. Shmuel's purpose in instructing Rav Yehudah to stand for him was that he should do so even when Rav Yechezkel passed behind Shmuel, without concern for Shmuel's honor. The Gemara then asks if the father must rise for his son who is his teacher. The Gemara quotes a statement of Rebbe Yehoshua ben Levi: אני איני כדי לעמוד מפני בני — *It does not befit me to stand before my son,* אלא משום כבוד בית נשיא — *except due to the honor of the Nasi's family*, whom his son married. This implies that had he not married the *Nasi's* family, he would not have stood up for him, but only because he was his son's teacher. Had his son been his teacher, he would have stood up for him without his being part of the *Nasi's* family. The Gemara answers that Rebbe Yehoshua ben Levi may have meant that he would not have stood up for his son even if his son were his teacher, since he was his father.

3 Standing for a *sefer Torah*

The Gemara asks: מהו לעמוד מפני ספר תורה — *What is the halachah* regarding *standing for a sefer Torah*? Rebbe Chilkiyah, Rebbe Simon, and Rebbe Elazar said it may be derived from a *kal vachomer*: מפני לומדיה עומדים — *One stands before those who learn* the Torah; מפניה לא כל שכן — *how much more so* should one stand *before* the Torah *itself*! Rebbe Ilai and Rebbe Yaakov bar Zavdi were sitting and learning Torah, and when Rebbe Shimon bar Abba passed by, they rose for him. He told them they should not have stood up for him, because they are sages and he is only a *chaver*, of lower status. Furthermore, כלום תורה עומדת מפני לומדיה — *does the Torah* (i.e., those currently engaged in its study) *stand before its students*? The Gemara explains he held like Rebbe Elazar, who said that a Torah scholar does not stand for his teacher while he is learning Torah. Abaye, however, condemned those who followed this ruling.

KIDDUSHIN DAF 34 • קידושין דף לד

1 The exemption of women from מצות עשה שהזמן גרמא, with exceptions

The Mishnah on *daf* 29 taught that women are exempt from מצות עשה שהזמן גרמא — *time-bound positive mitzvos*. A Baraisa gives examples of this principle: dwelling in a *sukkah* during the seven days of Sukkos, ולולב — taking a *lulav* and the other three species on the first day of Sukkos, שופר — blowing a *shofar* on Rosh Hashanah, וציצית — attaching *tzitzis* to a four-cornered garment (which only applies to clothing worn by day), ותפילין — *and tefillin* (which does not apply by night, or on Shabbos and Yom Tov). Some examples of positive *mitzvos* that are not time-dependent (and in which women are obligated) are *mezuzah*, building a *maakeh* on the edge of a roof, returning lost objects, and sending away a mother bird when taking eggs or chicks from the nest. The Gemara protests that neither rule is absolute. Women are obligated in the time-bound *mitzvos* of eating matzah on the first night of Pesach, שמחה — *rejoicing* on the שלש רגלים, and הקהל — the national *assembly* at the Beis Hamikdash every seven years. On the other hand, women are exempt from the non-time-bound *mitzvos* of learning Torah, bearing children, and redeeming a firstborn son. Rebbe Yochanan said: אין למדין מן הכללות — *We do not learn from general rules*, ואפילו במקום שנאמר בו חוץ — *even where it says "except,"* because there may be additional exceptions that are not listed.

2 The source for the principle: תפילין, which is derived from תלמוד תורה

The Gemara says that this principle that women are exempt from time-bound positive *mitzvos* is derived from *tefillin*: מה תפילין נשים פטורות — *Just as* wearing *tefillin* is a time-bound *mitzvah*, and *women are exempt* from it, אף כל מצות עשה שהזמן גרמא נשים פטורות — *so, too,* regarding *all time-bound mitzvos, women are exempt*. Women's exemption from *tefillin* is derived from *tefillin* being written near the *mitzvah* of learning Torah, from which women are exempt. Although *tefillin* is also written near the *mitzvah* of *mezuzah* (in which women are obligated), that is only in the first פרשה of *Shema*, whereas the *mitzvah* to learn Torah is written near *tefillin* in both the first and second פרשיות of *Shema*. We do not exempt women from *mezuzah* based on its being written near *tefillin*, because the Torah writes about *mezuzah*: למען ירבו ימיכם — *In order to lengthen your days*, and certainly women also need merits to prolong their lives!

3 Why we do not learn from שמחה or הקהל to obligate women in מצות עשה שהזמן גרמא

The Gemara asks: Instead of exempting women from מצות עשה שהזמן גרמא based on *tefillin*, let us derive from שמחה — the mitzvah to *rejoice* during the שלש רגלים, that women are obligated in מצות עשה שהזמן גרמא! Abaye answers: אשה בעלה משמחה — Regarding *a woman's* rejoicing, it is *her husband* who *gladdens her* (i.e., it is his obligation, not hers, to ensure that she rejoices). Even regarding a widow, about whom the Torah also wrote the *mitzvah* of שמחה, it is the *mitzvah* of the head of household by whom she stays to gladden her, and not her *mitzvah*. The Gemara further asks: Let us derive from הקהל — the national *assembly* every seven years, that women are obligated in מצות עשה שהזמן גרמא! The Gemara answers: מצה והקהל שני כתובים הבאים כאחד — The *mitzvos* of *matzah and* הקהל *are two pesukim that come as one*, i.e., that teach the same principle, and we do not derive laws from such sources. The discussion continues onto the next *daf*.

KIDDUSHIN DAF 35 • קידושין דף לה

1 The source that women are obligated in every לא תעשה, etc.

The Gemara brings the sources to include women in: 1) the obligation to fulfill every 2 (לא תעשה, monetary laws, and 3) the category of individuals for whom one can be held liable if they cause their death. 1) The Gemara asks for the source of the Mishnah's rule that women are obligated in every לא תעשה. Rav, as well as Rebbe Yishmael's academy, quoted a *pasuk* discussing swearing falsely about stealing: איש או אשה כי יעשו מכל חטאת האדם — *A man or woman, who shall commit any of the sins of people*. השוה הכתוב אשה לאיש לכל עונשים שבתורה — This teaches that *the pasuk equated a woman to a man regarding all punishments of the Torah*. If they are subject to the punishments (of *malkos*) for violations, they must be bound by the commandments themselves. 2) Regarding monetary laws, the *pasuk* says: אשר תשים לפניהם — *That you shall place before "them,"* teaching that the Torah equated women to men לכל דינים שבתורה — *for all* monetary *laws in the Torah*. 3) Finally, the *pasuk* says regarding an animal who kills a person: והמית איש או אשה — *And it shall kill a man or a woman*, teaching that the Torah equates men and women לכל מיתות שבתורה — *for all killings in the Torah*, *i.e.*, liability for their murder. The Gemara explains the need for these three *derashos*.

2 Women's exemption from בל תקיף ובל תשחית ובל תטמא למתים

The Mishnah taught that there are three exceptions to women's obligation in all negative commandments: rounding *payos*, destroying the corners of the beard, and for a *kohenes* becoming *tamei* to the dead. The Gemara says that the source for the *tumah* exemption is because this prohibition is introduced with: אמור אל הכהנים "בני אהרן" — *Say to the kohanim, "sons of Aharon,"* implying: בני אהרן ולא בנות אהרן — Only *the sons of Aharon* are prohibited in becoming *tamei*, *but not the daughters of Aharon*. The source for the exemption from rounding *payos* is: לא תקיפו פאת ראשכם ולא תשחית את פאת זקנך — *You shall not round the corners of your heads, and you shall not destroy the corners of your beard*, which teaches: כל שישנו בהשחתה ישנו בהקפה — *Anyone who is subject to* the prohibition of *destruction* of the beard *is subject to the* prohibition of *rounding payos*. Since women are exempt from the latter, they are also exempt from rounding *payos*. Two sources are given for exempting women from the prohibition to destroy beards: 1) סברא דהא לא אית להו זקן — *It is logical, because they do not* generally *have a beard*, and 2) the Torah switches from the plural in the prohibition of *payos* (פאת ראשכם) to the singular in the prohibition destroying a beard (פאת זקנך), teaching: זקנך ולא זקן אשתך — The prohibition is to destroy *your beard, but not your wife's beard*.

3 Issi holds women are also exempt from בל יקרחו

Issi added another exception: אף בל יקרחו נשים פטורות — *Women are also exempt from* the commandment *not to make a bald spot* on the head in mourning someone's death. His source is the *pasuk*: בנים אתם לה' אלקיכם — *You are sons to Hashem your G-d;* לא תתגודדו ולא תשימו קרחה בין עיניכם למת — *you shall not cut yourselves, nor make a bald spot between your eyes for the dead,* כי עם קדוש אתה לה' אלקיך — *because you are a holy nation to Hashem, your G-d*. The opening word "בנים" teaches: בנים ולא בנות לקרחה — Only *sons, and not daughters*, are included in the prohibition *to make a bald spot*. However, daughters are included in the prohibition to cut themselves over the dead, because of the inclusive phrase at the end of the *pasuk* ("עם קדוש" — *holy nation*). It is not *darshened* in the reverse (to exempt women from the cutting prohibition and include them in making a bald spot), because the cutting prohibition is broader, שישנה במקום השער ושלא במקום שער — *because it applies* both *in a place of hair and in a place without hair*, as opposed to the more limited prohibition of making a bald spot in a place with hair.

KIDDUSHIN DAF 36 • קידושין דף לו

1 If Jews are called "בנים" of Hashem when they do not act like בנים

A *Baraisa* teaches about the *pasuk*: בנים אתם לה' אלקיכם — *You are sons to Hashem your G-d,* that Rebbe Yehudah holds: בזמן שאתם נוהגים מנהג בנים אתם קרוים בנים — *When you act in the manner of children, you are called "children"* of Hashem, אין אתם נוהגים מנהג בנים אין אתם קרוים בנים — but if *you do not act in the manner of children, you are not called* His *"children."* Rebbe Meir disagrees: בין כך ובין כך אתם קרוים בנים — *Whether* you act *this way or that way, you are called* His *children.* He quotes four *pesukim* to demonstrate this, and the Gemara explains their purpose. If we only had the first *pasuk* (בנים סכלים המה — *they are foolish children*), one could think they are only called "children" when they act foolishly, but not when they are disloyal. The second *pasuk* (בנים לא אמון בם — *children in whom there is no loyalty*) teaches otherwise. Still, one could think that if they worship idols, they are not called "children," so the third *pasuk* (זרע מרעים בנים משחיתים — *a seed of evildoers, destructive children*) shows they are. Finally, one might think they are only called "destructive children," but not proper children. The final *pasuk* (והיה במקום אשר יאמר להם לא עמי אתם יאמר להם בני קל חי — *It will be that instead of that which was said to them, "You are not My people," it will be said to them, "*You are *the children of the Living G-d"*) demonstrates that with *teshuvah*, they can be called "children of the Living G-d."

2 Various steps of bringing *korbanos* that a woman does not perform

The next Mishnah lists the various steps of bringing *korbanos* that a woman does not perform: הסמיכות — *Leaning* on the head of a *korban* before it is *shechted*, והתנופות — *waving* certain *korbanos*, וההגשות — *bringing menachos close* to the *Mizbei'ach* before offering them, והקמיצות — *kemitzah* (removing three fingers-full of flour) of *menachos*, והקטרות — *burning korbanos* on the *Mizbei'ach*, והמליקות — *melikah* (the specialized *shechitah* procedure of bird *korbanos*), והקבלות — *receiving* the blood, והזאות — and *sprinkling* the blood נוהגים באנשים ולא בנשים — all *apply to men and not to women*, חוץ ממנחת סוטה ונזירה שהן מניפות — *except for the minchah of a sotah, or of a nezirah, which they do wave*. The Gemara provides the source for each halachah. It explains that הזאות — *sprinkling* refers to sprinkling the blood of a bird *korban* (specifically, a *Chatas*). That a woman cannot sprinkle the blood is derived from a *kal vachomer*: If a sheep *korban*, which can be *shechted* by a non-*kohen*, still requires a male *kohen* for its sprinkling (i.e., throwing its blood on the *Mizbei'ach's* wall), then a bird *korban*, which requires a *kohen* for its *melikah*, certainly requires a male *kohen* for its sprinkling!

3 Source that the *sotah* waves her *minchah*

The Mishnah taught that a woman does wave the *minchah* of a *sotah*. Rebbe Elazar said to the Rebbe Yoshiyah of his generation: לא תיתיב אכרעך עד דאמרת לי להא שמעתתא — *Do not sit down until you explain this matter to me. From where* do we derive *that a Minchas Sotah requires waving?* The Gemara explains he was asking for the source that the owner of the *minchah* (i.e., the woman) must wave it, in addition to the *kohen* taught in the *pasuk*. He answered that there is a *gezeirah shavah* (יד יד) linking *sotah* and *Shelamim* (where it states that certain parts are waved by the owner), teaching that just as regarding a *sotah*, a *kohen* must wave it, he does so by a *Shelamim* as well, and just as with a *Shelamim*, the owner waves it, the owner (i.e., the woman) does so with the *Minchas Sotah* as well. Thus, כהן מכניס ידו תחת יד בעלים ומניף — *the kohen places his hand under the owner's hand and waves* with him.

KIDDUSHIN DAF 37 • קידושין דף לז

1 Any mitzvah that is תלויה בארץ only applies in Eretz Yisrael

The next Mishnah states: כל מצוה שהיא תלויה בארץ — *Any mitzvah that is dependent on land* אינה נוהגת אלא בארץ — *only applies in the land* (Eretz Yisrael), ושאינה תלויה בארץ — *and* any *mitzvah that is not dependent on land* נוהגת בין בארץ בין בחוצה לארץ — *applies both in the land and outside the land*, with some exceptions. The Gemara explains that "not dependent on land" refers to חובת הגוף — *a personal obligation* (unrelated to land, such as Shabbos), which applies everywhere, and "dependent on land" refers to חובת קרקע — *a land obligation*, meaning a mitzvah pertaining to land (e.g., *shemittah*) or its produce (e.g., taking *terumah* and *maaser*), which applies only in Eretz Yisrael. A *Baraisa* explains that once the Torah indicated that some mitzvos apply only in Eretz Yisrael and some apply everywhere, we use the prohibition of idol worship, written nearby, as the model. Just as idol worship is a personal obligation and universally applicable, so too all personal obligations apply everywhere.

2 *Machlokes* if חדש applies everywhere

The Mishnah taught that every mitzvah that is a "land obligation" applies only in Eretz Yisrael, except for ערלה (the prohibition of a tree's first three years of fruit) and כלאים (planting different species together), which apply everywhere despite being land mitzvos. This was taught as a *halachah l'Moshe miSinai*. Rebbe Eliezer concludes: אף החדש — *Also chadash* (the prohibition to eat new grain before the עומר was brought). The Gemara asks: ר"א לקולא פליג או לחומרא פליג — *Is Rebbe Eliezer arguing to be more lenient* than the *Tanna Kamma*, *or to be stricter*? Meaning, did the *Tanna Kamma* mean to exclude only ערלה and כלאים from the "land obligation" leniency, but חדש does apply only in Eretz Yisrael? If so, Rebbe Eliezer would be excluding "also חדש," and saying it applies everywhere. Or, did the *Tanna Kamma* mean that ערלה and כלאים are excluded (without a *pasuk*), and certainly חדש is excluded (based on the words "בכל מושבותיכם,"meaning it applies "in all places that you dwell")? If so, Rebbe Eliezer is arguing that חדש only applies in Eretz Yisrael, and he means to say that "also חדש" is part of the Mishnah's leniency for land obligations. The Gemara proves the first explanation is correct, and Rebbe Eliezer is being stricter.

3 The implication of the word "מושבותיכם" — *your dwellings*, with respect to נסכים

In a *Baraisa*, *Tanna'im* discuss the implication of the word "מושבותיכם" — *your dwellings*, with respect to נסכים — *wine libations* of *korbanos*. Rebbe Yishmael, because he holds that נסכים are only brought with a *korban* on a במת צבור — *communal bamah*, cannot interpret "your dwellings" to mean "in all places that you dwell." Rather, it must mean that it only applied after the fourteen years of conquering and settling Eretz Yisrael. This teaches שכל מקום שנאמר בו מושב — *that anywhere it says* "מושב," אינו אלא לאחר ירושה וישיבה — *it only applies after possession and settlement* (and only in Eretz Yisrael). Rebbe Akiva protests that the word מושב is written regarding the mitzvah of Shabbos, which certainly applies everywhere! Rebbe Yishmael responds that Shabbos applies everywhere based on a *kal vachomer*, because it is more stringent than other mitzvos that apply everywhere. The Gemara clarifies that Rebbe Yishmael's rule is that wherever the words "ביאה" — *coming* and "מושב" — *dwelling* are written, it means to apply after possession and settlement. The Gemara explains that Rebbe Akiva disagrees with Rebbe Yishmael's interpretation because he holds קירבו נסכים במדבר — that individuals *brought* נסכים *in the Midbar*. Therefore, when the Torah instructed them to bring נסכים upon arriving in Eretz Yisrael, it must mean to bring נסכים on private *bamos*. Thus, "מושב" here means "everywhere that you dwell."

1 The *mann* fell until Moshe's passing, and they continued to eat it until the sixteenth of Nissan

The Torah says that the Jews entering Eretz Yisrael ate of the land's produce on the sixteenth of Nissan, implying they did not do so beforehand. This seems to prove that חדש was forbidden even before settling Eretz Yisrael (not like Rebbe Yishmael's opinion), so they could not eat חדש until the עומר was brought! The Gemara answers that it was permitted to them, but they had no need for it: The Torah says they ate *mann* until they entered ארץ נושבת — *an inhabited land*, implying Eretz Yisrael itself, yet the same *pasuk* says they ate until reaching קצה ארץ כנען — *the border of the land of Canaan*, referring to the eastern side of Jordan (their entry point into Eretz Yisrael). The explanation is that on the seventh of Adar, Moshe died and the *mann* ceased to fall, והיו מסתפקין ממן שבכליהם עד ששה עשר בניסן — *and they subsisted on the mann in their vessels until the sixteenth of Nissan*.

2 The source that Moshe was born and died on the seventh of Adar

It was taught in a *Baraisa*: בשבעה באדר מת משה ובשבעה באדר נולד — *Moshe died on the seventh of Adar and was born on the seventh of Adar*. It first proves his date of death: Moshe died in Arvos Moav, and the *pasuk* says that *Bnei Yisrael* mourned Moshe for thirty days in Arvos Moav. Yehoshua was then told to prepare the nation to cross the ירדן three days later, which is further identified as the tenth of Nissan. Thus, Moshe died thirty-three days earlier, on the seventh of Adar. Moshe was born on the same date, as he said on the day of his death: בן מאה ועשרים שנה אנכי היום — *I am one hundred and twenty years old "today,"* indicating that he was exactly that age, which teaches שהקב"ה יושב וממלא שנותיהם של צדיקים — *that Hashem sits and completes the years of the righteous,* מיום ליום ומחדש לחדש — *from day to day, and from month to month*, i.e., their exact date of birth, as the *pasuk* says: את מספר ימיך אמלא — *I will complete the number of your days*.

3 ערלה "הלכה" והכלאים מדברי סופרים, and the relative leniencies of a *safek* of either

It was stated in a Mishnah: החדש אסור מן התורה בכל מקום — *Chadash applies Biblically everywhere* (even outside Eretz Yisrael), ערלה הלכה — *orlah applies everywhere* based on a "*halachah*," והכלאים מדברי סופרים — *and kilayim* applies everywhere *by Rabbinic decree*. *Amora'im* dispute the meaning of "halachah" in the Mishnah. Shmuel explains: הלכתא מדינה — It is *a regional practice*, meaning an accepted custom outside of Eretz Yisrael. Rebbe Yochanan explains it is a *halachah l'Moshe miSinai*. The first opinion is challenged: A Mishnah teaches that although *safek orlah* is forbidden in Eretz Yisrael, בחוצה לארץ יורד ולוקח — *outside Eretz Yisrael he may go and purchase* fruit from a non-Jew, although some of his fruits are *orlah*, ובלבד שלא יראנו לוקט — *provided he does not see* the owner *picking orlah* fruit. However, regarding *kilayim* it says that he may even have the non-Jew pick the greens of vineyard *kilayim* outside Eretz Yisrael, provided he does not pick it himself. If *orlah* is forbidden outside Eretz Yisrael as a *halachah l'Moshe miSinai*, and *kilayim* is only Rabbinically forbidden, this distinction is understandable, but if they are both Rabbinical, why is *kilayim* more lenient? The Gemara answers that Shmuel taught the Mishnah as saying the same halachah in both cases.

KIDDUSHIN DAF 39 • קידושין דף לט

THE MIDDLE DAF IN SHAS

1 Difference between כלאים of grafting, vineyard, and seeds outside Eretz Yisrael

Rebbe Yochanan said: לוקין על הכלאים דבר תורה — *One receives malkos Biblically for* violating *kilayim* outside of Eretz Yisrael. This is challenged from the Mishnah quoted earlier, which states that כלאים outside Eretz Yisrael is מדברי סופרים — by *Rabbinical decree*! The Gemara answers: כאן בכלאי הכרם — The Mishnah *refers to kilayim of the vineyard*, which is only forbidden Rabbinically, כאן בהרכבת האילן — while Rebbe Yochanan *refers to grafting* different *trees*, which is Biblically forbidden. This is based on Shmuel's *darshening* the Torah's placing כלאים of animals near כלאים of plants, teaching: מה בהמתך בהרבעה אף שדך בהרכבה — *Just as* כלאים of *your animals* refers to *mating* different species, *so too* כלאים of *your field* refers to *grafting* one species onto another, and just as crossbreeding animals is forbidden everywhere (as a personal obligation), grafting is as well. The *pasuk* says "שדך" — "*your*" *field* (implying only Eretz Yisrael), to exclude seeds (meaning a vineyard) from כלאים outside Eretz Yisrael. The Gemara relates that Rav Yosef mixed seeds of different species and planted them. He explained that only כלאים of a vineyard is Rabbinically forbidden, but different seeds are permitted. Although Rav Yosef retracted, Abaye disagreed with his retraction.

2 כל העושה מצוה אחת מטיבין לו

The next Mishnah states: כל העושה מצוה אחת — *Whoever performs one mitzvah*, מטיבין לו ומאריכין לו ימיו ונוחל את הארץ — *he is rewarded with good, his life is lengthened, and he inherits the* World to Come. This seems to contradict another Mishnah: אלו דברים שאדם אוכל פירותיהן בעולם הזה — *These are the things whose fruits a person enjoys in this world,* והקרן קיימת לו לעולם הבא — *and the principal remains for the World to Come*. The Mishnah lists five specific mitzvos (such as honoring parents and גמילות חסדים), implying other mitzvos do not bestow reward in both worlds! Rav Yehudah explains: כל העושה מצוה אחת יתירה על זכיותיו — *Whoever performs one mitzvah in addition to his merits*, outnumbering his sins, מטיבים לו ודומה כמי שמקיים כל התורה כולה — *he is rewarded with good, and is* considered *like one who keeps the entire Torah*. Since the second Mishnah cannot mean that the five mitzvos listed there give reward in both worlds for merely performing one mitzvah (and mostly sins), Rav Shemayah clarifies that it refers to one whose mitzvos equal his sins, teaching that if his mitzvos include one of these five, it tips the balance to the side of merits.

3 שכר מצוה בהאי עלמא ליכא — case of son who dies listening to his father and doing שילוח הקן

The above explanation, that one who performed one more mitzvah than his sins is rewarded in both worlds, is challenged from a *Baraisa* teaching that one whose mitzvos outnumber his sins suffers in this world to cleanse him from his sins so that he can be fully rewarded in the World to Come! Abaye explains that our Mishnah means a "good day" is prepared for him in this world, i.e., he is punished for his sins to ensure his reward in the World to Come. Rava answers that our Mishnah does mean a person is rewarded in this world; the *Baraisa* that says he is punished follows Rebbe Yaakov's opinion, who says: שכר מצוה בהאי עלמא ליכא — *The reward for mitzvos is not* given *in this world*. He argued that if the Torah ensures long life for honoring one's parents as well as שילוח הקן, then what of a son who climbs a tower and sends away a mother bird to obtain the young birds for his father, and he falls and dies during his descent? היכן טובת ימיו של זה — *Where is his good life*, והיכן אריכות ימיו של זה — *and where is his long life*? Thus, the promised rewards must refer to the World to Come. The Gemara adds that Rebbe Yaakov himself saw such an incident. Rav Yosef commented that if Acher had interpreted this *pasuk* like his grandson Rebbe Yaakov did, he would not have sinned. According to one version, Acher witnessed a similar incident.

KIDDUSHIN DAF 40 • קידושין דף מ

1 מחשבה טובה הקב"ה מצרפה למעשה

It was taught in a *Baraisa*: מחשבה טובה הקב"ה מצרפה למעשה — *Hashem considers a good thought as a deed* (as if the person did it). Rav Assi explained, based on the words of the *pasuk*: ולחושבי שמו — *And those who think about His Name*: אפילו חשב אדם לעשות מצוה — *Even if a person contemplated performing a mitzvah,* ונאנס ולא עשאה — *and was prevented from performing it,* מעלה עליו הכתוב כאילו עשאה — *the Torah considers it as if he performed it*. The *Baraisa* continues: מחשבה רעה אין הקדוש ברוך הוא מצרפה למעשה — *Hashem does not consider a bad thought as a deed*. Although a *pasuk* does describe Hashem punishing for "פרי מחשבותם" — *the fruit of their* sinful *thoughts*, this means a thought that "bears fruit" (i.e., brings to sinful action). Alternatively, it refers to one who commits a sin repeatedly, until it seems permitted to him, in which case he is punished for his thought to commit the sin. The Gemara also says that one is punished for thoughts to worship idols.

2 לעולם יראה אדם עצמו כאילו חציו חייב וחציו זכאי

It was taught in a *Baraisa*: לעולם יראה אדם עצמו כאילו חציו חייב וחציו זכאי — *A person should always view himself as if he is half-guilty and half-meritorious*. If he does one mitzvah, אשריו שהכריע עצמו לכף זכות — *he is praiseworthy, because he has tipped* the balance *for himself toward merit*. If he committed one sin, אוי לו שהכריע את עצמו לכף חובה — *woe to him, because he has tipped* the balance *for himself toward guilt*, as the *pasuk* says: וחוטא אחד יאבד טובה הרבה — *And one sin destroys much good,* meaning בשביל חטא יחידי שחטא — *because of a single sin he committed,* אובד ממנו טובות הרבה — he loses many good things. Rebbe Elazar, the son of Rebbe Shimon, goes further: Since the world is judged according to the majority of people, and a person is judged according to the majority of his actions, a person should view the whole world as if it were half-guilty and half-meritorious. If he does one mitzvah, אשריו שהכריע את עצמו ואת כל העולם לכף זכות — *he is praiseworthy, for he tipped* the balance *for himself, and the entire world, toward merit,* but if he commits one sin, אוי לו שהכריע את עצמו ואת כל העולם לכף חובה — *woe to him, for he tipped* the balance *for himself, and the entire world, toward guilt*.

3 תלמוד גדול או מעשה גדול

The Gemara relates a question posed to Rebbe Tarfon and the elders: תלמוד גדול או מעשה גדול — *Is* Torah *study greater, or is performance* of mitzvos *greater*? Rebbe Tarfon declared that the performance of mitzvos is greater, and Rebbe Akiva declared that Torah study is greater. נענו כולם ואמרו — Then *they all spoke up and said*: תלמוד גדול שהתלמוד מביא לידי מעשה — Torah *study is greater, because* Torah *study brings about* mitzvah *performance*. Rebbe Yose says that study of Torah is greater because the Torah was given long before many of its mitzvos came into practice (such as separating *terumah*, or *shemittah*). וכשם שהלימוד קודם למעשה — *Just as* Torah *study precedes* mitzvah performance, כך דינו קודם למעשה — *so does the judgment* concerning one's Torah study *precede* his judgment concerning mitzvah *performance*. Similarly, Rav Hamnuna said: אין תחילת דינו של אדם אלא על דברי תורה — *The beginning of a man's judgment is only about* his failure to study *Torah*. The *Baraisa* concludes: וכשם שדינו קודם למעשה — *And just as the judgment* concerning one's Torah study *precedes* his judgment concerning his mitzvah *performance*, כך שכרו קודם למעשה — *so too, its reward precedes* the reward for mitzvah *performance*.

פרק ב – האיש מקדש

1 האיש מקדש בו ובשלוחו, מצוה בו יותר מבשלוחו

The second *perek* begins: האיש מקדש בו ובשלוחו — *A man can marry* a woman *himself, or through his shaliach*. האשה מתקדשת בה ובשלוחה — *A woman can* receive *kiddushin herself, or through her shaliach*. From the Mishnah's mentioning the man's ability to be *mekadesh* himself, which is obvious, Rav Yosef infers: מצוה בו יותר מבשלוחו — *It is a greater mitzvah* for him to be *mekadesh* a woman *himself than through his shaliach*. Similarly, we find that Rav Safra would personally singe the head of the animal, and Rava would personally salt the fish, to prepare them for their Shabbos meals. In another version, the Gemara says that it is forbidden for a man to marry through a *shaliach* without seeing the woman, because he may discover something unpleasant in her afterwards and become repulsed with her, thereby violating ואהבת לרעך כמוך — *you shall love your fellow as yourself*. Rather, Rav Yosef taught regarding a woman accepting *kiddushin*, that it is a greater mitzvah for her to accept it herself than through a *shaliach*. She is permitted to use a *shaliach*, because even if she has not seen him, she would accept him as he is, as Reish Lakish said: טב למיתב טן דו מלמיתב ארמלו — *it is better to live* married *as two together than to live alone*.

2 The source for *shelichus*: גירושין, תרומה, and פסח

The Gemara asks: שליחות מנלן — *From where* do we know the concept of *shelichus*? A *Baraisa* teaches regarding divorce: "ושלח" — *And he sends*; מלמד שהוא עושה שליח — *this teaches that he can appoint a shaliach* to deliver the *get*. By saying "ושלחה" — *and he sends her*, מלמד שהיא עושה שליח — *this teaches that she can appoint a shaliach* to receive the *get*. Appointing a *shaliach* for *kiddushin* is derived from a *hekesh* with divorce (ויצאה והיתה). The Gemara then provides a source for appointing a *shaliach* to separate *terumah*: The *pasuk* says: גם אתם — *You also* shall separate *terumah*; לרבות את השליח — this is *to include* your *shaliach*, who can separate *terumah* for you. A source is then given for appointing a *shaliach* to *shecht* the *Korban Pesach*: ושחטו אותו כל קהל עדת ישראל בין הערבים — *And the entire congregation of Yisrael shall slaughter it in the afternoon*. Since a *Korban Pesach* is not *shechted* by multiple people, but by one member of each group, we learn ששלוחו של אדם כמותו — *that the shaliach of a person is like himself*.

3 מה אתם בני ברית אף שלוחכם בני ברית

The Gemara explains that the principle of *shelichus* needed to be taught by divorce and *Korban Pesach* and could not have been derived from the others. However, *shelichus* by *terumah* can be derived from the other two with a צד השוה. If so, why did the Torah need to write "גם אתם"? The Gemara answers that it is for the *derashah* of Rebbe Yannai: מה אתם בני ברית אף שלוחכם בני ברית — *Just as you are members of the covenant* (to keep the Torah), *so too, your sheluchim must be members of the covenant*, but a gentile cannot be a *shaliach*. The Gemara asks that there is a general requirement that one must be subject to a law to serve as a *shaliach* for it (which disqualifies an עבד כנעני from serving as a *shaliach* for a *get*, since he cannot marry or divorce), so why is a *pasuk* needed to exclude a gentile from serving as a *shaliach* for *terumah*? It answers that a Mishnah teaches a gentile is subject to *terumah*: העובד כוכבים והכותי שתרמו תרומתן תרומה — *An idolator or a Kusi who separated terumah* from their crops, *their terumah* is considered *terumah* (and forbidden to a non-*kohen*).

KIDDUSHIN DAF 42 • קידושין דף מב

1 The זכייה of the נשיאים on behalf of the members of their שבט

Having provided sources for the principle of *shelichus*, the Gemara questions Rav, who offered a different source: The *pasuk* says: ונשיא אחד נשיא אחד ממטה — *One prince from each tribe* to apportion the land. Each *nasi* acted on behalf of his *shevet* to apportion its land. Why did Rav not derive *shelichus* from the sources brought earlier (divorce and *korbanos*)? The Gemara counters that the division could not have been made through *shelichus*, since some recipients were minors, who cannot appoint *sheluchim*. Rather, Rav had quoted this *pasuk* as a source שזכין לאדם שלא בפניו — *that one may benefit a person* even *in his absence* (without appointment as a *shaliach*), which explains how they apportioned land even to minors. This explanation is also challenged, since the division may be detrimental to some recipients, as one may prefer a different type of land than he received. The Gemara concludes that Rav derived that when orphans come to divide their father's assets, *beis din* appoints administrators for each one, לחוב ולזכות — *to disadvantage and advantage* them, which the Gemara clarifies to mean: לחוב על מנת לזכות — He is authorized even *to* possibly *disadvantage* them, *provided that the purpose is to advantage* them. Rashi indicates that the *zechiyah* principle may also be derived from this *pasuk*.

2 Brothers dividing assets are like purchasers regarding a discrepancy in the division

Rav Nachman said: האחין שחלקו הרי הן כלקוחות — *Brothers dividing assets are like purchasers*, and therefore follow their laws where shares are unevenly divided: פחות משתות נקנה מקח — If the discrepancy *is less than a sixth* of his share, *the transaction* of division *is effective*. יתר על שתות בטל מקח — If it *is more than a sixth* of his share, *the transaction is void* and the assets are redivided. שתות קנה ומחזיר אונאה — If it *is* exactly *a sixth*, the transaction *is effective, but the discrepancy must be returned*. Rava adds that if the disadvantaged brother appointed a *shaliach* to represent him, the transaction is void even for a smaller discrepancy, because he can say: לתקוני שדרתיך ולא לעוותי — *I sent you for my benefit, not for my harm,* and the *shelichus* is voided. On the other hand, if they originally said: "ניפלוג בשומא דבי דינא" — *Let us divide by beis din's appraisal*, then even a greater discrepancy does not void the division. If the divided assets were land, the laws of אונאה do not apply, and finally, if the division was made by measurement (rather than value), then even a minimal error voids the transaction.

3 אין שליח לדבר עבירה

Having established that a *shaliach's actions are* attributed to his appointer, the Gemara wonders about a Mishnah that teaches that if one sends a fire with a mentally competent person, that second person is liable for any damages, and the first is exempt. Why do we not apply the principle of *shelichus*, and hold the first person responsible? The Gemara answers: דאין שליח לדבר עבירה — *Because there is no shaliach for a transgression*, since we say: דברי הרב ודברי תלמיד — In choosing between *the words of the Master* (Hashem) *and the words of the disciple* (the sender), דברי מי שומעים — *whose words do we obey*? Certainly, the Master's! Since he should not have listened to the sender, the *shelichus* is invalid. This is challenged from a Mishnah that teaches that concerning one who sent a *shaliach* to spend money that was discovered to be *hekdesh*, the sender is liable for *me'ilah* and not the *shaliach*! The Gemara answers that *me'ilah* is unique because we derive with a *gezeirah shavah* from *terumah* (חטא חטא) that *shelichus* is effective. The Gemara proceeds to explain why we do not apply this law to other עבירות.

KIDDUSHIN DAF 43 • קידושין דף מג

1 Shammai Hazakein holds a sender responsible for murder, but not for relations or eating

Although the Gemara established that there is no *shelichus* for *aveiros*, Shammai Hazakein appears to disagree, because he quotes Chaggai Hanavi that one who instructs someone to murder is liable, as Dovid was told: אותו הרגת בחרב בני עמון — *You have killed* Uriah *with the sword of the Ammonim*. Three interpretations are given for his opinion: 1) He holds *shelichus* is effective even for *aveiros* and disagrees with the sources indicating otherwise. 2) He holds the sender is only liable בדיני שמים — *by the laws of Heaven*, but is not punished by *beis din* (although the *Tanna Kamma* agrees that a sender is responsible in the Heavenly Court, they dispute the extent of liability). 3) He only holds a sender liable for the *aveirah* of murder, based on the above *pasuk*. Rava comments that even if Shammai holds a sender is generally liable for *aveiros*, he would agree that if someone instructed another to have forbidden relations or eat forbidden food, the *shaliach* is liable, and not the sender, שלא מצינו בכל התורה כולה זה נהנה וזה מתחייב — *because we never found in the entire Torah* a circumstance where *one benefits and another is liable*.

2 *Machlokes* if שליח נעשה עד

Rav says: שליח נעשה עד — A *shaliach* for a transaction *can* also *be a witness* to that transaction, but the academy of Rebbe Shila said he cannot. Rav holds: אלומי קא מאלימנא למילתיה — *It strengthens* the testimony of *the matter* where the witness is the *shaliach* himself. The academy of Rebbe Shila holds that since שלוחו של אדם כמותו — *a shaliach of a person is like himself*, הוה ליה כגופיה — the *shaliach is* therefore *like himself* and cannot bear testimony. In another version, these opinions are reversed, and the Gemara says the halachah is a *shaliach* can be a witness. Rav Nachman says *sheluchim* can be witnesses for *kiddushin*, divorce, and when making a monetary payment.

3 *Machlokes* about a נערה accepting her *kiddushin*

Tanna'im dispute who can accept the *get* of a *naarah* who is an *arusah*. The *Tanna Kamma* says: היא ואביה מקבלין את גיטה — *She or her father can accept her get*, but Rebbe Yehudah says: אין שתי ידים זוכות כאחד — *Two hands cannot* have the ability to *acquire at once*, and only the father can accept it. Reish Lakish says the same *machlokes* applies to whether a *naarah* can accept her own *kiddushin* in addition to her father. Rebbe Yochanan says: מחלוקת לגירושין — *The machlokes only concerns divorce,* אבל לקידושין דברי הכל אביה ולא היא — *but for kiddushin, all agree her father* can accept *kiddushin*, *but she cannot*.

The Gemara explains that while divorce brings her back into her father's domain, and either he or his daughter can accept the *get*, by marriage, which removes her from her father's domain, the father has exclusive control of the process. Although this explanation is rejected, it is reinstated on the next *daf*.

KIDDUSHIN DAF 44 • קידושין דף מד

1 *Machlokes* about מאמר without the *yevamah's* consent

It was taught in a *Baraisa*: העושה מאמר ביבמתו שלא מדעתה — Regarding *one who does maamar* (Rabbinical marriage for a *yevamah*) *with his yevamah without her consent*, Rebbe says he acquires her, and the *Chachamim* say he does not. Rebbe derives the laws of *maamar* from those of relations for *yibum*: מה ביאה דיבמה בעל כרחה — *Just as relations of a yevamah* are effective as *yibum* even *when* performed *against her will,* אף הכא נמי בע"כ — *so too, here, maamar* is effective even *against her will*. The *Chachamim* derive the laws of *maamar* from ordinary *kiddushin*: מה קידושין דמדעתה — *Just as kiddushin* must be *with her consent* to be effective, אף ה"נ דמדעתה — *so too, here, maamar* must be *with her consent* to be effective. The Gemara explains further that Rebbe considers it logical to derive one law of acquiring a *yevamah* from another, whereas the *Chachamim* consider it logical to derive one form of *kiddushin* from another.

2 A *naarah* cannot appoint a *shaliach* to accept her *get*

Rava asked Rav Nachman: נערה מהו שתעשה שליח לקבל גיטה מיד בעלה — *Can a naarah appoint a shaliach to accept her get from her husband*? The Gemara initially explains that the question is whether a *naarah*'s ability to accept her *get* is because she is כיד אביה דמיא — *considered like her father's hand*, and just as her father can appoint a *shaliach*, she can as well, or because she is כחצר אביה דמיא — *considered like her father's chatzer*, and the *get* only takes effect when it reaches her (and not a *shaliach*). However, this explanation is rejected, because Rava says that a person who is awake cannot function as someone's *chatzer*, because it is משתמרת שלא לדעתה — *guarded by* someone *other than* the owner. Instead, the Gemara explains that she is definitely considered like her father's hand, and the question is: מי אלימא כיד אביה לשויה איהי שליח או לא — *Is she as strong as her father's hand such that she can* also *appoint a shaliach, or not?* Rav Nachman answered that she cannot appoint a *shaliach*.

3 Does a קטנה who accepted *kiddushin* on her own require a *get* and *miun* before she can remarry?

The Gemara says: קטנה שנתקדשה שלא לדעת אביה — Regarding *a minor who accepted kiddushin without her father's knowledge*, Shmuel says: צריכה גט וצריכה מיאון — *She requires a get* before she can remarry, *and* also *requires miun* (*refusal* to remain married, ordinarily for an orphaned קטנה to reject Rabbinically instituted *kiddushin*). Karna commented: דברים בגו — *There is something* difficult *in* this: Whichever method of marriage termination is called for, why would the other be needed? The Gemara explains that she requires a *get*, שמא נתרצה האב בקידושין — because *perhaps the father agreed to the kiddushin* when he heard about it, rendering it effective. She also requires *miun*, because the father may not have agreed to the *kiddushin*, and it was invalid. People who see her receive a *get* may assume her marriage was legitimate and conclude that her former husband is unable to marry her sister, and if he was *mekadesh* the sister, which would not be valid, they will allow the sister to remarry without a divorce. To avoid this, she performs *miun* to demonstrate that the marriage was questionable. Rav Nachman said that she only requires a *get* and *miun* where the marriage was previously arranged between the two parties; otherwise, there is no concern that the father would agree.

KIDDUSHIN DAF 45 • קידושין דף מה

1 A קטנה who fell to *yibum* after accepting *kiddushin* without her father's knowledge

The Gemara continues discussing a קטנה who accepted *kiddushin* without her father's knowledge: מת ונפלה לפני אחיו ליבום — If her husband *died and she fell to his brothers for yibum*, Rav says: ממאנת למאמרו — If a brother performed *maamar*, *she must perform miun* to void *his maamar*, ואינה ממאנת לזיקתו — *but* if he did not perform *maamar*, *she need not perform miun* to sever the *zikah* (bond to the *yavam*). He explains that if a *yavam* did *maamar*, she requires a *get*, *chalitzah*, and *miun* to remarry. She needs a *get*, since her father may have agreed to the second husband's *kiddushin*. She requires *chalitzah*, since he may have agreed to the first husband's *kiddushin*, rendering her a *yevamah* upon his death. She requires *miun*, since her father may not have agreed to either *kiddushin*, and she is not married to the second husband. As on *daf* 44, there is a concern that people seeing her receive a *get* will conclude the marriage was legitimate, and mistakenly assume his subsequent marriage to her sister is invalid. If the *yavam* did not perform *maamar*, she only requires *chalitzah*. Here, everyone will recognize that his subsequent marriage with her sister is valid, because הכל יודעים אחות חלוצה דרבנן — *everyone knows that a chalutzah's sister is only* prohibited *Rabbinically*, and *kiddushin* with her is effective.

2 A קטנה who accepted *kiddushin* contrary to her father's commitment

An incident is related in which a man said he wanted his daughter to marry one of his relatives, and his wife wanted her to marry one of her relatives. Eventually, she compelled him to agree to her terms. They made a celebratory feast, and while everyone was eating and drinking, a relative of his was secretly *mekadesh* the girl without her father's knowledge. Abaye said that we assume the father did not agree to this marriage, because he had committed to give his daughter to one of his wife's relatives, and the Torah says: שארית ישראל לא יעשו עולה — *The remnant of Yisrael will not do wrong,* ולא ידברו כזב — *and will not speak falsehood*. Rava ruled the same way, but for a different reason: חזקה אין אדם טורח בסעודה ומפסידה — *There is an assumption that a person will not bother to* prepare *a feast*, only to later *ruin it*. Since a feast was prepared for marriage to his wife's relative, he would not agree to the other *kiddushin*. A practical difference would emerge where the father did not prepare a feast for the agreed-upon marriage.

3 A קטנה who had *kiddushin* with her father's knowledge, and had *nisuin* while he was away

The Gemara discusses a קטנה who accepted *kiddushin* with her father's knowledge, והלך אביה למדינת הים — *and her father went to a foreign country,* ועמדה ונישאת — *and she went and had nisuin* with her husband in her father's absence. Rav says: אוכלת בתרומה עד שיבא אביה וימחה — *She may eat terumah* if she married a *kohen until her father returns and protests* the *nisuin*. Since he agreed to the *kiddushin*, we assume he is agreeable to *nisuin* until he protests. Rav Assi says: אינה אוכלת — *She cannot eat terumah*, שמא יבוא אביה וימחה — for *perhaps her father will return and protest* the *nisuin*, ונמצאת זרה אוכלת בתרומה למפרע — *and it will emerge, retroactively, that she was a non-kohen eating terumah*. Rav Shmuel bar Rav Yitzchak adds: ומודה רב שאם מתה אינו יורשה — *Rav concedes that if she dies*, the husband *does not inherit her*. Although she may eat *terumah*, אוקי ממונא בחזקת מריה — contested *money remains in the owner's possession,* since the *nisuin*'s validity is not certain. The Gemara then cites two disputes about how to interpret the father's silence when his daughter had *nisuin* without his knowledge (when he was local), or when she accepted *kiddushin* and *nisuin* without his knowledge.

KIDDUSHIN DAF 46 • קידושין דף מו

1 If a *ketanah* can reject *kiddushin* she accepted, and the case of מפתה of the Torah

In a case where a *ketanah* accepted *kiddushin* without her father's knowledge, Rav said: בין היא ובין אביה יכולין לעכב — *Either she or her father can prevent* the *kiddushin* by objecting to it. Rav Assi said that only the father can object. Rav Assi is challenged from a *Baraisa* about מפתה — *a seducer*, which derives that the girl can also object to marrying him. The Gemara responds that Rav Assi can answer that the Torah is discussing שפיתה שלא לשום אישות — *where he seduced her not for marriage* purposes. The *pasuk* is teaching that even her objection can compel him to pay the fine of מפתה. Rav Yosef supported this interpretation with a *Baraisa* teaching that if the girl is to be the seducer's wife, he must be *mekadesh* her. This proves that he was not *mekadesh* her previously! Abaye disagrees and explains it may simply be requiring *kiddushin* with her father's knowledge.

2 Combining multiple dates for *kiddushin*, and where she eats them as she receives them

The next Mishnah states that regarding one who says: התקדשי לי בתמרה זו — *"Become married to me with this date,"* and then says: התקדשי לי בזו — *"Become married to me with this* second *one,"* they are separate acts of *kiddushin*, and one of the dates must have a *perutah's* value to effect *kiddushin*. But if he said: "Become married to me בזו ובזו ובזו — *with this one, and this one, and this one,"* it is a single act, and they can combine to a *perutah's* value. The Mishnah concludes that if she ate the dates as she received them, they do not combine to a *perutah's* value. Two interpretations of the final case are offered: 1) It refers to the first case of separate *kiddushin* acts. Although it is obvious that the dates cannot be combined, one might think that הואיל ומיקרבא הנייתה — *since her benefit was immediate* by eating them, perhaps she gives herself over for *kiddushin* for even less than a *perutah*. 2) It refers to the second case of a single *kiddushin* act. Since the dates eaten (before *kiddushin* is completed) revert to a מלוה — *debt* status, they cannot effect *kiddushin*, and the Mishnah means that the final date must have a *perutah's* value.

3 The status of money given to marry one's sister — מעות חוזרים או מעות מתנה

Regarding one who is *mekadesh* his sister, which is ineffective, Rav says: מעות חוזרים — *The money must be returned* to him. Shmuel says: מעות מתנה — *The money is a gift*. Rav explains: אדם יודע שאין קידושין תופסין באחותו — Every *man knows that kiddushin is ineffective with his sister,* וגמר ונתן לשום פקדון — *and he* must have *decided to give it to her as a deposit* to be returned. He did not tell her as much, because he thought she would not agree to accept a deposit. Shmuel explains that since he knew *kiddushin* is ineffective, he intended it as a gift, and did not tell her so, because he thought she would be embarrassed to accept a gift. Shmuel is challenged from a Mishnah teaching that if someone separates *challah* from flour (instead of dough), אינו חלה וגזל ביד כהן — *it is not* valid *challah, and it is* considered *stolen* if it remains *in the kohen's possession*. Since everyone knows that *challah* cannot be taken from flour, we should assume it was given to the *kohen* as a gift? The Gemara answers that a mishap may result from the *kohen*, or the original owner, thinking that the *challah* is legitimate. Although people know that *challah* cannot be taken from flour, they may think it is only to save the *kohen* from the trouble of preparing it, but this *kohen* agreed to accept it as flour.

KIDDUSHIN DAF 47 • קידושין דף מז

1 If one is embarrassed to demand the final *dinar* of a *maneh*

Rav says that *kiddushin* made with a loan is ineffective, because מלוה להוצאה ניתנה — *a loan is given to be spent*, and the money was hers beforehand. The Gemara quotes a *machlokes Tanna'im* about being *mekadesh* with a loan, and suggests that they argue about Rav's ruling. This is disproven, however, because the *Baraisa* concludes that everyone agrees that paying with a loan can effect a sale transaction, and forgiving a loan should be equally ineffective for a sale. Rather, Rav Huna explained that the *Baraisa* is discussing one who says: "Be married to me with a *maneh* (one hundred *dinar*)," and the coins were found to be missing one *dinar*. The *Tanna Kamma* holds: כסיפא לה מילתא למיתבעיה — *It is embarrassing for her to demand* the final *dinar from him*, and she is not confident she will receive it (so her agreement to the *kiddushin* is deficient). The other *Tanna* maintains she is not embarrassed to demand it. Regarding a sale, however, all agree that the seller is comfortable demanding his full payment. Although Rebbe Elazar taught that the *kiddushin* is valid if he only gave her a *dinar*, that is because she is not embarrassed to demand ninety-nine *dinar*, since that is a substantial amount.

2 If an unspent loan belongs to the lender or borrower

Another *machlokes Tanna'im* is quoted about marrying with a loan, and Rabbah reported that scholars in the *beis midrash* explained: במלוה ברשות בעלים לחזרה והוא הדין לאונסין קמיפלגי — *They argue if a loan* that has not been spent *is in the domain of the lender regarding retraction, as well as* responsibility for *mishaps*. The *Tanna Kamma* holds it is the borrower's immediately, even before any spending (and therefore it cannot effect *kiddushin*). The second *Tanna* (Rebbe Shimon ben Elazar) holds that although Rav taught that loan money belongs to the borrower, that is only after he begins to spend it. Before any of it was spent, however, the lender retains ownership of the money, and he can retract the loan and demand it back. Similarly, if the money is lost or stolen, the lender would suffer the loss. Rabbah disputed this last point and said that even if the money belongs to the lender, the borrower is still responsible for any loss, just as someone who borrows an item (to use and return) is responsible for all mishaps. The Gemara notes that regarding one who borrows an item (e.g., a hatchet), everyone can agree that the lender can retract before the borrower has used it.

3 *Machlokes* about *kiddushin* with a שטר חוב

It was taught in a Baraisa that regarding one who is *mekadesh* with a שטר חוב — *a document of debt*, Rebbe Meir says it is effective, and the *Chachamim* say it is not. The Gemara initially suggests it is a שטר of her debt, and they argue about *kiddushin* made through forgiving her loan. The Gemara then says that the שטר is for someone else's debt, and he is marrying her by enabling her to collect that debt. Four explanations are given for the *machlokes*: 1) They argue if אותיות נקנות במסירה — *"letters"* (i.e., a debt recorded in a שטר) *can be acquired by* merely *handing over* the שטר. The *Chachamim* hold she does not acquire the debt until he additionally writes her a שטר transferring the debt. 2) Everyone agrees he must write a שטר, but argue if he must write the words: קני לך הוא וכל שעבודיה — [The שטר] *and all its obligations are acquired to you*. 3) They argue if the lender can forgive the debt after transferring it to someone else (if he can, she lacks confidence she will receive the funds). 4) Everyone agrees he can forgive the debt and argue if she trusts him not to do so.

KIDDUSHIN DAF 48 • קידושין דף מח

1 עשה לי שירים נזמים וטבעות: If שכירות becomes owed מתחילה ועד סוף or only בסוף

A *Baraisa* discusses a woman who handed gold to a craftsman and said: עשה לי שירים נזמים וטבעות — *Make for me bracelets, earrings, or rings* with this, ואקדש אני לך — *and* in return, *I will become married to you*. Rebbe Meir says she is married as soon as he makes them (and gives them to her), but the *Chachamim* say, as the Gemara explains, that she is only married if he gives her other money, but this jewelry would not effect *kiddushin*. The Gemara initially assumes that everyone holds that ישנה לשכירות מתחלה ועד סוף והוה מלוה — *wages* become owed *from the beginning* of the work *until the end*. Every *perutah*-worth of work becomes owed to the laborer as it is done, rendering each *perutah* a debt to the craftsman until he gives her the finished product. If so, they argue if *kiddushin* with a loan is effective. Several alternative interpretations are offered, the first being that all agree *kiddushin* with a loan is ineffective, and they argue when a laborer earns his wages. Rebbe Meir holds: אינה לשכירות אלא בסוף — *Wages only* become owed *at the end*, when the work is completed, and he is *mekadesh* her with the improvements to her item. The *Chachamim* hold he earns wages as he works, and they accumulate as debts until he is finished.

2 Case where jeweler added a gem of his own: Is it דעתיה אפרוטה or דעתיה אמלוה?

The final interpretation of the above *machlokes* is כגון שהוסיף לה נופך משלו — *a case where he added a gemstone of his own* to the jewelry he was fashioning. This reflects a *machlokes* in another *Baraisa*, in which both Rebbe Nassan and Rebbe Yehudah Hanasi say that if a craftsman says to a woman: "Be married to me בשכר שאעשה עמך — *as payment for the work I will do for you*," the *kiddushin* is invalid because the wages are owed as debts as he works, as explained above. Rebbe Yehudah Hanasi adds: ואם הוסיף לה נופך משלו מקודשת — *And if he added a gemstone of his own, she is married*. The Gemara explains that Rebbe Nassan holds: מלוה ופרוטה — When one gives both *a loan and a perutah* for *kiddushin*, דעתיה אמלוה — her *mind is on the loan*, not the *perutah*, so the *kiddushin* is invalid. Rebbe Yehudah Hanasi holds: דעתיה אפרוטה — Her *mind is on the perutah*, so the *kiddushin* is valid.

3 התקדשי לי בכוס זה של יין ונמצא של דבש

The next Mishnah states that one who says: התקדשי לי בכוס זה של יין — *"Be married to me with this cup of wine,"* ונמצא של דבש — *and it was* later *found to be honey*, not wine, or the reverse, or he offered her a gold *dinar* and it was discovered to be silver, or the reverse, or he married her on condition he is wealthy and turned out to be poor, or the reverse, the *kiddushin* is invalid. Rebbe Shimon says: אם הטעה לשבח מקודשת — *If he misled her to* her *benefit, she is married*. The Gemara objects that presumably Rebbe Shimon agrees with the Mishnah that if someone sold wine and it was discovered to be vinegar, or the reverse, either side can retract, even where the buyer received something more valuable than he sought! This proves that some people prefer vinegar to wine (according to their needs), so why is *kiddushin* valid where she was misled to her benefit? The Gemara ultimately explains that the case is where she told a *shaliach*: "Go receive *kiddushin* from Ploni, who told me to marry him with a silver *dinar*," and the *shaliach* accepted a gold *dinar*. The *Tanna Kamma* holds: קפידא — Her statement is an *insistence* on accepting silver; anything else is against her instructions. Rebbe Shimon holds: מראה מקום היא לו — *She was* merely *showing* the *shaliach* that she agrees to accept a silver *dinar*, but she would accept gold as well.

KIDDUSHIN DAF 49 • קידושין דף מט

1 בשבח יוחסין דברי הכל אינה מקודשת — ex., on condition that he's a *levi*, but he's really a *kohen*

Ulla said that the *machlokes* of the Mishnah (regarding a woman who received something of greater value than what she agreed to accept for *kiddushin*) only pertains to a monetary advantage, אבל בשבח יוחסין — *but* where the mistake *concerns an advantage in lineage*, דברי הכל אינה מקודשת — *everyone agrees she is not married*, because she may say: מסאנא דרב מכרעאי לא בעינא — *A shoe that is too big for my foot, I do not need* (i.e., she may not want a husband of greater stature). Rav Ashi says this is supported by the next Mishnah, which says that if a man says, "Marry me on condition that I am a *kohen*," and he was discovered to be a *levi*, or the reverse, or on condition that he is a *nasin* and turned out to be a *mamzer*, or the reverse (the second of each case being an advantage), the *kiddushin* is ineffective. Here, Rebbe Shimon is not quoted as saying the *kiddushin* is effective where the mistake is to her advantage, indicating that he agrees in these cases, as Ulla said.

2 על מנת שאני חכם, גבור, עשיר, וצדיק

A *Baraisa* lists numerous terms that a man may say about himself as a condition to *kiddushin* and defines them. If he says, על מנת שאני חכם — "*on condition that I am a wise person*," he does not need to be as wise as the Sages of Yavneh but must be able to answer any question requiring reason. If he says, "on condition that I am a גבור — *strong person*," he only needs to be feared by his colleagues on account of his strength. If he says, "on condition that I am a wealthy man," he only needs to be honored by his townspeople on account of his wealth. If he says, "on condition that I am a צדיק — *righteous person*," אפילו רשע גמור מקודשת — *even if he* has been *a thoroughly wicked person* until now, *she is married* (out of doubt), שמא הרהר תשובה בדעתו — for *perhaps a thought of repentance entered his mind*, in which case he is indeed a *tzaddik*. If he says, "on condition that I am a רשע — *wicked person*," אפילו צדיק גמור מקודשת — *even if he* has been *a thoroughly righteous person* until now, *she is married* (out of doubt), שמא הרהר דבר עבודת כוכבים בדעתו — for *perhaps a thought of idolatry entered his mind*, rendering him a *rasha*.

3 עשרה קבים.. ירדו לעולם, תשעה נטלה.. ואחד כל העולם כולו

The Gemara lists fourteen traits, and notes that nine-tenths of each trait descended to a particular group or land. It begins: עשרה קבים חכמה ירדו לעולם — *Ten measures of wisdom descended to the world;* תשעה נטלה ארץ ישראל — *Eretz Yisrael took nine of them,* ואחד כל העולם כולו — *and the rest of the world took* the remaining *one*. Ten measures of beauty descended to the world; Yerushalayim took nine of them, and the rest of the world took the remaining one. The early Romans took nine-tenths of the wealth that descended to the world, and Bavel took nine-tenths of the poverty that descended to the world. Eilam took nine-tenths of the arrogance that descended to the world, and the Gemara discusses the implication that arrogance did not descend to Bavel. The Gemara concludes that women took nine-tenths of שיחה — *conversation*, Ethiopians took nine-tenths of drunkenness, and slaves took nine-tenths of sleep.

1 דברים שבלב אינם דברים — ex., man sold his possessions with the intention of moving to Eretz Yisrael

A man sold his possessions with the intention of moving to Eretz Yisrael but did not mention this at the time of the sale. He was ultimately prevented from going and wanted to retract the sale. Rava said: הוי דברים שבלב — His thoughts *are intentions in* his *heart*, ודברים שבלב אינם דברים — *and* unexpressed *intentions in the heart are not* considered binding *intentions*. The Gemara seeks a source for this principle. Although a person can be forced to agree to bring a *korban* he vowed to bring, this does not prove that his unstated wish not to bring it is not recognized. Rather, we are certain that in truth, the person wants to obtain the atonement afforded from his *korban*, and his final agreement reflects his true state of mind. Similarly, when one is forced to divorce his wife (when he is required to), the *get* is valid, even if he initially refused to divorce her. This, too, does not prove that his opposition to divorcing is immaterial, because we are certain that he truly wishes to do what the Rabbis instruct him to. Ultimately, a proof is brought from a Mishnah discussing someone who sent a *shaliach* to fetch coins and spend them for him, and the money turned out to be *hekdesh*. Although the owner says he intended for different money to be used, the owner is liable for *me'ilah*, because his unexpressed intentions are immaterial.

2 חוששין לסבלונות

The Mishnah teaches that if someone was *mekadesh* for less than a *perutah*, and afterwards sent bridal gifts to her, she is still not married, שמחמת קידושין הראשונים שלח — *because he sent* them *based on the original* ineffective *marriage* and did not intend them as new *kiddushin* money. When someone sends bridal gifts before having attempted *kiddushin*, Rav Huna says: חוששין לסבלונות — *We are concerned* that the *bridal gifts* were intended as *kiddushin*. This is different from the Mishnah, where *kiddushin* was previously attempted (albeit unsuccessfully), and we assume that he erroneously relied on his first *kiddushin*. Rav Pappa said that where people customarily are *mekadesh* before sending gifts, we are concerned that gifts sent before *kiddushin* are actually intended as *kiddushin* (the Gemara adds that this is so even if a minority of people do the reverse). If they usually send gifts before *kiddushin*, we are not concerned that the gifts were sent for *kiddushin*.

3 כל שאינו בזה אחר זה אפילו בבת אחת אינו — ex., one who is *mekadesh* two sisters at same time

The next Mishnah states: המקדש אשה ובתה — Regarding *one who is mekadesh a woman and her daughter* simultaneously, או אשה ואחותה כאחת — *or a woman and her sister simultaneously*, אינן מקודשות — *neither* woman *is married*. Rami bar Chama initially explains this based on a *pasuk*: אשה אל אחותה לא תקח לצרור — *Do not take a woman in addition to her sister, making them rival wives*, which teaches that if he attempts to marry both at once, no *kiddushin* takes place at all. Rava rejects this *derashah*, because the Torah teaches that relations with the second sister are punishable by *kareis*, which would not be the case if *kiddushin* was ineffective with either. Rather, the *pasuk* discusses marrying one sister after the other (so the first marriage took effect), and our Mishnah's ruling is based on Rabbah's principle: כל שאינו בזה אחר זה — *Whatever cannot* take effect *one after the other*, אפילו בבת אחת אינו — *even when* done *simultaneously, cannot* take effect. Since marrying one woman makes subsequent *kiddushin* with a sister ineffective, marrying both simultaneously does not effect any *kiddushin*.

KIDDUSHIN DAF 51 • קידושין דף נא

1 Exceptions to rule of כל שאינו בזה אחר בזה: מעשר and מעשר בהמה

The previous *daf* introduced Rabbah's principle: כל שאינו בזה אחר זה — *Whatever cannot* take effect *one after the other,* אפילו בבת אחת אינו — *even when* done *simultaneously, cannot* take effect. This is challenged from a *Baraisa*: המרבה במעשר — *One who exceeds* the requisite ten percent for *maaser* (e.g., he designated twenty percent as *maaser*), פירותיו מתוקנים — *his* remaining *produce became fit* for consumption, ומעשרות מקולקלין — *but his maaser is ruined*. Since only ten percent becomes *maaser*, and the additional ten percent was removed from the remaining produce for which *maaser* was taken, it remains *tevel*. The total amount remains an indeterminate mixture of *maaser* and *tevel*. Since after designating ten percent as *maaser*, designating another ten percent would be ineffective, then taking twenty percent at once should also be ineffective! The Gemara answers that *maaser* is unique, דאיתיה לחצאים — *because it is effective for halves* of produce, i.e., one can declare half a grain *maaser*. Thus, half of each kernel of twenty percent of his grain becomes *maaser*. Rabbah is further challenged from his own statement about *maaser* of animals (which cannot take effect by halves), in which he said that if he declared the tenth and eleventh animals "tenth" simultaneously, עשירי ואחד עשר מעורבים זה בזה — *the tenth and eleventh are intermingled*, and both are *hekdesh*! The Gemara answers that *maaser beheimah* is also unique, דאיתיה בטעות — *because it is effective* consecutively *in error*, i.e., if he declared the eleventh animal "tenth," it also becomes *hekdesh*.

2 קידושין שאין מסורין לביאה — ex., saying to two sisters, "One of you should be married to me"

The Gemara says: קידושין שאין מסורין לביאה — Regarding *kiddushin that is not given with* a possibility of permitted *relations* (such as giving a *perutah* to one of two sisters, and saying, "One of you should be married to me," where he cannot have relations with either since she may be his wife's sister), Abaye said the *kiddushin* is valid, and Rava said it is not valid. Rava quoted support from a *pasuk*: כי יקח איש אשה ובעלה — *When a man shall take a wife and have relations with her*, implying that *kiddushin* takes effect only when it will allow relations afterwards. The Gemara poses numerous challenges to Rava's position and deflects them, and on the next *daf*, ultimately refutes Rava's opinion from a *Baraisa*. This is a rare instance of the halachah following Abaye over Rava (and is the "ק" in the "יע"ל קג"ם" list of such instances).

3 לא שביק איניש מצוה דרמיא עליה — marrying off unspecified daughter, and intends the minor one

Rava is challenged from a Mishnah that states: המקדש את בתו סתם — *One who marries off his daughter without specifying* which, אין הבוגרות בכלל — *the adult* daughters *are not included* in the group of possibly married daughters. This implies that his minor daughters are married out of doubt (though it remains unknown which one), even though relations are not permitted with any of them! The Gemara explains that he only has a single adult daughter and a single minor daughter. Although this ruling seems obvious, the Gemara explains the case is where the adult daughter appointed her father as a *shaliach* to accept *kiddushin* for her. Still, we assume the father accepted *kiddushin* for his minor daughter, דלא שביק איניש מידי דאית ליה הנאה מיניה — *because a person will not abandon something from which he will have benefit* (i.e., *kiddushin* money of his minor daughter) and accept *kiddushin* for his adult daughter instead. The Gemara goes further and adds that even if his adult daughter offered him to keep her *kiddushin* money, we still assume he accepted *kiddushin* for his minor daughter, לא שביק איניש מצוה דרמיא עליה — because *a person will not abandon a mitzvah that is incumbent upon him* (i.e., marrying off his minor daughter), עליה ועביד מצוה דלא רמיא — *and* instead *perform a mitzvah that is not incumbent upon him* specifically.

KIDDUSHIN DAF 52 • קידושין דף נב

1 *Kiddushin* with stolen goods

Rav inferred four laws from the previous Mishnah, including: קידשה בגזל אינה מקודשת — *If one is mekadesh her with stolen goods, she is not married,* אפילו בגזל דידה — *even with stolen goods that are hers*. Rebbe Zeira quoted this in Rebbe Yochanan's presence, who responded: מי אמר רב הכי — *Did Rav really say this?* The Gemara wonders about his reaction, because he made a similar statement: גזל ולא נתייאשו הבעלים — *If one stole* property *and the owners did not despair* of retrieving it, שניהם אינם יכולים להקדיש — *neither of them can be makdish* it; זה לפי שאינו שלו — the thief cannot, *because it is not his* to be *makdish*, וזה לפי שאינו ברשותו — *and* the owner cannot, *because it is not in his domain*. Since Rebbe Yochanan agrees that a thief does not own his stolen goods, why was he surprised that Rav held *kiddushin* with them is invalid? The Gemara explains that Rebbe Yochanan was surprised that Rav agreed with his view. A *Baraisa* teaching that *kiddushin* with stolen goods is valid is explained to refer to goods stolen from her. Although Rav said even such a *kiddushin* is invalid, the *Baraisa* is a case of דשדיך — where they *agreed to marry*, which allows interpreting her silence as allowing him to acquire the items for *kiddushin*.

2 כלך אצל יפות regarding *kiddushin* and *terumah*

The Gemara relates an incident in which a brewer was *mekadesh* a woman with date remnants belonging to his employer. When the employer realized this, he said: אמאי לא תיתיב מהאי חריפא — *"Why did you not give* her *from the stronger* remnants instead?" Rava ruled that his comment cannot be interpreted as approval, although it would be regarding terumah, as a *Baraisa* teaches that one who separates *terumah* for someone else without permission, the *terumah* is invalid if the owner objects. The *Baraisa* explains how to interpret the owner's reaction: If he said, כלך אצל יפות — "You should *go to the better* produce to separate as *terumah* instead," then if there is better produce, his statement is taken literally and the *terumah* is valid. If there is not any better produce, his reaction is understood as sarcastically saying that if he would have had better produce, he would have stolen that as well. If the owner separates more and adds to the *terumah* taken, it indicates his approval to what was previously separated. Rava explains why this interpretation cannot be made regarding *kiddushin*: הכא משום כיסופא הוא דעבד — *Here, he made* his comment *out of embarrassment* not to allow his employee to keep the remnants (as opposed to *terumah*, which he is obligated to separate).

3 Using meat of *korbanos* for *kiddushin* — invalid since they are not personally owned

The next Mishnah states: המקדש בחלקו — *One who is mekadesh* a woman *with his portion* of meat from a *korban*, whether it is קדשי קדשים or קדשים קלים, the *kiddushin* is not valid, because the meat is not his personal property, and only his to eat. The Gemara wonders if this disagrees with Rebbe Yose Haglili, who says that קדשים קלים are the personal property of their owner (such that if one swears falsely that it is his, he is liable for the penalty of swearing falsely about personal property). It explains that Rebbe Yose Haglili only held this opinion about live *korbanos*, but after they are *shechted*, he agrees that they are not personally owned: כי קא זכו — *When they acquire* their portion, משלחן גבוה קא זכו — *they acquire it from the Table of the Most High*, and only for eating. In a *Baraisa*, Rebbe Yehudah says that *kiddushin* with *korban* meat is valid, and the Gemara explains that both opinions are based on one *pasuk*. Rebbe Yochanan said a vote was taken, and it was concluded that such *kiddushin* is invalid, but Rav says it remains a *machlokes*.

KIDDUSHIN DAF 53 • קידושין דף נג

1 אין חולקים בקדשים

A *Baraisa* derives from a series of *derashos* that a *kohen* can never divide his share of one *korban* against another (offering his portion in one *korban* in exchange for his fellow's portion in another *korban*). They are derived as successively greater novelties: 1) שאין חולקים מנחות כנגד זבחים — *kohanim cannot divide menachos against korbanos*, 2) nor even *menachos* against bird *korbanos*, although a *minchah* sometimes replaces a bird *korban* in a case of poverty, 3) nor even birds against animals, although both are מיני דמים — *types of blood offerings*, 4) nor even *menachos* against other *menachos*, although both are prepared by hand (as opposed to birds and animals, where animals are *shechted* with a knife and birds are slaughtered with *melikah* by hand), 5) not only מחבת כנגד מרחשת — *a shallow-pan minchah against a deep-pan minchah*, but even against other *menachos* of the same type (brought by different people), 6) nor even *kodashim kalim* against each other. The *Baraisa* also derives that every adult *kohen* receives a portion of the *korbanos*, including a בעל מום who cannot perform *avodah*, but a קטן does not, even if he is unblemished.

2 Who is unwilling to mistakenly use *maaser sheini or hekdesh* for *kiddushin*?

In the Mishnah on *daf* 52b, Rebbe Meir taught that *kiddushin* performed unknowingly with *hekdesh* is invalid (Rebbe Yehudah disagrees). Rebbe Yehudah had said that *kiddushin* done mistakenly with *maaser sheini* is invalid (Rebbe Meir disagrees). Rebbe Yaakov reported hearing Rebbe Yochanan explain that in one of these rulings, the woman would be unwilling to accept *kiddushin* with the item (had she known its status), and in the other, both parties are unwilling to effect *kiddushin* with it. However, Rebbe Yaakov was unsure which was said about which. Rebbe Yirmiyah suggested that regarding *maaser sheini*, she is unwilling to accept it משום טרחא דאורחא — *because of the effort of the journey* to eat it in Yerushalayim, but he would be willing to use it for *kiddushin*, דניקני איתתא ממילא — *to acquire a wife easily*. Both would be unwilling to use *hekdesh* for *kiddushin*, דנתחיל הקדש על ידייהו — thereby *causing hekdesh to become chullin through them*. Rebbe Yaakov was uncertain, because the opposite could be argued: Even the husband could be unwilling to use *maaser sheini*, משום אונסא דאורחא — because the possible *loss* of the *maaser during the journey* is his responsibility (since she cannot use it until reaching Yerushalayim). He may, however, be willing to use *hekdesh* (making it *chullin*, and having to repay), thereby easily acquiring a wife (if he did not have money at the time).

3 If *hekdesh* becomes *chullin* in mistaken *kiddushin*, and if such a sale would be valid

Rava asked Rav Chisda: According to Rebbe Meir, that *kiddushin* made unknowingly with *hekdesh* is ineffective, does the money become *chullin* through the attempted act of *kiddushin*? Rav Chisda responded: אשה אין מתקדשת — Since *the woman is not married* and the transaction was void, מעות היאך יצאו לחולין — *how could the money become chullin*? Rav Chiya bar Avin asked Rav Chisda if Rebbe Meir would validate a sale made unknowingly with *hekdesh* money, and he answered: אף במכר לא קנה — *Even with a sale*, the buyer *does not acquire* it. Rashi notes that according to Rebbe Meir, it emerges that *me'ilah* (which is only liable when unintentional) is only possible when mistakenly consuming *hekdesh*, which effectively removes it from *hekdesh*'s domain; all unwitting transactions are ineffective, so the money remains *hekdesh*. This point is made by Bar Padda on *daf* 54b.

KIDDUSHIN DAF 54 • קידושין דף נד

1 *Machlokes* if *kiddushin* done unknowingly with כתנות כהונה is effective

Rav says that Rebbe Meir always holds that *hekdesh* becomes *chullin* in a transaction, even where the parties were unaware of its status. Therefore, he disagrees with Rebbe Yochanan's explanation of Rebbe Meir's position (that *kiddushin* done mistakenly with *hekdesh* is invalid because one or both parties would not have been willing to use it), and explains that the Mishnah is discussing *kiddushin* with כתנות כהונה שלא בלו — *tunics of kohanim that were not worn out* (and are fit for *avodah*), לפי שלא ניתנה תורה למלאכי הואיל וניתנו ליהנות בהן — *since they were given* for *kohanim to benefit from them, because the Torah was not given to ministering angels*. Since it is impossible to avoid benefiting from the garments after completing their *avodah* (since their removal requires time), their original *kedushah* includes an allowance for unintentional benefit, and they do not become *chullin*. Since they remain *hekdesh*, *kiddushin* done unwittingly with these garments is invalid. Rebbe Yehudah disagrees and holds that although the unavoidable benefit from the tunics after *avodah* is permitted, all other benefit is prohibited and does render them *chullin*. Therefore, he holds that *kiddushin* done mistakenly with them is valid.

2 *Machlokes* if כרם רבעי is ממון גבוה re: פרט ועוללות

In the Mishnah on *daf* 52b, Rebbe Meir said that *kiddushin* with *maaser sheini* is never valid, because he holds מעשר ממון גבוה — *maaser sheini is Divine property* and is not owned by the man. The Gemara says the halachah follows Rebbe Meir in this ruling, because an anonymous Mishnah follows his opinion: Beis Shammai says that כרם רבעי — *a fourth-year vineyard*, does not require paying an additional fifth when redeeming it (as *maaser sheini* does), and Beis Hillel says כרם רבעי does require paying an extra fifth. Beis Shammai says that כרם רבעי is subject to the halachah of פרט and עוללות (certain grapes that are left for the poor from personal vineyards), but Beis Hillel says: כולו לגת — *All of it* goes *to the winepress*, because Beis Hillel's opinion is that כרם רבעי, like *maaser sheini*, is Divine property, and exempt from פרט and עוללות. The Gemara explains that Beis Hillel derives from a *gezeirah shavah* (קודש קודש) to equate כרם רבעי with *maaser sheini*, and Beis Shammai does not. This proves that Beis Hillel holds that *maaser sheini* itself is ממון גבוה, and therefore not subject to פרט and עוללות (and Beis Hillel's view is equal to an anonymous Mishnah).

3 Acquiring *maaser sheini* with משיכה

After several attempts to show anonymous Mishnayos following Rebbe Yehudah's opinion, that *maaser sheini* is considered the grower's personal property, are deflected, a Mishnah is presented that does: משך הימנו מעשר בסלע — *If one drew* the *maaser sheini* of his friend *near* to acquire it *while* it was worth *a sela*, ולא הספיק לפדותו עד שעמד בשתים — *but did not manage to redeem it* (and simultaneously pay for it) *until it was* worth *two*, נותן סלע ומשתכר בסלע — *he pays* his friend *a sela and profits a sela* (because he acquired it at the time of משיכה), and the *maaser* is his. The Gemara argues that if this Mishnah followed Rebbe Meir, he would have to pay its current value of two *sela'im*, because the Torah says about all Divine property: ונתן הכסף וקם לו — *He shall give the money and* then *it shall become his*, but not through משיכה! The Gemara concedes that this anonymous Mishnah follows Rebbe Yehudah's opinion that *maaser sheini* is personal property, but the halachah follows Rebbe Meir because an anonymous Mishnah in *Eduyos* (the most authoritative *masechta*) follows his opinion.

KIDDUSHIN DAF 55 • קידושין דף נה

1 בהמה שנמצאת מירושלים למגדל עדר

It was taught in a Mishnah: בהמה שנמצאת מירושלים למגדל עדר — Regarding *an animal* (fit for a *korban*) that *was found between Yerushalayim and Migdal Eder* (near Beis Lechem), or within that range in any direction, we suspect it came from Yerushalayim, where most animals are *korbanos*. Because it is unknown what *korban* it may be, the Mishnah says: זכרים עולות — *Males are* treated as *Olos*, נקבות זבחי שלמים — but *females*, which are unfit for *Olos*, *are* treated as *Shelamim*. The Gemara asks that a male may also be a *Shelamim*, and Rebbe Oshaya explains that the animal is not sacrificed: בבא לחוב בדמיהן עסקינן — *We are discussing one who is coming to obligate himself in their value* and redeem them. He brings money for each possibility of the animal's status and redeems the animal with the money. The Mishnah means that males may also be *Olos*, but the possibility of *Shelamim* is also taken into account. Later, Rebbe Yochanan disagrees and does not allow one to intentionally remove *kedushah* from a valid *korban*. Instead, he explains that one waits until the animal develops a מום and then transfers its *kedushah* to other animals. The Gemara will address other possible *korbanos* the animals may be.

2 אין מועל אחר מועל במוקדשין אלא בבהמה ובכלי שרת בלבד

The above explanation is challenged: וקדושת הגוף מי מתחלל — *Can physical sanctity*, such as that of a *korban*, *be deconsecrated*? But a Mishnah teaches: אין מועל אחר מועל במוקדשין — *One cannot commit me'ilah after me'ilah,* because the item becomes *chullin* from the first *me'ilah*, אלא בבהמה ובכלי שרת בלבד — *except for animals* designated as *korbanos and vessels used in service* of the Beis Hamikdash. These items, whose *kedushah* is קדושת הגוף, remain *hekdesh* even after *me'ilah*. For example, if several people successively ride a *korban*, or drink from a goblet designated for *avodah*, all of them are liable for *me'ilah*, since they do not become *chullin*. How, then, can one redeem an unblemished *korban* with money? The Gemara answers that the Mishnah discussing *me'ilah*, which by definition is unintentional, follows Rebbe Yehudah's view that unintentional usage of *hekdesh* makes it *chullin*. The Mishnah of the found animal discusses someone intentionally deconsecrating *hekdesh*, following Rebbe Meir's view. Although Rebbe Yehudah's statement demonstrates that items of physical *kedushah* cannot be deconsecrated, the Gemara explains: הכא קא מכוין לאפוקינהו לחולין — *Here, he intends to take* the *hekdesh out to* a state of *chullin*, and intentional deconsecration is effective even for קדושת הגוף.

3 The possibility that the female animal is a חטאת

The Gemara asks about the possibility that the female animal that was found may be a חטאת, and answers that a *Chatas* is only valid within its first year, and the Mishnah discusses an animal found in its second year. Although it may be a חטאת שעברה שנתה — *Chatas whose year has passed*, and is invalid for offering, such a case is uncommon. The Gemara asks what would be done with a female animal that is found within its first year. In a *Baraisa*, Chananya ben Chachinai taught that a she-goat within its first year is a *Chatas*. The Gemara objects that it cannot possibly be brought as a *Chatas* (since it may also be a *Shelamim*, whose blood is offered differently than that of a *Chatas*). It also cannot be redeemed (using multiple animals to stipulate for each possibility, as above), because a *Chatas* cannot be brought voluntarily. Rather, Abaye explains: כחטאת — Chananya means it is treated *like a Chatas* that cannot be offered: כונסה לכיפה והיא מתה מאליה — *It is brought into a chamber and dies on its own.*

1 When prohibited transactions with *maaser sheini* money are voided

In a *Baraisa* it was taught: אין לוקחים בהמה במעות מעשר שני — *One cannot buy an animal with maaser sheini funds* outside Yerushalayim. If he did so unintentionally, יחזרו דמים למקומם — *the money must be returned to its place* (i.e., the buyer), because the purchase was in error. If he did so intentionally, תעלה ותאכל במקום — the animal *must be brought up and eaten* in Yerushalayim. Rebbe Yehudah says this is only if the animal was purchased to be a *Shelamim*, i.e., to be eaten in Yerushalayim. But if he bought it to use as *chullin* and eat it outside Yerushalayim, then the money must be returned and the sale is void, as a (Rabbinical) penalty to the seller. The Gemara asks that this contradicts Rebbe Yehudah's ruling on *daf* 52b, that *kiddushin* made intentionally with *maaser sheini* is valid! It answers: אשה יודעת שאין מעות מעשר שני מתחללין על ידה — *A woman knows that maaser sheini does not become chullin through her* accepting it, ועולה ואוכלתו בירושלים — *and will go up and eat it in Yerushalayim*, so no penalty was necessary. In the *Baraisa*, the money's *maaser sheini* status was transferred to the animal that will be eaten outside Yerushalayim. The Gemara clarifies that this is true for a אשה חבירה — *learned woman*, but ordinary people may not know this.

2 re: misappropriated *maaser sheini* funds לאו עכברא גנב אלא חורא גנב

The previous *Baraisa* taught that where one used *maaser sheini* funds to buy something not to be eaten in Yerushalayim, the sale is voided, and the money must be returned (if the seller is accessible). The Gemara asks: ונקנסיה ללוקח — *Let us* instead *penalize the buyer* who illegally spent the funds and require him to consume food in Yerushalayim equal to the value he misappropriated. Why is the seller penalized by voiding the sale? It answers: לאו עכברא גנב אלא חורא גנב — *The mouse is not the thief; the hole is the thief*. Just as a mouse could not have stolen food if it lacked a hole in which to hide it, the buyer would not have misspent the funds if he did not find a seller willing to accept them. The Gemara persists: But if not for the mouse, what wrongdoing could the hole commit? The buyer is still the primary guilty party! The Gemara concludes: מסתברא כל היכא דאיכא איסורא — *It is logical that wherever the prohibited item is,* התם קנסינן — *that is where we penalize*. Since the seller is in possession of the misappropriated funds, we compel him to return them.

3 The source that שור נסקל is prohibited in benefit

The next Mishnah teaches that if *kiddushin* is done with any of a list of items that are prohibited in benefit, the *kiddushin* is invalid. The Gemara will provide sources for all of the items listed, among them שור נסקל — *an ox* condemned to *stoning*. A *Baraisa* explains that since the ox is stoned to death, it is obvious that it cannot be eaten (lacking *shechitah*), so why does the Torah need to write: לא יאכל את בשרו — *Its flesh shall not be eaten*? It teaches: שאם שחטו לאחר שנגמר דינו — *If he shechted it after its sentence was finalized*, but before it was stoned, אסור באכילה — *it is forbidden in consumption*. The prohibition in benefit is initially derived from the phrase "ובעל השור נקי" — *and the owner of the ox is "clean,"* which is interpreted as an expression, like one who says: יצא פלוני נקי מנכסיו — *Ploni went out "clean" from his possessions,* ואין לו בהם הנאה של כלום — *and he has no benefit from them at all*. Later, the Gemara explains that since Rebbe Abahu taught that the phrase "לא יאכל" already includes a prohibition from benefit, the phrase "בעל השור נקי" instead teaches that its hide is also prohibited in benefit.

KIDDUSHIN DAF 57 • קידושין דף נז

1 כשם שקבלתי שכר על הדרישה...

It was taught in a *Baraisa* about Shimon (or Nechemiah) Ha'amasoni: היה דורש כל אתין שבתורה — *He would darshen every "*את*" in the Torah* and explain what it was coming to teach, but when he reached the *pasuk*: את ה' אלקיך תירא — *You should revere "*את*" Hashem, your G-d*, he withdrew. Rashi explains he was afraid to equate the reverence required for Hashem with the reverence for anything else. His *talmidim* asked him: רבי כל אתין שדרשת מה תהא עליהם — *Rebbe, what will become of all* the instances of את *that you darshened until now*? He responded: כשם שקבלתי שכר על הדרישה — *Just as I received reward for the derashos* I made, כך קבלתי על הפרישה — *so I received reward for the withdrawal* from the *derashos*. This continued until Rebbe Akiva came and *darshened* the את in the *pasuk* about revering Hashem: לרבות תלמידי חכמים — It comes *to include talmidei chachamim* for a reverence that should be like that of Heaven.

2 *Machlokes* when צפורי מצורע become forbidden in benefit — שחיטה או לקיחה

The Mishnah taught that birds used in the *metzora's* purification procedure are forbidden in benefit. The Gemara explains that their prohibition is derived from עגלה ערופה. *Amora'im* dispute when the birds become forbidden. Rebbe Yochanan says: משעת שחיטה — *From the time of shechitah;* שחיטה הוא דאסרה לה — *it is the shechitah that forbids it* in benefit. Reish Lakish says: משעת לקיחה — *From the time of* their *taking* for צפורי מצורע. Since their prohibition is derived from *eglah arufah*, we say: מה עגלה ערופה מחיים — *Just as eglah arufah* becomes forbidden in benefit *while it is alive* (because it is compared to other *korbanos*), אף ציפורי מצורע מחיים — *so too, a metzora's birds* become forbidden in benefit *while* they are *alive*. The Gemara clarifies the time of the *eglah arufah*'s prohibition: ירידתה לנחל איתן היא אוסרתה — *Its descent to the hard valley is what prohibits it*. If so, the Gemara wonders, we should derive that just as עגלה ערופה is not forbidden from its taking, so too, the *metzora's* birds should not be forbidden from their taking! It answers that עגלה ערופה has another time when it could become prohibited in its lifetime (i.e., its descent to the נחל איתן), but the birds do not.

3 The prohibition of benefit of בשר בחלב

The Gemara asks for the source for בשר בחלב — *meat* cooked *with milk* being prohibited in benefit. Rebbe Yishmael's academy taught that the Torah says: לא תבשל גדי בחלב אמו — *You shall not cook a kid in its mother's milk*, a total of three times. אחד איסור אכילה — *One* teaches *a prohibition of eating* meat and milk that were cooked together, ואחד איסור הנאה — *one* teaches *a prohibition of benefiting* from them, ואחד איסור בישול — *and one* teaches *a prohibition of cooking* meat and milk together. The Gemara notes that the Mishnah disagrees with Rebbe Shimon ben Yehudah, who said: בשר בחלב אסור באכילה ומותר בהנאה — *Meat* cooked *with milk is forbidden in eating, but permitted in benefit*. He compares it with the meat of a *treifah*, which is permitted in benefit.

KIDDUSHIN DAF 58 • קידושין דף נח

1 Only idolatry and *shemittah* produce confer their prohibited status onto their payments

The Mishnah on *daf* 56b taught that although *kiddushin* done with items prohibited in benefit is invalid, מכרן וקידש בדמיהן מקודשת — *if the man sold them and married with their payment, the woman is married*, because their payments do not attain their forbidden status. The Gemara explains that the Torah taught specifically regarding idolatry: והיית חרם כמוהו — *And you shall become banned like it*, which implies: כל שאתה "מהייה" הימנה הרי הוא כמוהו — *Anything you generate from it is like it* (i.e., any money paid for it is equally forbidden). We do not derive all other forbidden items from idolatry, because the Torah also taught that *shemittah* produce transfers its restricted status to its payments, so they are שני כתובים הבאים כאחד — *two pesukim that come as one* to teach the same principle, and we do not derive laws from such sources (alternatively, there is an exclusion written by each). *Yovel* is referred to as "קודש" — *holy*, so its produce (and *shemittah's*) confers its status upon its payments (like *hekdesh*). Another *derashah* teaches that the original produce retains its status (as opposed to *hekdesh*). It emerges that in a series of transfers, the original produce and final payment have *shemittah* status, but the middle ones are permitted.

2 Marrying with *terumah*, etc.; if טובת הנאה ממון

The next Mishnah states that if one marries with *terumah*, *maaser*, or מתנות — "*gifts*" (parts of a *chullin* animal given to a *kohen*), she is married, even if he is a Yisrael. Ulla says: טובת הנאה אינה ממון — *The pleasure of benefit is not an equity*, i.e., one's ability to choose whom to give *terumah* to (and to receive payment to do so) is not considered monetary ownership of the *terumah* with regard to using it for *kiddushin*. He is challenged from our Mishnah, and answers that it is discussing a Yisrael who inherited *tevel* from his maternal grandfather who was a *kohen*, and he fully owns the *terumah* (he cannot eat it, but he may sell it to a *kohen*). Although he inherited *tevel* (and not *terumah*), this *Tanna* holds: מתנות שלא הורמו כמי שהורמו דמיין — *Unseparated gifts are* considered *like they were* already *separated* (and owned by the grandfather).

פרק ג — האומר

3 If a second person marries before the first *kiddushin* is completed

The third *perek* begins that if one told a *shaliach* to marry a certain woman for him, והלך וקדשה לעצמו — *and* the *shaliach went and married her to himself,* מקודשת לשני — *she is married to the second person*. If one said to a woman: הרי את מקודשת לי לאחר שלשים יום — "*You are married to me after thirty days*," and someone else married her in the interim, she is married to the second one (since the first *kiddushin* did not yet take effect). If he said: מעכשיו ולאחר שלשים יום — "*From now and after thirty days*," and someone else married her in the interim, מקודשת ואינה מקודשת — *she is married and* yet *not married* to both and requires a *get* from both. The Gemara will explain that *kiddushin* set to take effect after thirty days is valid even if the money given for *kiddushin* was already spent before that time. It is not like a פקדון — *deposit*, since it was given to her to spend, and it is also not like a loan, since it was given to her for *kiddushin* purposes.

KIDDUSHIN DAF 59 • קידושין דף נט

1 עני המהפך בחררה

The Gemara relates that Rav Gidel was once negotiating to purchase land, but Rebbe Abba bought it first. Rav Gidel's complaint about this was told to Rebbe Yitzchak Nafcha. When Rebbe Abba came on Yom Tov, Rebbe Yitzchak asked him: עני מהפך בחררה — *If a poor person is engaged in* trying to acquire *a cake,* ובא אחר ונטלה הימנו מאי — *and another person came and took it* first*, what is the halachah?* Rebbe Abba responded: נקרא רשע — *He* can be *called a wicked person* for seizing his fellow's opportunity. Rebbe Yitzchak then confronted him for doing the same, and Rebbe Abba said he had not been aware that Rav Gidel was attempting to purchase the land. When Rebbe Yitzchak told him to give it to Rav Gidel, Rebbe Abba said he would not sell it to him, because it is not a good sign to sell one's first acquisition, but he was willing to give it to Rav Gidel as a gift. Rav Gidel, however, did not wish to take the land for free, because the Torah says: ושונא מתנות יחיה — *And he who despises gifts shall live*. Neither took possession of the land, and it became known as "ארעא דרבנן" — *land of the Rabbinical students*, because it was available for anyone who needed it.

2 Retracting during the thirty days, אתי דיבור ומבטל דיבור

If one gave *kiddushin* to take effect after thirty days, and the woman retracted in the interim, Rebbe Yochanan says: חוזרת — *She may retract,* אתי דיבור ומבטל דיבור — *because "words"* of retraction *can come and negate* other mere *words*, and her agreement to *kiddushin* to take effect later is merely "words." Reish Lakish said she cannot retract. Rebbe Yochanan challenged him from a Mishnah teaching that one can retract from having appointed a *shaliach* to separate his *terumah*! Reish Lakish answered that a woman who accepted *kiddushin* is different, דכי מעשה דמו — *because it is similar to an act*, and her verbal retraction cannot negate her act.

Although one can even void a *shaliach* who is delivering a *get*, that is not considered an act until she receives it. In another version, they argued about a woman voiding a *shaliach* appointed to accept *kiddushin* for her, and Reish Lakish said she cannot retract. According to this version, Reish Lakish's position is refuted from the case of voiding a *shaliach* to deliver a *get*. The halachah follows Rebbe Yochanan, even according to the first version.

3 The meaning of מעכשיו ולאחר שלשים — is it a תנאי or חזרה?

The Gemara records a *machlokes* between Rav and Shmuel, which Rav Yosef clarified was referring to the final case of the Mishnah: Regarding one who marries מעכשיו ולאחר שלשים יום — *from now and after thirty days*, and someone else marries her in the interim, מקודשת ואינה מקודשת — *she is married and* yet *not married* to both and requires a *get* from both to remarry. Rav said: מקודשת ואינה מקודשת לעולם — *She* remains *married and not married forever*, meaning this state of uncertainty remains forever. Shmuel says that after the thirty days end, פקעי קידושי שני וגמרי קידושי ראשון — *the second one's kiddushin is voided, and the first one's kiddushin is completed*. The Gemara explains that Rav was unsure if the term "מעכשיו ולאחר שלשים" is intended as a תנאה — *stipulation* (that *kiddushin* will take effect "from now," provided he does not retract for thirty days), or a חזרה — *retraction* from his original statement to marry her "from now," and marry her instead "after thirty days." If someone else marries her in the interim, we remain uncertain which *kiddushin* took effect first. Shmuel holds it is definitely a stipulation, so after thirty days pass (without retraction), we know the first *kiddushin* took effect at the outset. The Gemara notes there is an identical *machlokes Tanna'im* about a *get* given to take effect מהיום ולאחר מיתה — *from today and after* my *death*.

1 Rebbe Yochanan: אפילו מאה תופסין בה

Abaye says that although Rav was unsure if "מעכשיו ולאחר שלשים" is a stipulation (effective immediately) or a retraction (effective after thirty days), he would agree that if one person says "from now and after thirty days," and a second says "from now and after twenty days," and a third says "from now and after ten days," she is only possibly married to the first or third, but definitely not to the second, since the marriages take effect either at the beginning or end of the respective time periods. Rebbe Yochanan held otherwise and said: אפילו מאה תופסין בה — *Even a hundred* men *could take hold of her* with *kiddushin* of the above formula, and she would require a *get* from all of them. Rav Mesharshiya, the son of Rav Ami, explained: שוו נפשיה כי שרגא דליבני — *They arranged themselves like a stack of bricks,* דכל חד וחד רוחא לחבריה שבק — *where each one leaves a space for the next* (i.e., each brick lays across the two underneath it). Rebbe Yochanan interprets the formula to mean the *kiddushin* begins immediately, and is completed over the total time period, allowing others' *kiddushin* to take hold in the interim.

2 *Machlokes* when *kiddushin* takes effect if it was given on condition he gives her money

The next Mishnah states that if one says: "Be married to me על מנת שאתן לך מאתים זוז — *on condition that I give you two hundred zuz,*" הרי זו מקודשת והוא יתן — *she is married, and he shall give it to her*. *Amora'im* disagree when it takes effect. Rav Huna says: והוא יתן — *And he gives it*, meaning she is married immediately, provided he eventually pays. Rav Yehudah says: לכשיתן — She is married *when he gives* it, but not before. If someone would marry her before the money is given, the second *kiddushin* would take effect according to Rav Yehudah. They argue similarly concerning a *get* given on condition that she gives him two hundred zuz, and the Gemara explains the need for each case. Two *Baraisos* prove that such a divorce takes effect immediately, and Rav Yehudah answers that they reflect the minority opinion of Rebbe, who holds: כל האומר על מנת — *Anyone who says* a transaction is "*on condition*," כאומר מעכשיו דמי — *is like he says* it should take effect *from now*.

3 על מנת שיש לו בית כור עפר

The next Mishnah states that if someone says: "Be married to me על מנת שיש לי בית כור עפר — *on condition that I have a beis kor of land,*" she is married, provided that he has that amount of land. The Gemara wonders that even if he cannot establish that he owns such land, should we consider the possibility that he might, and require a *get*? Furthermore, a *Baraisa* states: חיישינן שמא יש לו — *We are concerned that he* might *have* such land! The Gemara answers that our Mishnah only means that it must be proven when considering it definite *kiddushin*, but even if it remains unknown, it is still *kiddushin* out of doubt. A Mishnah above taught a similar law regarding a condition that he has two hundred *zuz*, and the Gemara explains that this Mishnah is teaching that although people's land ownership is generally known, we must still be concerned for his possibly owning a *beis kor*, even if we are unaware of any.

KIDDUSHIN DAF 61 • קידושין דף סא

1 Clefts and rocks of ten *tefachim* re: *hekdesh*, sales, and *kiddushin*

It was taught in a Mishnah that if someone is *makdish* his field when *Yovel* is in effect, the field is redeemed for fifty silver shekels for each זרע חומר שעורים — area on which *a chomer of barley may be planted*. היו נקעים עמוקים עשרה טפחים — *If there were clefts ten tefachim deep,* או סלעים גבוהים עשרה טפחים — *or rocks ten tefachim high,* אין נמדדין עמה — *they are not measured* with the field to count toward a זרע חומר שעורים (rather, they are independently *hekdesh* and redeemed at value). If they are smaller, they are counted. The Gemara asks why they are not *hekdesh* as independent pieces of land, to be redeemed at the rate of fifty shekels per זרע חומר שעורים. Mar Ukva bar Chama explains that the Mishnah refers to clefts filled with water, similar to the rocks of the Mishnah, which are unplantable. Still, if they are smaller than ten *tefachim*, they are counted with the field (despite being unplantable), because they are referred to as "basins" and "spines" of the land, respectively. Regarding a sale, Mar Ukva said that such clefts are not counted toward the total area even if they are not filled with water, because one does not want a field that appears divided. Regarding *kiddushin*, the Gemara concludes that it shares the halachah of *hekdesh*, since the husband accepts to work the field and bring home its produce.

2 תנאים derived from בני גד ובני ראובן, *machlokes* regarding תנאי כפול

In the next Mishnah, Rebbe Meir says: כל תנאי שאינו כתנאי בני גד ובני ראובן אינו תנאי — *Any stipulation that is not* doubled *like the stipulation of the Bnei Gad and the Bnei Reuven is not a* valid *stipulation*, and not binding. Although Moshe said that if they would fight to conquer Eretz Yisrael, they would receive their requested portion in Gilad, he still added that if they would not fight with them, they would receive a portion in Canaan with the other *shevatim*. That Moshe had to express both the positive and negative sides of the agreement teaches that a stipulation is only binding when it is כפול — *doubled*. Rebbe Chanina ben Gamliel disagrees and says that Moshe had to express the negative side to clarify that they would still receive a portion in Canaan; if he had not, it would be assumed they would be penalized and receive nothing at all. (Rashi mentions two other rules of stipulations derived from these *pesukim*, with which Rebbe Chanina agrees.) Rebbe Meir would respond that the words "בארץ כנען" are extra and teach that a stipulation must always be doubled, and Rebbe Chanina holds they are not extra.

3 Challenges to Rebbe Chanina ben Gamliel from doubled stipulations in the Torah

The Gemara presents numerous challenges to Rebbe Chanina ben Gamliel's position that a stipulation is valid without expressing the negative side. Once Hashem said to Kayin: אם תיטיב שאת — *If you better yourself*, you will be *rewarded*, why did He add: ואם לא תיטיב לפתח חטאת רובץ — *But if you do not better yourself, sin rests at the door*? According to Rebbe Chanina, the negative side is understood! The Gemara answers that without the negative side expressed, one would think: אם לא תיטיב לא אגרא ולא דינא — *If you do not better yourself,* there will be *no reward or punishment*, so the *pasuk* teaches there will also be punishment. The Gemara answers similarly for why the Torah wrote: אם בחקותי תלכו — *If you follow My statutes*, there will be blessings, and still added: ואם בחקותי תמאסו — *But if you will despise My statutes*, there will be curses. This answer is also given for the Torah writing: ואם תמאנו ומריתם — *But if you refuse and rebel*, there will be punishment, after writing that if they would obey, there would be great bounty.

KIDDUSHIN DAF 62 • קידושין דף סב

1 קידושין בדבר שלא בא לעולם — Ex., "Become married to me after I convert"

The next Mishnah teaches several cases of *kiddushin* performed with a woman who is not currently eligible to marry the man, but he stipulated it should take effect after she becomes eligible. If one says, "Become married to me לאחר שאתגייר — *after I convert* to Judaism," or לאחר שתתגיירי — "*after you convert*," or לאחר שאשתחרר — "*after I am freed* from slavery," or לאחר שתשתחררי — "after you are freed," or לאחר שימות בעליך — "*after your husband dies* and you are single," or או לאחר שתמות אחותיך — *"after your sister*, my wife, *dies*, permitting you to me," or לאחר שיחלוץ ליך יבמיך — *"after your yavam performs chalitzah for you,"* the *kiddushin* is ineffective in all these cases even after the event takes place, because *kiddushin* was impossible at the time (the future eligible status is a דבר שלא בא לעולם — *thing that has not come into the world*). The same applies to being *mekadesh* his friend's future daughter. On *daf* 63a, Rebbe Meir argues and says that *kiddushin* is effective in all the above cases.

2 כל שבידו לאו כמחוסר מעשה דמי — ex., designating produce as *terumah* to take effect when picked

A Mishnah teaches that one cannot separate *terumah* on grain still attached to the ground. Rav Assi asked Rebbe Yochanan: If someone designates produce as *terumah* on attached produce, or the reverse, לכשיתלשו — to take effect *when* the produce *is picked*, and it was subsequently picked, is the *terumah* effective? Rebbe Yochanan answered: כל שבידו — *Anything that is within one's power* to change לאו כמחוסר מעשה דמי — *is not viewed as missing the act* required to change it. Because he can pick the produce at any time, he can declare *terumah* to take effect after it is actually picked. Several challenges to Rebbe Yochanan's principle are addressed. Conversion is not considered "in his power," because it requires the supervision of three Jews, which he cannot control. Even if someone is mekadesh his own maidservant, to take effect after he frees her (which is within his power), *kiddushin* is ineffective, because מעיקרא בהמה — *originally*, she is like *an animal*, השתא דעת אחרת — whereas *now*, when she is freed, she becomes *an independent mind*. This fundamental change renders her a דבר שלא בא לעולם even where he can effect the change. Rebbe Yochanan can agree that if one is *mekadesh* his wife to take effect after divorcing her, it is ineffective, because although he can divorce her, בידו לקדשה — *is it in his power to marry her* later? Her consent is required!

3 The minimum stage for taking *terumah*, or marrying a fetus, according to Rebbe Eliezer ben Yaakov

In a *Baraisa* supporting Rebbe Yochanan's opinion, Rebbe Eliezer ben Yaakov goes further and says one may even designate *terumah* before the grain reaches the stage of שליש — *a third* of its growth, to take effect after it reaches this stage and is picked. Clearly, he holds one may effect transactions on a דבר שלא בא לעולם (since it is not in his power to separate *terumah* currently). Rabbah says that Rebbe Eliezer's ruling only pertains to שחת — growths at the *fodder* stage, but the earlier אגם stage is too insignificant. Rav Yosef says his ruling even applies to אגם. The Gemara quotes Rebbe Chanina that although one cannot marry someone's future daughter, אבל אשתו מעוברת דבריו קיימין — *but if his wife is* already *pregnant, his words* (i.e., *kiddushin*) *are effective*. According to Rabbah, this can only be כשהוכר עוברה — *when her fetus is discernible* (parallel to the שחת stage of grain), and according to Rav Yosef, even before the fetus is discernible (parallel to the אגם stage). In another version, they argue about what kind of שחת can be designated, and both would agree the fetus must be discernible to effect *kiddushin*.

KIDDUSHIN DAF 63 • קידושין דף סג

1 על מנת שאדבר עליך לשלטון

The next Mishnah states that if one says to a woman: "Become married to me על מנת שאדבר עליך לשלטון — *on condition that I will speak on your behalf to the ruler*," or ואעשה עמך כפועל — *"on condition that I work for you like a laborer* for a day," the *kiddushin* is effective if he performs these services. Reish Lakish says: והוא שנתן לה שוה פרוטה — *It is* only true *where he* also *gave her something worth a perutah*, but the service itself does not generate *kiddushin*. This is challenged from two *Baraisos*: Although *kiddushin* made as payment for having driven her on a donkey is invalid (because it was already owed as a debt), if he said בשכר שארכיבך על החמור — *"as payment* that *I will drive you on a donkey*," the *kiddushin* is valid. Another *Baraisa* teaches that if she agrees to *kiddushin* for a service, such as שחוק לפני — *"jest before me*," or רקוד לפני — *"dance before me," kiddushin* is valid if it is worth a *perutah*! The Gemara answers that they reflect a *machlokes Tanna'im* if אינה לשכירות אלא לבסוף — *wages only become owed at the end* (and are not a loan), or they are incrementally owed as work is performed. Rava explains the source for Reish Lakish's interpretation.

2 קדשתי את בתי ואיני יודע למי קידשתיה

A Mishnah on *amud beis* states that if a man says: קדשתי את בתי ואיני יודע למי קידשתיה — *I married off my daughter, but I do not know to whom I married her*, and someone claims he is the husband, נאמן — *he is believed*. If two people make this claim, one divorces her and the other may marry her. Rav says: נאמן ליתן גט ואין נאמן לכנוס — The one claiming to be the husband *is believed to give* her *a get but is not believed to marry her*. He is believed to divorce her, because אין אדם חוטא ולא לו — *a person does not sin without* benefit *for himself*, but he is not believed to marry her, because perhaps יצרו תוקפו — *his yetzer hara is taking hold of him* to make this claim. Rav Assi says he is even believed to marry her (but agrees that where a woman says she became married and does not know to whom, a claimant is not believed to marry her, because he may be relying on her going along with his claim). Although our Mishnah teaches that a second claimant can marry her, Rav would explain that with two claimants, an imposter is afraid that the father will recognize the true husband, so he gives a *get*, and the other is presumed to be the true husband.

3 מהו לסקול על ידו

The Gemara asks: If a father testifies that he accepted *kiddushin* for his daughter, מהו לסקול על ידו — *would we stone* to death *based on his* testimony if she commits adultery as a *naarah*? Rav says we would not, because the Torah only granted the father credibility regarding prohibition, but not for capital punishment. Rav Assi says we would stone based on his testimony, and the father is fully believed. Rav Assi agrees that a woman who admits to being married would not receive the death penalty for adultery. He commented: הני שמעתתא דידי מרפסן איגרי — *These teachings of mine* appear to "*shatter roofs*," meaning they are completely unlikely to those who do not understand them: If the father's testimony, which allows for someone to claim he is the husband (indicating a "weaker" reliability that she is married altogether), is sufficient for capital punishment, then a woman's testimony, which does not allow someone to claim to be the husband (indicating a "stronger" reliability of her marriage), should certainly be sufficient for capital punishment! But in truth, it is not difficult: לאב הימניה רחמנא — *Hashem gave credibility to the father,* לדידה לא הימנה — *but did not grant her credibility*. The distinction regarding someone claiming to be the husband was explained above.

1 A father's testimony that his daughter was married and divorced vs captured

The next Mishnah states that if a father says: קדשתיה וגרשתיה כשהיא קטנה — *I married off* my daughter *and accepted her divorce while she was a minor*, if she is still a *ketanah*, he is believed (to disqualify her from *kehunah*). If she is an adult, he is not believed. If he says נשבית ופדיתיה — *she was captured and I ransomed her*, he is not believed, and she remains permitted to *kohanim*. The Gemara initially understands the father is believed in the first case because it is currently בידיה — *in his power* (to marry her off and accept her divorce), and he has no reason to lie. He is not believed regarding his adult daughter's marriage, nor regarding her captivity, because they are not in his control. This is challenged, and Rav Ashi adds that it is never in the father's control to compel her husband to divorce her, and even her marriage requires someone's consent! Rather, the Torah specifically granted a father trustworthiness regarding her marriage in the *pasuk*: את בתי נתתי לאיש הזה — *I gave my daughter to this man* in marriage.

2 A husband's testimony regarding his wife's status for *yibum*: the power of מה לי לשקר

The next Mishnah teaches that one is believed to say before his death that he has children (exempting his wife from *yibum*) but is not believed to say he has brothers (subjecting her to *yibum*). This seems to disagree with Rebbe Nassan: If one told his wife at marriage that he has children or has no brothers (exempting her from *yibum*), and at his death said the opposite, Rebbe says he is not believed to subject her to *yibum*, and Rebbe Nassan says he is. Abaye ultimately explains that the Mishnah discusses someone presumed to be exempt from *yibum*, so he is not believed to change that status. The *Baraisa* discusses one presumed to be subject to *yibum*, who claimed at their marriage she was exempt. There is reason to believe him, because if he was lying, he could have instead assured her that he would divorce her before his death, exempting her from *yibum*. Rebbe holds: מה לי לשקר כי עדים דמי — the logic of *"why should I lie" is* as compelling *as witnesses*, thus completely uprooting the previous presumption, so he cannot reinstate it at death. Rebbe Nassan holds it is כי חזקה דמי — only as compelling *as a presumption*, and only weakened the original presumption, so if he retracts his testimony at death, he is believed.

3 *Machlokes* if one is מחית איניש נפשיה לספיקא re: *kiddushin* of daughters

The next Mishnah states that one who has two sets of daughters from two wives, and declares that he accepted *kiddushin* for his "older" daughter, but is uncertain if it was the older of his older daughters, or the older of his younger daughters, or the younger of the older daughters, Rebbe Meir says: כולן אסורות חוץ מן הקטנה שבקטנות — *All of them are prohibited* to remarry without a *get*, *except for the youngest of the younger* daughters. Rebbe Yose says: כולן מותרות חוץ מן הגדולה שבגדולות — *They are all permitted, except for the oldest of the older* daughters. The Gemara explains that Rebbe Meir holds: מחית איניש נפשיה לספיקא — *A person would place himself in* a position of *doubt* (by using a term with multiple possible meanings), and Rebbe Yose holds he would not, and only refers to the oldest daughter.

KIDDUSHIN DAF 65 • קידושין דף סה

1 If a man and woman disagree if they married

The next Mishnah states: האומר לאשה קדשתיך — *If one says to a woman, "I married you,"* והיא אומרת לא קדשתני — *and she says, "You did not marry me,"* הוא אסור בקרובותיה — *he is forbidden to her relatives,* והיא מותרת בקרוביו — *but she is permitted to his relatives*. Although he is not believed insofar as her prohibition to his relatives is concerned, nor for her to require a *get*, he is believed to prohibit her relatives to himself, through the principle of שוויה אנפשיה חתיכה דאיסורא — *he made it a forbidden piece to himself* (i.e., a person is believed when declaring something forbidden to himself). If she says he married her, and he denies it, the reverse is true (and she would require a *get*). Rav says: כופין — *We force* the man to give the *get*, and Shmuel says: מבקשין — *We request* of him, and the Gemara explains that where she claims he married her and he denies it, we *request* but do not force him to give her a *get* (since he denies marrying her), but if he voluntarily gave a *get* (which amounts to an admission of marriage), we *force* him to pay her *kesubah*.

2 המקדש בעד אחד אין חוששין לקידושיו

Rav Yehudah says: המקדש בעד אחד אין חוששין לקידושיו — *One who marries with a single witness, we are not concerned for his kiddushin*, and she is permitted to marry someone else. Shmuel added that this is so אפילו שניהם מודים — *even if they both admit* that they married in his presence, because the single witness is insufficient not only for his testimony, but for the *kiddushin* itself to take effect. The Gemara deflects challenges to this principle and concludes that Rav Kahana said we are not concerned for such *kiddushin*, but Rav Pappa said we are. Rav Ashi asked Rav Kahana that if the reason to require two witnesses is a *gezeirah shavah* (דבר דבר) from ממון — *monetary matters*, then we should accept the admission of the man and woman as valid testimony, just like the rule in monetary matters, that הודאת בעל דין כמאה עדים דמי — *the admission of the litigant is like one hundred witnesses*! He answered: התם לא קא חייב לאחריני — *There*, in monetary matters, his admission *does not disadvantage anyone else*, so he is believed to his own detriment, whereas הכא קא חייב לאחריני — *here*, regarding admission to *kiddushin*, their admission *does disadvantage someone else* (namely, their relatives, in becoming prohibited through their marriage), so they cannot be believed, and *kiddushin* does not take effect without two witnesses present.

3 A single witness's testimony, and the litigant's silence, re: *korban*, *tumah*, and disqualifying a *korban*

Abaye said: אמר לו עד אחד אכלת חלב — *If a single witness tells someone, "You* inadvertently *ate forbidden fats,"* והלה שותק — *and that* person *was silent*, נאמן — the witness *is believed*, and the person must bring a *Korban Chatas*. Similarly, Abaye said that if a single witness tells someone, נטמאו טהרותיך — "*Your tahor foods became tamei*," and that person is silent, the witness is believed. Finally, Abaye said that if a single witness told someone, שורך נרבע — "*Your cow was sodomized*," and is disqualified from being used as a *korban*, and the owner is silent, the witness is believed. Abaye brings support from *Tanna'im* for these rulings, and the Gemara explains the novelty of all three.

1 אשתו זינתה בעד אחד ושותק

The Gemara brings the following question: אשתו זינתה בעד אחד — *If a single witness* tells a man that *his wife committed adultery,* ושותק — *and* the husband *is silent*, does she become prohibited to her husband? Abaye says: נאמן — *He is believed*, and she is prohibited to him, and Rava says he is not believed, הוי דבר שבערוה — *as it is a matter concerning ervah* (forbidden relations), ואין דבר שבערוה פחות משנים — *and a matter concerning ervah cannot be* established by *fewer than two witnesses*. Abaye seeks support for his position from an incident involving a blind man who was told by a single witness that his wife committed adultery. He came to Shmuel, who told him: אי מהימן לך זיל אפקה — *If you trust him, go divorce her,* ואי לא לא תפיק — *but if not, do not divorce* her. Presumably, he meant that if the witness is valid, he would have to divorce his wife! Rava answered that Shmuel meant that if he especially trusts this witness כבי תרי — *like two witnesses*, then he should divorce her.

2 The challenge to King Yannai's lineage and his murderous reaction

A *Baraisa* relates that when King Yannai returned from a successful conquest, he made a celebratory feast, inviting the Sages of Israel. A wicked man present, Elazar ben Po'irah, claimed that they were opposed to him, and suggested that he wear the *Tzitz* to see their reaction. He did so, and an elder named Yehudah ben Gedidyah said, "King Yannai! רב לך כתר מלכות — *The crown of kingship is enough for you.* הנח כתר כהונה לזרעו של אהרן — *Leave the crown of kehunah to Aharon's descendants*!" This was based on information that Yannai's mother was captured and disqualified from *kehunah*, but it was investigated and found to be without merit (this point is later discussed). Elazar told Yannai that as king and *kohen gadol*, he should not suffer such indignity, and advised him to kill the Sages. Yannai asked: ותורה מה תהא עליה — *But what will be with the Torah* if the Sages are killed? Elazar responded: הרי כרוכה ומונחת בקרן זוית — *It is rolled and resting in a corner*; כל הרוצה ללמוד יבוא וילמוד — *anyone who wishes to study* it, *let him come and study* it! Yannai's acceptance of this argument was an allowance of heretical ideas, since it did not account for *Torah Sheb'al Peh*, which would be forgotten. He killed all the Sages, and the world was desolate until Shimon ben Shetach came and restored the Torah to its former position. Rashi explains that Shimon ben Shetach was the king's brother-in-law and his sister had saved him by hiding him.

3 *Machlokes* about the *mikveh* that was found deficient, inferring from בעל מום or חלל

A *Baraisa* discusses a *mikveh* used under the presumption that it contained forty *se'ah* and was later found deficient. Rebbe Tarfon ruled all the *taharos* previously prepared based on this *mikveh* to be *tahor* (by assuming it was full until found deficient), and Rebbe Akiva ruled them *tamei*. Rebbe Tarfon explained: מקוה זה בחזקת שלם הוא עומד — *This mikveh was presumed to be full and* should not be ruled deficient earlier out of doubt. Rebbe Akiva responded that the people (or utensils) who were *tovel* in this *mikveh* were previously *tamei* and should not be ruled *tahor* (based on the questionable *mikveh*) out of doubt. Rebbe Tarfon continued that it is analogous to a *kohen* performing *avodah*, who was discovered to be a son of a divorcee or *chalutzah* (rendering him a *chalal*, and unfit for *avodah*), that his previously performed *avodah* is valid (based on a *derashah* brought later). Here, too, those who previously immersed in this *mikveh* should be ruled *tahor*. Rebbe Akiva responded that it is analogous to a *kohen* discovered to be a בעל מום, whose previous *avodah* is invalid. He explained it is more similar to a בעל מום, both of which can come about through the testimony of a single witness, and both are disqualifications in the *mikveh* and *kohen* themselves. Rebbe Tarfon replied: עקיבא כל הפורש ממך כפורש מן החיים — *Akiva, whoever separates from you, is like one who separates from life* itself!

KIDDUSHIN DAF 67 • קידושין דף סז

1 The rules of lineage where *kiddushin* is permitted or forbidden

The Mishnah on the previous *daf* taught: כל מקום שיש קידושין ואין עבירה — *Anywhere there is* effective *kiddushin and there is no transgression* in the marriage, הולד הולך אחר הזכר — *the offspring follows the* lineage of the *male* (e.g., *kohen*, *levi*, and *yisrael*). Where the marriage is prohibited, הולד הולך אחר הפגום — *the offspring follows the blemished* parent (such as a *mamzer*). This first rule is challenged from a *Baraisa*, in which Rebbe Yose said: גר שנשא ממזרת הולד ממזר — Regarding a *convert who married a mamzeres*, which he holds is permitted, *the offspring is a mamzer*. The Gemara answers that the Mishnah does not follow Rebbe Yose's opinion, but that of Rebbe Yehudah, who holds a convert may not marry a *mamzeres*. The Mishnah does not write it explicitly, because it is included by the general term "כל מקום." Alternatively, the *Tanna* can be Rebbe Yose, because the Mishnah implies there are exceptions to its rule. The Gemara discusses other cases not listed by the Mishnah and explains how they are either included or excluded by the Mishnah's terms.

2 באומות הלך אחר הזכר נתגיירו הלך אחר הפגום שבשניהם

Ravin quoted Rebbe Yochanan: באומות הלך אחר הזכר — *With* gentile *nations, follow the male* regarding the offspring. נתגיירו הלך אחר הפגום שבשניהם — *If they converted, follow the blemished one from the two of them*. The first statement is explained with a *Baraisa* teaching that if a member of the nations other than the seven nations of Canaan has a child from a Canaanite woman, the child can be acquired as a slave, like his father (and is not condemned to death, as his mother is). However, if a Canaanite slave fathers a child from a non-Canaanite woman, the child is considered a Canaanite and must be killed, like his father. The second statement is explained: בעמוני שנשא מצרית — Regarding a *male Ammonite* convert *who married a female Egyptian* convert, if their child is male, שדיא אבתריה דידיה — *cast him after* his father, because for a male, the Ammonite parent is a greater blemish (because the prohibition to regular Jews remains indefinitely), but if the child is a female, שדיא אבתרה דידה — *cast her after* her mother, because for a female, the Egyptian parent is the greater blemish (because a female Ammonite is permitted to regular Jews).

3 The source that *kiddushin* is ineffective for prohibitions with a *kareis* liability

The Gemara provides the source that *kiddushin* is ineffective between those prohibited with a punishment of *kareis*: The *pasuk* states regarding a divorcee: ויצאה מביתו והלכה והיתה לאיש אחר — *And she leaves his house, and goes and becomes* a wife *for another man*, implying: לאחרים ולא לקרובים — She can become married to *a strange man, but not to relatives*. The Gemara eventually asks that perhaps this only refers to אחות אשה — *a wife's sister*, about whom the Torah wrote "לא תקח" — *you shall not "take"* (connoting marriage), and the above *pasuk* teaches that *kiddushin* is not only prohibited, but ineffective. How is this extended to all relatives? The Gemara suggests they can be derived from אחות אשה, since they are all *ervah*, and carry the punishments of *kareis* (for intentional violations) and *Chatas* (for unintentional violations). However, two cases cannot be derived from a wife's sister: אשת אח — *a brother's wife*, who has the relative leniency of being permitted in a case of *yibum* (as opposed to a wife's sister, who is prohibited even as a *yevamah*), and a married woman, who has the leniency of becoming permitted during her husband's lifetime (through divorce).

KIDDUSHIN DAF 68 • קידושין דף סח

1 What is the case of כי תהיין לאיש שתי נשים האחת אהובה והאחת שנואה?

Rav Acha bar Yaakov derives that *kiddushin* is ineffective for *ervah* from a *kal vachomer* from a *yevamah*: If a *yevamah*, who is only forbidden with a לאו — *negative commandment*, yet *kiddushin* with her is ineffective, then it is certainly so for those who are prohibited with a *kareis* punishment! The Gemara asks that if so, the same could be applied to all those prohibited by a לאו! Rav Pappa answers that the Torah says: כי תהיין לאיש שתי נשים האחת אהובה והאחת שנואה — *If a man has two wives, one beloved and one hated*. Since the husband's hatred toward his wife would not affect laws, the Torah must mean אהובה בנישואיה — *beloved regarding her marriage* (i.e., permitted), and בנישואיה שנואה — *hated in her* (prohibited) *marriage*, yet they are described with "תהיין," showing the marriage was effective! The Gemara explains that according to Rebbe Akiva, who holds that אין קידושין תופסין בחייבי לאוין — *kiddushin is not effective for those prohibited with a* לאו, the one "hated in her marriage" can be explained to mean a widow marrying a *kohen gadol*, according to Rebbe Simai who says Rebbe Akiva agrees such *kiddushin* is effective. Otherwise, it refers to those prohibited by an עשה, and if Rebbe Akiva holds even this is ineffective, it refers to a non-virgin marrying a *kohen gadol*.

2 Source that *kiddushin* is ineffective for שפחה, and her children are slaves — שבו לכם פה עם החמור

The Mishnah on *daf* 66b taught that *kiddushin* is ineffective for a slavewoman or a female gentile, and their children share their status. Rav Huna provides the source that *kiddushin* is ineffective for a slavewoman. Avraham said: שבו לכם פה עם החמור — *Stay here yourselves with the donkey*, with the extraneous mention of the donkey teaching that Eliezer, an עבד כנעני, is from עם הדומה לחמור — a *nation* legally *similar to a donkey*, which cannot have *kiddushin*. That her child is a slave like her can be derived from: האשה וילדיה תהיה לאדוניה — *The woman and her children shall belong to her master*. Later, this *derashah* will be replaced with the one provided for a female gentile's children.

3 Source that *kiddushin* is ineffective for a נכרית, and her children are gentiles

The Gemara says that we learn from לא תתחתן בם — *you shall not become married with them*, that *kiddushin* is ineffective with a gentile. Rebbe Yochanan quotes a *derashah* that the child of a female gentile is a gentile: כי יסיר את בנך מאחרי — *For he will turn your son away from Me*, which teaches: בנך הבא מישראלית קרוי בנך — *Your son* (i.e., grandson) *who comes from a Jewess is called your son* (i.e., a Jew), ואין בנך הבא מן העובדת כוכבים קרוי בנך אלא בנה — *but your son who comes from a female idolator is not called your son, but her son* (i.e., an idolator). The Gemara asks that since the *pasuk* of "לא תתחתן" refers only to the seven nations of Canaan, what is the source that *kiddushin* is ineffective with other gentiles? It ultimately answers that the Torah teaches regarding a יפת תואר that after the entire procedure, והיתה לך לאשה — *she shall become a wife for you*, implying that beforehand, they cannot be married. We derive that her child is also a gentile from the *pasuk*: כי תהיין לאיש... וילדו לו — *If a man has two wives... and they bore him*, which teaches that wherever the woman is someone who can be married ("והיתה"), his children's lineage follows the father's, but wherever the woman is ineligible for marriage, such as a gentile, their lineage follows hers.

1 *Machlokes if mamzeirim can* "purify" their descendants by marrying a slavewoman

In the next Mishnah, Rebbe Tarfon says: יכולין ממזרין ליטהר — *Mamzerim can be "purified,"* meaning their descendants will not be mamzeirim. The *mamzer* marries a slavewoman, whose child is a slave, and does not carry the lineage of *mamzeirus*. Once that slave is freed, his status is like a regular convert. Rebbe Eliezer disagrees: הרי זה עבד ממזר — *This* child *is a slave* who is also *a mamzer.* The Gemara asks if Rebbe Tarfon permits a *mamzer* to marry a slavewoman or merely informs us of the status of their offspring, although their union is forbidden. A proof is brought from Rebbe Simlai, who told his landlord (a *mamzer*) that if he had the chance, he would have purified his children using Rebbe Tarfon's method. Since he could not have meant to be sold as an עבד עברי (who is permitted to a slavewoman), because the law was no longer operative at that time, this proves that he holds that a *mamzer* may marry a slavewoman.

פרק ד – עשרה יוחסין

2 עשרה יוחסין עלו מבבל

The fourth *perek* begins: עשרה יוחסים עלו מבבל — *Ten genealogical categories ascended from Bavel* to Eretz Yisrael. 1) *kohanim*, 2) *leviim*, 3) *yisraelim*, 4) *chalalim* (disqualified *kohanim*), 5) converts, 6) freed slaves, 7) mamzeirim, 8) *nesinim*, 9) *shetukim,* and 10) *asufim* (the last two are defined by the Mishnah as different cases of questionable lineage). The Gemara explains that the word "עלו" — *ascended*, was used to allude to a *Baraisa* that states: שבית המקדש גבוה מכל ארץ ישראל — *The Beis Hamikdash is higher than all of Eretz Yisrael,* וארץ ישראל גבוה מכל הארצות — *and Eretz Yisrael is higher than all* other *lands. The* Mishnah says they ascended "from Bavel" instead of "to Eretz Yisrael," which supports Rebbe Elazar's statement: לא עלה עזרא מבבל — *Ezra did not ascend from Bavel,* עד שעשאה כסולת נקיה ועלה — *until he made it like fine, sifted flour* (by removing the families with compromised lineage), *and then went up*. Abaye says: עלו מאיליהם תנן — *The Mishnah teaches* "*they went up*," meaning *on their own*, but Rava says: העלום תנן — *The Mishnah teaches* "*he brought them up*," meaning against their will. Their *machlokes* is analyzed.

3 גדולה חזקה re: questionable lineage

Rebbe Yose said: גדולה חזקה — The reliability of *chazakah is great*, as evidenced from the time of Nechemiah. Three families of *kohanim* were unable to produce proof that they were not *chalalim* (and unfit for *avodah* in the Beis Hamikdash), so they were dismissed from performing *avodah*, and Nechemiah told them that they may not eat *kodashim* "until a *kohen* arises to the *Urim V'Tumim"* (i.e., until Moshiach). By only prohibiting *kodashim*, we infer that he said: הרי אתם בחזקתכם — *You remain with your prior status*; just as they ate *terumah* in exile as *kohanim*, they may continue to do so, despite their questionable lineage. The Gemara asks that according to the opinion that eating *terumah* is accepted as proof for full genealogical status of *kehunah*, why did Nechemiah allow them to continue eating *terumah*, since it risks their being allowed to marry *kohanim* (and they may be *chalalim*)? It answers that the concern does not apply to this group, דריע חזקתייהו — *because their status was* publicly known as *weakened*. Still, their *chazakah* enabled extending their permit to begin eating Biblical *terumah*, which they had not had in exile. An alternate interpretation is given.

KIDDUSHIN DAF 70 • קידושין דף ע

1 כל הנושא אשה לשום ממון

Rabbah bar bar Chanah said: כל הנושא אשה שאינה הוגנת לו — *Anyone who marries a woman who is not* genealogically *fit for him,* מעלה עליו הכתוב — *the Torah considers him* כאילו חרשו לכל העולם כולו וזרעו מלח — *as if he plowed the entire world and sowed it with salt,* as the *pasuk* says regarding people who could not identify their ancestry: ואלה העולים מתל מלח תל חרשא — *And these are those who ascended from Tel Melach, Tel Charsah* (*darshened* as the words חורש and מלח). Rav said: כל הנושא אשה לשום ממון — *Anyone who marries a woman* unfit for him *for the sake of money,* הויין לו בנים שאינן מהוגנים — *he will have children who are unfit*, which he supports from a *pasuk*. He further *darshens* that *pasuk* to add that he will lose any money he gained from her, as well as her own money, in as little as a month. The Gemara also says about one who marries a woman unfit for him: אליהו כופתו והקב"ה רוצעו — *Eliyahu ties him, and Hashem whips him*. A *Tanna* says that Eliyahu writes, and Hashem signs, about such people: אוי לו לפוסל את זרעו — *Woe to he who disqualifies his children,* ולפוגם את משפחתו — *and who taints his family,* ולנושא אשה שאינה הוגנת לו — *and who marries a woman unfit for him*.

2 כל הפוסל פסול ואינו מדבר בשבחא לעולם, ואמר שמואל במומו פוסל

The above *Tanna* concludes: וכל הפוסל פסול — *And anyone who declares others* genealogically *disqualified, is himself disqualified,* ואינו מדבר בשבחא לעולם — *and never speaks praises of others.* Shmuel added: במומו פוסל — *It is with his* own *blemish that he disqualifies* others. The Gemara relates a story in which a man from Nehardea asked to purchase meat in a butcher shop in Pumbedisa. He was told to wait for the attendant of Rav Yehudah bar Yechezkel to take first, and he reacted by denigrating Rav Yehudah, calling him Yehudah "*bar sheviskel*" (implying, "the glutton"), after which Rav Yehudah placed a ban on him. When he was told the man regularly called people slaves, Rav Yehudah announced that the man himself was a slave (based on Shmuel's principle, as Rav Yehudah later explained). The man summoned Rav Yehudah to court before Rav Nachman, and the Gemara relates how Rav Yehudah posed numerous challenges to Rav Nachman's use of unusual language and practices.

3 כל דאמר מדבית חשמונאי קאתינא עבדא הוא

After Rav Yehudah defended banning the man from Nehardea for demeaning his attendant, he explained that he declared him a slave based on Shmuel's principle (that one disqualifies others with a blemish he himself possesses). The man objected to being called a slave, saying he was actually a descendant of the Chashmonaim. Rav Yehudah then quoted Shmuel: כל דאמר מדבית חשמונאי קאתינא עבדא הוא — *Anyone who says, "I am from the family of the Chashmonaim," is* in fact *a slave*. Although his testimony could not be accepted (since it was given after the case arose), he told them Rav Masna agrees with him. Rav Masna, who had not been in Nehardea for thirteen years, arrived that day and confirmed the statement, adding that after Herod (a slave) massacred the family of the Chashmonaim, one maiden survived, climbed to the rooftop, and declared that anyone claiming to be a descendant of the Chashmonaim is actually a slave, whereupon she fell off the roof and died. The man was then declared to be a slave.

1 כל ארצות עיסה לארץ ישראל, וא"י עיסה לבבל

Rav Yehudah said in the name of Shmuel: כל ארצות עיסה לארץ ישראל — *All lands are* like *dough* (i.e., a mixture of genealogically pure and impure people) *compared to Eretz Yisrael,* וארץ ישראל עיסה לבבל — *and Eretz Yisrael is* like *dough compared to Bavel*. The Gemara relates that in Rebbe's days, they attempted to make Bavel like dough compared to Eretz Yisrael. Rashi explains that they wanted families in Eretz Yisrael to be assumed to have good *yichus*, and those in Bavel would need to be investigated before marrying someone from Eretz Yisrael. Rebbe, who descended from a Babylonian family, said: קוצים אתם משימים לי בין עיני — *You are putting thorns between my eyes!* He sent them to Rebbe Chanina bar Chama, who related a tradition he had from Rebbe Yose identical to Shmuel's statement. A similar attempt was made in Rebbe Pinchas's days, and he instructed his servants to run while carrying him out of the *beis midrash* after he announces two things. He first said that birds do not Biblically require *shechitah*, and while they were preoccupied with this novelty, he declared Bavel's genealogical superiority. His servants fled with him before his students could catch him and ask him to disclose the identity of families with tainted *yichus*.

2 The discretion in transmitting and pronouncing Hashem's Names

Rebbe Yochanan said that Hashem's four-letter Name is transmitted by the Sages to their students once every seven years. Another version says twice every seven years, but Rav Nachman bar Yitzchak said the first version is reasonable, since the Torah says: זה שמי לעולם — *This is My Name forever*, לעלם כתיב — and *it is spelled* without a *vav* to be read *l'aleim*, *to hide*. Rava once sought to speak publicly about this Name, until an elder told him that it must remain hidden. Rebbe Avina explained that the Torah says "זה שמי" — *this is My Name*, and then "זה זכרי" — *this is My mention*, implying two different Names, because Hashem says: לא כשאני נכתב אני נקרא — *I am not pronounced in the way I am written*. נכתב אני ביו"ד ה"י ונקרא באל"ף דל"ת — *I am written with yud, hei,* etc., *and I am pronounced with alef, dalet,* etc. A *Baraisa* teaches that the twelve-letter Name was originally transmitted to everyone, but when people who used the Name carelessly increased, it was transmitted only to לצנועים שבכהונה — *discreet kohanim*, והצנועים שבכהונה מבליעים אותו בנעימת אחיהם הכהנים — *and the discreet kohanim would murmur it during the melody of their fellow kohanim*. Rav says that the forty-two-letter Name is only transmitted to one who is discreet, humble, has reached middle age, does not get angry, or drunk, and does not harbor resentment when wronged. He concludes by describing the reward of one who is careful with this Name.

3 זיל בתר שתיקותא

Ulla once went to Rav Yehudah's house in Pumbedisa and saw that his son Rav Yitzchak had not yet married. When he questioned Rav Yehudah, he responded that he did not know where he could find a wife of reliable genealogy. Ulla said: אטו אנן מי ידעינן מהיכא קאתינן — *Do we know where we come from*? Perhaps we are descendants of those whom the Torah condemns for adulterous behavior and are also genealogically unfit! Rav Yehudah then asked Ulla what he should do, and he told him: זיל בתר שתיקותא — *Go after silence*, i.e., a family whose members are silent in arguments, כי האי דבדקי בני מערבא — *as the people of the West* [Eretz Yisrael] *examine* people's lineage: כי מינצו בי תרי בהדי הדדי — *When two people would quarrel with each other,* חזו הי מנייהו דקדים ושתיק — *they would see which of them would be silent first,* אמרי האי מיוחס טפי — and *they would say, "This one is of better lineage,"* because those with tainted lineage are generally resentful at being rejected by others, and are therefore quarrelsome. Similarly, Rav said: שתיקותיה דבבל היינו יחוסא — *The "silence" of* the people of *Bavel is the* proof of their pure *lineage*.

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1 Persians represented by the bear, comparing תלמידי חכמים to מלאכי השרת

The Gemara quotes a *pasuk* in Daniel that says: וארו חיוא אחרי תנינא דמיה לדוב — *And behold, another beast, a second one, similar to a bear*. Rav Yosef taught a *Baraisa* explaining: אלו פרסיים — *These are the Persians,* שאוכלין ושותין כדוב — *who eat and drink like a bear,* ומסורבלין כדוב — *are fat like a bear,* ומגדלין שער כדוב — *grow hair like a bear,* ואין להם מנוחה כדוב — *and have no rest, like a bear* (which constantly paces, even when tied). When Rebbe Ami would see a Persian riding, he would say: היינו דובא ניידא — *That is a wandering bear*. Rebbe asked Levi to draw analogies for various groups. He described Persians as similar (in their might) to Dovid Hamelech's soldiers, Chabarin as similar to destructive angels, Yishmaelim as similar to demons of the bathroom, and when asked to analogize the Torah scholars of Bavel, he said: דומים למלאכי השרת — *They are similar to administering angels*. Rashi comments that they wear white garments.

2 אין צדיק נפטר מן העולם עד שנברא צדיק כמותו

The Gemara relates several prophetic statements of Rebbe at the time of his death, the last of which was: היום נולד רב יהודה בבבל — *Today Rav Yehudah was born in Bavel*, which matches an Amoraic statement that when Rebbe Akiva died, Rebbe was born. When Rebbe died, Rav Yehudah was born. When Rav Yehudah died, Rava was born. When Rava died, Rav Ashi was born. ללמדך שאין צדיק נפטר מן העולם — This is *to teach you that a tzaddik does not leave this world* עד שנברא צדיק כמותו — *until* another *tzaddik like him is created*, as the *pasuk* says: וזרח השמש ובא השמש — *And the sun rises and the sun sets* (i.e., a new *tzaddik's* sun rises [i.e., he is born] before another *tzaddik's* sun sets). עד שלא כבתה שמשו של עלי — *Before the sun of Eli was extinguished,* זרחה שמשו של שמואל הרמתי — *the sun of Shmuel the Ramasi rose,* as the *pasuk* says: ונר אלקים טרם יכבה ושמואל שוכב וגומר — *And the lamp of Hashem, before it was extinguished, and Shmuel lay, etc*. (describing Shmuel's first prophecy, before Eli's "lamp" was extinguished).

3 *Machlokes* if *mamzeirim* will be pure לעתיד לבא

Rebbe Yose says in a *Baraisa*: ממזירי ונתיני טהורים לעתיד לבא — *Mamzeirim and nesinim will be* genealogically *pure in the* time of Moshiach, but Rebbe Meir says they will not be pure. Rebbe Yose brought a proof from a *pasuk*: וזרקתי עליכם מים טהורים וטהרתם — *I will throw pure water upon you, and you will become pure*. Rebbe Meir responded: כשהוא אומר מכל טומאותיכם ומכל גלוליכם — *When* the *pasuk says: From all of your impurities and all your defilements*, it implies: ולא מן הממזרות — *but not from mamzeirus*. Rebbe Yose countered: כשהוא אומר אטהר אתכם — *When* the *pasuk says: I will purify you*, which appears extraneous, הוי אומר אף מן הממזרות — *say* that it means *even from mamzeirus*. The Gemara asks how Rebbe Yose explains the *pasuk*: וישב ממזר באשדוד — *And a mamzer will dwell in Ashdod*, and answers with Rav Yosef's interpretation: יתבון בית ישראל לרוחצן בארעהון — *The house of Yisrael will dwell securely in their land,* דהוו דמו בה לנוכראין — *where they had* earlier *been* like *strangers* (i.e., estranged like a *mamzer*). Rav Yehudah quoted Shmuel as saying the halachah accords with Rebbe Yose. Rav Yosef commented that if not for this ruling, הוה אתי אליהו מפיק מינן צוורני צוורני קולרין — *Eliyahu would come and remove from us many groups* of people *in neck shackles*.

1 *Machlokes* if גר נושא ממזרת

It was taught in a *Baraisa*: Rebbe Yose said: גר נושא ממזרת — *A convert may marry a mamzeres*, but Rebbe Yehudah says he may not. The Gemara explains that the word "קהל" — *congregation*, is written five times regarding those prohibited to marry into "Hashem's congregation." Rebbe Yose holds all five are needed: One prohibits a *mamzer*, etc. from marrying into a family ("congregation") of *kohanim*, one for *leviim*, and one for *yisraelim*. The fourth permits a *mamzer* to marry a *shetuki* (an uncertain *mamzer*), and the fifth permits a *shetuki* (Biblically) to marry a legitimate *yisrael*. Since no "קהל" remains to include converts as "קהל," it emerges that קהל גרים לא איקרי קהל — *the congregation of converts is not considered a congregation* regarding the prohibition to marry a *mamzer*. Three explanations are given why Rebbe Yehudah has an extra קהל to include converts.

2 The prohibition of שתוקי

The Mishnah taught that a *shetuki* (one whose father is unknown) may not marry a legitimate *yisrael*. Rava says that Biblically, a *shetuki* is permitted to a legitimate *yisrael* (without concern for *mamzeirus*). Only a minority of people who may have had relations with this unmarried woman are relatives who would render the child a *mamzer*, so if the man went to her, we rule that כל דפירש מרובא פריש — *whatever departs,* we assume it *departs from the majority*. Even if the woman went to him, making him"קבוע" — *fixed* in place, which is ruled כמחצה על מחצה — *fifty-fifty*, the child is still permitted to a legitimate *yisrael*, because the Torah says: לא יבא ממזר — *A mamzer may not enter* into the congregation of Hashem, teaching: ממזר ודאי הוא דלא יבא הא ממזר ספק יבא — *Only a definite mamzer may not enter, but an uncertain mamzer may enter.* Rava initially explains that a *shetuki* is Rabbinically forbidden from marrying a legitimate *yisrael* to avoid possibly marrying one's paternal sister (since his father is unknown). The Gemara proves this is considered unlikely and concludes: מעלה עשו ביוחסין — *They set a high standard regarding genealogy*. A similar discussion and conclusion follow regarding an אסופי — *foundling,* whose father and mother are both unknown.

3 Three people who are believed only when they testify immediately: אסופי, חיה, ופוטרת חברותיה

Rav Chisda said: שלשה נאמנים לאלתר אלו הן — *Three* people *are believed* only when they testify *immediately, and they are:* אסופי חיה ופוטרת חברותיה — one who testifies about *an asufi, a midwife, and one releasing her fellow* women from *niddah* concerns. The first was explained above by Rav: כל זמן שבשוק — *As long as he is in the street,* אביו ואמו נאמנים עליו — *his father and mother are believed* when they claim he is their child. But once he was gathered in from the street, he is considered an *asufi* and requires full testimony. A *Baraisa* teaches that a midwife is believed about newborn twins to identify which emerged first, but only if she had not left the room. Rebbe Eliezer says that even if she merely turned her face away, she is no longer believed. In the final case, a Mishnah teaches that if three women slept in one bed, and blood is found under one of them, they are all *tamei* (*niddah*) out of doubt. However, if one checked herself and found herself to be a *niddah*, we assume the blood came from her, and the others are *tahor*. Rav Chisda says this is only if she checked herself immediately.

1 Limitations on the trustworthiness of a seller or judge

It was taught in a *Baraisa* that where two people are arguing over who bought an item, the seller is believed to identify the true buyer. This is only where the merchandise is still in the seller's possession, because it is his responsibility to complete the transaction and give it to the buyer, and so he is careful to remember him. Once it left his possession, he is no longer granted special trustworthiness, because he is less careful to remember the buyer once he has fulfilled his responsibility. Although he would remember who paid him, the case is where he received money from both, but says: חד מדעתאי וחד בעל כורחי — "I received money *from one willingly, and* from *one against my will*." Similarly, a judge is believed when he says: לזה זכיתי ולזה חייבתי — "*I ruled in favor of this one, and against that one*," but only when the litigants are before him, and he is still responsible to remember his decision. After they left, he is no longer believed, since he is not responsible to remember his verdict. He cannot simply rejudge the case, because the case was a ruling of שודא דדייני — *a ruling based on the judge's discretion*, and he may rule differently the next time.

2 Abba Shaul's ruling that a *shetuki* is a "בדוקי" — an "examined one"

The Mishnah on *daf* 69a taught that Abba Shaul called a *shetuki* a בדוקי — an *examined one*. The Gemara asks that if this means שבודקין את אמו — *that we ask his mother,* ואומרת לכשר נבעלתי נאמנת — *and* if *she says, "I had relations with a* genealogically *fit person," she is believed*, this is merely a repetition of Rabban Gamliel's position, who taught that an unmarried pregnant woman is believed to identify the father as being one of pure lineage (Rebbe Yehoshua disagreed)! The Gemara suggests that Rabban Gamliel only ruled the mother fit (for a *kohen*), but not her daughter, and Abba Shaul rules even the daughter fit. However, since there is an opinion that לדברי המכשיר בה מכשיר בבתה — *the opinion* (i.e., Rabban Gamliel) *that rules her fit also rules her daughter fit*, the Gemara answers instead that Rabban Gamliel's ruling was דרוב כשרין אצלה — *where most* of the men of the city *are fit in relation to her* (i.e., her child from them would be fit for *kehunah*), but Abba Shaul says she is believed even where most people of the city would render her child unfit for *kehunah*.

3 כל האסורין לבא בקהל מותרים לבא זה בזה — an Ammoni and Moavi *ger* may marry a *mamzeres*

The next Mishnah teaches: כל האסורין לבא בקהל — *All those forbidden to enter the congregation,* מותרים לבא זה בזה — *are permitted* to marry *one another*. For example, a *mamzer* and *shetuki* (uncertain *mamzer*) may marry one another. Rebbe Yehudah forbids them. Rebbe Elazar says: ודאן בודאן מותר — *Those* whose prohibition to the congregation *is certain are permitted to those* whose prohibition to the congregation *is certain* (such as *mamzeirim* with *nesinim*), but *safek mamzeirim* cannot marry a certain *mamzer* (for example), nor a *safek* one. Since the permit for a *mamzer* with a *shetuki* was already taught on *daf* 69, and Rebbe Yehudah's opinion would appear identical to Rebbe Elazar's, the Gemara proceeds to suggest numerous interpretations of the Mishnah and then disproves them, until Rava ultimately explains: גר עמוני ומואבי איכא בינייהו — *An Ammoni or Moavi convert is the difference between them*, and they are the ones "forbidden to enter the congregation" that the Mishnah permits to marry other such people, such as *mamzeirim*. Even Rebbe Yehudah, who prohibits converts to marry *mamzeirim*, would agree that these converts (who are prohibited to legitimate Jews) are permitted to *mamzeirim*, and the Gemara concludes that the first part of the Mishnah is all one opinion.

1 *Machlokes* whose relations disqualify a woman to *kehunah*

A *Baraisa* presents three opinions about which people disqualify a woman to *kehunah* through relations. The *Tanna Kamma* holds, as the Gemara explains, that anyone whose relations are forbidden disqualifies her. Rebbe Yose says: כל שזרעו פסול פוסל — *Anyone whose offspring is disqualified* from *kehunah disqualifies* her, and anyone whose offspring is fit for *kehunah* does not. Rebbe Shimon ben Gamliel says: כל שאתה נושא בתו — *Anyone whose daughter you* (a *kohen*) *may marry,* אתה נושא אלמנתו — *you may marry his widow*, but if his daughter is prohibited to *kehunah*, his widow is also disqualified (through relations). The Gemara explains that all agree that the rule is modeled after a widow who marries a *kohen gadol* (the source of a woman becoming disqualified). The *Tanna Kamma* holds that anyone whose relations are forbidden, like a widow to a *kohen gadol*, is disqualified to *kehunah*, which includes even a second-generation Egyptian convert. Rebbe Yose holds he must also have disqualified children, like a widow marrying a *kohen gadol* (whose children are *chalalim*), excluding a second-generation Egyptian, whose children are permitted to the congregation. Rabban Shimon ben Gamliel says that only if all his children are disqualified, like a widow to a *kohen gadol*, is she disqualified, which excludes a גר עמוני ומואבי, whose female children are permitted.

2 The halachah about a *mamzer* and *shetuki* marrying, and a pregnant *arusah*

Rav ruled like Rebbe Elazar that an uncertain *mamzer* may not marry a certain *mamzeres* or an uncertain one. Shmuel argued that the halachah should follow Hillel, who taught that ten genealogical categories ascended from Bavel, and all (people forbidden to the congregation) may marry each other. The Gemara asks that Rav and Shmuel both contradict themselves, because regarding an ארוסה שעיברה — *arusah who became pregnant*, and the father is unknown (anyone but the husband would render the child a *mamzer*), Rav said הולד ממזר — *the child is a mamzer*, and Shmuel said הולד שתוקי — the child is a *shetuki*. Presumably, this means that Rav permits the uncertain child to a certain *mamzeres*, and Shmuel forbids the child to a *mamzeres*, which is the reverse of their positions above! The Gemara first answers to reverse the opinions of this *machlokes* and explains the need for the two disputes. Alternatively, the opinions need not be reversed, but reinterpreted, as the Gemara proceeds to explain.

3 כותי לא ישא כותית, and three opinions regarding the prohibition of Kusim

Rebbe Elazar taught: כותי לא ישא כותית — *A Kusi cannot marry a Kusis*, although they are members of the same nation. Several explanations are disproven, until Rebbe Yehoshua ben Levi said: שלש מחלוקות בדבר — *There are three opinions on the matter* of the Kusim's disqualification. Rebbe Yishmael holds: כותים גירי אריות הן — *Kusim were converts* because of the attacking *lions* (and their insincere conversion was invalid), וכהנים שנטמעו בהם כהנים פסולים היו — *and the kohanim who assimilated with them,* as a *pasuk* describes, *were unfit kohanim*.

Jews cannot marry these invalid converts. Rebbe Akiva holds Kusim are גירי אמת — *true converts*, and only legitimate *kohanim* assimilated with them. Jews cannot marry them because they only required *yibum* for an *arusah* but allowed a *nesuah* to marry without *chalitzah* (because they erroneously interpreted "אשת המת החוצה" as "the outside wife"), and Rebbe Akiva holds that a child from a *yevamah* and another man is a *mamzer*. Finally, Rebbe Elazar holds that Kusim cannot even marry each other, because some are unfamiliar with the laws of marriage, leading to some invalid divorces, and subsequent *mamzeirim*. Since the descendants of those familiar with the laws were not *mamzeirim*, no Kusi can marry another.

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1 הנושא אשה כהנת צריך לבדוק אחריה ארבע אמהות שהן שמנה

The next Mishnah states: הנושא אשה כהנת — *One who* wishes to *marry a woman who is a kohenes* צריך לבדוק אחריה ארבע אמהות שהן שמנה — *must investigate four of her mothers* (female ancestors), as well as their mothers (to determine if any is forbidden to the congregation), *which is eight* altogether, as the Mishnah delineates. A daughter of a *levi* or *yisrael* requires investigating another generation. The Mishnah then lists several positions that do not require investigations into their ancestors, because they are only given to those of pure lineage. The Gemara explains that male ancestors are not investigated, because when men quarrel, they make accusations of impure lineage, so any possible issue would be widely known (as opposed to women, who accuse each other of immorality). A potential husband does not require investigation, because לא הוזהרו כשרות לינשא לפסולים — *genealogically fit kohanos were not prohibited from marrying those unfit* for *kehunah*. Similarly, the Rabbis did not require women to investigate possible *mamzeirus*. Later, the Gemara says that although Rebbe Meir requires investigation in all cases, the *Chachamim* only require it כשקורא עליו ערער — *when* her lineage *was contested*.

2 The requirement of pure lineage for members of Sanhedrin

The Mishnah taught that the ancestors of a member of Sanhedrin do not require investigation. The reason is: כשם שבית דין מנוקין בצדק — *Just as beis din must* be *clean in justice,* כך מנוקין מכל מום — *so they* must be *clean from any* genealogical *blemish*. A source is brought from a *pasuk* alluding to the Sanhedrin: כולך יפה רעיתי ומום אין בך — *You are entirely beautiful, My friend, and there is no blemish in you*. When the Gemara asks that this may mean a physical blemish, another source is brought. Hashem said to Moshe: והתיצבו שם עמך — *And [the members of Sanhedrin] will stand with you*; עמך בדומים לך — *"with you"* implies they must be *similar to you*, i.e., with pure lineage. The Gemara persists that perhaps only the Sanhedrin required pure lineage because of the *Shechinah*, since they were to receive prophecy! Rav Nachman concludes with Yisro's advice to Moshe: והקל מעליך ונשאו אתך — *And* the burden *will be lightened from upon you, and they will bear* it "*with you*," implying בדומים לך — judges who *are similar to you*, with pure lineage.

3 Positions of authority for converts

The host of Rav Adda bar Ahava, who was a convert's son, was arguing with Rav Bivi about which of them should run the town's affairs. Rav Yosef quoted a *Baraisa*: The *pasuk* says: שום תשים עליך מלך... מקרב אחיך — *You shall appoint over yourselves a king... who is from your brothers' midst*, teaching: כל משימות שאתה משים — *All appointments you make,* even minor ones, לא יהיה אלא מקרב אחיך — *may only be* of one who is *from your brothers' midst*. The host was therefore disqualified. Rav Adda bar Ahava asked Rav Yosef if this holds true for a convert's son, who mother is a Jewess, and he responded that this constitutes "*your brothers' midst*." Therefore, Rav Bivi (who was a great man) should manage the spiritual needs of the town, and the host should manage its physical needs. Abaye commented that if one takes a Rabbinic scholar into his inn, he should take someone like Rav Adda, who knows how to argue in his favor. Rebbe Zeira and Rabbah bar Avuha would deal respectfully with children of converts and put them in positions of authority, but in Eretz Yisrael, they would not even appoint them as an inspector of measures, and in Nehardea, they would not be appointed even as a supervisor of irrigation.

1 בת חלל זכר פסולה מן הכהונה לעולם

The next Mishnah states: בת חלל זכר פסולה מן הכהונה לעולם — *The daughter of a male chalal is disqualified from kehunah forever* (i.e., even many generations later), ישראל שנשא חללה — but *a yisrael who married a chalalah,* בתו כשירה לכהונה — *his daughter is fit for kehunah*. This distinction is based on the *pasuk*: לא יחלל זרעו בעמיו — *He shall not profane his offspring among his people*, from a *gezeirah shavah* (בעמיו בעמיו) from the prohibition for a *kohen* to become *tamei* from a corpse, which only applies to male *kohanim*. The Mishnah disagrees with Rebbe Dostai ben Yehudah, who says: כשם שבני ישראל מקוה טהרה לחללות — *Just as sons of a yisrael are* like *a purifying mikveh to chalalos* (because their daughters are permitted to *kohanim*), כך בנות ישראל מקוה טהרה לחללים — *so too, the daughters of a yisrael are* like *a purifying mikveh to chalalim*, and their daughters are permitted to *kohanim*. He *darshens* the above *pasuk* to teach: בעם אחד הוא דמיחל — *Within one people* (a *chalal* marrying a *chalalah*) *he profanes* his children, בשני עממים אינו מיחל — but *within two people* (a *chalal* marrying a *bas yisrael*), *he does not profane* them.

2 Number of *malkos* for a triple widow, or one with multiple disqualifications to *kehunah*

A *Baraisa* teaches: אלמנה אלמנה אלמנה — A *kohen* who has relations with *a widow, a widow, and a widow,* אינו חייב אלא אחת — *is only liable for one* set of *malkos*. This cannot mean relations with three different widows, because he would surely be liable for all three. If he had relations three times with one widow, and received a warning each time, he would receive *malkos* for each, as taught regarding a *nazir* who continuously drinks wine after multiple warnings. Rather, the case is a woman who was widowed from three different husbands, מהו דתימא הרי שמות מוחלקים — where *you might have said that she is* prohibited by three *separate titles of prohibition* (because each widowhood results from a different husband), גופים מוחלקים בעינן וליכא קמ"ל — *so* the *Baraisa teaches us that separate physical entities are required* for multiple *malkos*, *and they are not* present in this case. The *Baraisa* teaches that if a *kohen* has relations with a woman who is a widow, a divorcee, a *chalalah*, and a *zonah*, if these events occurred to her in the above order, he is liable for all four. This *Tanna* holds that generally, אין איסור חל על איסור — *a prohibition does not take effect upon* another *prohibition*, but איסור מוסיף אית ליה — *he holds a more expansive* prohibition does take effect. The Gemara explains how the above order is progressively more expansive.

3 אין חללה אלא מאיסור כהונה

Rav Pappa asked Abaye: If a *yisrael* had relations with his sister, does she become a *chalalah*? Do we say a *kal vachomer*, that since a woman becomes a *chalalah* through relations of a mere *lav* (i.e., *kehunah* prohibitions), then she certainly would become a *chalalah* through relations punishable by *kareis*, or do we say that she only becomes a *chalalah* through a *kehunah* prohibition? He answered: אין חללה אלא מאיסור כהונה — *There is no chalalah except* as a result of *kehunah prohibitions*. This is derived from the extra word "חללה" written by *a kohen gadol's* prohibitions. Rav Ashi notes that if a *kohen* has relations with his sister, she becomes a *zonah*, but not a *chalalah*, as above. If he has relations with her again, she then becomes a *chalalah*, since she was a *zonah* at the time of the second relations.

KIDDUSHIN DAF 78 • קידושין דף עח

1 *Machlokes* if קידש לוקה — if marriage of a *kohen* to a prohibited woman without relations incurs מלקות

Abaye says: קידש לוקה — *If* a *kohen married* a woman prohibited to *kohanim*, *he incurs malkos*, even without relations. בעל לוקה — *If he had relations, he incurs malkos*, even without marrying her. The former is for violating "לא יקח" — *he shall not take*, meaning marriage, and the latter is for violating "לא יחלל" — *he shall not profane* (he)r. Rava says he only incurs *malkos* for relations after marriage, because the Torah juxtaposed the prohibitions to teach: מה טעם לא יקח — *What is the reason for "he shall not take"?* משום לא יחלל — *Because* the Torah commands: *He shall not profane*. Abaye agrees that regarding the prohibition to remarry his divorced wife (who married someone else in the interim), *malkos* are only for relations after marriage, because the Torah says: לקחתה להיות לו לאשה — *To take her [in marriage] to be a wife for him*, with the second phrase indicating relations. Although Rava holds that marriage alone does not incur *malkos*, he agrees that a *kohen gadol* receives *malkos* for prohibited relations alone (as well as any *kohen*). They both agree that relations with one's divorced wife do not incur *malkos* without marriage, because דרך ליקוחין אסרה תורה — *the Torah* only *forbade* such relations *through marriage*.

2 A *kohen* marrying a convert's daughter (or a girl who converted before the age of three)

In the Mishnah on *daf* 77a, Rebbe Yehudah taught: בת גר זכר כבת חלל — *A convert's daughter is* prohibited to a *kohen like a chalal's daughter*. He eventually derives it from a צד השוה — *common characteristic* between a *chalal* (whose parents were fit Jews, but he originates from a transgression) and a first-generation Egyptian convert (whose parents were non-Jews, but he was not born through a transgression): שאינן ברוב קהל ובתו פסולה — *They are unlike most of the congregation, and their daughter is forbidden*. Although both also disqualify a woman to *kehunah* through relations, Rebbe Yehudah derives that a convert also would, from the same צד השוה. Rebbe Shimon ben Yochai holds that a convert herself is permitted to a *kohen*, if she was converted before the age of three. He supports this from Moshe's telling the soldiers who fought against Midyan that they could spare the girls below the age of three for themselves, and Pinchas (a *kohen*) was among those soldiers. The other *Tanna'im* respond that they could keep them as slaves. The Gemara explains that all *Tanna'im* (including the other two quoted in the Mishnah) find support in a *pasuk* that states that *kohanim* must marry women מזרע בית ישראל — *from the seed of the House of Yisrael*.

3 יכיר: believing a father that his child is a *mamzer*, or only for a *bechor*

The next Mishnah states that one who says: בני זה ממזר — "*This son of mine is a mamzer*," is not believed, even if the mother agrees, and even if the child has not yet been born. Rebbe Yehudah holds the father is believed. A *Baraisa darshens* the word "יכיר" — *he shall recognize* (his firstborn son) to teach: יכירנו לאחרים — *He can identify him to others*. From here Rebbe Yehudah derived that a father is believed to identify his firstborn, and even to say he is a *chalal* or *mamzer*. The *Chachamim* say he is not believed to disqualify his son, and Rava explains that they derive from "יכיר" that a father can identify his firstborn son where it is unknown. Although it seems obvious that a father is believed (to entitle him to a double portion of inheritance), since he could simply give him any of his possessions as a gift, a *pasuk* is needed for possessions he obtains after his identification (and he could not give as a gift). According to Rebbe Meir, who holds one may transfer possessions he later acquires, this is needed for possessions he acquires as a גוסס — *dying man*, when he is incapable of transferring them.

1 קידשה אביה בדרך וקידשה עצמה בעיר והרי היא בוגרת

The Gemara says: קידשה אביה בדרך — *If* a girl's *father married her off on the road,* וקידשה עצמה בעיר — *and she* later *accepted kiddushin herself in the city,* והרי היא בוגרת — *and now she is found to be a bogeres* (a full adult), Rav says: הרי היא בוגרת לפנינו — *Behold, she is a bogeres before us*, and is assumed to have been so before the father's *kiddushin*, so it is invalid (and her own is valid). Shmuel says: חיישינן לקידושי שניהם — *We are concerned for both marriages*, because we are unsure when she became a *bogeres*. The Gemara clarifies that these marriages were accepted the day that six months after *naarus* are completed, when she becomes a *bogeres*. Rav says: מדהשתא בוגרת בצפרא נמי בוגרת — *Since she is a bogeres now,* we assume that *in the morning, too, she was a bogeres*, and Shmuel says: השתא הוא דאייתי סימנים — Perhaps *she only developed signs* of *bagrus now.*

2 מקוה שנמדד ונמצא חסר: תרתי לריעותא

Shmuel is challenged from a Mishnah: מקוה שנמדד ונמצא חסר — If *a mikveh was measured and found lacking* forty *se'ah*, all *tamei* utensils that were immersed in it (and any foods prepared in them) are *tamei*, even if the uncertainty occurred in a רשות הרבים — *public domain*, where uncertainties are normally ruled *tahor*. This proves that the currently deficient *mikveh* is assumed with certainty to have been deficient earlier! The Gemara explains that regarding *mikveh*, we say: העמד טמא על חזקתו ואימר לא טבל — *Keep the tamei* utensil *on its* last-known *presumption, and say it was not* legally *immersed* (i.e., the *mikveh* was already deficient). Although the *mikveh* itself had a *chazakah* that it contained forty *se'ah* and should be presumed unchanged until it was found deficient, הרי חסר לפניך — *behold, it is deficient before you*, which suggests that it was deficient since it was last checked. The Gemara asks that the "*bogeres* before you" should also be assumed to have been so earlier and concludes: התם תרתי לריעותא — Regarding *mikveh*, *there are two weaknesses* against assuming a later deficiency (the utensils' earlier *tamei* status, and the *mikveh's* current deficient status); הכא חדא לריעותא — regarding the *bogeres*, *there is only one weakness* against assuming a later change to *bagrus* (her current status of *bagrus*), so it remains an uncertainty. A similar discussion follows regarding a barrel of wine (used for separating *terumah*) that was discovered to be vinegar.

3 When one must prove his wife's or children's lineage

The next Mishnah states that one who went overseas with his wife, and returns with his wife and children and says: אשה שיצאת עמי למדינת הים הרי היא זו ואלו בניה — *The wife who went overseas with me is this one, and these are her children from me*, does not need to prove her lineage (since it was proven at their marriage), nor of the children, since they are assumed to be theirs. If he returns with only children (saying that his wife died), he must prove the children are from his wife. If he returns with a different wife and children, he must prove the wife's lineage, but not the children's (since they are presumed to be theirs). If he returns with only children and says they are from a second wife, he must prove both her lineage, and that these children are hers. The Gemara explains: וכולן בכרוכים אחריה — *All* cases that children are assumed to be hers *are where they are clinging to her*. A *Baraisa* adds that proof must be brought for her grown children (who do not cling to her), and that if there is a second wife (and the first died), we cannot assume the children are hers because they cling to her (because she may have raised them).

1 מלקין על החזקות, סוקלין ושורפין על החזקות

Rebbe Yochanan says: מלקין על החזקות — *We administer malkos based on legal presumptions*, סוקלין ושורפין על החזקות — and *we execute by stoning and burning based on legal presumptions*. The first ruling is based on Rav Yehudah's statement: הוחזקה נדה בשכינותיה — *If* a woman *became established as a niddah with her neighbors* (who saw her that day wearing the clothing she wears as a *niddah*), בעלה לוקה עליה משום נדה — *her husband would incur malkos for* relations with *her because of* the *niddah* prohibition, although her *niddah* status was not factually known. The second ruling is based on Rabbah bar Rav Huna's statement: איש ואשה תינוק ותינוקת שהגדילו בתוך הבית — In a case where *a man, a woman, a young boy, and a young girl* all *grew up in the* same *house,* creating the unproven presumption that they are parents and their children, נסקלין זה על זה — *they are stoned to death because of each other* (i.e., if the boy has relations with the woman, presumed to be his mother), ונשרפין זה על זה — *and they are burned to death because of each other* (i.e., if the girl has relations with the man, presumed to be her father).

2 *Machlokes* if שורפין תרומה על החזקות

Reish Lakish said: שורפין על החזקות — *We burn terumah based on legal presumptions* indicating it became *tamei*, but Rebbe Yochanan said: על החזקות אין שורפין — *We do not burn terumah based on legal presumptions*. This parallels another *machlokes* they have: A Mishnah teaches that if a child is found near a dough, and there is dough in his hand, Rebbe Meir rules the dough *tahor*, and the *Chachamim* say it is *tamei*, מפני שדרכו של תינוק לטפח — *because it is the way of a child to play* with *sheratzim* in garbage heaps, rendering him *tamei*, and, by extension, the dough he appears to have touched. Rebbe Meir holds that although most children play with *sheratzim*, a minority do not, and since the dough was *tahor* until now, we say: סמוך מיעוטא לחזקה — *Join the minority* of children who are not *tamei to the chazakah* of the dough's *taharah*, איתרע ליה רובא — and *the majority* position *becomes weakened* and does not indicate *tumah*. The *Rabbanan* hold: מיעוטא כמאן דליתא דמי — *The minority is as if it does not exist*, and cannot be joined with the dough's *chazakah*, רובא וחזקה רובא עדיף — and where a *majority* position *and a chazakah* are in conflict, *the majority prevails*. Reish Lakish says that the *terumah* is burned according to the *Rabbanan*, while Rebbe Yochanan says it is not (because its *tumah* is uncertain).

3 *Yichud*: a man with two women, and a woman with two men

The next Mishnah teaches the laws of *yichud*: לא יתייחד אדם עם שתי נשים — *A man may not be secluded with two women,* אבל אשה אחת מתייחדת עם שני אנשים — *but a woman may be secluded with two men*. Rebbe Shimon permits seclusion with two women, or spending the night with them, if his wife is present, מפני שאשתו משמרתו — *because his wife watches him*. *Yichud* is permitted with one's mother or daughter. A *Baraisa* explains the distinction between two men and two women: הואיל ונשים דעתן קלות עליהן — *Because women's minds are light* to be persuaded, and both may agree to sin. Although Abba Shaul permits a burial performed by a man and two women, that is because בשעת אנינות תביר יצריה — *during mourning, one's desire is broken,* and he will not have relations with them (the *Rabbanan* disagree). Rav says the permit for *yichud* with two men is only for morally upright people, אבל בפרוצים — *but regarding immoral people,* אפילו בי עשרה נמי לא — *even with ten people*, *yichud is not* permitted.

KIDDUSHIN DAF 81 • קידושין דף פא

1 Rabbinical *malkos* for *yichud*, and the exceptions of בעלה בעיר and פתח פתוח לרשות הרבים

Rav said: מלקין על ייחוד — *We administer* Rabbinical *malkos for yichud,* ואין אוסרין על הייחוד — *but do not forbid* a married woman to her husband *based on yichud*. Rav Ashi said that even *malkos* are not given to a married woman, lest people think she committed adultery (and received *malkos* because the death penalty is not applicable today), and her children are *mamzeirim*. *Amora'im* disagree if they can give her *malkos* and announce that it was for *yichud* and not adultery. Rabbah said: בעלה בעיר אין חוששין משום ייחוד — *If her husband is in the city, we are not concerned about yichud*, since she is afraid that her husband may come at any time. Rav Yosef said: פתח פתוח לרשות הרבים — *If the door* of the room where the *yichud* is taking place *is open to the public thoroughfare,* אין חוששין משום ייחוד — *we are not concerned about yichud*. Rav Yosef himself sought to prevent Rav Bivi (his guest) from being secluded with his wife, despite his being in the city, because she was a close friend of Rav Bivi's, וגייסא ביה — *and felt familiar with him*.

2 וה' יסלח לה — Needing atonement for intent for an *aveirah*

A *Baraisa* explains the *pasuk*: אישה הפרם וה' יסלח לה — *Her husband revoked [her nedarim] and Hashem will forgive her*, as referring to a woman who violated her *nedarim* without knowing they were revoked, and implies she requires forgiveness. Rebbe Akiva would weep when reaching this *pasuk* and say: ומה מי שנתכוון לאכול בשר חזיר ועלה בידו בשר טלה — *If* regarding *someone* who *intended to eat pork, and lamb's meat came to his hand* (i.e., he intended to eat non-kosher but mistakenly ate kosher), the Torah says he requires atonement and forgiveness (as evidenced by a woman whose *nedarim* were revoked), מי שנתכוין לאכול בשר חזיר ועלה בידו בשר חזיר על אחת כמה וכמה — *then how much more so* regarding *someone who intended to eat pork and did so!* A similar point is made regarding an אשם תלוי (brought for a doubtful transgression), about which the Torah says: ונשא עונו — *He shall bear his iniquity*. Rebbe Akiva would weep about this *pasuk* and say: If one who possibly transgressed an *aveirah*, thinking it was permitted, "bears his iniquity," then all the more so one who sins willfully! Issi ben Yehudah said about this *pasuk*: על דבר זה ידוו כל הדווים — *About this matter, let all those who mourn, grieve*.

3 *Yichud* with relatives

The Mishnah taught that one may be secluded with his mother or daughter. Rav Assi said: מתייחד אדם עם אחותו — *A man may be secluded* occasionally *with his sister,* but may not reside alone with her, ודר עם אמו ועם בתו — *but he may reside* alone *with his mother or daughter*, because he is not tempted to sin with them. Shmuel said: אסור להתייחד עם כל עריות שבתורה ואפילו עם בהמה — *It is forbidden to be secluded with all the arayos in the Torah, even with an animal.* Shmuel is challenged from the Mishnah that permits *yichud* with a mother and daughter, and responds that another *Baraisa* says: אחותו וחמותו ושאר כל עריות שבתורה — Regarding *one's sister, mother-in-law, and all other arayos in the Torah,* אין מתייחד עמהם אלא בעדים — *one may not be alone with them unless there are witnesses* present. It must be a *machlokes Tanna'im*, as we find that Rebbe Meir said: הזהרו בי מפני בתי — *Be careful with me* that I should not be secluded with *my daughter*, and Rebbe Tarfon said the same about his daughter-in-law. A student mocked his strict practice, and a short time later sinned with his mother-in-law.

KIDDUSHIN DAF 82 • קידושין דף פב

1 לעולם ילמד אדם את בנו אומנות נקיה וקלה ויתפלל למי שהעושר והנכסים שלו

In the final Mishnah, Rebbe Meir says: לעולם ילמד אדם את בנו אומנות נקיה וקלה — *A person should always teach his son a clean and easy trade,* ויתפלל למי שהעושר והנכסים שלו — *and he should pray to Him to Whom all wealth and possessions belong,* שאין אומנות שאין בה עניות ועשירות — *for there is no trade that does not include poverty and wealth,* שלא עניות מן האומנות ולא עשירות מן האומנות — *because neither poverty nor wealth is a result of a trade;* אלא הכל לפי זכותו — *rather, everything depends on one's merit*. Rebbe Shimon ben Elazar says: ראית מימיך חיה ועוף שיש להם אומנות — *Have you ever seen a wild animal or bird that has a trade?* Yet they are sustained without trouble, and they were only created to serve me, and I was created to serve my Master. Does it not follow that I should be sustained without trouble? אלא שהורעתי מעשי — *However, I corrupted my deeds,* וקפחתי את פרנסתי — *and ruined my sustenance*. In a *Baraisa*, Rebbe Shimon ben Elazar says that he never saw a deer that produced fig cakes, nor a lion that was a porter, nor a fox that was a storekeeper, yet they are sustained without trouble.

2 אשרי מי שרואה את הוריו באומנות מעולה, אוי לו למי שרואה את הוריו באומנות פגומה

Rebbe said in a *Baraisa*: אין לך אומנות שעוברת מן העולם — *There is no trade that ceases to exist*. Rashi explains that whether the trade is clean or repulsive, there will always be people interested in learning it, as long as the world has a need for it. אשרי מי שרואה את הוריו באומנות מעולה — *Fortunate is he who sees his parents in a superior trade,* אוי לו למי שרואה את הוריו באומנות פגומה — and *woe is he who sees his parents in an inferior trade*. Similarly, the world requires both perfume merchants and tanners. אשרי מי שאומנותו בסם — *Fortunate is he who is a perfume merchant,* ואוי לו מי שאומנותו בורסקי — and *woe is he who is a tanner*. אי אפשר לעולם בלא זכרים ובלא נקבות — *The world cannot exist without* both *males and females*. אשרי מי שבניו זכרים — *Fortunate is he whose children are males,* ואוי לו למי שבניו נקיבות — *woe is he whose children are females*.

3 מניח אני כל אומנות שבעולם ואיני מלמד את בני אלא תורה

In a *Baraisa*, Rebbe Nehorai says: מניח אני כל אומנות שבעולם — *I put aside every trade in the world,* ואיני מלמד את בני אלא תורה — *and I only teach my son Torah*, because every trade only provides for a person in his youth (when he can perform it), but in his old age he is left exposed to hunger. אבל תורה אינה כן —*However, Torah is not so*. עומדת לו לאדם בעת ילדותו — *It stands by a man in his youth,* ונותנת לו אחרית ותקוה בעת זקנותו — *and gives him a future and a hope in his old age*, because he receives reward for his previous study even if he is too sick or old to do so now. Regarding one's youth the *pasuk* says: וקוי ה' יחליפו כח יעלו אבר כנשרים — *And those who hope in Hashem shall renew their strength; they shall sprout wings like eagles*. Regarding one's old age a *pasuk* says: עוד ינובון בשיבה דשנים ורעננים יהיו — *They will still be fruitful in old age; vigorous and fresh they will be*.

הדרן עלך מסכת קידושין וסדר נשים!