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Kiddushin Daf 14

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***The Source for Chalitzah***

The *Gemora* asks: How do we know that chalitzah permits a yevamah to remarry?

The *Gemora* answers: The verse states, “And its name will be called in Israel, “The house where the shoe was taken off.” This implies that once the shoe was taken off she is permitted to marry anyone from Bnei Yisroel.

The *Gemora* asks: Does the verse “Israel” come to teach us this (*that she is permitted to anyone in Israel*)? Don’t we need it for the teaching of Rav Shmuel bar Yehuda? He states: This teaches that this must be done in a Jewish Beis Din, and not in a gentile court.

The *Gemora* answers: There are two verses of “Israel.” (*One is use for each teaching.*)

The *Gemora* asks: We still need this verse for the following braisa. Rabbi Yehuda states: Once we were sitting before Rabbi Tarfon and a yevamah came to do chalitzah. He said to us: Everyone should answer, “Chalutz ha’na’al (*removal of the shoe*), chalutz ha’na’al.”

The *Gemora* answers: That is derived from the verse, “And its name will be called.” (14a)

### ***Source for the Death of the Yavam***

The *Gemora* asks: How do we know this?

The *Gemora* answers: It is a kal v’chomer. If a regular married woman, who someone who has relations with her is punished with strangulation, the death of her husband permits her, certainly the yevamah, who someone who has relations with her is punished with lashes (*before she has yibum*) is permitted through the death of her potential yavam.

The *Gemora* asks: There is a leniency with a married woman that she can leave her marriage with a Get, as opposed to this woman who cannot.

The *Gemora* answers: She has the same unique leniency, just through chalitzah.

The *Gemora* asks: However, it is possible to ask that a married woman is permitted by the one who forbade her (*as opposed to this woman who is forbidden because of her deceased husband’s brother*).

Rav Ashi answers: In this case, as well, it is the yavam who forbids her and it is his death that permits her.



The *Gemora* asks: A married woman should be able to leave her marriage if given chalitzah from a kal v'chomer. If a potential yevamah who is not permitted from her status through a Get is permitted from her status through chalitzah, certainly a regular married woman who is permitted with a Get is permitted with chalitzah!

The *Gemora* answers: The verse states, "A book of cutting off," which teaches us that the book (*Get*) cuts her off, not anything else (*i.e. chalitzah*).

The *Gemora* asks: Let a yevamah be permitted with a Get from a kal v'chomer. If a married woman who cannot leave through chalitzah is permitted with a Get, certainly a potential yevamah who can be permitted through chalitzah can be permitted with a Get!

The *Gemora* answers: The verse states, "In this fashion," implying she (*potential yevamah*) can only be permitted in this fashion.

The *Gemora* asks: Is it true that wherever we find a verse stating that something is required, that we cannot derive a kal v'chomer? We see regarding Yom Kippur the verse states, "a lottery" and "it is a law." The braisa states: "And it will make it a chatas." This shows us that the lottery cast determines whether or not it is a chatas, not a person's designation. We require this teaching, as otherwise we could derive a kal v'chomer. If in a case where a lottery does not designate the specific animal for a specific korban, a person can make this designation, certainly where a lottery can make a designation a person could also make the designation! This is why the verse states, "And it will make it a chatas." This shows us that the lottery cast determines whether or not it is a chatas, not a person's designation. This braisa teaches us that although the

verse stated that the designation through lottery for the goats of Yom Kippur is "a law," we still would have derived a kal v'chomer to tell us otherwise (*without the verse, "And it will make it a chatas"*).

The *Gemora* answers: The verse states, "(*And he will write*) for her," implying not for a potential yevamah.

The *Gemora* asks: Why don't we say that the verse means to teach us, "For her - that it should be lishmah?"

The *Gemora* answers: There are two verses of "For her," (*each teaching us one of these teachings*).

The *Gemora* asks: We still may say that the two lessons are lishmah, and the lesson that the Get cannot be written for both her and her friend (*two wives with the same name being divorced by the same husband*)!

The *Gemora* answers: The verse states, "Shoe," implying she is only freed with a shoe (*chalitzah*).

The *Gemora* asks: Does the verse, "Shoe," teach us this lesson? Doesn't it teach the lesson taught in the following braisa? The braisa states: "His shoe." This implies only his shoe. How do we know that he can use anyone's shoe? The extra verse, "Shoe," implies that anyone's shoe can be used. Why, then, does the verse say, "His shoe?"

This teaches us that he cannot use a shoe that he cannot walk in (*as it is too big*), a shoe that does not cover most of his foot, or a shoe that does not have a heel.

The *Gemora* answers: If so, the verse should have merely said, "Shoe." Why does it say, "His shoe?" This teaches us both lessons. (14a – 14b)

### **Mishna**

An eved ivri (*Jewish servant*) is acquired through money and documents, and acquires himself after serving the required years (*six years*), reaching yovel (*the jubilee year*), or redeeming himself for the amount of money he was sold for, minus the amount he worked (*known as "gira'on kesef"*). A Jewish maidservant has the added method of acquiring herself when she has signs of maturity. A nirtza (*Jewish servant who refuses to be freed after six years*) is acquired through the nirtza process (his ear is pierced), and acquires himself through yovel and the death of the master. (14b)

### **Finding the Source**

The *Gemora* asks: How do we know that a Jewish servant is acquired through money?

The *Gemora* answers: The verse states, "From the money of his purchase." This teaches us that he is acquired through money.

The *Gemora* asks: This teaches us that a Jew sold to an idolater is acquired through money, as all of the method's of acquiring of an idolater are through money. How do we know this also applies to a Jewish servant sold to a Jew?

The *Gemora* answers: The verse says, "And she will be redeemed." This teaches that the owner lessens the amount of money that he is owed and she goes free. [*Rashi explains that this implies that she was acquired with money, as otherwise lessening the amount owed is insignificant.*]

The *Gemora* asks: This might be true by a Jewish maidservant. Being that she is acquired through money in a case of kidushin, she is also acquired through money when becoming a maidservant.

The *Gemora* answers: The verse states, "If it will be sold to you your Jewish brother or sister, and they will serve you for six years." This shows us that we compare the laws of a Jewish servant to a Jewish maidservant.

The *Gemora* asks: It is understandable that this is the law by Jewish servants sold by Beis Din, as they are sold against their will (*and it therefore is understandable that they are acquired with money*). How do we know that those who sell themselves are also acquired through money?

The *Gemora* answers: We derive this using a gezeirah shaveh of "sachir" (*a word said both by one who Beis Din sells and one who sells himself*).

The *Gemora* asks: This is understandable according to those who derive this gezeirah shaveh. What about the opinion that does not derive this gezeirah shaveh?

The *Gemora* answers: The verse states, "And when you will reach." The word "And" (*regarding one who sells himself*) is adding onto the previous topic (*one sold by Beis Din*), and we therefore derive the laws of the former from the latter.

The *Gemora* inquires: Which Tanna indeed does not derive the gezeirah shaveh of "sachir"?

The *Gemora* answers: The Tanna of the following braisa. The braisa states: Someone who sells himself can do so for six years or more, while someone sold by Beis Din is only sold for six years. Someone who sells

himself does not become a nirtza, while someone sold by Beis Din can become a nirtza. Someone who sells himself does not receive a grant when he leaves, while someone sold by Beis Din does. Someone who sells himself cannot be given a Canaanite slavewoman, while someone sold by Beis Din can. Rabbi Elazar says: Both types of servants are only sold for six years, can become a nirtza, receive a grant when they leave, and can receive a Canaanite slavewoman. It must be that these Tannaim argue regarding whether or not we derive the gezeirah shaveh of “sachir”.

Rav Tavyumi in the name of Abaye rejects this conclusion. He says: Everyone derives the gezeirah shaveh of “sachir”. What is the reason of the Tanna Kamma that someone who sells himself can even be sold for more than six years? When the Torah says, “And he will serve you for six years,” it excluded one who sells himself. Rabbi Elazar says: This verse excludes working for the inheritors of the master. The Tanna Kamma derives this teaching from another verse of “And he will serve you.” Rabbi Elazar says: This verse teaches that the master should willingly give the grant. (14b)

**QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF**  
to refresh your memory

Q: When the woman remains quiet after money that was rightfully hers was given to her, is it a *kiddushin*?

A: It depends if they arranged the marriage beforehand.

Q: Can land be acquired with less than a *perutah*?

A: Regular *kinyan* – no; *chalifin* – yes.

Q: Which people are worse to the world than the generation that brought about the flood (*that wiped out the world in the time of Noach*)?

A: Those people who do not know the laws of *kiddushin* and *gittin*, but nevertheless judge them.