

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Mishna

A woman allows herself to be acquired in three ways, and she acquires herself (*out of marriage*) with two ways. She is acquired with money, a document, or cohabitation. The monetary transaction, according to Beis Shamai, must be done with a *dinar* or the equivalent of a *dinar*. Beis Hillel says: It can be done with a *perutah* or the equivalent of a *perutah* (*a smaller copper coin worth much less than a dinar*). What is the value of a *perutah*? It is one-eighth of an Italian *issar*. She acquires herself by receiving a *Get* or if her husband dies. A *yevamah* is acquired through cohabitation, and acquires herself through *chalitzah* or the death of her deceased husband’s brother. (2a)

Text of the Mishna

The *Gemora* asks: Why does the *Mishna* here start by saying “A woman is acquired,” but the *Mishna* at the beginning of the second chapter states “A man may betroth ...?”

The *Gemora* answers: This is because our *Mishna* wanted to mention the acquisition (*kinyan*) of money.

The *Gemora* asks: How do we know that a woman can be acquired through money?

The *Gemora* answers: We derive this from a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*) using the word “*kichah*” -- “taking” from Avraham Avinu’s acquisition of a field (*the Me’aras Hamachpeilah transaction*) from Efron. The verse states, “*When a man will take a woman,*” and it also states, “*I have paid the money for the field, take it from me.*” We also know that “*take*” indicates making an acquisition, as the verse states, “*The field that Avraham acquired.*” Alternatively, this is derived from the verse, “*They shall acquire fields with money.*” This is why it said “she is acquired.”

The *Gemora* asks: Why doesn’t the *Mishna* in the second chapter say “A man acquires?”

The *Gemora* answers: At first a Torah term is stated, and then the *Mishna* states a Rabbinical term (*for kiddushin*). What is the meaning of this Rabbinical term? He prohibits her to the entire world just as consecrated property is prohibited for anyone’s use.

The *Gemora* asks: Why doesn’t our *Mishna* say, “A man acquires” (*instead of saying, “A woman may be acquired”*)?



The *Gemora* answers: Being that the *Mishna* wanted to end with how she acquires herself, it started off with how she is acquired.

The *Gemora* asks: Why didn't it state this by a man instead, saying "A man acquires and releases"?

The *Gemora* answers: This is because one of the ways she acquires herself is through the death of her husband which is not through his releasing, but rather that of Hashem. Alternatively, if the *Mishna* would say "A man acquires," we would think he could do so against her will. This is why it says she allows herself to be acquired, implying that it is only with her consent.

The *Gemora* asks: Why does the *Mishna* say "shalosh" -- "three" (using the feminine word for three) instead of "sheloshah" (masculine word for three)?

The *Gemora* answers: This is because the word three is regarding "derachim" -- "ways," and the word "derech" is feminine. This is as the verse states, "And you will inform them of the way that they will go bah" -- "on it." [Bah is feminine, while Bo is male.]

The *Gemora* asks: The *Mishna* states that in seven ways a zav (a man who has an emission similar but not identical to a seminal discharge; a zav of two emissions is classified as an av hatumah and must observe seven clean days and then he immerses himself in spring water; if the emission was on account of an external cause, he will not be regarded as a zav) is checked, and it uses the male term

"shivah" (instead of "sheva") even though it is referring to "ways!"

The *Gemora* answers: It does this because the word "ways" is in fact male, as the verse states, "They will come to you on one way (i.e. path), and in "shivah derachim" -- "seven ways" they will run away from you."

The *Gemora* asks: How can we reconcile this contradiction between the verses and *Mishnayos*?

The *Gemora* answers: The verses and *Mishnayos* are not difficult. Regarding the verses, it is understandable that the feminine term was used for "the way they will go on it," as it is referring to Torah. Torah is feminine, as the verse states, "The Torah of Hashem is "Temimah" -- "pure," it refreshes the soul." The other verse states, "in "shivah derachim" -- "seven ways" because it is talking about war, and war is normally waged by men, and not women.

There is a similar answer for the *Mishnayos*. Being that our *Mishna* is talking about a woman, it uses a feminine term. The *Mishna* about a zav was talking about a man, as only a man is checked to see if his impurity came by accident, not a woman, for she will become *tamei* anyway. It therefore uses a masculine term.

The *Gemora* asks: Why say "shalosh" -- "three" in feminine and use the word "ways?" It should instead say "three things" -- "sheloshah devarim" and use the masculine term!



The *Gemora* answers: This is because it wants to discuss one of the ways which is cohabitation, and it is also called a “way.” This is as the verse states, “*And the way of a man with a young woman, so too is the way of an adulterer and adulteress.*”

The *Gemora* asks: This is a good reason for cohabitation, but what about money and documents?

The *Gemora* answers: The term was used solely for cohabitation.

The *Gemora* asks: Do we use a term for two methods because it fits better for a third method?

The *Gemora* answers: These two methods are required in order to permit marital relations

Alternatively, it is possible to answer (*why the Mishna uses the word “derech”*) that this is according to Rabbi Shimon. This is as the *braisa* states: Why does the Torah say, “*When a man will take a woman,*” and not “*When a woman will be taken to a man*”? This is because it is the way of a man to go seek a wife, but it is abnormal for a woman to go seek a husband. This is akin to someone who loses something. Who is the one searching for the object? Obviously the owner seeks to find his lost object. [*And since the woman was created from the man’s lost bone, it is he who searches for her.*]

The *Gemora* asks: Why did the *Mishna* state “*In seven ways we check a zav?*” It should have said “*things!*”

The *Gemora* answers: The *Mishna* said “ways” to communicate that it is the normal way for someone who eats or drinks excessively to have a discharge of *zivah*. (2a – 2b)

DAILY MASHAL

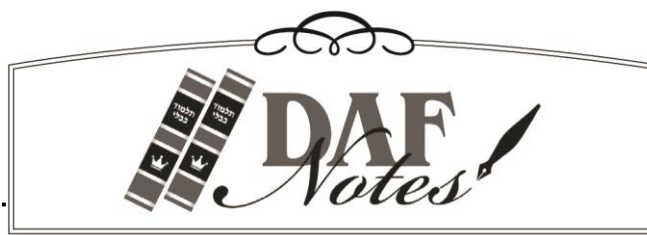
Man’s Acquiring his Lost Article

Rabbi Shimon said: Why does the Torah say, “*When a man will take a woman,*” and not “*When a woman will be taken to a man*”? This is because it is the way of a man to go seek a wife, but it is abnormal for a woman to go seek a husband. This is akin to someone who loses something. Who is the one searching for the object? Obviously the owner seeks to find his lost object. [*And since the woman was created from the man’s lost bone, it is he who searches for her.*]

The *Mishnah Halachos* asks: Why is a man required to give the woman money for betrothal; she is his lost bone!? When one takes back an article that he had lost, is he required to make a new *kinyan*?

He answers: If the man would know for certain that the woman he is about to marry is his proper match from the Days of Creation, it would not be necessary for him to make a new *kinyan*. However, since this matter is uncertain to us, witnesses are required, and once this transpires, the other people in the world give up hope from marrying this woman, and she becomes the rightful wife to this man.

Accordingly, it can be said that when Adam married Chavah, when there was no alternative woman, and she obviously was destined to be his wife, it would



not have been necessary to have witnesses or any *kinyan* for that marriage.

INSIGHTS TO THE DAF

Perutah for Kiddushin

The *Mishna* states: The monetary transaction, according to Beis Shamai, must be done with a *dinar* or the equivalent of a *dinar*. Beis Hillel says: It can be done with a *perutah* or the equivalent of a *perutah* (a smaller copper coin worth much less than a *dinar*).

The Minchas Chinuch writes that even according to Beis Shamai, who holds that a *dinar* is required for *kiddushin*, he would nevertheless agree that that it is not necessary for the man to give the entire *dinar* to the woman at the time of betrothal. It would be sufficient for him to give her a *perutah* and the remainder will be a debt that he owes her.

This is very understandable according to the S"ma, who states that when one uses money to acquire an object, the money is actually the beginning of the payment. The remainder is a debt from the purchaser to the seller.

Many Acharonim, however, disagree and maintain that Beis Shamai holds a *dinar* would be required to create a *kiddushin*, for there is no true monetary value for the *kiddushin*, and it cannot be said that the *perutah* is the beginning of the payment.

QUESTIONS AND ANSWERS FROM YESTERDAY'S

DAF

to refresh your memory

Q: Under what circumstances may a man divorce his wife?

A: Beis Shamai – only if she acts promiscuously; Beis Hillel – even if she burns his food; Rabbi Akiva – even if he finds a better woman.

Q: If one divorces his wife for no reason, is he obligated to take her back?

A: No.

Q: What is the punishment for one who marries a woman who was divorced on account of acting promiscuously?

A: She will be compelled to bury him.