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Kiddushin Daf 29

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

Mishna

The Temple treasury acquires objects with money. A private person acquires through *chazakah* (*meshichah* – pulling it near). A person’s pledge to the holy domain is like the action of giving it over to a regular person (*as soon as he declares something hekdesch, it belongs to hekdesch*). (28b)

Hekdesch and a Private Person

The *Gemora* cites a *braisa*: How does *hekdesch* acquire with money? If the Temple treasurer gives money to someone for an animal (*to be used for a communal korban*), he acquires the animal for *hekdesch*, even if the animal is on the other side of the world. A private person, however, would not acquire the animal until he makes a *meshichah* (*pulls it near*).

How is it that a person’s pledge to the holy domain is like the action of giving it over to a regular person? If one says, “This ox shall be a *korban olah*,” or “This house shall be consecrated,” *hekdesch* acquires it, even if it (*the animal or the house*) is on the other side of the world. A private person, however, would not acquire it (*the animal*) until he makes a *meshichah* (*pulls it near*) or (*by the house*) a *chazakah* (*proprietary act*).

The *braisa* continues: If a private person pulled a consecrated item when it was worth a *maneh*, but he was not able to redeem it (*pay for it*) before its value increased to two hundred *dinars* (*two manehs*), he is required to pay

two hundred for it. This is based upon the verse: *He shall give the money and it shall become his. [The private person does not acquire it from hekdesch unless he pays for it.]*

If he pulled it when it was worth two hundred *dinars*, but he was not able to redeem it (*pay for it*) before its value decreased to a *maneh*, he is required to pay two hundred for it. This is because an ordinary man should not be more privileged than *hekdesch*. [*If purchasers from an ordinary seller cannot void a sale after making a meshichah, then certainly a purchaser from hekdesch, cannot void the sale.*]

If he redeemed it when it was worth two hundred *dinars*, but he was not able to pull it near (*meshichah*) before its value decreased to a *maneh*, he is required to pay two hundred for it. This is based upon the verse: *He shall give the money and it shall become his. [The private person does not acquire it from hekdesch unless he pays for it.]*

If he redeemed it when it was worth one *maneh*, but he was not able to pull it near (*meshichah*) before its value increased to two hundred *dinars* (*two manehs*), his redemption is valid and he is only required to pay a *maneh*.

The *Gemora* asks: Why don’t we say that an ordinary man should not be more privileged than *hekdesch*?

The *Gemora* answers: Wouldn’t an ordinary person receive the curse of “He who punished etc.” [*Hashem will punish someone who reneges on a deal after money was*



given; therefore it is not regarded as if the ordinary man has more power than *hekdes*.] (28b – 29a)

Mishna

All *mitzvos* of the son upon the father (*the Gemora will explain*), men are obligated, but women are exempt. All *mitzvos* of the father upon the son, men and women are obligated. Any positive *mitzvah* that time causes, men are obligated, but women are exempt. However, any positive *mitzvah* that time does not cause, men and women are obligated. And all negative *mitzvos*, whether time causes them or not, men and women are obligated. The exceptions to this rule are the prohibition against rounding the corner of one's head, the prohibition against destroying the corner of one's beard and the prohibition against (*a Kohen*) becoming *tamei* to the dead. (29a)

Mitzvah for the Son

The *Gemora* asks: What does the *Mishna* mean when it stated: All *mitzvos* of the son upon the father? If you will say that it means that any *mitzvah* that a son is obligated to perform for his father, women are exempt, how can this be? It was taught in a *braisa* that men and women are obligated to fear their parents!?

Rav Yehudah answers: This is what the *Mishna* means: Any *mitzvah* involving the son that the father is obligated to perform for the son, men are obligated, but women are exempt.

Accordingly, this would be the same as the following *braisa*: A father is obligated with regards to his son, to circumcise him, to redeem him (*if he is a firstborn*), to teach him Torah, to marry him off and to teach him a trade. Some say: He is required to teach him to swim in water as well. Rabbi Yehudah says: One who does not teach his son a trade is as if he taught him how to steal

(for that will be the only way for him to sustain himself). (29a)

Circumcision

The *Gemora* cites the Scriptural sources proving that a father has the obligation to circumcise his son. If he doesn't fulfill this obligation, *Beis Din* is required to do it. And if *Beis Din* does not circumcise him, he is obligated to circumcise himself (*when he becomes an adult*).

The *Gemora* asks: From where do we know that his mother is not obligated to circumcise him?

The *Gemora* answers: It is from the verse: *And Avraham circumcised Yitzchak his son.... as Hashem commanded him*. Hashem commanded him, but not her.

The *Gemora* cites a Scriptural source proving that the father is obligated to circumcise his son, even in later generations (*not only by Avraham*). (29a)

Redeeming the Firstborn

The *Gemora* cites a Scriptural verse proving that that a father has the obligation to redeem his firstborn son. If the father doesn't fulfill his obligation, he is obligated to redeem himself.

The *Gemora* cites Scriptural verses proving that the mother is not obligated to redeem her firstborn son and that a firstborn woman is not obligated to redeem herself and that others are not obligated to redeem her.

The *Gemora* cites a *braisa*: If he and his son both need to be redeemed, he takes precedence over his son. Rabbi Yehudah says: His son takes precedence, for his father has the *mitzvah* to redeem him, but it is his *mitzvah* to redeem his son.

Rabbi Yirmiyah said: Everyone would agree that he takes precedence over his son in a case where he only has five *sela'im* (enough to redeem only one person), for a *mitzvah* which concerns himself takes priority over someone else's *mitzvah*.

They argue in the following case: There are five *sela'im* worth of land that were sold to someone else and five *sela'im* worth of land that are "free" (the father still owns it). Rabbi Yehudah holds that a debt which is written in the Torah (such as the obligation to redeem the firstborn) is similar to one that is written in a document (and it can therefore be collected from mortgaged property). He redeems his son with the five *sela'im* of "free" land and then the *Kohen* can seize the five *sela'im* of mortgaged property for the father's obligation. [The "beholden" property is only mortgaged for the father's obligation, but not for the son's. This is because the father sold it before there was any obligation to redeem his son.] The *Chachamim*, however, maintain that that a debt which is written in the Torah is not like one that is written in a document (and therefore he only has five available *sela'im* for redemption). Since a *mitzvah* which concerns himself takes priority over someone else's *mitzvah*, he uses the money to redeem himself.

The *Gemora* cites a *braisa*: If one has enough money to either redeem his firstborn son, or to ascend to Yerushalayim for a festival, he should redeem his son and then, travel to Yerushalayim. [This is based upon a Scriptural verse, which discusses the *mitzvah* of redeeming one's son before the *mitzvah* of *aliyah l'regel*.] Rabbi Yehudah says that the *mitzvah* of traveling for the festival takes precedence over the *mitzvah* of redeeming his firstborn, for this *mitzvah* (traveling for the festival) passes with time (after the festival, he cannot fulfill this *mitzvah* any longer), but this *mitzvah* (redeeming the firstborn) does not pass with time (for even if one does not redeem his son within thirty days, he still may do so afterwards).

The *Gemora* cites a *braisa*: How do we know that if one has five (firstborn) sons from five wives that he is obligated to redeem them all? It is written: All firstborn of your sons you shall redeem.

The *Gemora* asks: Isn't this obvious? The *mitzvah* of redemption is dependent on the "opening of the womb" of the mother (so they each are considered the firstborn)?

The *Gemora* answers: We might have thought that we should learn a *gezeirah shavah* from inheritance and we would say: Just as with respect to the laws of inheritance, the firstborn is the "first of the father's strength," so too, with respect to redemption, it would depend on the firstborn from the father. The verse therefore teaches us that this is not the case. (29a – 29b)

Studying Torah

The *Gemora* provides the Scriptural sources, which prove that a father is obligated to teach his son Torah and that he is obligated to teach himself if the father did not teach him.

The *Gemora* cites Scriptural sources proving that the mother is not obligated to teach her son Torah and that she is not obligated to teach herself and that others are not obligated to teach her.

The *Gemora* cites a *braisa*: If one has enough money to either study Torah himself, or that his son should study, his *mitzvah* takes precedence over that of his son. Rabbi Yehudah says: If his son is attentive, brilliant and he remembers that which he studied, his son's *mitzvah* takes precedence over his.

The *Gemora* relates an incident to illustrate this point. Rav Acha bar Yaakov sent his son, Rav Yaakov to study Torah by Abaye. When he returned home, his father saw that he



was not clear in his studies. He therefore told his son, "It is better for me to study than you; you sit here, so I can go."

Abaye heard that Rav Acha bar Yaakov was coming. There was a certain demon that haunted Abaye's Beis Medrash, so that when two people entered, even by day, they were injured. Abaye instructed the community not to provide Rav Acha shelter when he would arrive in the city, thus forcing him to spend the night at the Beis Medrash; perhaps a miracle will happen (*in his merit*). Rav Acha entered the city and spent the night in that Beis Medrash, during which the demon appeared to him in the guise of a seven-headed snake. Every time Rav Acha fell on his knees in prayer one head fell off. The next day he reproached them, "Had not a miracle occurred, you would have endangered my life."

The *Gemora* cites a *braisa*: One should study Torah and then get married. However, if he cannot remain without a wife, he should marry first and then study Torah.

Rav Yehudah said in the name of Shmuel: The *halachah* is that one should marry first and then study Torah. Rabbi Yochanan retorted: How can he study Torah with a millstone around his neck (*the yoke of providing for his family*)?

The *Gemora* concludes that in fact, there is no argument on the matter. Shmuel was dealing with the people living in Bavel (*who went to study the Mishna in Eretz Yisroel, and were therefore not burdened with the responsibility of providing for their family*) and Rabbi Yochanan was discussing the people living in Eretz Yisroel. (29b)

INSIGHTS TO THE DAF

WOMEN PLOWING

DURING SHEMITAH

The *Gemora* in Moed Katan presents a dispute between Rabbi Yochanan and Rabbi Elozar whether one would incur the thirty-nine lashes if he would plow during Shemitah.

Rashi (2b) states that there is a positive commandment which forbids plowing on Shemitah. It is written [Shmos 34:21]: *From plowing and harvesting you shall desist*. The point of contention between the two Amoraim is if there is a negative commandment as well.

The Rambam in Hilchos Shemitah rules that one who plows during Shemitah does not incur the thirty-nine lashes. Kesef Mishna explains: Since in our *Gemora*, it was left ambiguously regarding which *Amora* held what, we cannot administer the lashes when there is uncertainty.

Sha'ar Hamelech in the beginning of Hilchos Shemitah writes that the Yerushalmi in Shabbos (7:2) states that Rabbi Yochanan is the one who maintains that he does not receive the lashes and the rule is that when Rabbi Yochanan and Rabbi Elozar argue, the halacha is in accordance with Rabbi Yochanan.

Minchas Chinuch (112) comments that women are obligated in this *mitzvah* even though it is a positive commandment that has a time element to it and the principle is that women are exempt from any positive *mitzvah* which is governed by time. He explains that this is applicable only regarding a positive *mitzvah* that is incumbent on the body of the person and not a *mitzvah* like Shemitah, which is a *mitzvah* that is dependent on the land (*mitzvos hateluyos ba'aretz*).

Proof to this is cited from the Ritva in Kiddushin (29a). The *Gemora* rules based on a Scriptural verse that women are not obligated to perform a circumcision on their sons. Tosfos asks: Why is a verse necessary; circumcision is a

positive *mitzvah* which is governed by time since the *mitzvah* can only be performed by day, and women are exempt? The Ritva answers: Any *mitzvah* which is not related to the person themselves; this principle does not apply. The *mitzvah* of *milah* is to perform the circumcision on the son and therefore women would be obligated if not for the special verse teaching us otherwise.

DAILY MASHAL

Miracle of Prayer

The *Mishna* in Rosh Hashanah states that whenever Moshe held up his hand, Israel prevailed (*against Amalek*). The *Mishna* asks, do Moshe's hands make or break the battle? Rather, this teaches you that so long as Israel were looking upwards and subjugating their hearts to their Father in Heaven, they were victorious; if not, they would fall.

The Netziv in Merumei Sadeh asks on the *Mishna's* question. What was so strange about Moshe's hands making the battle? Didn't Moshe's hands split the sea and perform other miracles as well through his hand?

He answers that the fight against Amalek had to be won in a natural way and not through a miracle. Perhaps we can add that fighting Amalek is in essence the fight that we have daily with our evil inclination. This fight could not be left to miracles. This is what is bothering the *Mishna*. Could the battle have been won through Moshe's hands like the other miracles? The *Mishna's* answer is no, it could not have been since this battle required a victory through natural means.

Let us examine the answer of the *Mishna*. Rather, this teaches you that so long as Israel were looking upwards and subjugating their hearts to their Father in Heaven, they were victorious; if not, they would fall. Isn't the

Mishna stating that they relied on a miracle from Above. They looked upwards and they were victorious. How can this be explained?

The *Gemora* in Kiddushin (29b) relates an incident with Abaye and Rav Acha bar Yaakov. There was a certain demon that haunted Abaye's Beis Medrash, so that when two people entered, even by day, they were injured. Abaye instructed the community not to provide Rav Acha shelter when he would arrive in the city, thus forcing the father to spend the night at the Beis Medrash; perhaps a miracle will happen [in his merit]. Rav Acha entered the city and spent the night in that Beis Medrash, during which the demon appeared to him in the guise of a seven-headed dragon. Every time Rav Acha fell on his knees in prayer one head fell off. The next day he reproached them, "Had not a miracle occurred, you would have endangered my life."

The Maharsha in his commentary to Kiddushin asks that how did Abaye have permission to place Rav Acha in such a precarious position. One is forbidden to rely on a miracle? He answers that Abaye understood the potency of Rav Acha's prayer. Abaye was certain that Rav Acha's prayers to the Almighty would be answered and that this is not a miracle. Hashem has instilled in this world the power of prayer and incorporated it into the natural order of the world.

This is what our *Mishna* is answering. Amalek has to be defeated through natural means and that is what Klal Yisroel did at that time. They cried out to Hashem and subjugated their hearts towards Him and were answered.