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Kiddushin Daf 35

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h
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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

Source for the Rules

The *Gemora* asks: This (*that we do not learn that women are obligated in mitzvos that are not caused by time*) is understandable according to those opinions that hold that we do not derive from two *mitzvos* where the same rule is stated. However, according to the opinions that we do derive from such a source, why don't we derive that women are obligated in *mitzvos* that are caused by time? Additionally, how do we know that they are obligated in *mitzvos* that are not caused by time?

The *Gemora* answers: We derive this from fearing one's parents (*which she is obligated to do*). Just as she is obligated to fear her parents, so too, she is obligated to perform all *mitzvos* that are not caused by time.

The *Gemora* asks: Why don't we derive that she is exempt from these *mitzvos*, just as she is exempt from Torah study?

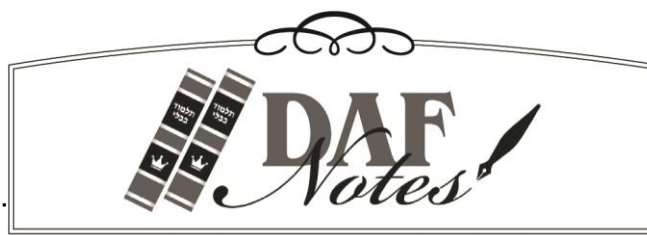
The *Gemora* answers: This is because Torah study and procreation are two *mitzvos* where the same rule is stated, and we therefore do not derive this rule applies to other *mitzvos*.

The *Gemora* asks: But according to Rabbi Yochanan ben Beroka, who said: On both of them (*Adam and Chavah*) the verse states, “*And God blessed them and said... be fruitful and multiply and fill etc.*” [*he holds that a woman is also commanded to populate the world.*], what is there to say?

The *Gemora* answers: This is because Torah study and the redemption of a firstborn son are two *mitzvos* where the same rule is stated, and we therefore do not derive this rule applies to other *mitzvos*.

The *Gemora* asks: But according to Rabbi Yochanan ben Beroka, let the *mitzvos* of procreation and fearing one's parents be two *mitzvos* where the same rule is stated (*and we therefore should derive that women are exempt from mitzvos that are not caused by time*)!?

The *Gemora* answers that these two verses are necessary. For if the Torah would only state that a woman is obligated in the *mitzvah* of fearing her parents, but it would not say this regarding the *mitzvah* of procreation, I would have said that only a man is obligated in this *mitzvah*, for it is written: (*Be fruitful and multiply, fill the earth*) and subdue it. Since it is natural only for a man to subdue the earth (*through war*), it is only he who is obligated to procreate, but not the woman. And if the Torah would only state that a woman is obligated in the *mitzvah* of procreation, but it would not say this regarding the *mitzvah* of fearing her parents, I would have said that only a man is obligated in this *mitzvah*, for only a man is able to perform this *mitzvah* without any interference; however, a woman, who cannot perform this *mitzvah* at all times (*for her obligations to her husband may prevent her from fearing her parents*) will not be obligated in this *mitzvah*. Therefore, both verses are necessary (*to teach us that the women are obligated in these mitzvos, and therefore, we may derive from these mitzvos that a*



woman is obligated in a positive commandment which is not caused by time).

The Gemora asks: This (that we do not learn that women are exempt from mitzvos that are not caused by time) is understandable according to those opinions that hold that we do not derive from two mitzvos where the same rule is stated. However, according to the opinions that we do derive from such a source, why don't we derive (from Torah study and the redemption of the firstborn) that women are exempt from performing mitzvos that are not caused by time?

Rava offers a new source to teach these rules. Rava said: The Papuneans know the reason for these things. Rav Acha bar Yaakov cites the following verse: *And it shall be a sign for you on your arm and a memorial between your eyes, so that the Torah of Hashem may be in your mouth.* The entire Torah is compared to the mitzvah of tefillin. Just as tefillin is a mitzvah which is caused by time and women are exempt from performing it, so too, women will be exempt from all positive mitzvos that are caused by time. And from here we can infer that women will be obligated to perform all positive mitzvos that are not caused by time.

The Gemora asks: This is only understandable according to the opinion who holds that tefillin is a mitzvah caused by time! However, according to the opinion who disagrees that it is not caused by time (because one would be obligated to don tefillin at night and on Shabbos and Yom Tov), what is there to say?

The Gemora answers: Who is the Tanna that holds like that? It is Rabbi Meir! And he maintains that we do not derive from two mitzvos where the same rule is stated. [Therefore he can derive from the mitzvah of ri'yah that women are exempt from mitzvos caused by time, and he does not derive from matzah and hakhel that they are obligated in mitzvos caused by time.]

The Gemora asks: But according to Rabbi Yehudah, who maintains that we do derive from two mitzvos where the same rule is stated, and he holds that tefillin is a mitzvah which is not caused by time, what is there to say? [How will he know that women are exempt from performing mitzvos that are caused by time?]

The Gemora answers: It is because matzah, rejoicing on Yom Tov and hakhel are three mitzvos where the same rule is stated (that women are obligated in these mitzvos even though they are caused by time), and we cannot learn from three mitzvos where the same rule is stated. (34b – 35a)

Source to Exempt Women from all Lo Sa'aseh's

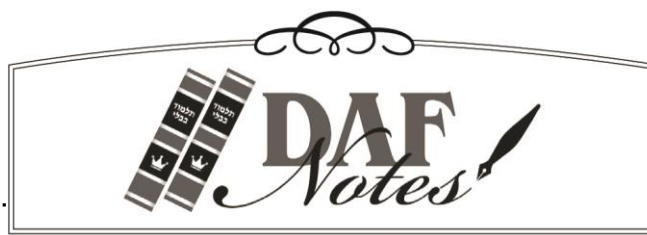
The Mishna had stated: And all negative mitzvos, whether time causes them or not, men and women are obligated.

The Gemora asks: What is the source for this?

Rav Yehudah said in the name of Rav, and it was also taught like this in the Beis Medrash of Rabbi Yishmael: It is written: *A man or woman who will do from among any of the sins of a person.* This teaches us that all punishments that are mandated by the Torah for sinners are for both men and women alike.

In the Beis Medrash of Rabbi Eliezer they taught: It is written: *that you shall place before them.* This teaches us that all monetary laws in the Torah are for both men and women alike.

In the Beis Medrash of Chizkiyah they taught: It is written: *and the ox killed a man or a woman.* This teaches us that all killings in the Torah are for both men and women alike (it makes no difference who was killed).



The *Gemora* notes that all three of these inclusions are necessary (*and any two of them cannot be derived from the other one*). If we would only know the first one, we would have said that only there does it apply to women as well, for the Torah had compassion on her with respect to atonement, but monetary laws, which are more applicable to a man, for it is he who is involved in business activities, perhaps a woman is not included in them. And if we would only know the second one, we would have said that only there does it apply to women as well, for it greatly affects her life (*for otherwise, everyone would steal from her and she would steal from others*), but redemption (*the payment for an ox killing a person*), which are more applicable to a man, for it is he who is obligated in *mitzvos*, perhaps a woman is not included in them. And if we would only know the last one, we would have said that only there does it apply to women as well, for the Torah had compassion on her because of the loss of life, but the other two, perhaps a woman is not included in them. Therefore, all three are necessary. (35a – 35b)

Sources for the Exceptions

The *Mishna* had stated: 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. [*Women are exempt from these prohibitions.*]

The *Gemora* cites the Scriptural sources for these exceptions: We know why a Kohanite woman is exempt from the prohibition against becoming *tamei* to the dead because it is written: *Tell the Kohanim, the sons of Aharon*. We learn from there that the prohibition is applicable only to the sons of Aharon, but not to the daughters of Aharon.

The *Gemora* asks: How do we know that they are not included in the prohibition against rounding the corner of one's head and the prohibition against destroying the corner of one's beard?

The *Gemora* answers: It is written [Vayikra 19:27]: *You shall not round off the corner of your head, and you shall not destroy the edge of your beard*. Whoever is included in the prohibition of destroying their beard is also included in the prohibition against rounding the corners of their head. And since a woman is not included in the prohibition of destroying their beard, they are also not included in the prohibition against rounding the corners of their head

The *Gemora* asks: From where do we know that they are not included in the prohibition against destroying their beard?

The *Gemora* answers: Either it is based upon the logic that they do not have a beard. Alternatively, it can be based upon the following verse: *You shall not round off the corner of your head, and you shall not destroy the edge of your beard*. Since the Torah switched from the plural (*your head*) to the singular (*your beard*), it teaches us that that there is a prohibition for a man to destroy his beard, but not his wife's beard.

The *Gemora* asks: And a woman is not prohibited from destroying her beard!? But we learned in a *braisa*: If a woman or a *сарis* (*a male who cannot mature sexually*) grew hair, it is regarded as a beard for all matters. Seemingly, this would be telling us that her beard cannot be destroyed!?

Abaye answers: It cannot be referring to the destruction of her beard, for we derive through a *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*) from the sons of Aharon using the words *corner of, corner*



of. Just as women are exempt from the prohibition regarding Kohanite women, so too, they are exempt from the general prohibition against destroying their beards.

The *Gemora* asks: If when the Torah wrote *the sons of Aharon* (in the first verse discussing the prohibitions related to Kohanim), it is in reference to the entire passage, why would we need a *gezeirah shavah* (exempting women from the general prohibition against destroying their beards)? Let us derive this exemption from the following *kal vachomer*: Although a *Kohen* is more stringent, as the Torah included him in being commanded in more commandments, nevertheless, the Torah only prohibits the male *Kohanim* from destroying their beards and not the women; certainly with regard to the general prohibition, only a man will be included and not the women!?

The *Gemora* answers: If not for the *gezeirah shavah*, we would have thought that the Torah interrupted the matter (which was relevant only to the male Kohanim by stating the *mitzvah* of becoming *tamei* to close relatives).

The *Gemora* asks: Now also, let us say that the Torah interrupted the matter! And as far as the *gezeirah shavah*, we will use it for that which is taught in the following *braisa*: “They should not shave the corners of their heads.” One might think that he is even liable if he shaves with a scissors. The verse therefore states: “And you should not destroy.” If the prohibition is destroying, one would think that shaving with planes would make one liable. The verse says: “And they should not shave off their corners.” What is a case of shaving that entails destroying? This must mean shaving with a razor.

The *Gemora* answers: If the *gezeirah shavah* would only be needed to teach the prohibition of shaving with a razor, the Torah could have written, *that of your beard*. By the fact that the Torah wrote, the corner of your beard,

that teaches us both *halachos* (shaving with a razor and the exemption to women).

The *Gemora* asks: If women are exempt from the prohibition against destroying their beards, what did the *braisa* mentioned above mean when it stated that their beards are regarded as a beard for all matters?

Mar Zutra answers: It is with respect to the *tumah* of *tzaraas*. [The *halachos* of *tzaraas* are different with regards to beards than they are with skin.]

The *Gemora* asks: Why would a *braisa* be necessary to teach this *halachah*? It is explicitly mentioned in the Torah!?

The *Gemora* answers: The *braisa* is teaching us that her facial hair is regarded as a beard with respect to the *halachah* of *taharah* for the *tzaraas*. (35b)

INSIGHTS TO THE DAF

A Woman Shaving

The Torah writes [Vayikra 19:27]: *Lo sakifu pe'as rosh'chem*. You shall not round the corners of your head. Here, it is written in a plural form “*roshchem*.” Yet, by the destruction of one’s beard, it is written: *V’lo sashchis pe’as z’kanecha*. And you shall not destroy the corners of your beard. There, it is written in the singular form, “*z’kanecha*.” Why does the Torah change?

The *Meshech Chochmah* explains according to the following *Rambam* (*Avodah Zarah* 12:5): Although a woman is permitted to shave the corners of her head, she is prohibited from shaving the corners of a man’s head. However, with respect to the prohibition of destructing one’s beard, the *Rambam* (12:7) writes: A woman is permitted to destroy her own beard if she has beard hair,



and if she destroys the beard of a man, she is exempt. It emerges that there is a clear distinction between the *halacha* of a woman rounding the corners of a man's head and her shaving a man's beard.

Accordingly, it can be understood why the Torah uses the plural form when discussing the prohibition of rounding one's head, for a man and a woman are included in this prohibition. However, with respect to the prohibition of destroying one's beard, the Torah uses the singular form, because only the man is liable, not the woman.

DAILY MASHAL

Reasons for a Mitzvah

The Tur (Y"D 181) cites the Rambam who writes that the Torah prohibits rounding the corners of one's head and destroying one's beard because it was the practice of idolaters.

The Tur writes that we do not need to seek out the reasons for *mitzvos*, for they are the King's commandments, even if we do not understand the reason.

The Beis Yosef defends the Rambam, and he writes that there is no one who is concerned for the honor of the Torah and its *mitzvos* more than the Rambam. Although the laws of the Torah can be decrees from the King, nevertheless, wherever a reason for the *mitzvah* is found, it may be said. Whenever a reason cannot be found, it should be attributed to our shallow understanding. We are, nonetheless, obligated to fulfill those *mitzvos* that we do not understand its reasons in the same manner as we are obligated to fulfill those *mitzvos* that we do understand.

He concludes that the Rambam did not think up the reason for these *mitzvos* himself; rather, he saw from the juxtaposition of the verses that this is the reason for these prohibitions.

The Rama explains the Tur: Heaven forbid to think that the Tur suspected the Rambam to mean that if one does not understand the rationale for a *mitzvah*, he is not obligated to fulfill it. No sage will believe such a thing! However, those heretics who deny the truth of the Torah only believe in a *mitzvah* that they understand its reason. Rather, the following is the way that the Tur understood the Rambam: It is only if one shaves his head or destroys his beard in the same manner that the idolaters do; that is when one has transgressed this prohibition. The Tur writes that it is forbidden in any fashion whatsoever. Since the reason is not explicit in the Torah, the prohibition always applies. There is no room for leniency in a place where the reason is not applicable!