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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

Things and Ways

The *Gemora* asks: Doesn't the *Mishnah* say that a *koi* (animal that is unclear whether it is classified as a “chayah” -- “wild animal” or “beheimah” -- “domesticated animal”) has ways that it is like a *chayah*, ways that it is like a *beheimah*, ways that it is like both, and ways that it is like neither? Why doesn't it say “things” instead of “ways?” Additionally, another *Mishnah* states: This is one of the ways that the *Get* of a woman is similar to the *Get* of a slave. Why didn't it say “things?”

The *Gemora* answers: Whenever there is an argument (or the *Mishnah* would like to exclude certain cases; see *Rashi* how this pertains to each case mentioned in our *Gemora*), the *Mishnah* states “ways.” Whenever there is no argument, the *Mishnah* states “things.” This is also apparent from the end of the *Mishnah* (regarding an *esrog* quoted above) which states, “Rabbi Eliezer said: An *esrog* is equivalent to a tree in all things.” (3a1)

What are the Numbers Excluding?

The *Gemora* asks: When the *Mishnah* says the number of ways that she can be acquired and the number of ways she acquires herself, what is it excluding? [It didn't have to say “three” and “two,” as we know how to count.]

The *Gemora* answers: The first part of the *Mishnah* excludes *chupah* (as a mode of *kidushin*).

The *Gemora* asks: According to Rav Huna who says that *chupah* is a valid mode of *kiddushin*, what is the *Mishnah* coming to exclude?

The *Gemora* answers: It must be coming to exclude *chalifin* (another mode of acquisition). One would think that because we derive the mode of acquisition of *kiddushin* (of money) from the acquisition of Efron's field, we should therefore say that just as a field is acquired through *chalifin*, so too, a woman can be acquired through *chalifin*. This is why the *Mishnah* tells us that there are only three ways.

The *Gemora* asks: Why don't we learn from Efron that *chalifin* works by *kiddushin* as well?

The *Gemora* answers: This is because *chalifin* is valid by transactions that are less than a *perutah*, while a woman can only be acquired with a *perutah* (or the equivalent of a *perutah*).

The *Gemora* asks: What is the reason for specifying in the latter part of the *Mishnah* “two ways?”

The *Gemora* answers: One would think that we could derive from a *yevamah* that she should also be able to acquire herself through *chalitzah*. If a *yevamah* cannot acquire herself with a *Get*, but she can acquire herself through *chalitzah*, certainly a regular married woman, who can acquire herself with a *Get*, can acquire herself with *chalitzah*! The *Mishnah* therefore says she can only be acquired in two ways, excluding *chalitzah*.

The *Gemora* asks: Perhaps we should say she should indeed acquire herself with *chalitzah*!

The *Gemora* answers: The verse states, “*sefer krisus*” -- “a book (*Get*) of cutting off.” This implies that only a book can



cut her off from her husband (*when he is alive*), nothing else.
(3a2 – 3b1)

How Do We Know Money Works?

The *Gemora* asks: How do we know that she is acquired with money? Additionally, the *Mishnah* states that a father accepts the *kiddushin* of his daughter (*when she is a minor or a na'arah*) whether by money (*which he keeps*), document (*which he accepts*), or cohabitation (*he gives her to her soon-to-be husband for that purpose*). How do we know that he receives this money?

Rav Yehudah says in the name of Rav: The verse states (*regarding a Jewish maidservant*), “*And she will go out free, without money.*” This implies that while this master does not receive money, there is another “master” who does receive money. This must be referring to a father who keeps the *kiddushin* money of his daughter.

The *Gemora* asks: Why don't we say it refers to the girl herself?

The *Gemora* answers: If her father accepts her *kiddushin*, as is clearly indicated by the verse, “*My daughter I have given to this man,*” is it logical that she should keep it?

The *Gemora* asks: Perhaps this is true regarding a minor who has no hand (*legal way*) to acquire *kiddushin*. However, a *na'arah* (*between twelve and twelve and a half*), who has a hand to acquire *kiddushin*, perhaps she should be able to accept *kiddushin* on her own and acquire it for herself!

The *Gemora* answers: The verse states, “*in her time of na'arus, when she is in her father's house.*” This implies that her benefits when she is a *na'arah* go to her father.

¹ Besides the fixed *kenas*, the seducer must pay her father for the shame she sustained and her loss in social standing, which has a monetary value. These are ordinary payments for injury inflicted and therefore provide a basis for analogy.

² For her father could inflict these on her by marrying her to a man suffering from repulsive disfigurement.

The *Gemora* asks: Rav Huna says in the name of Rav: How do we know that the (*profit from the*) work of a daughter goes to the father? This is from the verse, “*And if a person will sell his daughter as a maidservant.*” This verse indicates that just as a master receives the benefit of the work of his maidservant, so too, a father receives the benefit of the work of his daughter. Why don't we derive Rav's teaching from “*in her time of na'arus when she is in her father's house?*”

The *Gemora* answers: The teaching from “*in her time of na'arus etc.*” is only pertinent to the laws of annulling vows. Here, as well, the verse is only pertinent to vows (*and we therefore need Rav's teaching from “And if a person etc.”*).

The *Gemora* asks: If you will ask, why don't we derive her monetary status from her status regarding prohibitions (*vows*)?

The *Gemora* answers: We do not derive topics of money from topics of vows.

The *Gemora* asks: If you will ask, why don't we derive her monetary status from her status regarding fines (*the fact that her father receives the fine if she is seduced or raped*)?

The *Gemora* answers: We do not derive topics of money from topics of fines.

And should you say: We may learn it from [the indemnity payable for her] humiliation and depreciation¹ — yet humiliation and depreciation are different, since her father has a stake in them.² — But [answer thus:] it is logical that when an exclusion is made, it applies to an analogous regarding departure.³ But the one departure is dissimilar to

³ After all, the matter is deduced from ‘and she shall go out for nothing’ without money, the reasoning being as follows: The verse teaches that only for a *naarah* is no payment due for gaining her freedom. Now, if it were due, it would obviously be her master's; hence when we learn that elsewhere, sc. marriage,



the other: there [e.g., the naarah's emancipation] she passes from her master's authority completely; whereas here, she is still lacking being given over for chuppah? — Nevertheless, she passes out of his control in respect of annulment of vows; for we learned: A betrothed naarah — her father and husband [together] may annul her vows. (3b1 – 4a1)

DAILY MASHAL

Marriage Protection

In the times of the author of the [small] “Tashbatz” it was a custom that chassanim donated a paroches for the Aron HaKodesh of the sefer Torah. The Tashbatz (§464) explains this minhag by citing a Gemara (Eruvin 64a) about ayin hara [the evil eye]. If a person acquires something valuable from hefker [i.e. it was ownerless] and he therefore becomes afraid of ayin hara, he should purchase a sefer Torah. By purchasing an item that is used for a mitzvah he is protected from harm. Likewise, when he begins his marriage, he buys a paroches for a sefer Torah, for thereby, he has less reason to be apprehensive about shalom bayis [domestic harmony].

Interestingly, the Tashbatz continues by noting that to make kiddushin – which the Torah calls “erusin,” the chassan says to his kallah, “Behold you are mekudeshes [betrothed, lit. sanctified, consecrated] to me by means of this ring, according to the das [ritual] of Moshe and Yisroel.” Chazal say that when HaShem gave the Torah to the Jewish nation, He was “betrothing” us. On the pasuk (Devarim 33:4), “Moshe commanded us Torah; it is a morahsah [inheritance] for the community of Yaakov,” Chazal say, “Do not read morashah, but rather meorasah [betrothed].” Therefore, when the chassan says to his kallah that he is giving her the ring and marrying her “according to the das of Moshe and Yisroel,” he is referring to Har Sinai and the giving of the Torah. He is taking her as a wife by giving her something, as HaKodesh Baruch took the Jewish nation as a “wife” by giving us the Torah.

payment is due, it is likewise due to the master whom she leaves, viz., her father.

For this reason, when he makes the kiddushin, the man starts by saying the words harei at – “Behold, you.” The word harei starts with the letter hey, whose gematriya is five. He thereby alludes to the Five Books of the Torah. Similarly the kesuvah starts with the letter beis, just like the Torah starts with the letter beis. Finally, just as the Torah was given with seven voices, as is written, “The voice of HaShem is upon the waters . . .” (Tehillim 29:3) so did they enact that the chassan and kallah should have the sheva berachos.

The Tashbatz also notes that the Jewish nation is called a kallah in ten different places, to allude to the Ten Commandments. Thus, a minyan of ten men must be present for the simchah of the sheva berachos.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: What are the three methods for a man to acquire a wife?

A: Money, document and cohabitation.

Q: Why do we find that “derech” can sometimes be written in a masculine form and sometimes in a feminine form?

A: It depends on what the Torah or *Mishnah* is referring to.

Q: Why does the Torah say, “When a man will take a woman,” and not “When a woman will be taken to a man”?

A: 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.]