



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**"Ein" with a "Yud"**

The *Gemora* asks: Does the verse *"And she will go out for free,"* indeed teach us this (*that her father receives her kiddushin*)? Don't we need it for the teaching stated in the following *Baraisa*? The *Baraisa* states: *"And she will go out for free"* - this teaches us that she goes out if she is an adult. *"Without paying money"* - teaches that she goes out if she becomes a *na'arah* (*the Gemora later will ask why both teachings are necessary*)!?

Ravina answers: If this were the only teaching derived from this verse, the verse should state *"ein (without the 'yud') kesef"* -- *"without paying money."* Being that it adds an extra letter (*yud*) into the word *"ein,"* we can also derive the teaching that her father receives her *kiddushin*.

The *Gemora* asks: Where is there a precedent that an extra letter inserted into a word teaches us a separate teaching?

The *Gemora* answers: This is found in the following *Baraisa*. The *Baraisa* states: *"And she does not have children."* We only know this (*that a Kohenes who married a regular Jew and did not have children from him can go back to her father's house and eat terumah*) if she does not have children. How do we know that the same law would apply if she had a grandchild (*but her child died*)? The verse states: *"V'zera ein la"* -- And she has no children." The word *"ein"* can also be interpreted as *"investigate"* (*if read with an ayin instead of an alef*). This means she may only eat *terumah* if she has no regular

descendants. We only know that legitimate descendants render her unable to eat *terumah*. What about descendants who are illegitimate (*i.e. mamzer*)? The above teaching of *"investigate"* teaches us that such descendants would also disqualify her from eating *terumah*.

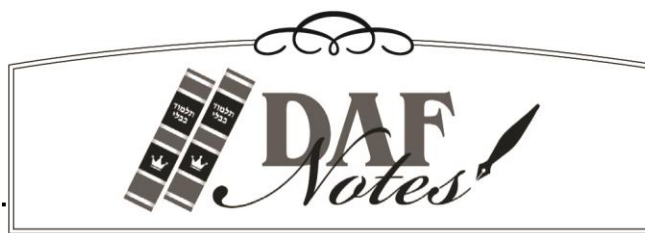
The *Gemora* asks: Didn't we already use this teaching to include grandchildren?

The *Gemora* answers: In fact, the *Baraisa* did not really need the teaching for grandchildren, as we always state that grandchildren have the status of children. The teaching is really required to include illegitimate children.

The *Gemora* asks: How does the *Tanna* know that the word *"ein"* without a *yud* sufficiently conveys *"no?"*

The *Gemora* answers: The verse states, *"Me'ein Bilam"* and *"Me'ein yevami."* In both places the meaning is *"no"* and is spelled without a *yud*. It must be that when such a word has a *yud*, it is meant to convey another teaching.

The *Gemora* explains: It is still necessary for us to have one verse teaching that her father receives her *kiddushin*, and one verse teaching that he receives the benefits of her work. If it would just say he receives her *kiddushin*, we would say the Torah did not let her keep it as she did not work for it anyway. However, perhaps she should keep the benefits of her work. If it would say he keeps her work money, this is because he supports her. However, her *kiddushin* money that is not connected to her supporting



her, perhaps she should keep. This is why both were necessary. (4a2b4 – 1)

### **The Source that Money Works**

The *Baraisa* had stated: “*And she will go out for free*” - this teaches us that she goes out if she is an adult. “*Without paying money*” - teaches that she goes out if she becomes a *na’arah*.

The *Gemora* asks: Let the Torah merely teach us that she goes free as a *na’arah*, and it does not need to teach us that she goes free as a “*bogeres*” -- “adult” (*as she will always be a na’arah before a bogeres*)!

Rabbah answers: One teaches us about the other, just like the words “*toshav*” and “*sachir*.” The *Baraisa* states: “*Toshav*” -- this is someone who is acquired forever (*known as a “nirtza,” meaning a Jewish slave who refused to leave his master after being a slave for six years, and remained as a slave*). “*Sachir*” -- this is someone who is only acquired for a number of years (*meaning he is within the six-year period of servitude*). Why doesn’t the verse (*teaching us that these people do not eat terumah if they are owned by a Kohen*) merely say “*toshav*” and we will know that if he doesn’t eat *terumah*, certainly a *sachir* does not eat *terumah*! If so, we would think when the verse would say “*toshav*,” it would mean someone within his six years. The word *sachir* therefore is stated to teach us what *toshav* means.

Abaye said to him: How can we compare this to the teaching regarding a *na’arah* and a *bogeres*? In the case of *toshav* and *sachir*, they are two different types of people that can be present in the *Kohen*’s house at the same time. Even if we were to say that the Torah could have merely said “*nirtza*” and did not have to say “*sachir*,” we can say that the Torah will sometimes spell out something that we could have known anyway. However, here we are talking about the same person. Once she

reaches *na’arus*, she is free. Why is it necessary for the Torah to state *bogeres* as well?

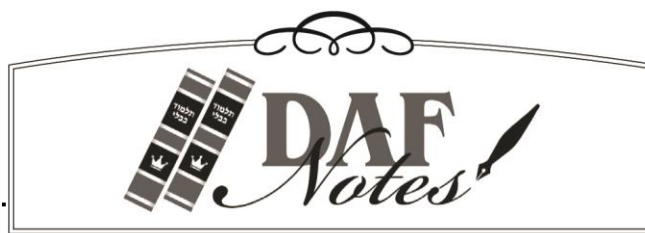
Rather, Abaye states: The verse is required for an “*aylonis*” (*a woman with no signs of femininity who does not become a na’arah because she does not show signs of physical maturity*) who has clearly become an adult. If it would only say she is free when she becomes a *na’arah*, one might think that an *aylonis* who jumps from being a minor to an adult (*without ever becoming a na’arah*) is never set free when she becomes an adult. [*Rashi says at the age of twenty she is declared an adult even if she never showed signs of physical maturity.*] The verse therefore says that she is set free at adulthood as well.

Mar bar Rav Ashi asked: Isn’t it a *kal vachomer*? If signs of physical maturity, that do not take her out of her father’s domain, still take her out of her master’s domain, certainly adulthood, which takes her out of her father’s domain, should take her out of her master’s domain! [*Therefore, why do we need a specific verse to teach us this?*]

Rather, Mar bar Rav Ashi answers: This teaches us that the sale of a minor is valid, even if she turns out to be an *aylonis*. One might think that if a maidservant turns out to have signs of physical maturity of a *na’arah*, it indicates her original sale was valid. However, if she does not end up having these signs, perhaps the entire sale was invalid. This is why the verse is required (*as it teaches that the sale was valid anyway*).

The *Gemora* asks: Why was Mar bar Rav Ashi’s question (*on Abaye*) valid? Don’t we say that even though something could have been derived from a *kal vachomer*, the Torah will explicitly state it anyway?

The *Gemora* answers: This is a last resort type of principle. If we can give another answer, we do so (*which is why Mar bar Rav Ashi did*). (4a2 – 4b1)



A *Tanna* has a different source for the law that a woman is betrothed with money. The verse states: *"When a man takes a wife and has relations with her, and it will be if she does not find favor in his eyes for he found in her etc."* The word *"takes"* indicates with money. This is as it says, *"I gave (prepared) the money for the field, take it from me."*

The *Gemora* asks: Why is a verse necessary? This can be derived from a *kal vachomer*! If a Jewish maidservant, who is not acquired through cohabitation, can be acquired through money, certainly an ordinary woman, who can be acquired through cohabitation, can be acquired through money!

The *Gemora* asks: This can be disproved from a *yevamah*, who is acquired through cohabitation, but not through money!

The *Gemora* answers: A *yevamah* is different as she cannot even be acquired through a document, while this woman can. This is why we need a verse, *"When a man takes etc."*

The *Gemora* asks: This does not answer why we need this verse! We just stated that we can derive this from a maidservant (and successfully pushed aside the question from *yevamah*)!

Rav Ashi says: There is a question from the teaching itself. What is the source of this teaching? This is from the laws regarding a Jewish maidservant. A Jewish maidservant is able to leave her master by giving him money, while a married woman is unable to do so. [We therefore see their laws are dissimilar.] This is why we need the verse, *"When a man takes etc."*

The *Gemora* explains: It is necessary to have both the verses, *"And she will go out for free,"* and *"When a man takes etc."* If only the latter verse would be written, we

would think that every woman who receives *kiddushin* from a man gets to keep it (even a *na'arah* or minor). This is why the verse, *"And she will go out for free,"* is necessary. If it would only say, *"And she will go out for free,"* I would think that if a woman gave money to a man and betroths him that the *kiddushin* would be valid. This is why the verse says, *"When a man takes a woman" (it is not possible for a woman to take a man).* (4b1 – 4b2)

### **Acquiring with Cohabitation**

The *Gemora* states: The verse, *"And he will cohabit with her,"* teaches that a woman is acquired through cohabitation.

The *Gemora* asks: Can't this be derived from a *kal vachomer*? If a *yevamah*, who cannot be acquired with money, can be acquired with cohabitation, certainly an ordinary woman, who is acquired with money, can be acquired with cohabitation!?

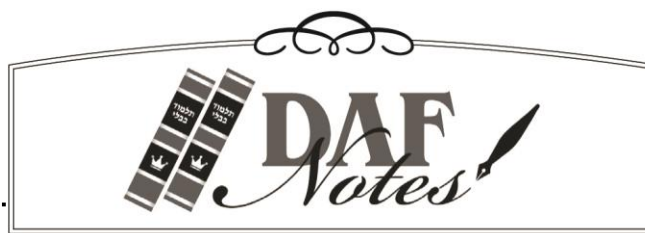
The *Baraisa* answers: A Jewish maidservant proves this wrong, as she is acquired through money, but not through cohabitation.

The *Gemora* asks: What comparison is there to a Jewish maidservant, as her acquisition is not for the purpose of marriage, as opposed to a regular woman and a *yevamah*!

This is why the verse *"And he will cohabit with her"* is required.

The *Gemora* asks: This does not answer why we need this verse! We just stated that we can derive this from a *yevamah* (and successfully pushed aside the question from a Jewish maidservant)!

Rav Ashi answers: There is a question from the teaching itself. What is the source of this teaching? This is from the laws regarding a *yevamah*. A *yevamah* is already



connected to the *yavam* before their marriage, as opposed to a regular *kiddushin* where the two parties have no prior connection. This is why we require the verse, “*And he will cohabit with her.*” (4b2 – 4b3)

## INSIGHTS TO THE DAF

### Sons of sons are like sons

#### The Berachos at the Bris of an Orphan

Our Daf cites the famous principle that “sons of sons are like sons.” That is, someone’s grandchildren are also called his sons. Therefore, if a person’s sons die, lo aleynu, but they left sons after them, the grandfather has fulfilled the mitzvah, “Be fruitful and multiply” (Rambam Hilchos Ishus 15:5). What is more, the grandfather also has the mitzvah to teach his grandchildren Torah, as the Torah writes (Devarim 4:9), “And make them [the words of Torah] known to your children and your children’s children” (Kiddushin 30a, Rambam Hilchos Talmud Torah 1:2).

Apartments to be rented only to children: It happened that a man wrote in his will that when he died, his property should be rented out and the proceeds should be given to hekdesch. The deceased did not bequeath anything to his children, but wrote in his will that they if they rent out his property half the rental fees will be theirs. The grandsons of the deceased also wanted to profit from this section of the will since our Daf teaches us “sons of sons are like sons.” They argued that on this basis, they, too, have the right to rent out the property. However, the Rosh ruled (Klal 82 §3) that since people do not usually use the word “son” to refer to a grandson, the grandfather intended only to give his sons the right to rent out his property.

Whom do we honor for the berachos of the bris? Regarding the bris of a baby who was born an orphan, a

question arose about who would say the berachos before the bris. When the father of the baby is not present, bris, the zechus to recite these berachos belongs to the one “who holds the baby” -- the sandak (Tur and Remoh Yoreh Deah §265). However, in the case in question, the child’s grandfather was also the mohel, and he wanted to say the berachos.

Why do we recite two berachos at the bris? The gaon R. Akiva Eiger Zt”l ruled (Responsa “R. Akiva Eiger Mahdura Kamma” §42) that the grandfather should be honored with the berachos. Normally, R. Akiva Eiger explains, before doing a mitzvah we recite only one beracha. However, when we enter a child into the covenant of Avraham Avinu, two berachos are recited: A) Vetzivanu al hamilah – Who has commanded us regarding milah. B) Lehachniso bebriso shel Avraham Avinu--“Who has sanctified us with His mitzvos, and has commanded us to bring him into the covenant of Avraham, our forefather.” The Levush explains (Yoreh Deah, Ibid., cited in Beis Yosef on the Tur in the name of the “Avudraham”) that the first beracha is the normal beracha on the mitzvah, while the second is praise and thanks to HaShem for the many mitzvos that the father is zocheh to do because of the birth of the child. These mitzvos include teaching the boy Torah, marrying him off and others. Since, like the father, the grandfather is commanded to teach this child Torah, for Chazal tell us that “sons of sons are like sons,” and since he is also the mohel – making him the shaliach of beis din to fulfill the mitzvah – the right to say the two berachos belongs to him.

## DAILY MASHAL

### *kal vachomer*

The *Gemora* states that something which may be derived through a *kal vachomer* (literally translated as *light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it*



employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case), the Torah may anyway take the trouble to write it explicitly.

The Bnei Yissoschar explains the reasoning for this: A *kal vachomer* is based upon logic. One might say that the reason this *halachah* (derived through a *kal vachomer*) is correct is because it is understandable to me; it makes sense. The Torah therefore goes out of its way to write it explicitly in order to teach us that the *halacha* is correct because the Torah said so; regardless of whether it is understood or not.

The Ra"n in *Nedarim* (3a) notes that this concept is applicable by a *hekesh* (when the *halachos* from one topic are derived from another one) as well. The *Gemora* in *Bava Metzia* (61a) states that it also applies to a *gezeirah shavah* (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah).

According to the explanation of the Bnei Yissoschar, we could say that the concept should only apply to a *kal vachomer*, for that is based upon logic. The Torah would not find it necessary to state explicitly a *halachah* which is derived through a *hekesh* or *gezeirah shavah*, for they are not based upon logic at all, and it would be superfluous to write it.

The *Yad Malachei* writes that if the Torah does explicitly write a *halachah* which was derived through one of the thirteen principles of Biblical hermeneutics, we must treat it more stringently than an ordinary *halachah*. This is comparable to a Rabbinical prohibition, which has a slight support from something written in the Torah. *Tosfos* in *Eruvin* (31b) rules that such a prohibition is stricter than an ordinary one, which does not have any Scriptural support.

## QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: What is the *Tanna* excluding by stating that there are "three" ways for a woman to be acquired?

A: Either *chupah* or *chalifin*.

Q: Why can a woman not be acquired through *chalifin*?

A: 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*). [It would therefore be degrading to her to use this type of *kinyan*.]

Q: Why can't we derive that the *kiddushin* money should belong to the father from the verse, "in her time of *na'arus*, when she is in her father's house"?

A: We do not derive topics of money from topics of vows.