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Kiddushin Daf 36

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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

Making a Bald Spot

Issi taught a fourth exception (*that women are exempt from another prohibition*): They are exempt from making a bald spot (*on their head when they are mourning for a dead person*).

Abaye explains the Scriptural source for this *halachah*. Issi derives a *gezeirah shavah*, using the words *korchah*, *korchah* from the sons of Aharon. Just as with respect to the prohibition (*of making a bald spot*) for the *Kohanim*, women are exempt, so too, they are exempt from the prohibition pertaining to all Jews.

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 making a bald spot)*? 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 making a bald spot 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*: *The Kohanim shall not make a bald spot on their head*. You might think that even if he made four or five bald spots, he will only be liable once (*and he will receive lashes only once*), the Torah therefore writes: *korchah*. This (*redundancy*) teaches us that he is liable for each and every one. What do we learn from the fact that the Torah writes, *on their head*? Since it is written (*with respect to the general prohibition*), *You shall not gash yourselves nor make a bald spot between your eyes for the dead*, you might think that he is only liable if he makes the bald spot (*on the scalp*) between (*above*) the eyes. How do we know that he will be liable for the entire head? It is therefore written: *on their head*. And perhaps this is only with respect to *Kohanim*, as the Torah included him in being commanded in more commandments; how do we know that an ordinary Jew is liable for making a bald spot on any part of the head? It says *Korchah* by the *Kohanim* and it says *Korchah* by an ordinary Jew. Just as a *Kohen* is liable for each and every bald spot and he is liable for making a bald spot on any part of the head, so too, an ordinary Jew is liable for each and every bald spot and he is liable for making a bald spot on any part of the head. And just as an ordinary Jew is liable only if he makes a bald spot while he is mourning for a dead person, so too, a *Kohen* is liable only if he makes a bald spot while he is mourning for a dead person. [*So how do we know that this prohibition does not apply to Kohanite women?*]



The *Gemora* answers: If the torah would only be teaching the *gezeirah shavah*, it could have written *kerach* (without the “hey”). Since it wrote *korchah*, it teaches us both.

Rava says that the source for Issi’s teaching is a *gezeirah shavah* from *tefillin*, using the words *between your eyes*. Just as women are exempt from *tefillin*, they are also exempt from the prohibition against making a bald spot.

The *Gemora* explains why each Amora did not use any of the other sources.

Rava didn’t say like Abaye, for he holds that there is no meaningful difference between *kerach* and *korchah*.

Abaye didn’t say like Rava, for he uses the *gezeirah shavah* for the following: Just as the prohibition regarding making a bald spot is in reference to the upper part of the head (a place where hair grows), so too, *tefillin* must be placed on the upper part of the head (a place where hair grows; not literally between the eyes).

The *Gemora* asks: What do Abaye and Rava learn from the verse, *You are sons to Hashem*?

The *Gemora* answers: It is needed for that which is taught in the following *braisa*: *You are sons to Hashem your God*. When you act in the way of children, you are referred to as the children of Hashem. However, if you do not act in the way of children, you are not referred to as the children of Hashem. These are the words of Rabbi Yehudah. Rabbi Meir says: Even if you do not act in the way of children, you are still referred to as the children of Hashem. (35b – 36a)

Mishna

The leanings (*semichah* - the owner places his hands on the head of the sacrificial animal before it is slaughtered and leans on it with all his weight), the wavings (*tenufah*

- some *korbanos* were waved by the owner together with the Kohen), the bringing near (*hagashah* - a *korban minchah* is brought by the Kohen to the southwest corner of the Mizbeach), the scooping up of the handful (*kemitzah* - the Kohen scoops a portion of flour from the *minchah*), the burnings (of the *korbanos* on the Mizbeach), the *melikah* (the Kohen “slaughters” the bird by piercing the back of the bird’s neck with his thumbnail) on the bird *korbanos*, the receiving and the sprinkling of the blood from the *korbanos* are all performed by men and not by women, except for the *minchah* offerings of the *sotah* and the *nezirah*, which they do wave. (36a)

Explaining the Mishna

The *Gemora* cites the Scriptural sources for the *halachos* mentioned in the *Mishna*.

The *Mishna* had stated that the sprinkling of the blood from the *korbanos* must be done by a male Kohen.

The *Gemora* asks: Which *korban* is the *Mishna* referring to? It cannot be dealing with the *parah adumah* (red heifer), for the Torah writes Elozar by it (meaning that only the Kohen Gadol can sprinkle its blood)!? It cannot be dealing with the sprinkling done inside the Holy, for there it must be done by the Kohen Gadol!?

Rather, the *Mishna* must be referring to the sprinkling from a (*chatas*) bird. It must be done by a male Kohen based on the following *kal vachomer*: We find that the Torah did not require a Kohen to slaughter a sheep offering, yet he must sprinkle its blood; then by a bird offering, where the Torah requires a male Kohen to perform the *melikah*, it would certainly stand to reason that a male Kohen is required to sprinkle its blood.

The *Gemora* cites the Scriptural source that a *minchas sotah* and that of a *nezirah* requires waving by its owner. (36a – 36b)

INSIGHTS TO THE DAF

Male Kohanim, not Women

The *Mishna* states: The leanings (*semichah* - the owner places his hands on the head of the sacrificial animal before it is slaughtered and leans on it with all his weight), the wavings (*tenufah* - some *korbanos* were waved by the owner together with the *Kohen*), the bringing near (*hagashah* - a *korban minchah* is brought by the *Kohen* to the southwest corner of the *Mizbeach*), the scooping up of the handful (*kemitzah* - the *Kohen* scoops a portion of flour from the *minchah*), the burnings (of the *korbanos* on the *Mizbeach*), the *melikah* (the *Kohen* "slaughters" the bird by piercing the back of the bird's neck with his thumbnail) on the bird *korbanos*, the receiving and the sprinkling of the blood from the *korbanos* are all performed by men and not by women, except for the *minchah* offerings of the *sotah* and the *nezirah*, which they do wave.

Tosfos asks: Why is it necessary to teach these *halachos* and to find their sources? Shouldn't a woman be exempt because *korbanos* are a positive *mitzvah* which is time bound? A *korban* can only be offered by day, and not by night!?

Tosfos answers that the *Mishna* is teaching us that not only is a woman exempt from the *mitzvah*, but if she would perform any of these services, it would disqualify the *korban*.

However, Tosfos adds that this would not answer why the *mitzvah* of *semichah* is mentioned, for even if this *mitzvah* is not performed at all, the *korban* does not become invalidated!?

Tosfos answers that we might have thought that *semichah* can be performed by a woman, for it is written right next to the *mitzvah* of *shechitah*. We would have said that just like a woman can shecht a *korban*, she can perform the *semichah*. The *Mishna* teaches us that this is not the case.

DAILY MASHAL

Children of Hashem

The *Gemora* asks: What do Abaye and Rava learn from the verse, *You are sons to Hashem*?

The *Gemora* answers: It is needed for that which is taught in the following *braisa*: *You are sons to Hashem your God*. When you act in the way of children, you are referred to as the children of Hashem. However, if you do not act in the way of children, you are not referred to as the children of Hashem. These are the words of Rabbi Yehudah. Rabbi Meir says: Even if you do not act in the way of children, you are still referred to as the children of Hashem.

The *Divrei Yetziv* explains the dispute as follows: Rabbi Yehudah maintains that *Klal Yisroel* are referred to as children of Hashem because we accepted His Torah. It emerges that if we do not uphold the laws of the Torah, we are not called His children any longer. Rabbi Meir, however, holds that we are referred to as children of Hashem because He formed us and created us. Even if we do not act in the manner of children, we are still, nevertheless, His children.