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Intro

т"оച

Today we will מסכת קדושין of ידף ד learn מסכת קדושין. Some of the topics we will learn about include.

נערה

The point in which a girl develops סימנים, signs of maturity, which is generally at the age of twelve years;

בוגרת

The point in which a girl completely matured, which is generally at the age of twelve years and six months old;

אילונית

A woman over the age of twenty, who has not developed as other women do by this age, is called an אילונית.

עבד עברי

אינו אוכל בתרומה

A Jewish servant, ישראל may not eat Terumah even if his owner is a Kohen, regardless whether he was קנין שנים

A regular עבד who is sold for only six years.

OR even if he was a

קנין עולם

A גרצע, who insisted on remaining a עבד and after Bais Din bores a hole through his earlobe he remains a עבד until the יובל year.



מילתא דאתיא בק"ו טרח וכתב לה קרא

The Pasuk sometimes teaches Halachos even though they can also be derived through a. קל וחומר.

The second source that כסף can accomplish a קידושין.

The source that ביאה can accomplish a קידושין;

מילתא דאתיא בק"ו

Corp are that

Grant are that

The source that

קידושין are the source that

ביאה

can accomplish a קידושין







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אמה עבריה

יוצא בגרעון כסף

A Jewish maid-servant can redeem herself by paying her master the sale amount minus the years that she already worked. However, a woman cannot be divorced with money.









So let's review ...

The Gemara in the previous Daf taught that the source for יסף is from the Pasuk regarding אמה עבריה, a Jewish maid-servant, which states;

ויצאה חנם אין כסף

When she becomes twelve-years-old and develops סימנים, signs of maturity, she is released without reimbursement. The words אין כסף, being redundant, teach;

אין כסף לאדון זה

ויש כסף לאדון אחר

ומנו אביה

That only her master does NOT receive כסף for her יציאה, her release from his jurisdiction. However, her father does receive יציאה at her יציאה from his jurisdiction when he accepts her Kiddushin.

The Gemara now questions that the words אין כסף are not redundant, as the Braisa states that the words ויצאה חנם are needed to teach

אלו ימי בגרות

A אמה עבריה becomes free when she completely matures at the age of 12 years and six months, and the words אין כסף are needed to teach

אלו ימי נערות

She becomes free even at the age of 12 years, when she exhibits סימנים, signs of maturity.



The Gemara answers אם כן לימא קרא אן כסף מאי אין כסף

The word אין IS redundant as the Pasuk could have stated אן without the letter Yud, as it states elsewhere

מאן בלעם

And

מאן יבמי

והכא כתיב ביה יו"ד ש"מ לדרשא הוא דאתא

And since here the Pasuk does state אין with the letter Yud, it is superfluous to teach

אין כסף לאדון זה

אבל יש כסף לאדון אחר

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The Gemara now elaborates on the Drashah

ויצאה חנם אלו ימי בגרות

אין כסף אלו ימי נערות

And the Gemara asks

ולכתוב רחמנא נערות ולא בעי בגרות

Why does the Pasuk ויצאה חנם need to teach that a אמה אמה is freed when she becomes a בוגרת at twelve years and six months? After all, the Pasuk אין כסף teaches that she was already freed when she became a נערה at age twelve?

The Gemara offers three explanations:

1.

says רבה

בא זה ולמד על זה

One explains the other. As Rashi explains, if the Torah had written only one phrase, we would think that she's freed only at בגרות, not at נערות. Therefore, we need the second phrase to teach that she IS freed at נערות.

2.

אביי says

לא נצרכה אלא לבגר דאילונית

The Pasuk of יצאה חנם is needed to teach that a אילונית becomes free when she becomes a בוגרת at age twenty, even though she did not yet become a נערה because she has no סימנים.

3.

רב אשי says

לא נצרכה אלא לעיקר זבינא דאילונית

The Pasuk of יצאה חנם is needed to teach that a אילונית can be sold as a אמה עבריה. Without the Pasuk we would have assumed

דאתיא סימני נערות

הוי זבינא

דלא אתיא סימני נערות

לא הוי זבינה זבינא

A girl can initially be sold as a אכה עבריה only if she will eventually become a נערה, because the Pasuk states אין כסף. However, a אין כסף cannot initially be sold because she will not become a נערה. Therefore, the Pasuk states ויצאה חנם

That even she can be sold.

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The Gemara now cites a Braisa which teaches a second source for קידושי כסף, the גזירה שוה mentioned on ידף ב 'דף מידושי לידושי מידו אזירה שוה קיחה קיחה משדה עפרון

The Pasuk regarding קידושין states;

כי יקח איש אשה ובעלה

And the Pasuk regarding שדה עפרון states

נתתי כסף השדה קח ממני

Just as there the קיחה was with כסף, so too here the קיחה is with כסף. And this accomplishes קידושין since the Pasuk concludes

ואם לא תמצא חן בעיניו וכתב לה ספר כריתות

She requires a Gett.

A second source for קידושי כסף... ברויתא: קיחה קיחה משרה עפרון שדה עפרון: נתתי כסף השרה קדד<u>) בובוצי</u> So too here the קיתה is with כסף And this accomplishes קידושין since the Pasuk concludes ואם כא תמצא וון בעיניו וכתב לה ספר כריתות

The Gemara explains

ואיצטריך למיכתב ויצאה חנם

ואיצטריך למיכתב כי יקח איש

Both קידושי כסף are necessary, because the

Pasuk כי יקח איש אשה alone implies that

קידושין דיהב לה בעל

דידה הוו

She receives the money, and not her father, even when she is only a קטנה or נערה.

Therefore, we need the Pasuk

ויצאה חנם

To teach

אין כסף לאדון זה

ויש כסף לאדון אחר

Her father receives the money, since Kiddushin is a יציאה from his jurisdiction.

And the Pasuk ויצאה חנם alone implies

היכא דיהבה איהי לדידיה וקידשתו

הוו קידושי כסף

If a woman gives money to a man and tells him התקדשי לי, the Kiddushin is effective, as Rashi explains

כיון דאשמעינן דכסף עביד אישות

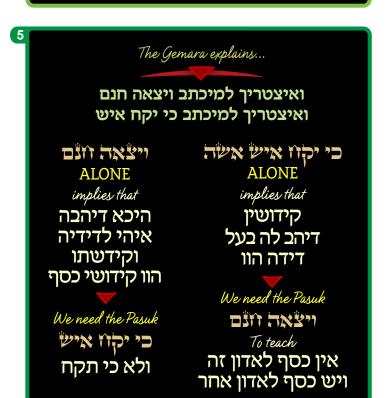
מה לי כסף דידיה מה לי כסף דידה

The Pasuk ויצאה חנם only teaches that כסף accomplishes Kiddushin, but does not indicate who gives the money; and we might think that there's no difference in who gave the money. Therefore, we need the Pasuk

כי יקח איש

ולא כי תקח

Only a man can give a woman Kiddushin, but a woman cannot give a man Kiddushin.









6 The (

The Gemara says that although קידושי כמף can be derived through a קל וחומר;

ומה אמה העבריה

שאינה נקנית בביאה נקנית בכסף

A maid-servant is קיל, lenient, in that she is NOT acquired by her master through Biyah, and even so she is acquired with כסף:

זו שנקנית בביאה אינו דין שתקנה בכסף

Certainly a wife who חמור in that she IS acquired by her husband through Biyah, is also acquired with כסף? However, that this קל וחומר can be refuted;

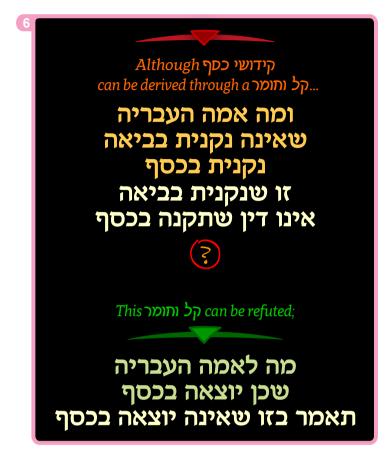
מה לאמה העבריה

שכן יוצאה בכסף

תאמר בזו שאינה יוצאה בכסף

A maid servant can be acquired with to because she is path, stringent, in that she also becomes free with , but a wife cannot be acquired through 700, because she is given that she is not divorced with 300.

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7 The C

The Gemara cites a Braisa which proceeds to teach the source that הידושין can accomplish קידושין, from the Pasuk mentioned earlier

כי יקח איש אשה ובעלה מלמד שנקנית בביאה

The word ובעלה refers to Biyah.

The Gemara says that although קידושי ביאה can be derived through a קל וחומר;

ומה יבמה

שאין נקנית בכסף נקנית בביאה

A Yevamah is קיל in that she is NOT acquired by the Yavam with כסף, and even so she is acquired through Biyah.

זו שנקנית בכסף אינו דין שנקנית בביאה

Certainly a wife, who is חכוור in that she IS acquired by her husband through אכס, is also acquired through Biyah.

The Gemara explains however there is a פירכא to the קל to the פירכא in that

מה ליבמה

שכן זקוקה ועומדת

תאמר בזו שאין זקוקה ועומדת

A Yevamah is acquired through Biyah only because she is already bound to the Yavam through his deceased brother's Kiddushin, but a wife cannot initially be acquired through Biyah, because she is not yet bound to her husband.





