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מסכתקידושין

## The Daf Yomi Chazarah Gemara

*A new, free-flowing explanatory  
translation of the Gemara*

*Volume One Dafim 2a - 8b*

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*Dear Lomeid,*

B”H we are excited to present ‘The Daf Yomi Chazarah Gemara’, a Gemara that will IY”H help the lomdei daf hayomi review the daily daf with an unparalleled level of clarity and retention.

The importance of chazarah is well known and yet it remains one of the most difficult parts of learning, especially while learning the daf. All too often a person leaves the day’s daf in a haze with many of the concepts still unclear. And even if a person is able to learn the daf in a clear manner, because of the fast pace it becomes exceptionally difficult to review it. To help solve this problem the ‘Daf Yomi Chazarah Gemara’ was written. By using this Gemara the lomeid will be able to go over the daf very quickly which will allow him to review it many times. The advantage of this cannot be over-stated and can literally change the ‘daf yomi experience’ from just ‘doing the daf’ to ‘knowing the daf’.

**THE ADVANTAGES OF THIS GEMARA:**

- 1) The translation is structured in the format of a daf yomi chazarah shiur. In a typical shiur, the maggid shiur will first introduce a new topic. He will then read the Gemara inside for a couple of lines and then stop to explain what was just read. He will then continue to read the next Gemara and then stop to explain the new material. And this goes on for the duration of the shiur. This translation mimics this approach as will quickly become apparent. The advantage of having a translation written in this manner is that it allows for the lomeid to easily incorporate the translation and its explanation without the need to piece together the main texts with the footnotes.
- 2) The translation is written in the language that the typical lomeid speaks. Now while there is certainly nothing wrong with discussing ‘the tablets that Moses brought down from the Heavens’, this is simply not the way many of the lomdei daf yomi speak. And indeed, the vast majority of daf yomi shiurim are not given in this manner. This is for the simple reason that it is far more enjoyable and easier to learn in the language that one is used to. As such, ‘the English’ that this translation utilizes is ‘the English’ that is used by a typical maggid shiur.
- 3) The translation is a linear one. This allows the lomeid to go through the Hebrew side of the translation and to only look at the English side as needed. Often the lomeid knows most of the Hebrew words and just needs to check several words in English. A linear translation allows him to do so. He can go through the Hebrew side of the column and only look to the English side as needed. Learning and reviewing the Gemara this way will also allow the lomeid to build on his Hebrew vocabulary as he at first looks at the Hebrew before he sees the English.
- 4) An added advantage of this translation is that it is divided into different topics. The typical daf yomi learner has only a relatively short amount of time to learn a tremendous amount of material, something that can easily be overwhelming and difficult to absorb and review. Having each daf of Gemara separated into different topics will help the lomeid understand each topic as it is presented and to then review in a clear understandable way.
- 5) Another aspect of the translation is that it is broken up into small phrases. The advantage of breaking up the text in this manner is that it allows the lomeid to know what each individual word (or small phrase) means. Learning in this manner will allow the lomeid to build his Hebrew vocabulary and to help him transition away from the need to use an English Gemara

B’kavod Rav,

*The Daf Yomi Chazarah Gemara*

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# *Guidelines for the Translation*

- 1) At times, the intended meaning of a phrase is not the actual translation of the words but rather it is the translation of the words influenced by the context of where they are written. In this work, the words are translated according to their intended meanings (i.e., as a maggid shiur would translate them). However, where the intended translation differs from the literal translation, the words of the translation are put into quotes to indicate that the translation given is not the literal translation of these words.
- 2) Often, in order to help with the flow of the Gemara, words were added to the translation. To indicate that these words are not the actual translation, they are put into parentheses.
- 3) After its initial appearance, many terms are not translated (for example the word assur (forbidden)). The reason this is done is in order to make the translation more readable. It must be pointed out that even if someone is not used to these terms he will quickly pick up on them. Additionally, it is advantageous for every learner to become familiar with the terminology used in the Gemara. The same way every field of knowledge has its own set of unique words, the Gemara is no different. As such, it is far more beneficial to learn this terminology than to just have them translated each time one comes across them.



**דוע מאמר החכם בשם שאי אפשר לבר בלי תנון, אי אפשר ספר בלי שגיאות**

As this sefer is being printed through Kindle Direct Publishing (an on-demand publishing company), changes and corrections can be easily made in ‘real-time’ and will be included in all future copies of the Gemara that are printed. As such, if one finds any mistakes, typos, etc., please let us know and they will be corrected in future copies.

*Note:* Due to time and budgetary constraints, the text of the translation was not edited as well as it could have been. This being the case, we were faced with the following choice. Do we publish the Gemara the way it is, or do we wait until it could be perfected? The choice seemed obvious. The advantage of the multitudes of people learning with an unprecedented level of clarity and retention would seem to vastly outweigh the disadvantage of learning with an ‘imperfect’ product. As was famously quoted at the Siyum Hashas “We cannot let perfection be the enemy of the good”. As such, we have gone ahead with the publication of this meshechta despite any shortcomings it might have. That being said, with the proper funding we hope to reedit and republish this meshechta in the future.

## גמרא

When Does the Mishna Use an Expression of **نكנית** to Describe Getting Married and When Does the Mishna Use an Expression of **מקודש**?

(The Mishna stated) A woman is acquired (etc.) **האשה נקנית**

The Gemara asks:

What is the difference

here that we learned

'a woman is acquired'

and what is the difference over there

that we learned 'a man marries'

**מאי שנא**

**הכא דתני**

**האשה נקנית**

**ומאי שנא הtmp**

**תני האיש מקודש**

Why does our Mishna use an expression of **נקנית** (being acquired) to describe getting married and why does the later Mishna (in the beginning of the second perek) change and use an expression of **מקודש** to describe getting married?

The Gemara answers:

(It is) because (in our Mishna)

we need to learn (the kinyan) of kesef

and how do we know kesef (works)

we learn a gezirah shava of 'kicha'

from sdei Efron (the fields of Efron)

(for) it is written over here (Devarim 24:1)

"When a man will take a woman"

and it is written over there (Bereisits 23:13)

(Avrohom said to Efron) "And I have given the money for the field

take it (the money) from me"

and 'kicha'

is called a kinyan (an act of acquisition)

as it is written (Bereisits 25:10)

"The field that Avrohom was koneh"

**משום**

**דקה בעי למיתני כס**

**וכסן מנא לו**

**גmr קייח קייח**

**משודה עפראז**

**פתיב הכא**

**כוי יקח איש אשא**

**ותיב הtmp**

**ונתני**

**כסן השודה**

**כח ממני**

**וקייח**

**איךרי קניין**

**דכתיב**

**השודה אשר קנה אברמת**

## משנה

The Ways in Which a Woman is Married and the Ways in Which She Acquires Herself

A woman is acquired (for marriage)

with three ways

and she acquires herself (back)

with two ways

she is acquired

with kesef (money)

with a shtar (marriage document)

and with biah (marital relations)

**האשה נקנית**

**בשלש זרכים**

**וקונה את עצמה**

**בשתי זרכים**

**נקנית**

**בכיס**

**בשטר**

**ובבאה**

(With regard to) kesef

Bais Shammai say

(it must be with) a dinar

or with (an object) worth a dinar

and Bais Hillel say

(it must be) with a perutah

or with (an object) worth a perutah

and how much is a perutah

(it is) one eighth

of an Italian issur

**בכיס**

**בית שמאו אומרם**

**בדינר**

**ובשוה דין**

**ובית הלל אומרם**

**בפרוטה**

**ובשוה פרוטה**

**וכמה היא פרוטה**

**אחד משמנה**

**באישר האיטלי**

**וקונה את עצמה**

**בגט**

**ובמיתה פועל**

And she (re)acquires herself

with (either) a get

or with the death of the husband

**היבמה נקנית בביאה**

**וקונה את עצמה**

**בחיליצה**

A yevamah is acquired with biah

and she (re)quires herself

with chalitzah

or with the death of the yavam

**ובמיתה פיבם**





the man acquires (for himself)  
and gives (the woman back to herself)

The Gemara answers:  
(It can't say this) because  
there is (the case) of the husband's death  
in which it is not he (the husband)  
who gives her (back to herself)  
(rather) it's min hashamayim (from heaven)  
that gives her (back to herself)

And as such, the Mishna had to describe her acquiring  
herself and not that the husband gives her back to herself.

The Gemara gives another reason why the Tanna could not  
say that the man gives her back to herself (in the case of a גט).  
And you want I can say  
if it taught he gives (her back to herself)  
I would have said  
(that this is true) even against her will  
(therefore) it taught  
a woman acquires (herself back)  
(which implies) with her knowledge (consent)  
yes (it can be done)  
(but) without her knowledge (consent)  
no (it can't be done)

**האיש קונה**  
**ומקננה**  
**מושום**  
**דאיבא מיתת הבעל**  
**דלאו אירחו**  
**קא מקני**  
**מו שמייא**  
**הוא דמקני לה**

### Why Does the Mishna Use the Word (לשון נקבה) שלש and Not the Word (לשון זכר) שלשה?

The Mishna stated, **האשה נקנית בשלש דרכים**, and on this the  
Gemara asks:  
And what is the difference  
that it taught 'three' (in a female form)  
let it teach 'three' (in a male form)

The Gemara answers:  
(It is) because it needed to teach  
(the word) 'derekh'/way  
and the word 'derech'  
is a 'female expression/form'  
as it is written (Shemos 18:20)  
"And you should let them know  
the way that they should go"

But on this the Gemara asks:  
But this that we learned

**מושום דקה בעי למיתני**  
**דרך**  
**זרה**  
**לשון נקבה הוא**  
**דכתיב**  
**והזעפת להם**  
**את מדריך ילבכו בה**  
**ואלא היא דתנייא**

### Kiddushin Bais Amud Bais

Or else (we have a different posuk Yirmiyah 32:44)  
**שׂׂדֹת בְּכֶסֶף יִקְנָה**  
(that says) "They will acquire fields with money"  
it (therefore) teaches 'a woman is acquired'

This second posuk is another source that when something  
is acquired with kesef the term kinyan is used, and as such, since  
the Mishna mentions kesef, the term kinyan is used in the  
Mishna.

But on this the Gemara asks:  
(But if so) learn over there  
'a man acquires'

If kinyan is really the appropriate term to use to describe  
kiddushin, why does the Mishna later on not use it?

The Gemara answers:  
In the beginning (in our Mishna)  
it teaches an expression of the Torah  
and in the end (i.e., afterwards)  
it teaches an expression of the Rabbanan  
and what is this expression of the Rabbanan  
(it comes to express) that he forbids her  
onto the entire world just like hekesh

At first the Mishna will use the expression of the Torah, and  
afterwards the Mishna will use the expression that the  
Chachamim use to describe marriage (an expression that  
describes how the man's marriage forbids the woman to the  
entire world, similar to hekesh that forbids an object onto the  
world).

### Why is the Subject of Our Mishna the Woman and Not the Man?

But let it teach here 'A man acquires'  
Why does the Mishna explain how a woman is acquired by  
a man and not how a man acquires a woman?

The Gemara answers:  
(It is) because  
it needed to teach the sayfa (that says)  
"and she acquires herself"  
(and this) is referring to her  
(therefore) it also taught in the raysha  
with regard to her

The Gemara continues to ask:  
(But) let it teach

**וניתני הטעם**  
**האיש קונה**

**וניתני הכא האיש קונה**

Why does the Mishna explain how a woman is acquired by  
a man and not how a man acquires a woman?

The Gemara answers:  
(It is) because  
it needed to teach the sayfa (that says)  
"and she acquires herself"  
(and this) is referring to her  
(therefore) it also taught in the raysha  
with regard to her

The Gemara continues to ask:  
(But) let it teach



|   |                     |   |                     |
|---|---------------------|---|---------------------|
| to wage war                                       | לעשות מלכמָה        | with ‘seven’ (a male form) ways             | בשבעה דרכִים        |
| and it is not the way of a woman                  | ו אין דרֶכה של אשה  | we check a zav                              | בודקינו את מזב      |
| to wage war                                       | לעשות מלכמָה        | let it teach ‘seven’ (in a female form)     | יתני שבע            |
| it (therefore) writes it                          | כתב לה              | The Gemara answers:                         | משום                |
| with a male expression/form                       | בלשׁון זכר          | (It is) because                             | דקה בעי למידתני     |
| And the Mishnayos                                 | מתנייתין אהֶדְדי    | we needed to learn                          | דרך                 |
| on each other are not difficult                   | לא קשיין            | (the word) ‘derekh/way’                     | אשפכו דרך           |
| over here (in our Mishna)                         | הכא                 | and we find (that the word) ‘derekh’        | דאיקרי לשׁון זכר    |
| that it’s dealing with regard to a woman          | ולגבי אשה קאי       | is called with a male expression/form       | דכתיב               |
| it teaches it                                     | קחני לו             | as it is written (Devarim 28:7)             | בלוד אחיד יצאו אליך |
| with a female expression/form                     | בלשׁון נקבה         | <i>In one way they should go out to you</i> | ובשבעה דרכִים       |
| (but) over there (with regard to a zav checking)  | התם                 | <i>and in seven ways</i>                    | ונסו לפקוד          |
| that it’s dealing with regard to a man            | ולגבי איש קאי       | <i>they should run from before you</i>      |                     |
| as it is the way of a man to check                | זרפהו של איש לividk | But on all of this the Gemara asks:         |                     |
| and it is not the way                             | ו אין זרפהה         | (But) if so                                 | אי הכא              |
| of a woman to check                               | של אשה לividk       | the pesukim are difficult                   | קשה קראי            |
| because with regard to a woman                    | זראה אשה            | one on the other                            | אהֶדְדי             |
| also with an onus she becomes tamei               | במי באונס מיטמאתה   | and it is also difficult                    | וקשיא גמי           |
| (and therefore) it teaches a male expression/form | תני לשׁון זכר       | the Mishnayos on each other                 | מתנייתין אהֶדְדי    |

The Gemara answers that since our Mishna is discussing a woman, it uses the word **שָׁלֵשׁ** which is a female form of the word. However, the Mishna that discusses a zav checking himself to see if he is tamei uses the male form of the word ‘derech’, as with regard to zivus only a man checks himself and not a woman as a woman becomes tamei even if she is an **אֲזַבְּנָה** (see footnote).<sup>1</sup>

When Does the Tanna Use the Word זְרַכִּים and When Does the Tanna Use the Word זְבָרִים (numerous examples of when the Tanna uses the word זְרַכִּים)?

The Gemara continues to ask on the Mishna's choice of words.

|   |                      |
|---|----------------------|
| What is the reason (that we said)                   | מַאי טָעֵמָא         |
| it taught 'three' (a female expression/form)        | תְּבוּשָׁה שֶׁל      |
| (it was) because (it said the word) 'derachim'      | מִשּׁוּם דְּרָכִים   |
| (but if so) let it teach(the word) 'devarim'/things | גַּתְתִּין דְּרָכִים |

zivus, he must check himself to see if he did anything that might have caused him to see the zivus (and if he finds something he will not be tamei).

However, with regard to a woman there is no such a distinction. In every case that a woman sees zivus she will become tamei, and therefore when she sees zivus there would be no point in checking to see the cause of her seeing, as in any event she will be tamei.

|   |                      |
|---|----------------------|
| uses the word <i>derech</i> with a male form, and we have a posuk<br>and a Mishna that uses the word ‘derekh’ with a female form. | קָרְאִי אֲחֵדֶת      |
| The Gemara will now answer this double contradiction.   |                      |
| The pesukim on each other   | לֹא קָשַׁין          |
| are not difficult   | הַכָּא               |
| over here   | דְּבַתּוֹרָה קָאֵי   |
| the (the posuk) is dealing with the Torah   | וְתוֹרָה אַיְרֵי     |
| and the Torah is called   | לְשׁוֹן נִקְבָּה     |
| (with) a female expression/form,  | דְּבַתִּיב           |
| as it is written ( <i>Tehillim 19:8</i> )   | תְּבוּנַת הָתְמִימָה |
| <i>“The Torah of Hashem is complete<br/>it restores the nefesh”</i>   | מִשְׁיבַת נֶפֶש      |

|  |                        |
|--|------------------------|
| The word נַמְמִיתָ is a female form and therefore: |                        |
| It writes (the word 'derekh)                       | בְּתֵב לֶה             |
| with a female expression/form                      | בְּלִשׁוֹן נִקְבָּה    |
| (but) over there                                   | מִתְּהִימָּה           |
| that it is dealing with war                        | דִּבְרָלוּחָה קָאֵי    |
| (and) it is the way of a man                       | דְּדָרְפּוֹ שֶׁל אֲישׁ |

<sup>1</sup> The Difference Between a Man and a Woman with Regard to the Tumah of Zivus

Zivus is a certain liquid that comes from a person that causes the person to become tamei. With regard to a man, if the man does certain physical activities that cause him to see the zivus, the man is considered an *ojix* and he will not become tamei. That is, a man only becomes a *zav* if the zivus comes naturally and not because of anything that he did. Therefore, when a man sees



(it is) because it is the way of a man  
to 'go after' the woman  
and it is not the way of the woman  
to 'go after' the man  
(and this is) a mashal (parable) to a man  
that misplaced a lost object  
who 'goes after' who  
the owner of the lost object  
'goes after' the lost object'

Therefore, since the posuk describes marriage as the man 'going after' the woman, the term 'derekh' is an appropriate term to describe the marriage act no matter how it is done (i.e., and it doesn't make a difference if it is done with kesef, shtar, or biah, in all cases the term 'derekh' is appropriate).

According to this answer, although in this specific case the word **דָּרְכִים** is the word to use, in general the Tanna would use the word **דָּבָרִים**, and on this the Gemara will ask that there are numerous examples in which we see not this way.

**But we learned in a Mishna**

with seven ways  
we check a zav  
but let it say 'things'

The Gemara answers:  
Over there it comes to teach us  
that it is the way of eating a lot  
to bring to (the tumah) of ziva  
and it is the way of drinking a lot  
to bring to (the tumah) of ziva

Although it might be true that the Mishna would rather use the word **דָּבָרִים**, in this case the Mishna uses the word **דָּרְכִים** to teach us that there are ways in which the zav can cause himself to see the zivus.

The Gemara continues to ask:  
**But this that we learned in a Mishna**  
an esrog is similar to a tree  
in three ways  
but let it say 'things'

The Gemara answers:  
**(It is) because**  
it needed to teach the sayfa (that says)  
and (it is similar) to a vegetable in one way

But on this the Gemara asks:  
**But in the sayfa also let it say 'thing'**

**מִפְנֵי שְׁדָרֶפֶוּ שֶׁל אִישׁ**  
**לְחַזֵּר עַל אֲשָׁה**  
**וְאַיִן דָּרֶפֶה שֶׁל אֲשָׁה**  
**לְחַזֵּר עַל אִישׁ**  
**מִשְׁלָל אֶלְעָם**  
**שְׁאַבְדָּה לֹא אֲבִידָה**  
**מֵי חַזֵּר עַל מַיִּים**  
**בָּעֵל אֲבִידָה**  
**מִמְזּוֹר עַל אֲבִידָתוֹ**

**וְהַא דָּתָנוּ**  
**בְּשַׁבָּעָה דָּרְכִים**  
**בְּזַדְקֵין אֶת הַזָּב**  
**לִיתְגִּי דָּבָרִים**

**הַתָּם הַא קָא מִשְׁמָעַ לוֹ**  
**דָּרֶפֶא דְּמִיכְלָא יִתְרַא**  
**לְאַתּוֹי לִידֵי זִיבָה**  
**דָּרֶפֶא דְּמִישְׁתַּחַתָּא יִתְרַא**  
**לְאַתּוֹי לִידֵי זִיבָה**

**וְהַא דָּתָנוּ**  
**אֲתְרוֹג שָׂוָה לְאַיִלּוֹן**  
**בְּשַׁלְשָׁה דָּרְכִים**  
**לִיתְגִּי דָּבָרִים**

**מִשּׁוּם**  
**דְּבָרֵינוּ מַתְנֵי סִיפָּא**  
**וּלְיָרָק בְּזֹרֶךְ אַפְּדָה**  
**סִיפָּא נָמִי נִתְגִּי דָּבָר**

and (then) let us teach  
(the word) 'three' (in a male form)

If the reason we need to use the female form of the word three is because the Mishna used the word 'derachim' (ways), let the Mishna use the word 'devarim' (things) and then the Mishna could use the male form of the word three.

The Gemara answers:

**מִשּׁוּם**  
**(It is) because**  
**we need to teach biah**  
**and biah is called a derech**  
**as it is written (Mishlei 30:19)**  
**"The way of a man with a young girl**  
**so is the way of a woman who is mezaneh"**  
**פְּנַדְדָּךְ אֲשָׁה מְנֻאָתָה**

Since biah is a 'way' and not a 'thing' the Mishna needed to use the word 'derekh'.

But on this the Gemara asks:

**הַא תִּיחַן בִּיאָה**  
**כָּסְף וּשְׁטָר**  
**what is there to say?**  
**מַאי אִיבָּא לְמִימָר**

Granted biah is a 'way' and not a 'thing' but kesef and a shtar are things, and if so, why are they referred to with the word 'derekh'?

The Gemara answers:  
**(It is) because of biah**

But on this the Gemara immediately asks:  
**וְתַנֵּי פְּרַתִּי אַטְוּ חֲדָא**  
**But do we learn two because of one**

Why would we change the terminology of two words in order to 'accommodate' one word?

The Gemara answers:  
These (kesef and shtar) also  
are needed for biah

The reason person gives kesef or a shtar is to get married which results in biah, and therefore, the word 'derekh' is an appropriate way to describe all the three ways that a man acquires a woman.  
**וְאֵי בָּעֵית אִימָא**  
**(it is because) who is this (the author of the Mishna)**  
**הַא מַנִּי**  
**רַבִּי שְׁמַעוֹן הִיא**  
**דִּתְנִינָה**  
**רַבִּי שְׁמַעוֹן אָזְמָר**  
**מִפְנֵי מָה אָמְרָה תּוֹרָה**  
**כִּי יְלַחֵךְ אִישׁ אֲשָׁה**  
**וְלֹא בְּתַבֵּן**  
**כִּי תַּלְקַח אֲשָׁה לְאִישׁ**

varies as the Mishna describes. But what is relevant to our Gemara is the fact that the Mishna uses the word ‘**דָּבְרִים**’ and not ‘**דָּרְכִּים**’ and the question is why the Tanna does so.

And further more

but we learned in a Mishna  
this is one of the ways  
that the ‘get’ of a woman is similar  
to the ‘freeing-documents’ of slaves  
but let it say ‘things’

This Mishna describes one of the ways that a get is similar to the ‘freeing-document’ of slaves. And on this Mishna as well the Gemara asks why the term **דָּבְרִים** is used and not **דָּרְכִּים**.

The Gemara answers:

Rather anywhere  
that there is a difference (exceptions)  
it teaches ‘ways’  
and anywhere there is no difference  
it teaches ‘things’  
this is also m’duyik (implied)  
as it teaches in the sayfa  
R' Eliezer says  
an esrog  
is similar to a tree in every way  
we see from here (like this answer)

**וַתֹּ**  
**הָא דָתֵנוּ**  
**זֶה אֲחַת מִן הַדָּרְכִּים**  
**שְׁשׁוֹ גִּיטִּי נְשִׁים**  
**לְשֻׁחוּרְיוּ עֲבָדִים**  
**נִתְנִינִי דָּבְרִים**  
**אֶלָּא בְּלַהֲיכָא**  
**דָּאִיפָּא פְּלוֹגְתָּא**  
**תְּנִינִי דָּרְכִּים**  
**וְכָל הַהֲיכָא דָּלִיכָּא פְּלוֹגְתָּא**  
**תְּנִינִי דָּבְרִים**  
**דִּיקָא נְמִי**  
**דִּקְתָּנִי סִפְא**  
**רַבִּי אַלְיעָזָר אָמֵר**  
**אַתְּרוֹג**  
**שְׂוֹהָ לְאַיְלָן לְכָל דָּבָר**  
**שְׁמֻעָה מִינָה**

The Gemara answers that when the Tanna compares one thing to another thing with regard to only some aspects and not all aspects, then the word **דָּרְכִּים** is used. If, however, the comparison is with regard to all aspects, then the word **דָּבְרִים** is used (see Rashi that explains how this plays out in each case).

And indeed, this is seen from the words of R' Eliezer as he compares an esrog to a tree with regard to everything, and as such, the word **דָּבְרִים** is used and not **דָּרְכִּים**.

However, with regard to those plants that need additional water to grow, their status will depend on when they were harvested. Therefore, if they were harvested in the fourth year, the person will bring maaser sheni, despite the fact that these plants took root in the third year. The Mishna tells us that since the way of an esrog is to need additional water, they are similar to vegetable and their status will depend on when they are harvested and not when they took root.

## Kiddushin Gimmel Amud Alef

|                                  |                                  |
|----------------------------------|----------------------------------|
| הַתָּם                           | הָא קָמְשָׁעַ לָן                |
| דָּרְכִּיהָ דָאִתְרוֹג           | דָּרְכִּיהָ דָאִתְרוֹג           |
| גִּירָק                          | גִּירָק                          |
| מִה יַרְקָ                       | מִה יַרְקָ                       |
| דָּרְכוֹ לִיְגָדֵל עַל כָּל מִים | דָּרְכוֹ לִיְגָדֵל עַל כָּל מִים |
| וּבְשֻׁעַת לְקִיטָּתוֹ           | וּבְשֻׁעַת לְקִיטָּתוֹ           |
| עִישָׂרוֹ                        | עִישָׂרוֹ                        |
| אַפְּ אַתְּרוֹג                  | אַפְּ אַתְּרוֹג                  |
| דָּרְכוֹ לִיְגָדֵל עַל כָּל מִים | דָּרְכוֹ לִיְגָדֵל עַל כָּל מִים |
| וּבְשֻׁעַת לְקִיטָּתוֹ           | וּבְשֻׁעַת לְקִיטָּתוֹ           |
| עִישָׂרוֹ                        | עִישָׂרוֹ                        |

Both vegetables and an esrog need more than just rainwater in order to grow and therefore the time of ‘their maaser’ is established at that time they are harvested and not when they first take root (see footnote)<sup>2</sup>. And since the Mishna needs to describe the ‘way’ it grows, the word derech is used in the sayfa, and once the term is used in the sayfa it is used in the raysha as well.

The Gemara continues to ask:

|                              |                              |
|------------------------------|------------------------------|
| וְהָא דָתֵנוּ                | וְהָא דָתֵנוּ                |
| כּוֹי יִשְׁ בּוּ             | כּוֹי יִשְׁ בּוּ             |
| דָּרְכִּים שְׂוֹהָ           | דָּרְכִּים שְׂוֹהָ           |
| לְמִיהָ                      | לְמִיהָ                      |
| וַיִּשְׁ בּוּ דָּרְכִּים     | וַיִּשְׁ בּוּ דָּרְכִּים     |
| שְׂוֹהָ                      | שְׂוֹהָ                      |
| לְבַהֲמָה                    | לְבַהֲמָה                    |
| וַיִּשְׁ בּוּ דָּרְכִּים     | וַיִּשְׁ בּוּ דָּרְכִּים     |
| שְׂוֹהָ לְחַיָּה וּלְבַהֲמָה | שְׂוֹהָ לְחַיָּה וּלְבַהֲמָה |
| שְׂוֹהָ                      | שְׂוֹהָ                      |
| לֹא לְמִיהָ וְלֹא לְבַהֲמָה  | לֹא לְמִיהָ וְלֹא לְבַהֲמָה  |
| נִתְנִינִי דָּבְרִים         | נִתְנִינִי דָּבְרִים         |

A *koy* is a type of animal of unknown status (i.e., we don’t know if it is a chaya or a behayma), and as such, it halachos

<sup>2</sup> When are Crops Chayav in Maaser?

With regard to crops grown in a field there is a seven-year cycle. In years one, two, four, and five, there is a chiyuv to bring maaser sheni from the crops, and in years three and six there is a chiyuv to bring maaser ani. The halacha is that with regard to those crops that only need rainwater to grow, when the person harvests these crops, what he has to bring will depend on the previous year. For example, if he harvests them in the fourth year, since these plants took root in the third year, he will bring maaser ani and not maaser sheine.



It excludes challipin (see footnote on next page) **למעוטי חליין**  
as you could have thought to say **סלקא דעתך אמינה**  
(that) since we learn (kinyan kesef) **הואיל וגמור**  
(from that the gezayra shava of) kicha kicha  
from sdei Efron **קייחה קייחה**  
(we should say) 'just like' a field **משודה עפּרוֹן**  
is acquired with challipin **מה שׂוֹהָ**  
so too a woman also **מקניא בחליפין**  
is acquired with challipin **אף אשה נמי**  
therefore it comes to teach us (otherwise) **מקניא בחליפין**  
**كم שמע לו**

But on this assumption that challipin doesn't work for kiddushin the Gemara asks:

**But let us say so (that challipin works)**

The Gemara answers:

**Challipin is applicable**  
with less than the worth of a perutah  
and a woman  
with less than the worth of a perutah

**ואימא וכי נמי**  
**חליפין איתנהו**  
**בפחות משרה פרוטה**  
**ואשה**  
**בפחות משרה פרוטה**

What Does the Number of the Raysha Come to Exclude (why does **חליפין** not work for kiddushin)?

The Mishna stated that a woman is acquired with three ways and acquires herself back with two ways and on this the Gemara asks:

|                                 |                                      |
|---------------------------------|--------------------------------------|
| <b>מןיןא דרישא</b>              | <b>למעוטי מאי</b>                    |
| <b>(comes to) excludes what</b> | <b>(and) the number of the sayfa</b> |
| <b>מןיןא דסיפה</b>              | <b>למעוטי מאי</b>                    |
| <b>(comes to) excludes what</b> |                                      |

The Gemara answers:

|   |   |
|---|---|
| <b>מןיןא דרישא למעוטי</b>                         | <b>חופה</b>   |
| <b>chuppah (as it doesn't work for kiddushin)</b> | <b>ולרב הונא דאמר</b>                               |
|   | <b>חופה קונה</b>                                    |
|   | <b>מקל וחותם</b>                                    |
|   | <b>למעוטי מאי</b>                                   |
| <b>(comes to) excludes what</b>                   | <b>what is (the number of the raysha) excluding</b> |

The Gemara answers:





**How Do We Know that Kesef Works for Kiddushin and  
How Do We Know that A Father Can Marry Off His  
Daughter with Money and that the Money Belongs to Him?**

The Mishna stated that kesef works for kiddushin and the Gemara now asks for the source of this halacha.

|   |                               |
|---|-------------------------------|
| With money                                | בכֹּסֶף                       |
| how do we know (that one can get married) | מִנָּא לֹן                    |
| and further more                          | וְתוּם                        |
| this that we learned in a Mishna          | הַא דְתַנוּ                   |
| a father is zocheh in his daughter        | הַאָב זָפֵא בְּבָתוֹן         |
| for kiddushin                             | בְּקָדְשָׁתָה                 |
| with kesef, a shtar and biah              | בְּכֹסֶף בְּשָׁטָר וּבְבִיאָה |
| how do we know                            | מִנָּל                        |
| he can he can ‘give her over’ with money  | דְּמִיקְנֵיא בְּכֹסֶף         |
| and that the money is the father’s        | וּבְכֹסֶף דָּאָבוֹה הָוֹא     |

The Mishna tells us that a father can marry off his daughter to someone else with any of the three methods of kiddushin, and if the father marries her off with money, the money goes to the father.

|   |                             |
|---|-----------------------------|
| The Gemara now explains the source for these halachos.    |                             |
| Rav Yehuda said in the name of Rav                        | <b>אמור רב יהודה אמר רב</b> |
| as the posuk says (Shemos 21:11)                          | <b>דאמר קרא</b>             |
| <i>"She goes out free without money"</i>                  | <b>יעמיה חנמ אין כסו</b>    |
| (this implies) there is no money                          | <b>אין כסו</b>              |
| to this master  | <b>לאדון זה</b>             |
| but there is money to a different master                  | <b>אבל יש כסו לאדון אחר</b> |
| and who is that   | <b>ומאן גיורה</b>           |
| (it is) the father (when he marries her off) <sup>4</sup> | <b>אב</b>                   |

But on this the Gemara asks:  
But let us say that the money goes to her ואימא לדידה

The implication of the posuk is that this master doesn't get money when she leaves and someone else does. But how do we know that the other person is the father and not her? Perhaps

A father has the right to sell his daughter as a אַמְתָּה עֲבָדָה (a maidservant). The posuk tells us that when this girl become a עֶבֶרֶת (twelve years old), she goes free and her master does not receive any money. The implication is that it is just when she leaves this master that the master doesn't get money but when the girl leaves a different master, that master will get money and that master is the father when he marries her off (i.e., when the daughter leaves this master (her father) he will get money).

## Kiddushin Gimmel Amud Bais

She doesn't give herself (over)

לא מוקניה נפשה

A woman doesn't give herself over for kiddushin if she is getting less than the worth of perutah, and as such, since קליין works with even less than a perutah, it will not work for kiddushin.<sup>3</sup>

What Does the Number of the Sayfa Come to Exclude (why does חליצה not work as a get)?

|  |                          |
|--|--------------------------|
| The number of the sayfa                      | מִנִּינָה דְסִיפָא       |
| what does it exclude                         | לְמַעֲוֹתִי מֵאַי        |
| it excludes chalitza                         | לְמַעֲוֹתִי חַלִּיצָה    |
| (as) you could have thought to say           | סְלַקָא דַעַתָך אַמִינָה |
| we should learn it                           | תִיתְיִ                  |
| from a kal v'chomer from yevamah             | בְּקֶל וּחֹמֶר מִבְמָה   |
| (and we should say) that just like a yevamah | מֵה יִבְמָה              |
| that does not go out with a 'get'            | שְׁאֵיןָה יוֹצָאת בְגַט  |
| and yet it she goes out with chalitzah       | יוֹצָאת בְחַלִּיצָה      |
| this one (i.e., a married woman)             | זֹ                       |
| that goes out with a 'get'                   | שְׁיֹצָאת בְגַט          |
| 'is it not logical' (a kal v'chomer)         | אִינוֹ דַי               |
| that she should go out with chalitzah        | שְׁיֹצָאת בְחַלִּיצָה    |
| it (the number) teaches us (otherwise)       | כַמְשֻׁמָע לָנוּ         |

But on this assumption that chalitzah doesn't work as a get the Gemara asks:

But let us say so (that it works as a get)

The Gemara answers:

The posuk (Devarim 24:1) says

*“a sefer (document) of separation”*

(this implies that) a sefer 'separate

and no other thing ‘separates her’

The posuk implies that it is spe-

husband and wife and nothing else.

### **<sup>3</sup> The Kinyan of Challipin**

The kinyan of challipin involves one making a kinyan on a field that he is acquiring from his friend. Typically, the acquirer will give a handkerchief (or other object of little value) and in 'exchange' for the friend making a kinyan of this object, this person will be koneh the field (and he will pay the value of the field at a later time). Since this handkerchief was only given in order to facilitate the kinyan, it is typically given back to the one who gave it.

#### **אמה עברית 4 The Right of a Father to Sell His Daughter as an**



how do we know  
that the 'earnings' of a daughter  
go to the father  
as it says (Shemos 21:7)

"When a man will sell  
his daughter as a maid"  
just like a maid  
her earnings go to her master  
also a daughter also  
her earnings go to her father  
but let him learn it (this halacha) out (of the posuk)  
"While she is a na'arah in her father's house"

**מפני**  
**שמענשה מ בת**  
**לאב**  
**שנאמר**  
**וכי ימכו איש**  
**את בתו לאמה**  
**מה אמה**  
**מעשה ידיה לרבה**  
**אף בת נמי**  
**מעשה ידיה לאביה**  
**תיפוק לייה**  
**מנעריה בית אביה**

when her father marries her off, she is the one who receives the money that the husband gives for kiddushin.

Why did Rav not use the posuk of **מנעריה בית אביה** to teach that her earnings go to her father?

The Gemara answers:

Rather (it must be that he can't learn it because)  
with regard to hafaras nedarim  
it is written  
here too also  
with regard to hafaras nedarim  
it is written

**אלא**  
**בחפרת נזרים**  
**הוא דכתיב**  
**חייב נמי**  
**בחפרת נזרים**  
**הוא דכתיב**

The same way Rav could not learn the halacha that the earnings of a girl go to the father from the posuk of **מנעריה בית אביה** (as he holds that the posuk of **מנעריה בית אביה** is referring to hafaras nedarim), so too we should not be able to learn that the father is able to marry off his daughter from the posuk of **מנעריה בית אביה** as it is referring to hafaras nedarim, and if so, we are left without a source that a father can marry off his daughter when she is a **צעירה**.

The Gemara points out:

And if you are going to say  
learn it from it (i.e., from hafaras nedarim)  
(we can't) because money from issur  
we don't learn

**וכי תימא**  
**גילו מיניה**  
**מןazon מאיסורא**  
**לא ילפינו**

The Gemara answers that just because the father can be mayfer his daughter's nedarim, this is not a proof that he should receive the kiddushin money (see footnote).

One could have said that if we know that the father can be mayfer his daughter's nedarim even when she is a **צעירה**, perhaps this should teach us that he should get the money for her kiddushin as well. To which the Gemara says that being mayfer nedarim is a matter of issurim and the acceptance of money for her kiddushin is a monetary manner and we do not learn monetary manners from issurim. Therefore, just because the

The Gemara answers:  
But now (i.e., can it really be)  
the father accepts the kiddushin  
as it is written (Devarim 22:16)  
"My daughter I have given to this man"  
and she takes the money?!

**הכי פשוט**  
**אבייה מקבל קידושה**  
**דכתיב**  
**את בתי נתתי לאיש זהה**  
**ואיה שקללה בספק**

The Gemara assumes that if the father has the power to give her over for marriage, he also receives the money for it (i.e., if he 'owns the right to her marriage, he also owns the money for that marriage).

The Gemara continues to ask:  
But let us say that when is this (true)  
(it is only) with regard to a girl who is a minor  
that she does not have a 'yad'/hand  
to accept kiddushin  
but a na'arah that has a 'yad'/hand  
to accept kiddushin  
she should be able to marry herself  
and she should accept the money

**ואימתה הני מיili**  
**קטנה**  
**דליך לה יד**  
**לקבל קידושין**  
**אבל נערה זאית לה יד**  
**לקבל קידושין**  
**תקדיש איהי נפשה**  
**ותשקלל בספק**

Although it is true that the posuk says that the father can marry off his daughter, perhaps this is only with regard to a **צעירה** (a girl under twelve) but not with regard to a **נעורה** (a girl from twelve to twelve and a half). A **נעורה** is considered an adult for all matters (ex. monetary manners, being punished for her avayros etc..), and if so, perhaps she can also marry herself off.

The Gemara answers that the source for a father marrying off his daughter when she is a na'arah and accepting the money is learned from this posuk:

The posuk says (Bamidbar 30:17)  
"While she is a na'arah in her father's house"  
(this implies) that all of the 'benefits' of a na'arah  
go to the father

**אמיר קרא**  
**מנעריה בית אביה**  
**כל שבך נעריהם**  
**לאביה**

The Gemara answers that the posuk of **מנעריה בית אביה** tells us that any benefit that the **צעירה** generates goes to the father, and if so, her kiddushin and the money from such a kiddushin go to the father.

The Gemara now holds that the posuk of **מנעריה בית אביה** teaches us that the father has the right to marry off his daughter even when she is a **צעירה**.

But on this the Gemara asks:  
But this that Rav Huna said  
'in the name' of Rav

**ואלא רה דאמר רב הונא**  
**אמיר רב**



(we cannot say this) because it is different  
(the payments) for embarrassment and p'gam  
as the father 'has a connection to them'

שָׁאַנְיִ

בּוֹשֶׁת וּפְגָם

דָּאָבָוָה שְׂיִיךְ בְּגֻנִּיָּהוּ

When a man violates a girl (ערחה or קטנה), the payment for the embarrassment (בזבש) and her devaluation (פְּגָם) go to the father. However, the Gemara says that this can't be the source that the father gets the kiddushin money as it could be that the reason the father gets this money is because he has a connection to it. Rashi explains that the father has the ability to marry her to even a person that will cause her to be embarrassed and to be devalued, and if so, it makes sense that he should get the money from kenas/p'gam but this still would not be a proof that he gets the kiddushin money when he marries her off.

The Gemara comes to its final answer that in reality it is like we said before that the way we know that the father can marry her off and that he gets the money is learned out of the drasha from ניצאה חנים אין כ"ר, as will be explained.

Rather it is logical

אֲלֹא מִסְתְּבָרָא

that when it excludes

דְּכִי קָא מִמְעֵט

father can be mayfer the עירחה's nedarim, this does not show us that he should get the money for her marriage.

The Gemara will now show why various other possibilities are not valid to prove that the father gets the 'kiddushin money' when he marries off a עירחה.

And if you are going to say to learn it

וְכִי תִּמְאָן גִּילָּן

from 'kenas/'penalties'

מִקְנָסָא

money from kenas we don't learn

מִמְזֹנָא מִקְנָסָא לֹא יָלַפְיָנוּ

If a man violates a girl (either by physical force or by coercion), the attacker pays a penalty of 50 kesef to the father, and if so, one could have thought that the same way the father gets this kenas/fine, he should also get the kiddushin money. To which the Gemara answers that we cannot learn out regular monetary manners from kenas as the chiyuv to pay a kenas is a chiddush (novelty) and therefore no other halachos can be learned from it.

The Gemara continues:

And if you are going to say learn it

וְכִי תִּמְאָן גִּילָּן

from the (payment) for embarrassment

מִבּוֹשֶׁת

and p'gam (her loss of value)

וּפְגָם