

OVERVIEW of the Daf

1) The mitzvah of פרו ורבו (cont.)

The assumption that women are not commanded in the mitzvah of פרו ורבו is unsuccessfully challenged from a ruling to release a half-slave-half-free woman.

הדרן עלך הבא על יבמתו

2) **MISHNAH:** The Mishnah discusses the permissibility of different types of slaves to eat teruma when brought into a marriage by a woman who is prohibited to marry a kohen. The Mishnah elaborates on the different ways to categorize slaves. The Mishnah concludes with a basic presentation of which woman's slaves are permitted to eat teruma.

3) The woman's slaves eating teruma

The Mishnah's ruling that slaves belonging to a woman who entered into a prohibited marriage with a kohen may not eat teruma is challenged from a Baraisa that indicates that the slaves should be permitted to eat terumah since they are the property of the kohen.

After a failed attempt to resolve the contradiction Ravina presents a principle to resolve the matter.

Rava offers an alternative explanation why the slaves of this woman may not eat teruma.

R' Ashi suggests a third explanation why the slaves of this woman may not eat teruma.

R' Ashi's explanation is unsuccessfully challenged.

4) Evaluated property

R' Yehudah and R' Ami dispute whether a woman has the right to demand the return of the evaluated property she brought into the marriage or does the husband have the right to keep the utensils and return to her the value of the utensils.

Each Amora explains the rationale for his position.

(Continued on page 2)

Distinctive INSIGHT

Teruma privileges for a purchased slave

ומנין לאשה שקנתה עבדים ועבדיו שקנתו עבדים שיאכלו בתרומה שנאמר וכהן כי קנין נפש קנין כספו הוא יאכל בו וכו'

Teruma may be eaten by a kohen, and it may also be eaten by anyone who is קנין כספו. Our Mishnah clarifies who is included in this category. Servants who are in the category of נכסי מלוג of the wife of a kohen may not eat teruma if the wife is prohibited to the kohen (a widow for a kohen gadol, or a divorcée to a regular kohen). But if the wife herself is not disqualified for her kohen husband, these servants may eat teruma. The Gemara begins with an inquiry about the law which disqualifies the slaves of a nonqualified wife from teruma. Why are they not allowed to eat, for the Baraisa teaches that a person under the domain of the kohen (the wife who is קנינו) who purchases a slave usually allows the acquired person to eat, as well (קנינו שקנה קנין—אוכל).

The Gemara gives two basic answers to this question. Ravina explains that a קנין who acquires another קנין (in this case, the wife who buys a slave) can only extend the rights to teruma to the next level if the first person himself can also eat teruma. Here, the wife who is a widow or divorcée cannot eat, so the slave which she acquires also cannot eat. The end of the Mishnah features a bas Yisroel who marries a kohen. When she acquires a slave, even if this slave is from the נכסי מלוג, he may indeed eat teruma.

Tosafos notes that the Gemara seemingly could have presented the inquiry about a slave bought by the wife who eats teruma from the סיפא of the Mishnah itself, rather than searching for a contrast from a Baraisa. Tosafos explains, however, that there is a significant difference between the סיפא of the Mishnah and the Baraisa. The final case of the Mishnah is dealing with a wife who is fully eligible to marry a kohen. The fact that her acquisition of a slave results in his ability to eat teruma is no surprise, and we would attribute this right to the fact that he was bought by the wife. This servant is able to eat teruma as an extension of the woman who is legally married to a kohen. Yet the Baraisa goes a step further. Here, the wife herself cannot eat teruma, as she is ineligible to be married to him. Yet her purchase is allowed to eat teruma. How can she extend the rights to teruma that she herself does not enjoy? This must be due to our considering the newly-purchased slave as an extension of the kohen himself, and not her. This, then, leads to the question of why the slaves of נכסי מלוג of a widow or divorcée cannot eat.

Aside from the answer of Ravina, Rava and Rav Ashi explain that technically, a slave purchased by the widow or divorcée may eat (מדאורייתא), but the rabbis disallowed it due to a גזירה, as each explains according to his understanding. ■

REVIEW and Remember

1. What is נכסי מלוג?

2. What is שום property?

3. Must a slave belong to a kohen in order to be able to eat teruma?

4. Does ownership constitute possession?

HALACHAH Highlight

Arvus for women

מעשה באשה אחת שחציה שפחה וחציה בת חורין וכפו את רבה ועשאה בת חורין

There was an incident of a woman who was half-slave and half-free and they forced her owner to set her free.

There is a debate whether the principle of arvus applies to women. The principle allows a person who has fulfilled a mitzvah to recite the beracha on behalf of someone who did not yet fulfill the mitzvah. The Noda B'Yehudah¹ writes that men are arevim - responsible - for women but women are not responsible for one another. Therefore a man would be allowed to recite a beracha on a mitzvah that he has already fulfilled for the sake of another man who has not fulfilled it, whereas a woman would not be allowed to make another beracha for a woman.

Rav Akiva Eiger² disagrees and maintains that there is no difference between men and women, as far as the principle of arvus is concerned. The only limitation is that one cannot be responsible for another if he is not obligated by the mitzvah. For example, there is no difference between men and women concerning the mitzvah of Kiddush; therefore a man who already fulfilled the mitzvah may make the beracha for another man or woman. Similarly, a woman who has fulfilled the mitzvah of kiddush is allowed to make kiddush for a man or woman. On the other hand, if we were to assume that women are not Biblically obligated to recite Birkas Hamazon, a woman would not be able to recite Birkas Hamazon for a man since

(Overview. Continued from page 1)

R' Safra unsuccessfully challenges R' Ami's proof from the Mishnah.

A Baraisa in support of each opinion is cited.

Rava in the name of R' Nachman rules according to R' Yehudah that evaluated property must be returned to the woman.

R' Nachman explains why he ruled according to R' Yehudah even though R' Ami had a Baraisa that supported his position.

A related incident is recorded that teaches that the husband is considered in possession of the evaluated property until it is collected. ■

she is not Biblically obligated to recite Birkas Hamazon.

The Minchas Yitzchok³ finds support for Rav Akiva Eiger from our Gemara. Our Gemara, in an attempt to demonstrate that women are obligated in the mitzvah of פרו ורבו, relates that Beis Din compels a slave owner to free a woman who is half-slave and half-free so that she could marry. If the slave owner was not responsible for her fulfillment of the mitzvah, how could he be compelled to set her free? The only explanation is to assume that men are responsible to make sure that women fulfill those mitzvos that are incumbent upon them. Thus we see that the underlying assumption of the Gemara is that women are included in the principle of arvus at least to the degree that men are responsible for women's fulfillment of mitzvos. ■

1. דגול מרבבה או"ח סי' רע"א סע' ב'
2. שו"ת רעק"א מהד"ק סי' ז'
3. שו"ת מנחת יצחק ח"ג סי' נ"ד ■

STORIES Off the Daf

The "bought" wife?

מנין לכהן שנשא אשה וקנה עבדים שיאכלו בתרומה שנאמר (ויקרא כ"ב) וכהן כי יקנה נפש קנין כספו הוא יאכל בו

The shiur iyun of Rav Yosef Rabinovitch, zt"l, of Yerushalayim was in full swing. As always, it lasted for two hours and presented a very deep analysis of all the facets of the sugya under examination. On that particular day, the subject of eating teruma was under discussion, and one of the avreichim took the opportunity to ask Rav Rabinovitch a question that had always bothered him. "I don't understand how we learn about a wife and a slave from the same verse. Alt-

though I understand that kiddushin is a kinyan through the means of kesef, can it really be that the Torah considered a man's wife to be his bought property like a slave, such that both are entitled to eat his teruma if he is a kohen?"

Rav Rabinovitch answered without missing a beat. "Actually, all the Rishonim explain in Kiddushin that when a woman is acquired (נקנית) through the means of money, it merely means that her acceptance of the sum is the verification that she is permitted only to the husband from then on, and is prohibited to everyone else. This is embodied in the language of kiddushin, as in שקדש—consecration by designation. The Torah Temimah, zt"l, adds a proof to this. Since a married woman's property is

not her husband's unless she wishes him to acquire what she earns in exchange for his providing support for her, we see that she is not owned by him. If she is willing to forgo her rights to material support to maintain financial independence, she may keep her own earnings. This is also clear in Rashi in our sugya, on Yevamos 66a.

After explaining the sugya more carefully for a few minutes, Rav Rabinovitch concluded, "The truth is that there is another, much simpler, way that we see that a woman is not her husband's property. The rule is: anything over which I have sole ownership I can sell. Since no man has the authority to sell his wife, it is clear that she is not owned by him. If he can't sell her, he doesn't own her!" ■