

OVERVIEW of the Daf

1) Clarifying the language of the Mishnah (cont.)

The Gemara continues to challenge the explanation for the Tanna's choice of the word דרך.

The final conclusion of the Gemara is that when there are distinctions the Tanna will choose the word דרכים but when there is no distinction the Tanna will use the word דברים.

Proof to this rule is cited.

The Gemara wonders why the Tanna felt it was necessary to count the different methods of acquisition in the Mishnah.

The number in the first clause (betrothal) is to exclude חופה or חליפין.

The number in the second clause (acquiring herself back) is to exclude חליצה.

2) Betrothal with money

The Gemara inquires about the source that a woman can be betrothed with money and furthermore what is the source that when her father marries her off that he keeps the money?

R' Yehudah in the name of Rav suggests that these halachos can be inferred from the pasuk that discusses a maidservant who becomes a נערה and goes free from slavery.

This source is successfully challenged.

Another source for these halachos is suggested.

This source is also successfully challenged.

The Gemara returns to the original source and resolves the challenge that was presented against it. ■

REVIEW and Remember

1. When does the Mishnah use the term דרכים and when does it use the term דברים?
2. Why is חליפין not a valid means of betrothal?
3. What is the source that חליצה is not a means by which to divorce?
4. Explain ממונה מקנסא לא ילפין.

Gemara GEM

Why does חליפין not work to effect kiddushin?

ואשה בפחות משוה פרוטה לא מקניא נפשה

The Mishnah taught that there are only three methods which can be used to acquire a woman to become betrothed. The Mishnah specifically summarized and totaled the number of these categories as "three", and the purpose of the number is to limit and exclude other methods from the list. The Gemara identifies חופה as one unacceptable method, and according to Rav Huna, who says that חופה does work, the method which is excluded is חליפין. The Gemara explains that חליפין does not work because חליפין can function for an item which is even less than a פרוטה, and (according to the text found in Rashi) "a woman will not allow herself to be acquired (לא מקניא נפשה) for less than a פרוטה."

Tosafos asks several questions regarding the text and explanation which Rashi has. First of all, if the reason חליפין does not work for קידושין is our objective evaluation that woman are not pleased with taking less than a שוה פרוטה, what would happen if a particular woman would hold out her hand and willingly accept חליפין? Should we say that her personal willingness indicates that this kiddushin should be valid? Secondly, asks Tosafos, what if there is a woman who insists that even a פרוטה is not enough for her? The Gemara itself (11a) entertains such a question regarding the daughters of Rav Yannai, who were very particular, and would have insisted on receiving more than the minimum amount proscribed in the Mishnah. According to Rashi, where the validity of the transaction depended upon the personal feelings of the woman, why should the amount of a פרוטה be fixed?

Based upon these and other considerations, Tosafos explains that the correct text should read "בפחות משוה פרוטה לא מקניא נפשה," meaning that it is not that the woman does not allow herself to be acquired, but that the transaction itself, objectively, does not work when the method is one which functions at less than a פרוטה, such as חליפין. The Gemara felt that חליפין was some form of the קנין כסף, and that it should therefore work to effect kiddushin. The Gemara quickly realized, though, that this is not the case, as is evidenced by the fact that חליפין works even below the threshold of a פרוטה, thus indicating that it could not possibly be under the category of כסף. Therefore it does not work for kiddushin, regardless of the wishes of any particular woman. ■

HALACHAH Highlight

Studying Hebrew grammar in the bathroom

כל היכא דאיכא פלוגתא תני דרכים וכל היכא דליכא פלוגתא תני דברים

Whenever there is a distinction the Tanna will use the word *דרכים* but whenever there are no distinctions the Tanna will use the word *דברים*

The Gemara analyzes a number of different words to determine whether they are masculine or feminine words. Rav Yaakov Emden¹ notes that laws of Hebrew grammar are most often derived from the way a word appears in Tanach, thus it is almost impossible to study Hebrew grammar without discussing different verses. Accordingly, he maintains that it is prohibited to study Hebrew grammar in the bathroom since it will lead a person to think about different pesukim. Birkei Yosef² adds that it is certainly prohibited to think about aphorisms of Chazal for use in a letter *דרך מליצה* since it will inevitably lead a person to think about the context (סוגיא) of the Gemara from which the aphorism is taken.

Teshuvos Salmas Chaim³ writes that studying Hebrew grammar with the intent to better understand the

Torah is considered a form of Torah study but if one studies Hebrew grammar without that intent it is not considered Torah study. Teshuvos Chavos Yair⁴ advised that every person should know the basics of Hebrew grammar, like singular and plural, male and female, second and third person, etc. but to spend time studying the more intricate aspects of Hebrew grammar like when a letter has a *דגש* or not and how to determine which *נקודה* is used under a “ה” or “ו” is unnecessary and a waste of time. Rema⁵ records the criticism of his writing skills from Rav Shlomo Luria, the Maharshal, where Maharshal pointed out that Rema was not careful to follow the rules of grammar in his writing. Rema admitted that he never studied the laws but he is very careful that his intent should be understood, even if his grammar is not always correct. Along these lines Teshuvos Tashbatz⁶ also wrote that a lack of knowledge of Hebrew grammar does not detract from being characterized as a Torah scholar. ■

1. שו"ת שאילת יעבי"ץ ח"א סי' י.
2. ברכי יוסף או"ח סי' פ"ה סק"ב.
3. שו"ת שלמת חיים ח"ד סי' ב' אות ט"ז.
4. שו"ת חות יאיר סי' קכ"ד.
5. שו"ת רמ"א סי' ו'.
6. שו"ת התשב"ץ ח"א סי' ל"ג. ■

STORIES Off the Daf

The joining of the Arba Minim

”דרכיה דאתרוג כירק...”

On today's daf we find a discussion about esrogim.

The Chofetz Chaim, ז"ל, was always very careful to fulfill every mitzvah in the best possible way. Since he was very poor for much of his life, he was sometimes forced to purchase his Sukkos esrog—a very expensive item in Europe of those years—as a joint purchase with a few partners.

Of course, on the first day of

Yom Tov, the Torah requires that the esrog be “לכם—for or to you”—owned solely by the person using it to fulfill the mitzvah. Although he sometimes had very simple partners, he always patiently explained to them that in order for the mitzvah to be fulfilled, all the other partners must give over their shares of the esrog for the duration of each partner's use.¹

Chazal teach that the four species each represent a different type of Jew. Although palm trees bear fruit, they possess taste without aroma; myrtle branches are aromatic, but they lack flavor since they don't yield fruit. The willow has neither

taste nor smell. Taste represents mitzvos, while smell represents Torah. “Let them be tied together so each atones for the other.”

The Chofetz Chaim explained this in a very wondrous manner: “The esrog, which is the highest level since it bears both taste and aroma, represents a talmid chacham. It also must be joined to the other three, however it is not bound like the other three. This teaches a very important lesson: a talmid chacham should join with all other Jews while doing mitzvos, but not at other times!”² ■

1. הח"ח חיינו ופעליו, חלק ג', עמוד תתקצ"ד
2. שיחות הח"ח, עמוד קל"ג