

## OVERVIEW of the Daf

### 1) Kiddushin with a date (cont.)

Rava concludes his proof that silence after the money is given is meaningless.

Rava's position is unsuccessfully challenged.

Ravina was asked to rule about the case involving kiddushin with a myrtle mat and he responded that he does not have a tradition about the matter but those who have a tradition should follow that tradition.

A related case is cited.

R' Nachman's ruling in this case is unsuccessfully challenged.

R' Nachman demonstrates that the distinction he made is correct.

### 2) Teachings of R' Assi

A ruling of R' Assi is cited that compares kiddushin with the purchase of land.

This ruling is unsuccessfully challenged.

A statement of R' Assi is cited concerning someone who is unqualified who issues rulings related to marriage and divorce.

R' Assi's exposition is explained that someone who is unqualified who issues rulings related to marriage and divorce causes more damage than the generation of the flood.

This exposition is unsuccessfully challenged.

A ruling of Shmuel is cited so that the Gemara can relate that R' Assi in the name of R' Yochanan disagrees.

It is noted that the dispute between Shmuel and R' Yochanan is recorded in a different context and the Gemara explains why it is necessary to present the dispute twice.

R' Pappa issues a final ruling about collecting a loan from buyers (לקוחות) and heirs.

### 3) A woman's release upon the death of her husband

The Gemara begins to search for the source that a woman acquires herself back upon the death of her husband.

The Gemara finally identifies the source as a verse that discusses the exemption of a married man from war.

### 4) The acquisition of a yevama

The Gemara inquires about the source that a yevama is acquired by cohabitation. ■

## Distinctive INSIGHT

*Is a lien on one's property a Torah principle?*

אלמא קסבר שיעבודא לאו דאורייתא

The Gemara brought several statements in the name of Rav Assi, beginning with a lesson he taught regarding acquiring land with money only if it has the value of at least a פרוטה. The second statement is in reference to who is qualified to oversee cases of Jewish marriage and divorce.

The third and final discussion cited in the name of Rav Assi is regarding a woman who gave birth and is obligated to bring a bird (as a chatas) and a sheep (as an olah) as offerings.

The Mishnah (Kinim 2:5) rules that if the woman brought the chatas bird, and then she died, the woman's heirs should bring the olah for her. Rav Yehuda in the name of Shmuel explains that the heirs only have to bring the olah if the woman had designated the animal for the offering before she died. If she had not done so, the heirs do not have to bring the olah for her. Rav Assi in the name of Rav Yochanan disagrees, and he holds that the heirs must bring the animal for an offering even if the woman had not designated it as an olah during her life. The Gemara suggests that the difference of opinion in this discussion can be expressed in terms of whether the Torah considers one's property as subjugated to pay for his financial obligations (שיעבודא דאורייתא). Shmuel, who says that the family does not bring the olah after the death of the woman holds שיעבודא is not דאורייתא, while Rav Assi, in the name of Rav Yochanan, holds that שיעבודא is דאורייתא.

Rashi explains that even according to the opinion which holds that a lien is not automatically created when a person owes money, this is only true as long as the debt is not recorded. If a person borrows money and records in a document that he places a lien upon his land to guarantee the loan, this שיעבוד is recognized by the Torah as binding.

Ritva disagrees, and he writes that according to the opinion that a lien is not automatically assumed, one cannot create such a Torah obligation, even by recording it in a document.

Pnei Yehoshua writes that even if שיעבודא לאו דאורייתא, and, as Rashi writes, such an obligation can be created in writing, this is only true regarding a loan, in order to provide lenders the ability to collect their money in case of default. However, one's obligation to bring an offering (קרבת) does not contain this detail, and no lien is placed against one's property for an offering one is required to bring. This is why the heirs of this woman do not have to bring her olah. ■

Today's Daf Digest is dedicated  
 By Dr. and Mrs. Reuven Warshell  
 In loving memory of their parents  
 ר' שמואל בן ר' נחום ע"ה  
 ור' פינחס בן ר' ארי' לייב, ע"ה

# HALACHAH Highlight

*Reciting Tehillim by heart*

כדמתרגם ר' יוסף

As R' Yosef translated

**T**eshuvus Haradvaz<sup>1</sup> was asked whether the injunction against the oral recitation of Scripture (דברים שבכתב אי) is limited to the Torah or does it include Nevi'im and Kesuvim as well. Radvaz's response was based on our Gemara that relates that R' Yosef gave the Aramaic translation for a verse in Hoshea. One of the students of Rashba notes that although the Aramaic translation was recorded by Yonason ben Uziel, nonetheless, the Gemara cites the translation in the name of R' Yosef. The reason is that R' Yosef would recite verses in their Aramaic translation rather than in the original Hebrew because he was blind and reciting the verses in Hebrew would violate the prohibition against the oral recitation of Scripture. This commentary, explains Radvaz, demonstrates that the injunction against the oral recitation of Scripture includes all of Tanach. Accordingly, he expresses astonishment at the common practice of reciting, amongst other things, Tehillim by heart. Seemingly, the practice violates the prohibition against the oral recitation of Scripture.

He suggests a number of different explanations to rationalize the practice. One possible explanation is based on the Yerushalmi<sup>2</sup> that maintains that the prohibition is limited to public readings of Scripture. Private readings of Scripture, including Tehillim, are not encompassed by the prohibition. A second explanation is that the recitation of Tehillim is done in the form of prayer rather than in the form of reading Scripture

# REVIEW and Remember

1. Is kiddushin performed with stolen property valid?

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2. What is the source that unqualified judges in matters of gittin and kiddushin are more detrimental than the generation of the flood?

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3. Explain שיעבודא דאורייתא.

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4. What is the source that a married woman is permitted to remarry upon the death of her husband?

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and is thus excluded from the prohibition.

Shulchan Aruch<sup>3</sup> rules that sections of Tanach that people commonly recite and are thus fluent in people's mouths may be recited orally. Thus Krias Shema, Birkas Kohanim and Parshas Hatamid may be recited orally. Mishnah Berurah<sup>4</sup> cites the opinion of Chavos Yair who permits the recitation of Tehillim by heart. He bases this conclusion on a combination of two factors. First of all, its recitation is done as a prayer to awaken the mercy of Hashem and the second factor is the opinion of those Poskim who agree with the earlier-cited Yerushalmi that the prohibition is limited to the reading of Scripture in public to discharge an obligation. ■

1. שו"ת הרדב"ז ח"ח סי' י"י.
2. ירושלמי יומא פ"ז ה"א.
3. שו"ע אור"ח סי' מ"ט סעי' א'.
4. מ"ב שם סק"ו. ■

# STORIES Off the Daf

*A Poor Joke*

"התם בדשדיך.."

**D**uring Shavuot of 1955 a few teenagers were spending time together when one of them approached a young lady and slyly took a ring off her finger. When he replaced it he said, "הרי מקודשת לי" בטבעת זו כדת משה וישראל".

She retained her equanimity until he gave her a jolly smile and said, "Well you know that you have just become my lawfully wedded wife."

"Are you crazy?" said the shocked girl. She began screaming at him until he broke

into gales of laughter and said, "I was just kidding, of course we aren't married."

"That's right," said the most observant of the crowd. "You can't get married on Yom Tov."

But when this practical joke reached the ears of more learned people they immediately dispelled this notion. "It is true that it is forbidden to marry on Yom Tov, but if one does, it works."

This situation was quite horrifying but there was hope: the young man had not even said the word "את" when proposing, and the ring was hers since she hadn't even known what was going on. But of course if there was any doubt she would need a divorce.

This question was brought before

Rav Moshe Feinstein, zt"l. He answered, "We find in Kiddushin 13 that one who robbed or grabbed money from a woman and proposed with it, they are only married if there was a shidduch arrangement from before. But if not, there is no question of any marriage. Furthermore, they all understood it to be a joke. In addition, his omission of the word "את" is also significant since it is not clear from his words whom he is marrying, so this is presumably invalid..."

He concluded, "For all these reasons I rule that there is no doubt that she is unmarried and she doesn't need a divorce."<sup>1</sup> ■

1. שו"ת אגרות משה, חלק אבן העזר א', סימן פ"ג

