
THE YISRAEL SHIMON HA'LEVI TURKEL MASECHES KIDUSHIN

BACKGROUND TO THE DAILY DAF

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KIDUSHIN 60

[a - 40 lines; b - 53 lines]

- 1) [line 3] **מה נפשך?** MAH NAFSHACH? - which way would you like to turn? (i.e., whichever way one looks at it, the middle Mekadesh need not give a Get)
- 2) [line 4] **דקמא קידושי** D'KAMA KIDUSHEI - [the Kidushin of] the first [man to be Mekadesh] is [a valid] Kidushin
- 3a) [line 6] **האי לישנא משמעה תנאה ומשמע חזרה** HAI LISHNA MASHMA TENA'AH U'MASHMA CHAZARAH - such terminology can imply either a stipulation or a retraction
- b) [line 7] **ותיבעי גיטא מכל חד וחד** V'TIBA'I GITA MI'KOL CHAD V'CHAD - and she should [therefore] require a Get from every one [of the three, since perhaps the first and third intended to retract their original intentions, and only the second intended to stipulate that his Kidushin should take effect retroactively]
- 4) [line 9] **אפילו מאה תופסין בה** AFILU ME'AH TOFSIN BAH - the Kidushin of even one hundred [men who each betroth her with the words, "From now and after X days", when "X" equals a time period shorter than the one specified by the previous one] take effect in her [since such terminology a) implies that the Kidushin begins to take place now and extends over the intervening time period until it finishes, leaving *qualitative* room for subsequent acts of Kidushin to take effect (**RASHI**, **TOSFOS DH Afilu**; see **RASHBA**); b) is the equivalent of one who betroths a woman stipulating that she is forbidden to everyone else with the exception of Peloni, leaving *quantitative* room for subsequent acts of Kidushin to take effect (**TOSFOS RI HA'ZAKEN**)]
- 5) [line 12] **אסברה לך** ASBERA LACH - I will explain to you
- 6) [line 13] **שוו (נפשיה) (נפשיהו) כי שרגא דליבני** SHAVU (NAFSHEI) [NAFSHAIHU] KI SIRGA D'LIVNEI - they made themselves equivalent to rows of bricks [staggered so that each brick in the upper rows straddles two bricks below it]
- 7) [line 13] **רוחא לחבריה שבק** RAVCHA L'CHAVREI SHAVAK - left space for its fellow [brick in its row to share the same brick as a support]
- 8) [line 15] **חולצת ולא מתייבמת** CHOLETZES V'LO MISYABEMES (YIBUM / CHALITZAH - Levirate Marriage)
- (a) Should a married man die without children, his widow is not then free to marry whomever she pleases. The brothers of her deceased husband have a Mitzvah to perform Yibum (levirate marriage); that is, they are obligated to marry her (Devarim 25:5-10). If the deceased has more than one brother, the oldest brother is offered the Mitzvah of Yibum first (Yevamos 24a).
- (b) If the brother(s) does not wish to carry out this Mitzvah, he must perform Chalitzah. This is a procedure in Beis Din which dissolves the ties binding the widow to her brother(s)-in-law (known as "Zikah"), thus allowing her to marry anyone else. One of the brothers must appear together with his widowed sister-in-law before a Beis Din of three and state, "I do not wish to marry her." His sister-in-law then approaches him, removes his right

sandal, and spits on the ground in front of him. She then declares, "This is what shall be done to the man who will not build his brother's family." After this she is free to marry whomever she wants.

(c) In a case in which it is unclear whether a woman had been divorced prior to her husband's death, she must receive Chalitzah before marrying one other than her brother-in-law since she may not have been divorced. She may not, however, marry her brother-in-law through Yibum, since she may have been divorced — in which case she is forbidden to her as his brother's wife (Vayikra 18:16).

- 9) [line 18] **שיורא הוי** SHIYURA HEVEI - [each one's Kidushin] is incomplete
- 10) [line 18] **כל גיטא דמשייר בה ולא כלום הוא** KOL GITA D'MESHAYER BAH V'LO KLUM HU - a) any Get that does not take full effect is invalid [since the Torah requires that it be a document of "severance" (Devarim 24:1) (RASHI); b) any Get that does not finish taking effect until after the death of the husband is invalid [since by then she is no longer his wife] (TOSFOS DH Kol)
- 11) [line 19] **יבומי (מייבם) [תתייבם]!** YIBUMEI (MEYABEM) [TISYABEM]! - she should be permitted to perform Yibum!
- 12) [line 20] **גט להוציא** GET L'HOTZI - a Get is effective in removing [her from their marriage]
- 13) [line 24] **גזירה משום "מהיום אם מתי הרי זה גט"** GEZEIRAH MISHUM "MEHA'YOM IM MATI, HAREI ZEH GET" - it is a Rabbinic decree [that she may not perform Yibum even though the Get had not taken effect] due to that which it is similar to the case of "[this is your Get] from today if I die", in which case she is divorced [since his statement clearly implied a retroactive stipulation] (Gitin 77)
- 14) [line 26] **מתייבמת** MISYABEMES - she will come to perform Yibum [since she will reason that Chalitzah is not necessary unless she had not been divorced]
- 15) [line 27] **חששא דרבנן הוא** CHASHASHA D'RABANAN HI - [that which she may not perform Yibum] is [but] a Rabbinic suspicion [that she may perform Yibum in a different case]
- 16) [line 28] **הרי את מקודשת לי** HAREI AT MEKUDESSES LI - behold, you are betrothed to me [with this Perutah]
- 17) [line 29] **והוא יתן** V'HU YITEN - lit. and he will give it; the Gemara records an Amora'ic disagreement regarding the meaning of this term
- 18) [line 31] **ויש לו** V'YESH LO - assuming that he has [two hundred Zuz and can prove it]
- 19) [line 31] **שארעך** SHE'AR'ECH - that I will show you
- 20) [line 32] **על השלחן** AL HA'SHULCHAN - on the moneychanger's table (i.e., money that does not belong to him)
- 21a) [line 33] **והוא יתן** V'HU YITEN - and he shall give [her the two hundred Zuz, at which point the condition was fulfilled; the marriage, however, occurred retroactively when she received the Perutah]
- b) [line 33] **לכשיתן** LECHESHE'YITEN - [the Kidushin takes effect only] when he gives [her the two hundred Zuz]
- 22) [line 33] **מקיים תנאה ואזיל** MEKAYEM TENA'AH V'AZIL - he may fulfill the condition and go [on his way]; i.e., once he has fulfilled the condition he continues to be married to her from the earlier point
- 23) [line 34] **לכי יהיב** L'CHI YAHIV - when he gives [her the two hundred Zuz]
- 24) [line 35] **פשטה ידה וקבלה קידושין מאחר** PASHTAH YADAH V'KIBLAH KIDUSHIN ME'ACHER - she stretched out her hand and accepted Kidushin from another [between when he gave her a Perutah and when he gave two hundred Zuz]
- 25) [line 36] **כי האי גוונא** KI HAI GAVNA - similarly

60b-----60b

- 26) [line 1] **נתקרע הגט או שאבד** NISKARE'A HA'GET O SHE'AVAD - the Get was torn up or lost [between when he gave it to her and when she gave him two hundred Zuz]
- 27) [line 4] **לקרובה קאתי** LI'KEROVAH KA'ASI - he is coming to draw her close [and therefore intends to marry her immediately, with the money a stipulation to be fulfilled later]
- b) [line 5] **לרחקה קאתי** LI'RECHOKAH KA'ASI - he is coming to distance her [and therefore insists upon receiving money before granting her release]

- 28) [line 7] **איהו לא כסיף ליה למתבעה** IHU LO CHASIF LEI L'MISBE'AH - he is not embarrassed to claim [money] from her [in court]
- 29) [line 14] **אין זקוקה ליבם** EIN ZEKUKAH L'YAVAM - she is not connected to her brother-in-law [such that she requires Yibum or Chalitzah] (see above, entry #8)
- 30) [line 15] **נותנת** NOSENES - she may give [the money after his death]
- 31a) [line 17] **לי ולא ליורשיי** LI V'LO L'YORSHAI - [the implication of the word "Li" [is] "to me" and not "to my heirs"]
- b) [line 18] **אפי' ליורשיי** AFILU L'YORSHEI - [the implication of the word "Li" is] "to me or even to my heirs"
- 32) [line 21] **כל האומר ע"מ כאומר מעכשיו דמי** KOL HA'OMER AL MENAS K'OMER ME'ACHSHAV DAMI
- (a) It is possible to make a condition ("Tenai") in all Kinyanim (acquisitions; the word Kinyan connotes a change of ownership or status, such as sales, gifts, Gitin and Kidushin) such that the Kinyan will not take effect unless one or both of the parties involved fulfill the specified condition.
- (b) A person may specify that the Kinyan will take place retroactively upon fulfillment of the Tenai, or that it should only take effect at the time that the Tenai is fulfilled. If he does not specify either way, and he uses the formulation "Im" ("if") in his Tenai, the Kinyan will only take effect at the time that the Tenai is fulfilled. However, if the person uses the formulation "Al Menas" ("on the condition that..."), Rebbi maintains that the person intends for the Kinyan to take effect retroactively upon fulfillment of the condition.
- 33a) [line 24] **כי הוינן בבבל** KI HAVINAN B'BAVEL... - when I was in Bavel [as a student of Rav Yehudah (see Shabbos 41a)]
- b) [line 27] **כי סלקי להתם** KI SALKI L'HASAM - when I went up [to Eretz Yisrael]
- *34*) [line 31] **והתניא** VEHA'TANYA - *This Beraisa is offered as proof of the Gemara's thesis.*
- 35) [line 34] **אדמיפלגי** AD'MIFLEGEI - before disagreeing
- 36) [line 35] **להודיעך כח דרבי** L'HODI'ACHA KO'ACH D'REBBI - [the reason why the Beraisa teaches that their Machlokes applies even in this case is] to let you know the extent of Rebbi's opinion
- 37) [line 37] **כח דהיתירא עדיף** KO'ACH D'HETEIRA ADIF - The Power of Leniency is Greater
- (a) When a far-reaching disagreement that affects more than one possible case is recorded, there are two possible ways in which to demonstrate the disagreement. One is by detailing the case that highlights the extreme of one opinion, while the other is to detail the case that highlights the extreme of the other opinion.
- (b) It is generally better to highlight the lenient opinion, as this teaches us more than the stringent one. If one rules stringently, we do not know his true opinion on the matter. He may have decided that the stringent ruling is the correct one. He may, however, have been in doubt regarding the correct ruling, and ruled stringently out of doubt. One who rules leniently clearly must have the necessary proof to back it up if he maintains that such his ruling is correct.
- 38a) [line 39] **לאו תנאה הוא** LAV TENA'AH HU - he did not intend [to make the Kidushin dependant upon] a stipulation
- b) [line 39] **ולזרוזיה קאמר** UL'ZARUZEI KA'AMAR - and he said it [only] in order to spur [himself] on [to make her such a gift]
- 39) [line 40] **וניחוש שמא יש לו?** V'NEICHOSH SHEMA YESH LO? - [Why does she not require a Get if he cannot prove that he has two hundred Zuz?] Why do we not suspect that he may have [such an amount, although he cannot prove it]?
- 40a) [line 41] **הא בקידושי ודאי** HA B'KIDUSHEI VADAI - that [which he she is not betrothed] refers to a definite betrothal
- b) [line 41] **הא בקידושי ספק** HA B'KIDUSHEI SAFEK - that [which he she is betrothed] refers to a doubtful betrothal
- 41) [line 44] **אע"ג דנקט דמי בעיסקא** AF AL AGAV D'NAKAT DEMEI B'ISKA - [she is not betrothed] even though he stands to gain a portion of the profit gained [from the sum of money that he shows her on his money-changing table, since the full amount does not belong to him]

42) [line 44] **בית כור עפר** BEIS KOR AFAR (MEASUREMENTS OF VOLUME)

(a) The following system of measurements was in use at the time of the Gemara:

| | | |
|--------------------|---|---|
| 1 Kor / Chomer | = | 30 Se'in |
| 1 Lesech | = | 15 Se'in |
| 1 Eifah | = | 3 Se'ah |
| 1 Se'ah | = | 6 Kabin |
| 1 Tarkav (3 Kabin) | = | 12 Lugin |
| 1 Kav | = | 4 Lugin |
| 1 Log / Rova | = | 6 Beitzim / 4 Revi'iyos |
| 1 Revi'is | = | 1.5 Beitzim |
| 1 Beitzah | = | 2 k'Zeisim |
| 1 k'Zayis | = | approximately 0.025, 0.0288 or 0.05 liters, depending upon the differing Halachic opinions. |

(b) A Beis Kor is an area large enough to plant a Kor of seed. It is equal to 75,000 square Amos, which is approximately 15,595, 17,280 or 24,883 square meters, depending upon the differing Halachic opinions.

43) [line 47] **בבקעה** B'VIK'AH - [a field] in an open valley [that does not belong to him]

44) [line 49] **ארעא** AR'A - land

45) [line 50] **עבידי אינשי דמצנעי** AVIDI INISH D'MATZNE'EI - it is common for people to hide [their money, and it is for this reason that he cannot produce witnesses even though he has the requisite sum]]

46) [line 50] **קלא אית ליה** KALA IS LEI - lit. it would have a voice; i.e., it would be known

47a) [line 51] **מאי נפקא לך מינה?** MAI NAFKA LACH MINAH? - what difference does it make to you [if I don't own land that is close by]?

b) [line 51] **אנא טרחנא ומייתנא** ANA TARACHNA U'MAISINA! - I will exert myself and bring [the produce home]!

48) [last line] **נקיט בדיסתורא** NAKIT B'DISTURA - he has a share [in the land] as a sharecropper (in which one is hired to work the land for a percentage of the final crop)