

13.7.1

66a (ל) → 67a (תחילת הפרק)

Note: when a woman marries, the property she brings into the marriage may be divided into 2 categories:

1. **נכסי צאן ברזל**: property over which the husband takes responsibility; the assessed value at the time of marriage is written down and that is her stake; anything more (or less) is the profit (of loss) of the husband
2. **נכסי מלוג**: property over which the husband takes no responsibility; the fluctuating value is to her account

1. וְכֵן כִּי יִקְנֶה נָפֶשׁ קָנִין כְּסָפוֹ הוּא יֹאכַל בּוֹ וְיִלְיֵד בֵּיתוֹ הֵם יֹאכְלוּ בְּלִחְמוֹ: וְיִקְרָא פֶּרֶק כֵּן פֶּסוּק יֵא

I Which of כהן's slaves eat תרומה

a If (גרושה [וחלוצה] לכהן הדיוט, אלמנה לכה"ג) איסורי קדושה:

i עבדי צאן ברזל eat

ii עבדי מלוג do not eat

1 challenge: should be like קנינו שקנה קנין – which eat (v. 1)

2 answer #1: only a קנין which eats can generate eating for its קנין

3 rejection: ערל וטמא can feed (משנה ח:א)

4 defense: they are reparable (מילה, טבילה) unlike our cases (חללה)

5 challenge: ממזר (who is not reparable) can feed (ז:ה)

6 defense #1 (רבינא): קנין אוכל מאכיל; i.e. to be able to generate eating as a קנין, you must be one who eats

7 defense #2 (רבא): מה"ת, they may feed, גזרה to motivate them to divorce (since they can't eat nor feed)

8 defense #3 (רב אשי): מה"ת, they may feed, גזרה they may feed after death of כהן

(a) challenge: if so, should apply to any כהן שניסת לכהן – even if proper

(b) defense: referent is כהן אלמנת כהן who will reason that with death of husband, should revert to earlier rights of eating/feeding, ignoring that she has become a חללה

(c) expansion: גזרה applies to all widows equally

b If proper marriage of כהן – both eat

c If marriage of כהן לישראל – neither eat

II Tangential discussion re: rights to נכסי צאן ברזל that increased value at divorce; he wants to pay her off and she wants items back

a ר' יהודה: she may demand כלים back (she must, of course, pay surplus)

i supportive ברייתא husband may not sell צ"ב

b ר' אמי: he may insist on paying out

i attempted support from our משנה: he has אחריות → they are his

ii rejection: he has אחריות, but they aren't his

iii challenge: if he "only" has אחריות, slaves/animals shouldn't eat, as per ruling of (ישראל) שומר of כהן's animals

iv defense: full אחריות does generate eating (case of פרה מכהן); case of שומר isn't full אחריות (not אונסין)

v supportive ברייתא עבדי צ"ב only go free if husband takes out eye

c ruling: follows ר' יהודה – (in spite of ברייתא favoring ר' אמי); on account of בית אביה

d story: woman brought expensive clothing into marriage, upon death of husband, heirs used it as shroud:

i ruling (רבא): they owe her the money, she cannot claim garment

1 Challenge: רב יהודה ruled like רבא (הדין עמה)

2 rationale: רבא maintains that הקדש (status of shrouds) releases שעבוד (of garment to woman)

ii additional ruling (רב יהודה): if she brought in 2 garments, each worth 1K, then at dissolution they increased to 2K (2@1K), she must buy the 2nd back due to בית אביה