

19.03.04

62a (משנה ה') → 63a (מידים איתנהו בעולם)

1. משפט אחד יהיה לכם פגר פאזרח יהיה כי אני ה' אלהיכם: ויקרא כד, כב  
 2. הקזה יהיה צום אבתרהו יום ענות אדם נפשו הלכך קאגמן ראשו ושק ואפר יציע הלזה תקרא צום ויום רצון לה: ישעיהו נח, ה  
 3. לא תסגיר עבד אל אדניו אשר ינצל אליך מעם אדניו: דברים כג, טז

- I 'ה משנה ה' under (falsely) assumed status and קידושין which are presently unactionable
- a Assumed status: since she never misrepresented herself, קידושין are **valid**
- i If: he thought she was a כהנת and she's really a לויה or vice-versa
  - ii If: he thought she was wealthy and she's really poor or vice-versa
- b Presently invalid: **all invalid**
- i If: either of them is not Jewish and he states "קידושין becomes valid when (I/you) convert"
  - ii If: either of them is a slave and he states "קידושין becomes valid when (I/you) are liberated"
  - iii If: she is married and he gives her קידושין which will take effect when the husband dies
  - iv If: he is/was married to her sister and he gives her קידושין which will take effect after that sister dies
  - v If: she is a שומרת יבם and he gives her קידושין which will take effect after חליצה
  - vi Similarly: if his friend's wife is pregnant, and he gives him קידושין which will take effect when and if his wife has a girl
    - 1 Note: if she was "showing" and indeed had a girl, מקודשת
- c Challenge (to [b]): תרומות א:ה – we may not take תרומות from produce still in the ground for uprooted produce or vice-versa
- i ד' יוחנן if, however, he included the rooted produce to be activated "when it is uprooted" – valid
    - 1 reason: anything that is in his control is not considered מעשה
    - 2 explanation: in our משנה, why should his conversion be an obstacle to קידושין (1<sup>st</sup> half of case [b i])
      - (a) answer: א גר cannot convert without a בית-דין (v.1) – and he may not find 3 who are willing to participate
      - 3 challenge: if so, a slave-owner giving a פרוטה to his שפחה, effective for קידושין after he frees her should be valid
        - (a) answer: she is qualitatively a different "species" afterwards
        - 4 question: ר' אושעיא's ruling that a man giving his wife a פרוטה to activate קידושין after divorce should be valid (לר"י)
          - (a) answer: it isn't in his control for her to accept his קידושין
          - 5 if so: that should settle ר' אושעיא's query re: giving 2 פרוטות, one for immediate קידושין the other for the "next ones"
            - (a) deflection: perhaps since the first קידושין are valid, they "carry" the second
            - 6 supporting בריתא reiterates ר' יוחנן's position
              - (a) extension: רב"י – even if the מחוברים weren't ripe (שליש) and he added that to his condition – valid
                - (i) qualification (רבה – version1): this only applies when it is somewhat hard; not if it's utterly soft (inedible)
                - (ii) dissent (ר' יוסף): even if it's utterly soft – (meaning of "אגם" from v. 2)
                  1. if so: limitation on our משנה – if wife is already pregnant, potential קיד' with daughter are valid
                    - a. רבה only if she's showing
                    - b. ד' יוסף even if not showing
                  - (iii) qualification (רבה – version2): only applies to unirrigated field (needs no more water)
                  - (iv) dissent (ר' יוסף): even if it's an irrigated field (but must be somewhat hard)
                    1. if so: limitation on our משנה – if wife is already pregnant, potential קיד' with daughter are valid
                      - a. both of them: only if she's showing
                    - (v) observation (רב"י): רבי, רב"י and ר"מ agree that a person may sell something which doesn't yet exist
                      1. רב"י: our case
                      2. דבי. v. 3 refers to a man buying a slave and, in advance, freeing him
                      3. ד"מ. cases in our משנה (2<sup>nd</sup> half) – all valid
                        - a. note: רבי states that in cases of "death of husband, sister", banned to maintain good relations
                        4. question: why not include ר"ע as per his ruling (נדריס יא:ד) about a woman banning wages on husband?
                          - a. Answer: we explained that, in that case, she banned her hands themselves – which exist