

TIME  MISHNA

MASECHES KIDDUSHIN



**Summaries, key terms, overviews, tests
and other chazara aids**

TIME 4 MISHNA

key terms

קידושין

Rules:

- זכין לאדם שלא בפניו** - One can do a legal action which is beneficial for somebody else without his consent
- המוציא מחברו עליו הראיה** - One can only take money from somebody else if he can prove that he is entitled to it
- דברים שבלב אינם דברים** - One's unstated intentions have no significance when performing a legal action
- מעיל איניש נפשיה לספיקא** - One intends to include even doubtful cases when making a legal statement
- לא מעיל איניש נפשיה לספיקא** - One only intends for the most certain interpretation of his words to have significance

Concepts and terms:

Acts of acquisition:

- **מסירה** - The seller giving over the control of an animal to the buyer
 - **הגבהה** - Lifting an item up
 - **משיכה** - Pulling an item towards him causing an animal to walk towards him
 - **חזקה** - Showing ownership of something
 - **חליפין** - When two people exchange items and as soon as one of them acquires the item that he is buying, he automatically transfers his item to the other person
- יבמה** - A woman whose husband has died without children and there is a **מצוה** for the dead man's brother to marry her
- גלגול שבועה** - When other oaths can be exacted from one who is already obligated to swear about something else
- מצוות עשה שהזמן גרמא** - Positive **מצוות** which are bound to a specific time

Processes involved in offering a קרבן

- **סמיכה** - Leaning on the animal
- **תנופה** - Waving parts of the קרבן
- **הגשה** - Bringing a קרבן מנחה to the south-western corner of the מזבח
- **קמיצה** - Taking a 3-finger handful of flour from a קרבן מנחה to burn it on the מזבח

TIME 4 MISHNA

key terms

קידושין

- **הקטרה** - Burning things on the **מזבח**
- **מליקה** - Cutting a bird's neck for the sake of a **קרבן**
- **הזאה** - Throwing the blood onto the **מזבח**
- **קבלת הדם** - Receiving the blood which comes out of the animal's neck when being slaughtered

ערלה - Fruit grown on a tree in its first 3 years and is forbidden in benefit

כלאי הכרם - Another species planted in a vineyard, which is forbidden to plant or benefit from

חדש - The prohibition of eating that year's grain before the **קרבן עומר** is offered on **פסח**

מקח טעות - An acquisition based on misinformation

כתבה - A document which gives a woman the right to receive an amount of money upon being divorced or widowed

מעשר שני - 1/10 of one's produce which one must eat inside **ירושלים**

הקדש - Something belonging to the **בית המקדש**

תנאי כפול - When one makes a condition and needs to state what will be if the condition is fulfilled and what will be if the condition is not fulfilled

חזקה - Assumed status, based on what has been known until that moment

ממזר - Somebody born from severely prohibited relations

שתוקי - One whose father's identity is unknown

אסופי - One whose both parents' identity is unknown

נתין - One who is descended from the **גבעונים** who tricked the Jewish people into allowing them to convert; they may not marry a Jew

כותי - A member of a nation who converted to become Jewish and whose Jewish status was debated

▪ **ממון גבוה** - In the 'possession' of Hashem

▪ **ממון הדיוט** - In the possession of the person

▪ **קטנה** - Girl under the age of **בת מצוה**

▪ **נערה** - Girl aged 12-12½ years old who is maturing

▪ **בוגרת** - Girl over the age of 12½ years old who has fully matured

TIME 4 MISHNA

summaries

קידושין

- **How different people or items can be acquired:**

- **Woman** for marriage: (1) Giving her **money** or an object which is worth money, (2) giving a **document**, or (3) by **having relations** with her.
 - **בית שמאי**: The money or object needs to be worth at least a **דינר**.
 - בית הלל**: It only needs to be worth a **פרוטה**.
 - She reacquires herself to be able to marry another man by **receiving a גט** or upon the **death of her husband**.
- A **'יבמה'** – **a woman whose husband has died without children** and there is a **מצוה** for the dead man's brother to marry her: Having relations.
 - She acquires herself to be able to marry another man by performing **חליצה** in **בית דין** or upon the **death of her husband's brother(s)**.
- A **Jewish slave**: **Paying** the slave, his previous owner, or **בית דין** who compensate the person from whom the slave stole with that money; giving a **document**.
 - He acquires himself by **serving for 6 years**, if it reaches **יובל** or if he or somebody else **pays** the master according to how long left he is supposed to be a slave.
 - If he wishes **to remain a slave** after 6 years have passed, the master acquires him by **piercing his ear**, and he acquires himself at **יובל** or upon the **death of his master**.
 - A female slave also acquires herself upon **developing signs of maturity**.
- A **non-Jewish slave**: **Paying** him or his previous master, receiving a **document** from his previous master, or **showing ownership**, e.g. the slave following his orders.
 - **ר' מאיר**: He acquires himself if **somebody else pays the master** (since he can't own anything) or if **he receives a document** from his master.
 - חכמים**: He **can acquire himself by paying the master himself**, if somebody gives him money on condition that his master has no rights over it. Also, **somebody else can receive the document on his behalf without his knowledge**, since it's considered to be an advantage to be freed and **'זכין לאדם שלא בפניו'** – one can do a legal action which is beneficial for somebody else without his consent.
- A **large animal**: **'מסירה'** – the seller **giving over the control of the animal** to the buyer
- A **small animal**: **ר' אליעזר** and **ר' מאיר**: **'הגבהה'** – **lifting it up**.
חכמים: **'משיכה'** – **pulling** it or causing it to walk towards him – is also sufficient, since it can be difficult to lift it up.
- **Land**: **Paying** money to the seller, receiving a **document** from him or **'חזקה'** – **showing ownership** of it, e.g. putting up a fence.
- **Movable items**: **משיכה**, **מסירה** or **הגבהה**.
 - The act of acquisition performed to acquire land **can also be effective to acquire movable items along with the land**.
 - If one is required to swear that he doesn't have somebody else's land, **he can be made to swear that he doesn't have his land either**, because of **'גלגול שבועה'** - when other oaths can be exacted from one who is already obligated to swear about something else.

TIME 4 MISHNA

summaries

קידושין

- 'חליפין' – when two people **exchange items** and as soon as one of them acquires the item that he is buying, he automatically transfers his item to the other person – **is a valid form of acquisition** for land, movable items and animals.
 - If the item which is automatically transferred without another act **gets destroyed, the buyer suffers the loss** since it's already his.
- If the **treasurer buys something**, he acquires it by **paying**, even without doing anything with the item itself.
- If one **designates something to give to the בית המקדש**, its ownership is transferred.
- **The extent of the application of מצוות:**
 - **Obligations of a parent**, e.g. to give one's son a **מילה ברית**, **only apply to men**.
 - **Obligations of a child**, e.g. to honour one's parents, **apply to men and women**.
 - 'מצוות עשה שהזמן גרמא' – **positive מצוות which are bound to a specific time – only apply to men**.
 - **All other positive מצוות and all negative מצוות apply to men and women**, except for the prohibitions of cutting the corners of one's hair (**פאות**), destroying one's beard and a **כהן** becoming **טמא**.
 - The following processes of a **קרבן** **may only be done by a man**:
 - 'סמיכה' – **leaning** on the animal,
 - 'תנופה' – **waving** parts of the **קרבן**,
 - The **קרבנות** of a **סוטה** and a **נזירה** are an exception.
 - 'הגשה' – **bringing a מנחה קרבן to the south-western corner of the מזבח**,
 - 'קמיצה' – **taking a 3-finger handful of flour** from a **מנחה קרבן** to burn it on the **מזבח**,
 - 'הקטרה' – **burning** things on the **מזבח**,
 - 'מליקה' – **cutting a bird's neck** for the sake of a **קרבן**,
 - 'הזאה' – **throwing the blood** onto the **מזבח**
 - 'קבלת הדם' – **receiving the blood** which comes out of the animal's neck when being slaughtered.
 - **חכמים**: **Laws concerning the ground and that which grows on it**, e.g. tithes and **שמיטה**, **apply only in ישראל ארץ**, except for 'ערלה' – **fruit grown on a tree in its first 3 years** and is forbidden in benefit – and 'כלאי הכרם' – **another species planted in a vineyard**, which is forbidden to plant or benefit from.
 - ר' אליעזר**: 'חדש' – the prohibition of eating **that year's grain before the עומר קרבן is offered** on **פסח** – also applies everywhere.
 - One whose merits and sins balance out and he **performs one מצוה** is granted **עולם הבא**.
 - One who is involved in **learning תורה** and **improving his character** towards other people won't be quick to sin, whereas one who isn't involved in any of this isn't a benefit to society and **is an invalid witness**.

TIME 4 MISHNA

summaries

קידושין

- **What is necessary for קידושין to be valid:**

- **One can appoint a messenger** to perform or receive קידושין on his or her behalf.
- **A father has the right to receive קידושין on behalf of his daughter** who is a 'קטנה' – girl under the age of **בת מצוה** – or a 'נערה' – girl who is aged 12-12½ years old, and he too can appoint a messenger to do so.
- If one **gives a woman several dates and says each time that he is performing קידושין** with this date, **it's only valid if one of the dates is a פרוטה** (something worth a פרוטה) by itself, since he performed multiple acts of קידושין.
 - If he says "with this one, and with this one, etc", then **the dates can combine to make up a פרוטה**.
 - If she ate each one before he gave her the next one, then **it's only valid if the last date is a פרוטה** since the קידושין takes effect only once all of the dates have been given and at that time the rest of the dates have been eaten.
- **חכמים**: If one tells a woman that he is performing קידושין with a particular item and **it later emerges that it was a different item** which is considered inferior in any way to the other item, **the קידושין is invalid** since it's a 'מקח טעות' – acquisition based on misinformation.
 - ר' שמעון**: If it emerges to be something which is considered better, e.g. gold instead of silver, then **it's valid if she appointed a messenger** to receive קידושין of silver on her behalf, since this isn't an integral part of her instructions.
- If he performs קידושין with a **condition regarding himself**, e.g. that he is a כהן, and **the condition isn't true**, the קידושין is invalid even if she claims that she accepted the קידושין regardless of the condition.
 - The same applies if he made a **condition regarding herself**.
- If he **appoints a messenger to perform קידושין on his behalf in a certain location and he does so elsewhere**, **it's invalid** unless it's clear that he only intended to give him directions for guidance.
- If one performs קידושין with a woman **on condition that she isn't bound by any significant vows** which prohibit her to benefit from certain things, or **that she has no wounds**, and it emerges that this condition wasn't fulfilled, **it's invalid**.
 - If he **completes the marriage without mentioning the condition** and only later it emerges that the condition wasn't fulfilled, **he must give her a גט** because of the concern that he retracted his condition (so that his relations wouldn't be with an unmarried woman and therefore illegal), however **she doesn't receive a 'כתבה'** – money which a woman receives from her husband upon being divorced or widowed – since 'המוציא מחברו עליו הראיה' – one can only take money from somebody else if he can prove that he is entitled to it.
 - Any **wound which would invalidate a כהן** from serving in the בית המקדש is considered significant and would invalidate the קידושין.

TIME 4 MISHNA

summaries

קידושין

- If one performs קידושין with something **worth less than a פרוטה**, **it's invalid even if he then sends her gifts** which one would customarily send to the woman with whom he performed קידושין, since these aren't sent for the sake of performing קידושין.
 - The same applies to a **child who performs קידושין and then sends gifts** after he becomes בר מצוה.
- If one **performs קידושין with 2 sisters simultaneously and states that he is performing קידושין with one of them**, it's a doubt which one's קידושין is valid and **they both require a גט**.
- **Which items cannot be used for performing קידושין:**
 - A כהן who performs קידושין with the portion of **קרבנות** which he receives, **it's invalid** since it's not in his monetary possession except for the sake of eating it.
 - **ר' מאיר**: If one performs קידושין using **'מעשר שני' - 1/10 of one's produce which one must eat inside ירושלים**, **it's invalid** since it's **'ממון גבוה'** - in the 'possession' of Hashem, like קרבנות.
 - **ר' יהודה**: **It's valid** since it's **'ממון הדיוט'** - in the possession of the person, but if **she didn't realise that it was מעשר שני** then **it's invalid** since it's a **טעוה** because she didn't know that she would need to take it to **ירושלים**.
 - **ר' מאיר**: If one performs קידושין with **'הקדש' - something belonging to the בית המקדש** - **this is forbidden, but it's valid if done intentionally** since the sanctity is removed when one transfers its ownership intentionally.
 - **ר' יהודה**: This is true only **if done unintentionally**.
 - One who performs קידושין with **something from which it is forbidden to benefit**, **it's invalid** since it's not a **פרוטה**.
 - If he performs קידושין with **the money which he receives in return** for illegally selling it, **it's valid** since it's permitted to benefit from the money, unless it was an item used for idolatry.
 - If a **ישראל inherits produce from which the tithes haven't yet been separated** from his mother's father who was a כהן, the **תרומה** belongs to him and he isn't obligated to give it to a כהן since his grandfather was able to keep it for himself, so **he can use it to perform קידושין** since it has monetary worth and she can sell it to a כהן.
 - One **can perform קידושין** with the solution of **water and פרה אדומה ashes**, since people would pay someone to bring it to them.

TIME 4 MISHNA

summaries

קידושין

• Delayed קידושין:

- If one appoints somebody to perform קידושין with a woman on his behalf and **the messenger goes and performs קידושין with her for himself**, it's **valid** since she accepted his קידושין.
- If one performs קידושין with a woman for it to take effect in 30 days' time and **somebody else performs קידושין with her within 30 days**, only **the second man's קידושין** is valid.
 - If he said that it should take place "from now and after 30 days", it's a doubt whether he means that after 30 days it should take place retroactively from now if he is still alive then, or if he changed his mind and wishes it to take effect in 30 days' time, so **there is a doubt which one's קידושין is valid**.
- One who **performs קידושין with a woman at a time that the קידושין would be totally invalid**, for it to take place when it is possible, e.g. a married woman for once her husband dies or if he isn't Jewish for after he converts, **it's invalid**.
 - If one gives somebody a שוה פרוטה to serve as קידושין with his daughter to **take place once his daughter is born, it's invalid**.
 - If **his wife is pregnant** and ends up giving birth to a daughter, **the קידושין is valid** since she already exists.

• קידושין with a condition attached:

- If one **performs קידושין using the words "על מנת"** ("on condition"), **the קידושין takes place retroactively from the time of the קידושין** if the condition is fulfilled.
- If one states **a time limit for the condition**, it **can't be fulfilled past that time**, even though he said so only in order to give the impression that it will happen soon.
- If the condition is **that he owns a piece of land in a particular location and he owns it elsewhere**, **the קידושין is invalid** even if the only reason why she'd prefer a piece of land in that particular location is so that it's nearer and he's willing to bring the produce to that location.
- If the condition is **that he will show the woman 200 זוז or a large piece of land**, **he needs to show her his own money or land**, since that is the implication of the condition.
- **ר' מאיר**: For a condition to be valid, **one also needs to state that if the condition isn't fulfilled then the legal action – such as קידושין – won't take effect**. This is called a 'תנאי כפול' – 'double condition', and is learnt from משה רבינו telling the tribes of ראובן and גד that if they wouldn't help to conquer ארץ ישראל then they would inherit a portion inside of ארץ ישראל and not in עבר הירדן.
ר' חנניא בן גמליאל: **This is not necessary**, and only משה רבינו needed to state what would happen if the condition wouldn't be fulfilled, since one might have understood that if they wouldn't fulfil the condition then they wouldn't receive any portion.

TIME 4 MISHNA

summaries

קידושין

- If one performs קידושין without stating any condition but later **claims that he was under the impression that she was wealthy but really she is poor, the קידושין is still valid** since 'דברים שבלב אינם דברים' – one's unstated intentions have no significance when performing a legal action.
- A condition to perform work for her is valid, but one **cannot consider the worth of his work as the means of performing the קידושין itself**, since he needs to give her a שוה פרוטה and it's insufficient to allow her to keep a שוה פרוטה which she owes him.
- If the condition is **that his father doesn't protest to the marriage** by a set time and **his father dies** beforehand without protesting, **the קידושין is valid**.
 - If **the one who performed קידושין dies**, **the father should protest** so that she doesn't require יבום or חליצה.
- **Believing claims without the testimony of 2 witnesses:**
 - If one claims **that he received קידושין for the sake of his daughter** who is still a קטנה or נערה, **he is believed** despite the lack of witnesses.
 - If he claims that he received קידושין but **can't remember from whom, and another man claims that it was him, he is believed** since he would be afraid to lie as the father would know if it wasn't him.
 - **He is also believed** to say **that he received her divorce**, if he states this immediately after stating that he received קידושין.
 - If one **receives קידושין on behalf of one of his daughters without specifying which one**, only the daughters who aren't yet 'בוגרות' – girls over 12½ years old – are in a case of **possibly being מקודשת**, even if a בוגרת appointed him as a messenger to receive קידושין for her, since he would give priority to fulfilling the מצוה of receiving קידושין for those who are under his authority.
 - **ר' מאיר**: If one has several daughters from רחל and 2 daughters from חנה who are both younger than all of רחל's daughters, and he **receives קידושין on behalf of his older daughter but isn't sure which daughter he was referring to, all of them are forbidden to marry without first receiving a גט, except for חנה's younger daughter**. This is because 'מעיל איניש נפשיה לספיקא' – one intends to include even doubtful cases when making a legal statement.
 - ר' יוסי**: **They are all permitted, except for the oldest daughter**, since 'לא מעיל' – one only intends for the most certain interpretation of his words to have significance.
 - One **isn't believed** if he claims **that his daughter was captured by non-Jews so is forbidden to marry a כהן** in case she was forced to have relations.
 - If one is assumed to have neither brothers nor sons and **claims before dying that he has sons, he is believed**, but if he **claims that he has brothers** then **he isn't believed**, since this goes against her 'חזקה' – assumed status – of not requiring יבום.

TIME 4 MISHNA

summaries

קידושין

- If one **claims that he performed קידושין with a woman** and she denies this, **he is forbidden to marry her relatives** since 'אדם נאמן על עצמו יותר ממאה עדים' – a man is believed to prohibit himself more than a hundred witnesses, but **she is permitted** to marry his relatives since there are no witnesses.
- **Different statuses:**
 - 1) If the parents are **permitted to have relations** with each other, e.g. a כהן who marries a בת ישראל, **the child's status follows his father.**
 - 2) If the parents **could perform קידושין with each other but are forbidden to do so**, e.g. a כהן who marries a divorcee, **the child is a 'חלל'** – disqualified כהן – just like his mother becomes a חללה.
 - 3) If the parents **couldn't perform קידושין with each other**, e.g. one who marries his relative, **the child is a ממזר.**
 - 4) If one of the parents **couldn't perform קידושין with anybody**, e.g. one who isn't Jewish, **the child's status follows their mother.**
- **ר' טרפון**: Although a ממזר's descendants are all ממזרים, if he **marries a non-Jewish female slave** then the children's status are non-Jewish slaves, and if he frees them then **they become regular converts who aren't ממזרים.**
- **ר' אליעזר**: **He is still a ממזר**, since the statuses of both of his parents are passed down to him.

TIME 4 MISHNA

summaries

קידושין

Who one may marry:

- 1) A **כהן** may marry a **בת לוי**, **בת ישראל** or **בת כהן**.
 - He **must first check the status of her female ancestors** for the past 4 generations if she's a **בת כהן** and otherwise 5 generations, since a defect in a woman's genealogy doesn't become publicised like it does for a man.
 - If one of her ancestors **served in the בית המקדש** or **sang there**, or was part of a **סנהדרין** or a **בית דין** in **ירושלים**, he **doesn't need to check his female ancestors** since it's already been done.
 - ר' יוסי**: The same applies if he **was a witness in a court which accepted only witnesses whose ancestry was totally pure**.
 - ר' חנינא בן אנטיגנוס**: The same applies if he **was in דוד המלך's army**.
 - If one of her ancestors **had the job of collecting צדקה** from the people of the town and was able to confiscate their belongings if they refused, he **doesn't need to check his ancestry** further since people who got into arguments with him would have already searched for a defect in his ancestry to publicise.
 - **ר' יהודה**: A **כהן** **may not marry** the **daughter of a male convert** or a **male convert's son, son's son, and so on**.
 - ר' אליעזר בן יעקב**: He **may marry** a woman who **has at least one parent who isn't descended from a convert**.
 - ר' יוסי**: He **may even marry** the **daughter of two converts**.
- 2) A **לוי**, **ישראל** and **חלל** may marry a **בת לוי**, **בת ישראל**, **חללה**, **convert** and a **non-Jewish slave who converted** upon freedom.
 - A **חלל's status is passed down to his children**, whereas a **חללה's status isn't**.
- 3) A **convert** and **freed slave** may marry a **בת לוי**, **בת ישראל**, **חלל**, **convert**, **freed slave**, **ממזר** or **'נתין'** – one who is descended from the **גבעונים** who may not marry a Jew.
 - **ר' יהודה**: A **convert is forbidden to marry a ממזר**, unless he **was part of the nation of עמון** or **מואב** and is **forbidden to marry** a **בת לוי**, **בת ישראל** and **בת כהן**.
- 4) A **ממזר** and a **נתין** may marry a **ממזרת** or a **נתינה**.
 - **חכמים**: A **'שתוקי'** – one whose father's identity is unknown, an **'אסופי'** – one whose neither parents' identity is known, and a **'כותי'** – member of the nation of **כותים** who converted but didn't keep all of the **הלכה** – **have the status of a ממזר** out of doubt.
 - ר' אליעזר**: **They are forbidden to get married**, since anybody who a regular Jew may marry is forbidden for a **ממזר** to marry.
 - **אבא שאול**: If the **mother of a שתוקי** claims that he isn't a **ממזר** then **she is believed** since she isn't suspected of having illegal relations.
 - **חכמים**: **One isn't believed** if he **claims that his son is a ממזר**, since one can't testify about his relative.
 - ר' יהודה**: **He is believed**, just like one is believed to say who his firstborn son is.

The aim of **Time4Torah** is to facilitate Torah learning opportunities for people of all ages globally. The focus is on covering significant ground whilst still setting time for constant revision, in order to retain the material.

The **Time4Mishna** program involves learning 4 משניות a day, Sunday through to Thursday. Friday is reserved for חזרה of that week's material and Shabbos is set aside for reviewing previous מסכתות.

Participants receive a 15 minute shiur of the 4 daily משניות, and written חזרה material at the end of each week.

Sign up today:

time4mishna@gmail.com

www.time4torah.org



Time4Torah is part of the JFT family of organisations