Who was half-slave, etc. – Rav Aha bar Rav Ketina said that Rabbi Yitzhak said: There was an incident with a certain woman who was half-slave and half-free woman, and therefore could marry neither a Canaanite slave nor a Jew, and they forced her master and he made her a free woman. Presumably, the reason the court forced her master to free her was so that she could fulfill the mitzva to be fruitful and multiply. Rav Nahman bar Yitzhak said: The reason they forced her master to free her was because others treated her in a loose manner. Since she knew that she could not marry she engaged in promiscuous activity, and the court forced her master to free her in order to save her and others from sin.

HALAKHA

They treated her in a loose manner – רַבָּהּ נָהֲגוּ. If a maidservant is involved in widespread promiscuous activity, her master is forced to release her so that she can marry, thereby removing the stumbling block from the community (Rambam Sefer Kinyan, Hilkhot Avadim 9:6; Shuhan Anukh, Yoeh Da‘a 267:79).

The Gemara asks: Are women not commanded to be fruitful and multiply? Didn’t Rav Aha bar Rav Ketina say that Rabbi Yitzhak said: There was an incident with a certain woman who was half-slave and half-free woman and therefore could marry neither a Canaanite slave nor a Jew, and they forced her master and he made her a free woman. Presumably, the reason the court forced her master to free her was so that she could fulfill the mitzva to be fruitful and multiply. Rav Nahman bar Yitzhak said: The reason they forced her master to free her was because others treated her in a loose manner. Since she knew that she could not marry she engaged in promiscuous activity, and the court forced her master to free her in order to save her and others from sin.
**MISHNA**

A widow married to a High Priest, and a divorcée or a yevamah who performed halitza [halutza] married to a common priest are all unions prohibited by Torah law. If one of these women brought with her into the marriage slaves of usufruct [melog] property or slaves of guaranteed investment, then the slaves of usufruct property do not partake of teruma but the slaves of guaranteed investment do partake of teruma.

And these are slaves of usufruct property: They are those with regard to whom the couple stipulated that if the slaves die, their death is her loss, and if they increase in value, their increase is her gain. Although the husband is obligated in their sustenance, they do not partake of teruma, as they belong to her, not to him. He owns only the right of their use while he is married to her. And these are slaves of guaranteed investment: They are those with regard to whom the couple stipulated that if they die, their death is his loss, and if they increase in value, their increase is his gain. Since he bears financial responsibility for compensating her in the event of their loss, they partake of teruma, as they are considered his property.

In the case of an Israelite woman who married a priest in a halachic marriage and who brought slaves with her into the marriage, whether they are slaves of usufruct property or slaves of guaranteed investment, they partake of teruma. And in the case of the daughter of a priest who married an Israelite and who brought slaves with her into the marriage, whether they are slaves of usufruct property or slaves of guaranteed investment, they do not partake of teruma, although, as she is the daughter of a priest, it is permitted for her and her slaves to partake of teruma beforehand.

**GEMARA**

The mishna states that if a priest married a woman forbidden to him, his wife’s slaves of usufruct property do not partake of teruma. The Gemara asks: Why is this so? Let this case be like that of his acquisition who acquired an acquisition, as it is taught in a baraita: From where is it derived with regard to a priest who married a woman and acquired slaves that they partake of teruma? As it is stated: “But if a priest buys any soul, the purchase of his money, he may eat of it” (Leviticus 22:11).

**HALAKHA**

The slaves of usufruct property do not partake of teruma but the slaves of guaranteed investment do partake of teruma. If a widow married to a High Priest or a halitza married to a common priest brought slaves with her into the marriage, her slaves of usufruct property do not partake of teruma. However, her slaves of guaranteed investment partake of teruma (Rambam Sefer Zera'im, Hilkhot Terumat 7:20).

The husband is obligated in their sustenance. The husband is obligated to sustain his slaves of usufruct property, and he must fulfill all of their needs. They must work for him, and the profits earned through their work are his (Rambam Sefer Nashim, Hilkhot Tishuva 22:25; Shulhan Arukh, Even HaEzer 36:16).

And these are slaves of usufruct property. And these are slaves of guaranteed investment. If a widow should not accept financial responsibility for property a woman brings with her into a marriage, that property remains hers. As a result, if its value has increased or decreased at the conclusion of the marriage, the loss or gain is hers. On the other hand, if the husband accepts financial responsibility for this dowry, it is entirely in his possession. He must pay her the original value of the property upon the dissolution of the marriage (Rambam Sefer Nashim, Hilkhot Tishuva 16:1; Shulhan Arukh, Even HaEzer 36:1).

The slaves of a priest’s wife: If an Israelite or Levite woman is halakhically married to a priest and brought slaves with her into the marriage, whether they are usufruct or guaranteed property they partake of teruma (Rambam Sefer Zera'im, Hilkhot Terumat 7:18).

The daughter of a priest who married an Israelite: If the daughter of a priest married an Israelite and brought slaves with her into the marriage, they may no longer partake of teruma, whether they are slaves of usufruct property or slaves of guaranteed investment (Rambam Sefer Zera'im, Hilkhot Terumat 7:19).

The wife of a priest partakes of teruma: If an Israelite woman married a priest partakes of teruma as well as the breast and right hind leg of animal offerings that belong to the priests. By Torah law, she partakes of these from the time of betrothal, but the Sages decreed that she not partake of them until her marriage (Rambam Sefer Zera'im, Hilkhot Terumat 6:3).

The slaves of a priest partakes of teruma: The slaves and animals of a priest partakes of teruma and the teruma of the tithe (Rambam Sefer Zera'im, Hilkhot Terumat 6:1).

**NOTES**

Guaranteed investment [tszon barzel]: This idiom existed in Roman law as well. It literally means iron sheep. The proprietorship of guaranteed property is like that of something that never dies or gets damaged, as another individual has taken upon himself responsibility for its value. This metaphor is also appropriate in the sense that these assets bring no profit to their owners; rather, they remain at a fixed value.

If they die their death is his loss – [بحرف]: The question was raised: What is the husband’s responsibility for guaranteed property in a case where a slave does not die but merely decreases in value? Most early commentators rule that the husband does not need to reimburse his wife unless the slave dies or is incapacitated. As long as the slaves are able to work, the husband returns them to his wife without compensation for their loss in value. This halakha is inferred from the use of the expression: If they die, their death is his loss; i.e., he must compensate her only in cases where the guaranteed property no longer exists in its original form. This halakha applies not only to slaves but to any sort of guaranteed property (Rabbeinu Hananel; Rif).
And a priest’s slaves who acquired slaves – וְהָלָּא שְׁמַעְתָּן בְּרֵעוּדִים. If a slave acquires slaves, he is considered part of his master, and his master will have no access to them. Tosafot Hahadoth adds that according to the opinion that such a stipulation is ineffective, and whatever a slave acquires always belongs to his master, the verse from which this halakha is derived must be understood as referring only to wives who buy slaves. The halakha that whatever a wife acquires is acquired by her husband is a rabbinic ordinance, and by Torah law it is possible for a wife to acquire slaves independently. The verse teaches that such slaves would be permitted to partake of teruma.

Their mouths hurt – אֲרַגַּת אֶלְבֵּי. Rashi offers an explanation different from the commentary here. Although in those cases the priests are disqualified, their disqualifications are only temporary, as they can potentially be rectified, whereas the woman is disqualified permanently.

But isn’t there the case of a son born from an incestuous or adulterous relationship (Halakha – מַעְזָר) – מַעְזָר. The halakha is that the widow of a priest with any living descendant from the priest is permitted to partake of teruma. The Gemara’s question is therefore not related to the fact that the descendant is specifically a mamzer, but uses the mamzer as an example of a descendant who is not a priest. Rabbi Avraham ben HaShoah adds that the Gemara uses mamzer to allude to the mishna later on (69b) that elaborates on this halakha using the example of a mamzer.

Is referring to the case of an acquisition who partakes of teruma – מִיתַת. It appears that Ravina derived his interpretation of the principle directly from the verse that is its source: “The purchase of his money, he may eat of it.” The verse is referring to an acquisition who may himself partake of teruma, and only if that is so does he enable his own acquisition to do so.

And it was the Sages who issued a decree – אֲדֹת בְּנֵי. The Rambam rules in accordance with Ravina’s assertion that it is Torah law that slaves of usfurah property belonging to a priest’s forbidden wife do not partake of teruma. Other commentaries follow the other opinions in the Gemara and maintain that it is a rabbinic decree.

In the Jerusalem Talmud, both possibilities are cited, and then it is pointed out that whether or not it is a Torah law has a practical difference: If by Torah law, one who cannot partake of teruma cannot enable his property to do so, then slaves belonging to the uncircumcised slave of a priest will not be allowed to partake of teruma. If the property of property that traces back to a priest may partake of teruma, and the Sages restricted the slaves of an unlawful wife from doing so as a penalty, then the slaves of this slave should be allowed to partake of teruma. Their master did nothing wrong.

Her husband will therefore come to divorce her – דַּעְתַּת אֲלֶבֶּה. The woman’s realization will lead to a quarrel between her and her husband, which will presumably result in divorce (Meir).

And from where is it derived with regard to both the wife of a priest who acquired slaves and a priest’s slaves who acquired slaves, that the acquired slaves may also partake of teruma? As it is stated: “But if a priest buys any soul, the purchase of his money, he may eat of it,” which is interpreted to mean: If his acquisition acquired an acquisition, the latter partakes of teruma. Here too, since the slaves of usfurah property belong to his wife, it should be permitted for them to partake of teruma.

The Gemara asks: And is it so that one who does not partake of teruma cannot enable others to partake? But aren’t there the cases of a priest who is uncircumcised because it was considered too dangerous for him and all impure priests, who do not partake of teruma, and yet they enable their wives and slaves to partake of teruma? The Gemara answers: The difference is that there, in those cases, there is no inherent disqualification rendering them unfit to partake of teruma. The hindrance to their partaking of teruma is tantamount to a situation where their mouths hurt, and that is why they refrain from eating teruma. They retain, however, the fundamental right to partake of teruma, and therefore they can enable others to partake as well.

The Gemara asks: But isn’t there the case of a son born from an incestuous or adulterous relationship (Halakha – מַעְזָר). Who does not partake of teruma yet enables others to partake? If an Israelite woman was married to a priest and was subsequently widowed or divorced, and a child from that union married a mamzer and then had a child, in that case, even if the woman’s child is dead, the partakes of teruma due to her grandchild, as she has a living descendant from a priest, although that descendant is a mamzer. Although this child does not partake of teruma, he enables his grandmother to partake of it.

Ravina said that the above principle is referring to the case of an acquisition who partakes of teruma. If the acquisition of a priest partakes of teruma, he enables others to partake, whereas an acquisition who does not partake, e.g., his forbidden wife, cannot enable others to partake.

And Rava said a different solution. By Torah law, the forbidden wife’s slaves indeed partake of teruma, as they are included in the category of: His acquisition who acquired an acquisition. And it was the Sages who issued a decree prohibiting them from partaking of teruma, so that the woman unlawfully married to a priest would say: I do not partake of his teruma and my slaves do not partake of it either, so that she will realize that she is not a valid wife, but rather she is like a prostitute to him. Her husband will therefore come to divorce her, which is the desired outcome.

Rav Ashi said a different reason for the prohibition: It is a rabbinic decree lest she have those slaves partake of teruma even after the death of her husband the priest. As long as he is alive, they are permitted to partake of teruma, as she is considered his acquisition and they belong to her. Once he dies, she is no longer his acquisition.

HALAKHA

The slaves of a priest’s acquisition – בְּרֵעוֹד בְּרֵעוֹד. The slaves of a priest and the slaves of the wife of a priest who themselves acquired slaves partake of teruma (Rambam Sefer Zeraim, Hilkhot Teruma 8:18). Anyone who is fit to partake of teruma can enable others to partake of teruma – מְלַאכְתֵּי תְרוּמָה. A priest’s acquisition can enable others to partake of teruma only if he partakes of teruma himself (Rambam Sefer Zeraim, Hilkhot Teruma 7:18).
The Gemara asks: However, if that is so, that the decree is lest she have those slaves partake of teruma after her husband’s death, any Israelite woman who marries a priest should not enable her slaves of usfruct property to partake of teruma either, due to the same rabbinic decree, lest she have them partake of teruma after her husband’s death.

Rather, Rav Ashi said that the decree is dealing with a widowed priestess, the daughter of a priest, who then married the High Priest, as she is likely to rationalize enabling her slaves to partake of teruma after the death of the High Priest as follows: Initially, my slaves partook of the teruma of my father’s house. I then married this man, and they partook of the teruma of my husband. And now that my husband died, I have returned to the original circumstance, and therefore they may once again partake of my father’s teruma. And she does not realize that this is not so, as initially she did not render herself a woman disqualified from marrying a priest [halala], but now, by marrying a High Priest unlawfully, she rendered herself a halala, and both she and her slaves do not partake of teruma even upon returning to her father’s house.

The Gemara asks: This works out well as an explanation of the mishna, with regard to a widowed priestess. However, if that widow who married a High Priest was an Israelite woman, what can be said? There is no reason for the decree in that case. The Gemara answers: With regard to widowhood, the Sages did not distinguish between one type of widow and another. Once they issued a decree due to one widow, they applied it to all widows.

It was stated: With regard to a woman who brings appraised, guaranteed property into her marital contract with her husband, he is obligated to return it at the conclusion of the marriage. Upon collection of her marriage contract, e.g., following divorce, if she says: I am taking my belongings, and he says: I am willing to give you only their monetary value, the halakha favors whom?

Rav Yehuda said:

The halakha favors her; she may take the belongings. And Rav Ami said: The halakha favors him; he may retain the items and return their value.

The Gemara explains that Rav Yehuda said that the halakha favors her because they are the assets of her paternal family, whose prestige will suffer if they aren’t returned. Therefore, they are hers. Rabbi Ami said that the halakha favors him, since the Master said in the mishna, with regard to guaranteed property: If they die, their death is his loss, and if they increase in value, their increase is his gain. Since he bears financial responsibility for their loss, they partake of teruma. Apparently, the slaves belong to the husband. Therefore, he is obligated to return only their monetary value. Rav Safran said in rejection of Rabbi Ami’s reasoning: Does the mishna teach that they are his? It teaches only that he bears financial responsibility for their loss, but actually they are not his.
Vetches (karshinin) – הַאֲכָלַת מְכִירַת הַבַּﬠַל. The vetch, Vicia, is an annual of the legume family. It grows to 10–50 cm in height. Its seeds are brown, round, or oblong, and 0.25–0.5 cm in diameter. Like other legumes, vetches are high in nutritional value and are easily digested by animals.

Vetches are a winter crop in the spring fields of Mediterranean lands and are still grown nowadays in Arab villages. The plant and its seeds are usually used as animal fodder. In order to soften the seeds, they are sometimes soaked overnight in water. Although the vetch is consumed mostly by animals, its seeds are edible for humans as well. They were eaten during years of famine and other times of need. As it is edible for humans, the vetch must be tithe, although its teruma was usually fed to the animals of priests.

The Gemara asks: And do they partake of teruma wherever he bears financial responsibility for their loss, even if they are not his actual possession? But didn’t we learn in a mishna (Terumat ha-Deshan 11:9): An Israelite who rented a cow from a priest may feed it vetches [karshinin] of teruma, since the animal belongs to a priest? With regard to a priest who rented a cow from an Israelite, although its feed is incumbent upon him, he may not feed it vetches of teruma, as it does not belong to him. This indicates that the requirement for enabling an acquisition to eat teruma is possession, not responsibility.

The Gemara rejects this proof. And how can you understand that the case of the rented cow is parallel to the case of guaranteed property? Though the renter is indeed liable for theft and loss, is he liable for unavoidable accidents, for emaciation, i.e., the cow became thinner or weaker for any reason, or for any other decrease in its value? Certainly he is not. In fact, the case of guaranteed property is similar only to the latter clause of that mishna: In the case of an Israelite who appraised a cow upon renting it from a priest under an arrangement where he guaranteed its value to the owner, he may not feed it vetches of teruma, as it is considered his own. However, a priest who appraised a cow upon renting it from an Israelite may feed it vetches of teruma. This indicates that guaranteed property is considered the acquisition of its recipient with regard to enabling it to eat teruma.

Rabba and Rav Yosef sat at the conclusion of Rav Naḥman’s sermon, and they sat and said: It is taught in a baraita in accordance with the opinion of Rav Yehuda, and it is taught in another baraita in accordance with the opinion of Rabbi Ami. It is taught in accordance with the opinion of Rabbi Ami in the following baraita: If a slave’s owner strikes him and knocks out his tooth or blinds him in an eye, he is set free. Slaves of guaranteed investment go free at the loss of a tooth or an eye caused by the husband, but not at such loss caused by the wife. This indicates that they belong to the husband.

Conversely, it is taught in a baraita in accordance with the opinion of Rav Yehuda: When a woman brings appraised, guaranteed property into her marriage to her husband, if the husband wishes to sell it, he may not sell it, as it belongs to her. And not only that, but even when her husband brought property into the marriage and added it to her dowry as an appraised, guaranteed gift of his own, even if the husband wishes to sell that gift he may not sell it. With regard to a case in which either the husband or wife unlawfully sold this property for subsistence, there was an incident like this that came before Rabban Shimon ben Gamliel, and he said: Although the husband executed the sale, he may repossess the property from the purchasers, as the sale is void.

Feeding teruma to a rented cow – הַאֲכָלַת מְכִירַת הַבַּﬠַל. An Israelite who rented a cow from a priest may feed it teruma. On the other hand, a priest who rented a cow from an Israelite may not do this because it does not belong to him, even though he is responsible for its sustenance (Rambam: Sefer Zeratin, Hilchot Terumat ha-Deshan 9:3).

Feeding teruma to an appraised cow – הַאֲכָלַת מְכִירַת הַבַּﬠַל. If an Israelite received a cow from a priest and appraised it, guaranteeing its value to the original owner, in order to fatten it and share the profits, he may not feed it teruma, although the priest has a share in the profits. If a priest received a cow from an Israelite under the same stipulation, he may feed it teruma (Rambam: Sefer Zeratin, Hilchot Terumat ha-Deshan 9:8).

Slaves of guaranteed investment go free at the loss of a tooth or an eye – הַאֲכָלַת מְכִירַת הַבַּﬠַל. Slaves of guaranteed investment brought into a marriage by the wife are set free at the loss of a tooth or an eye, if the injury was caused by the husband, not by the wife (Rambam: Sefer Zeratin, Hilchot Mekhira 30:5).

Even brought property into the marriage... an appraised, guaranteed gift of his own – הַאֲכָלַת מְכִירַת הַבַּﬠַל. In addition to her own possessions, a wife’s guaranteed property includes the gifts she received from her husband (Rambam: Sefer Zeratin, Hilchot Mekhira 30:5; Shulhan Arukh, Even HaEzer 90:15).

Selling guaranteed property – הַאֲכָלַת מְכִירַת הַבַּﬠַל. If a woman brought movable property into her marriage as guaranteed property, the husband does not have the right to sell it. However, if he violates this halakha and sells it, the sale is valid (Rav Hai Gaon). Some commentators disagree, maintaining that the sale is void (Ramban; Rashba; Rosh; Rambam: Sefer Zeratin, Hilchot Mekhira 30:5 and Sefer Nisvilim, Hilchot Ishut 22:15; Shulhan Arukh, Even HaEzer 90:14).
If the wife brought with her into the marriage two belongings, etc. – Rav Nahman said: The halakha is in accordance with the opinion of Rav Yehuda. Rava said to Rav Nahman: But isn’t it taught in a baraita in accordance with the opinion of Rabbi Ami? He replied: Although it is taught in accordance with the opinion of Rabbi Ami, Rav Yehuda’s rationale, that the wife may take the objects in question because they are assets of her paternal family and their complete removal from her domain would hurt the family’s prestige, is more reasonable.

Rava said: The dead has acquired it,96 as deriving benefit from anything consecrated for the dead is prohibited. Nanai, son of Rav Yosef, son of Rava, said to Rav Kahana: But didn’t Rava say that Rav Nahman said that the halakha is in accordance with the opinion of Rav Yehuda? According to him, the woman’s robe must be returned. He said to him: Doesn’t Rav Yehuda admit that the robe has not yet been collected? And since it has not yet been collected, it remains in his possession, and his inheritors can render its use as a burial shroud prohibited.

The Gemara adds that in this regard Rava conforms to his standard line of reasoning, as Rava said: Consecration of property, the prohibition against benefiting from leavened bread on Passover,8 rendering it prohibited to derive benefit from the property or item, the woman’s lien is released and she receives only its value (Shulhan Arukh, Even HaEzer 88:3).

And the manumission of a slave9 release the property from a lien. If someone placed an asset under a lien for his debt and subsequently consecrated it; or if the asset under lien is leavened bread and the festival of Passover arrived; or if the asset is a slave and he freed him, the lien is released, and the creditor must claim his debt from the debtor’s other property. In the case of the robe as well, because it was placed over the corpse, it was consecrated for the dead. Consequently, it is prohibited to derive benefit from it. Therefore, it is released to the woman from under the lien.

Rava Yehuda said: If the wife brought with her into the marriage two belongings of guaranteed investment worth one thousand dinars, and they appreciated until they stood at two thousand, one of them she collects as payment of her marriage contract, as it is now worth her dowry of one thousand dinars. And as for the other one, she pays its monetary value and takes it from her husband because it is an asset of her paternal family.

The Gemara relates an incident: A certain woman brought into her marriage a robe [itzela] of fine wool [meiletा], which was deemed guaranteed property by her marriage contract. Her husband subsequently died, and the orphans took that robe and spread it over the corpse as a shroud.9 The woman demanded that the robe be returned to her.

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