

HALAKHA

There is no abrogation with regard to slaves – סימפון – בעבדים ליכא: One who buys a slave or maidservant cannot nullify the sale if he discovers a blemish that does not prevent them from performing their labors. This is because he already saw any visible blemishes when he bought and accepted them, and hidden blemishes are irrelevant, since a slave is intended for work. However, if there is a blemish that prevents the slave from performing his work, this is a mistaken acquisition, in accordance with the Gemara (Rambam *Sefer Kinyan, Hilkhoh Mekhira* 15:12; *Shulhan Arukh, Hoshen Mishpat* 232:10).

אי הכי נכנסה לחופה ולא נבעלה נמו! התם מיבדק בדיק לה, והדר מעייל.

The Gemara asks: **If so**, if the rabbinic decree that prohibits a woman betrothed to a priest from partaking of *teruma* is due to concern for possible abrogation of the marriage, then a woman who **entered the wedding canopy but has not yet engaged in sexual intercourse** should also be prohibited from partaking of *teruma*, as the husband does not yet know whether she has blemishes. The Gemara answers: **There**, in that situation, **he investigates her** through the agency of his female relatives **and only then enters** the wedding canopy. Consequently, there is no longer any concern about abrogation.

אלא מעתה, עבד כהן שלקחו מישראל לא ליכול בתרומה משום סימפון! סימפון בעבדים ליכא; דאי דאבראי – הא קחוי ליה, ואי דגואי – למלאכה קא בעי, ושפסתר – לא איכפת ליה. נמצא גנב או

The Gemara asks: **However, if that is so**, then according to this rationale, a **priest's slave whom the priest purchased from an Israelite should not partake of *teruma*, due to concern of abrogation**. Perhaps the priest will discover a defect in the slave, resulting in the retroactive cancellation of the acquisition and causing the slave to return to his Israelite master after he had mistakenly eaten *teruma*. The Gemara answers: **There is no abrogation with regard to slaves,**^H since no type of defect could cause the cancellation of the transaction. The reason for this is **that if the defect is external, then he sees it** at the point of sale and accepts it. **And if the defect is internal, since he needs him for labor, concealed defects do not concern him.** With regard to other types of defects, e.g., **if he was discovered to be a thief or**

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LANGUAGE

Gambler [*kuvyustus*] – קוביוסטוס: From the Greek *куβεуτήс, kubeutēs*, meaning one who plays with dice, a gambler. The defect is not only the amount of time he wastes by being involved in gambling, but there is also the possibility that he may lose money in the game and steal in order to pay his debts.

קוביוסטוס – הגיעו. מאי איכא – לטטים מוויין או מוכתב למלכות – הנהו קלא אית להו.

a gambler [*kuvyustus*],^{LHN} it has come to him, meaning that the seller has caught the buyer in a binding transaction, and he cannot annul the sale due to this kind of defect, as these characteristics are common in slaves. **What is the *halakha* if it was discovered that the slave was an armed bandit or that the king had signed his death warrant, and there is a danger that the government will catch him and execute him?** These are serious and uncommon defects that in principle could invalidate a sale. However, **these defects generate publicity.**^N In such unusual and severe circumstances, everyone is aware of them. Therefore, it is assumed that the buyer knew about them as well and nevertheless acquiesced to buy the slave. Consequently, there is no reason to revoke the sale of a slave.

HALAKHA

A thief or a gambler – גנב או קוביוסטוס: If one bought a slave and discovered that the slave was an armed robber, this is considered a defect that makes him worthless, since the king will presumably catch the slave and kill him. Similarly, if the slave had been registered as belonging to the king, this is also a defect that voids the transaction. However, if the slave is found

to be a thief or a kidnapper, the buyer cannot renege, since it is presumed that slaves act in this way. The Rema writes that discovering the slave to be a kidnapper is akin to finding out that he is an armed robber. But if he turns out to be a gambler, this does not void the transaction (Rambam *Sefer Kinyan, Hilkhoh Mekhira* 15:13; *Shulhan Arukh, Hoshen Mishpat* 232:10).

NOTES

Gambler – קוביוסטוס: This word is from Greek, and there is some dispute among the commentaries about the meaning of the word in the Gemara. Rabbeinu Gershom, Rashi, and the Rivan explain that this is a kidnapper (see Rambam). *Tosafot* express puzzlement at this interpretation and prefer the explanation of Rabbeinu Hananel, that it means a gambler.

bought the slave regardless, it appears that he considered this defect and accepted it. Consequently, he may not renege on his transaction. However, Rabbeinu Tam, Rambam, and others explain that if the buyer was unaware of such a major defect or of any hidden blemish that could cause the slave to be idle from work, such as epilepsy or skin boils, the transaction may be annulled. In this case, however, the defect is common knowledge and therefore there is no concern that someone would inadvertently buy such a slave (see Ra'avad).

Generate publicity – קלא אית להו: Rashi explains that since matters like this generally become public knowledge, if one

He accepted, or he transferred or went – קבל מסר והלך – Rashi explains here, and in greater detail in a parallel passage in tractate *Kiddushin* (11a), that these three words hint to three different situations. The verb accepted means that the husband declares in advance that he accepts any blemishes that would be found in his bride. The term transferred is referring to a case where the father had already transferred his daughter into the care of the husband's agents. The word went means that agents of the father accompanied the husband's agents. In the first case, there is no concern about abrogation but there is a concern that the wife might give *teruma* wine to her family members. In the other cases, there is no concern about *teruma* wine but there is concern about abrogation.

Tosafot offer an alternative explanation: In all three cases, there is no concern of abrogation, as the transaction has already been finalized, but there is a concern that the bride may give *teruma* wine to others, as even when she goes with the agents, she might give her father or the agents some *teruma* wine. The Meiri explains that there are really only two situations involved: Accepted, means that the husband accepted the blemishes; transferred and went, means that the father gave his daughter to agents and accompanied them. In the latter case, there is concern about abrogation but not that she may give *teruma* wine to others, as her father is an adult and knows how to take care not to partake of *teruma*. Rabbeinu Crescas Vidal also explains that only two cases are being discussed: The husband accepted the blemishes, or the father transferred and went, meaning he gave his daughter to the agents and went away. Consequently, there is only concern for abrogation.

Rabbi Avraham Av *Beit Din* and the Ra'avad explain differently, that there is only one case here: The father accepted the betrothal money, gave her to the agents, and went away. Consequently, there is concern only for abrogation, but there is no concern that she may give *teruma* wine to those not authorized to drink it.

Two parts *teruma* – שתי ידות של תרומה – The explanation for this opinion is fairly simple: If one deducts the period of menstruation and the additional time needed to become ritually pure, the amount of non-sacred food needed comes out to approximately one third of the total allotment (see Maharshal). The *Hatam Sofer* says that this calculation is referring to a married woman, who becomes impure periodically due to conjugal relations with her husband as well as during menstruation.

מכדי, בין למר ובין למר לא אכלה. מאי ביניהו? איבא ביניהו: קבל, מסר, והלך.

The Gemara asks: After all, according to this Sage, Ulla, and according to that Sage, Rav Shmuel bar Rav Yehuda, she may not partake of *teruma*, so what is the difference between them? The Gemara answers: The practical difference between them is in cases where he accepted, or he transferred or went.^N If the husband explicitly accepted her blemishes, there is no concern with regard to abrogation, but there is still a concern that she will give her family members *teruma* wine. Conversely, if the father transferred his daughter to the agents of the husband and entrusted her to their care, or if the father's own agents went with the girl and the agents of the husband, there is no longer concern that she might give her family members *teruma*, as she is not with them, but there is still a concern about abrogation.

”רבי טרפון אומר: נותנין לה הכל תרומה” וכו'. אומר אביי: מחלוקת בבית כהן לכהן, אבל בבית ישראל לכהן – דברי הכל מחצה חולין ומחצה תרומה.

S The mishna states that there is a dispute with regard to how a priest must provide for the sustenance of his betrothed once the appointed time for the marriage arrives. **Rabbi Tarfon says: He may give her everything from *teruma*.** Rabbi Akiva says: He must give her half non-sacred food and half may be *teruma*. **Abaye said: This dispute is referring to a daughter of a priest betrothed to a priest. But with regard to an Israelite woman who was betrothed to a priest, all agree that he must give her half non-sacred food and half may be *teruma*.** A priest's daughter is familiar with the *halakhot* of *teruma* and knows how to handle it when she is ritually impure, but when an Israelite woman is not yet familiar with these procedures, there is concern that she might defile the *teruma*. Consequently, she is given some non-sacred food to use as well.

ואמר אביי: מחלוקת בארוסה, אבל בנשואה – דברי הכל מחצה חולין ומחצה תרומה.

And Abaye also said that this dispute is referring only to a betrothed woman whose wedding date has arrived, but with regard to a married woman, all agree that her husband must give her half of her needs from non-sacred food and half may be *teruma*, as it is not appropriate for his wife to have to go to the trouble of selling *teruma* in order to obtain non-sacred food.

תנא נמי הכי, רבי טרפון אומר: נותנין לה הכל תרומה, רבי עקיבא אומר: מחצה חולין ומחצה תרומה. במה דברים אמורים – בבית כהן לכהן, אבל בית ישראל לכהן – דברי הכל מחצה חולין ומחצה תרומה. במה דברים אמורים – בארוסה, אבל בנשואה – דברי הכל מחצה חולין ומחצה תרומה.

This is also taught in a *baraita*: **Rabbi Tarfon says: He may give her everything from *teruma*, and Rabbi Akiva says: Half must be non-sacred food and half may be *teruma*.**¹¹ In what case is this statement said? With regard to a daughter of a priest betrothed to a priest. But with regard to an Israelite woman betrothed to a priest, all agree that she gets half non-sacred food and half may be *teruma*. In what case is this statement said? With regard to a betrothed woman, but with regard to a married woman, all agree that he must give half non-sacred food and half may be *teruma*.

רבי יהודה בן בתירא אומר: נותנין לה שתי ידות של תרומה, ואחת של חולין. רבי יהודה אומר: נותן לה הכל תרומה, והיא מוכרת ולוקחת בדמים חולין. רבן שמעון בן גמליאל אומר: כל מקום שהזכירה תרומה – נותנין לה כפלים בחולין.

Rabbi Yehuda ben Beteira says: He need not give half and half, but rather he may give her two parts *teruma*^N and one part non-sacred food. Rabbi Yehuda says: He may give her all of it in *teruma*, but as the value of *teruma* is lower than that of non-sacred food, the amount must suffice so that when she sells *teruma* during the days when she is ritually impure, she can buy a sufficient quantity of non-sacred food with the money. **Rabban Shimon ben Gamliel says: Wherever *teruma* is mentioned, he must give her double the amount that she would receive of non-sacred food, so that she will not have difficulty locating buyers for her *teruma*.** *Teruma* is less popular and its price is significantly lower, since its use is restricted. But if she receives a large amount of *teruma*, she will be able to sell it at an even lower price and locate a buyer more easily.

HALAKHA

Half must be non-sacred food and half may be *teruma* – מחצה חולין ומחצה תרומה: If the husband is a priest and he supports his wife through a third party, he may give her half *teruma* and half non-sacred food, in accordance with the opin-

ion of Rabbi Akiva. All agree with his opinion with regard to a married woman, and moreover the *halakha* is in accordance with his opinion in his disputes with another *tanna* (Rambam *Sefer Nashim, Hilkhot Ishut* 12:13).

מאי בינייהו? איכא בינייהו טירחא.

The Gemara asks: **What is the difference between** the opinions of Rabbi Yehuda and Rabban Shimon ben Gamliel? The Gemara answers: **The practical difference between them** is with regard to **effort**. According to Rabbi Yehuda, she must make an effort to find buyers who will provide her with enough non-sacred food for her needs, and consequently, according to him the husband must provide an amount of *teruma* that is equal in value to the amount of non-sacred food to which she is entitled. In contrast, Rabban Shimon ben Gamliel adds additional *teruma* to her allotment beyond this amount, so that she will not be forced to go to as much trouble to sell it.

”היבם אינו מאכיל בתרומה”. מאי טעמא? ”קנין בספו” אמר רחמנא, והאי – קנין דאחיו הוא.

§ The mishna states that a *yavam* does not enable the *yevama* to partake of *teruma*. The Gemara asks: **What is the reason for this?** **The Merciful One** states in the Torah: “**The acquisition of his money**” (Leviticus 22:11) may partake of *teruma*, **but this woman is his brother’s acquisition** and not his, since a *yavam* does not complete his marriage to the *yevama* until he consummates the marriage.

”עשתה ששה חדשים בפני הבעל”. השתא בפני הבעל אמרת – לא, בפני היבם מיבעיא? זו ואין צריך לומר זו קתני.

§ The mishna said that if she completed six months from the time of the request for marriage **under the aegis of the husband** and another six months under the aegis of the *yavam*, she may not partake of *teruma*. It then says that this is also true if she completed most of the year under the aegis of the husband, and then it says that this is also true if she completed most of the time under the aegis of the *yavam*. The Gemara asks: **Now that you say** that if she completed most of the time **under the aegis of the husband** this does **not** enable her to partake of *teruma*, is it **necessary** to say that the same is true if she spent most of the time **under the aegis of the yavam?** The Gemara answers: The *tanna* teaches the mishna employing the style: **This, and it is unnecessary to say that**, meaning that the cases are organized from the less obvious to the more obvious.

”זו משנה ראשונה” כו'. מאי טעמא? אמר עולא ואיתימא רב שמואל בר יהודה: משום סימפון.

§ The mishna states that **this** ruling, that a woman betrothed to a priest may partake of *teruma* while she is still in her father’s house if the time for her wedding has arrived, is according to the **initial** version of the **mishna**.^b But that according to the final version, she may not partake of *teruma* until she has actually entered the wedding canopy. The Gemara asks: **What is the reason for this later ruling?** **Ulla said, and some say that Rav Shmuel bar Yehuda said**, that it is **due to** concern about **abrogation**, as the woman may have some blemish that will cause the annulment of the marriage, and it will then be clear that she consumed *teruma* unlawfully.

בשלמא לעולא, קמיינתא – שמא ימוגו לה כוס בבית אביה, ובתרייתא – משום סימפון.

The Gemara comments: **Granted, according to** the opinion of **Ulla, the first** ruling that the Sages taught in the initial version of the mishna, namely that she may not partake of *teruma* in her father’s house immediately after betrothal, is because Ulla was concerned **lest** someone **pour her a cup** of *teruma* wine while she would be **in her father’s house**. **And the latter** ruling, that she may not partake of *teruma* until she actually enters the wedding canopy, even after the time for marriage arrives, is **due to** concern about **abrogation**. Consequently, there are two different reasons for the two different rulings.^h

BACKGROUND

The initial version of the mishna – **משנה ראשונה** – This is referring to an ancient Mishna that was in existence long before Rabbi Yehuda HaNasi. Occasionally, statements of *tanna'im* were recorded in written form in early generations. Statements of the initial text of the Mishna are sometimes cited in Rabbi Yehuda HaNasi’s version of the Mishna, followed by the version formulated by later Sages. The mention of an initial version of the mishna might be followed by a statement of Rabbi Akiva,

as his version of the Mishna and that of his students, e.g., Rabbi Meir, formed the basis of Rabbi Yehuda HaNasi’s Mishna. It is often clear from a discussion that a mishna is referring to an earlier version of its ruling, as later Sages dispute the explanation and precise formulation of statements they heard from their teachers. Some *mishnayot* date back to the early days of the Second Temple. Likewise, Beit Shammai and Beit Hillel dispute the meaning of certain initial versions of *mishnayot*.

HALAKHA

טעם – The reason for the final version of the mishna – **משנה אחרונה**: The Rambam writes that the reason for the final ruling of the mishna is the concern that she might serve *teruma* wine to her family members. He does not mention concern for abrogation at all, and it seems that he relies on the Gemara in tractate *Kiddushin* (10b–11a), and a comment of *Tosafot* there (Rambam *Sefer Zera'im, Hilkhot Terumot* 6:3).

אָלֵא לְרַב שְׁמוּאֵל בְּרַי יְהוּדָה, קִמְיִיתָא מְשׁוּם סִימְפּוֹן וּבִתְרִייתָא מְשׁוּם סִימְפּוֹן! מֵאִי בִינְיִיהוּ?

אִיבָא בִינְיִיהוּ בְּדִיקַת חוּץ. מִרְ סָבַר: בְּדִיקַת חוּץ – שְׂמָהּ בְּדִיקָה, וּמִרְ סָבַר: בְּדִיקַת חוּץ לֹא שְׂמָהּ בְּדִיקָה.

מתני' המקדיש מעשה ידי אשתו – הרי זו עושה ואוכלת. המותר, רבי מאיר אומר: הקדש, רבי יוחנן הסנדלר אומר: חולין.

גמ' אָמַר רַב הוּנָא אָמַר רַב: יְכוּלָה אִשָּׁה לִוְמַר לְבַעְלָהּ "אֵינִי מְזוּנָת וְאֵינִי עוֹשָׂה". קָסַבַּר: כִּי תִקְנֶינּוּ רַבָּנַן מְזוּנִי – עֵיקָר, וּבִמְעֻשָׂה יְדִיָּה – מְשׁוּם אִיבָה. וְכִי אָמְרָה "אֵינִי מְזוּנָת וְאֵינִי עוֹשָׂה" – הַרְשׁוֹת בְּיָדָהּ.

מִיִּתְיָבִי: תִּקְנֶנוּ מְזוּנוֹת תַּחַת מְעֻשָׂה יְדִיָּה! אִימָא: תִּקְנֶנוּ מְעֻשָׂה יְדִיָּה תַּחַת מְזוּנוֹת.

לִימָא מְסִיעַ לֵיהּ: הַמְקַדֵּשׁ מְעֻשָׂה יְדִי אִשְׁתּוֹ – הֲרִי הִיא עוֹשָׂה וְאוֹכֵלֶת. מֵאִי לָאוּ – בְּמִזְוֹנָת? לֹא. בְּשִׂאֵינָהּ מְזוּנָת.

However, according to Rav Shmuel bar Yehuda, the first ruling was due to abrogation and the latter ruling was also due to abrogation. If so, what is the difference between the reasoning of the initial version of the mishna and the decision of the court that convened after them?

The Gemara answers: The practical difference between them is with regard to superficial investigation, i.e., the investigation that could have been conducted on his behalf by his female relatives, which could have been only a superficial investigation. One Sage holds that superficial investigation is considered a valid investigation, and therefore once he requested to marry her and the marriage date arrived, there is no concern of a later abrogation, and one Sage holds that superficial investigation is not considered a valid investigation, and consequently there is still concern that when he consummates the marriage he will find some blemish on her and abrogate the marriage.

MISHNA If one consecrates his wife's earnings,^H meaning anything she produces, such as thread that she spins from wool, which, according to the Sages' ordinance, belongs to her husband, she may work and sustain herself from her earnings, as the consecration is ineffective. However, there is a dispute with regard to the surplus,^N meaning any earnings she produces in excess of the amount she is required to produce for her husband. **Rabbi Meir says:** The surplus is consecrated property, and **Rabbi Yohanan the Cobbler says:** The surplus is also non-sacred.

GEMARA Rav Huna said that Rav said: A woman may say to her husband: I will not be sustained by you and, in turn, I will not work, i.e., you will not keep my earnings. He holds that when the Sages instituted the various obligations and rights of a husband and wife, the husband's obligation to provide for the wife's sustenance was the primary one, and they then decreed that her earnings belong to him in return, due to concern about animosity. If he would be obligated to provide for her sustenance but she would be allowed to work and keep her earnings, he would resent her. Since her right to sustenance is the primary one, if she says: I will not be sustained by you and, in turn, I will not work,^H i.e., you will not keep my earnings, she has permission to do so. As the arrangement was established for her benefit, she may cancel it if it is not suitable for her.

The Gemara raises an objection from a baraita: They instituted the husband's responsibility for her sustenance in exchange for his right to her earnings. This indicates that the primary enactment is the husband's right to his wife's earnings, and the ordinance that requires him to provide her with sustenance comes as a result. According to this, the wife would not be allowed to waive the arrangement, contrary to Rav Huna's statement. The Gemara responds: Emend the text of the baraita and say instead: They instituted her earnings in exchange for the husband's responsibility for her sustenance.

The Gemara raises an objection: Let us say that the mishna supports Rav Huna's opinion, as it is taught: If one consecrates his wife's earnings, she may work and sustain herself from her earnings. What, is it not discussing a woman who is sustained by her husband, meaning that he is willing to sustain her, although she relinquishes her right to sustenance in accordance with Rav Huna's principle? Therefore, her earnings do not belong to him to consecrate. The Gemara answers: No, it is discussing a woman who is not sustained by her husband, as he does not have sufficient funds to sustain her. Consequently, there is no proof with regard to Rav Huna's statement.

HALAKHA

הַמְקַדֵּשׁ מְעֻשָׂה – יְדֵי אִשְׁתּוֹ: If one consecrates his wife's earnings, she can nevertheless sustain herself from her earnings, and the additional amount is also non-sacred, in accordance with the opinion of Rabbi Yohanan the Cobbler, as the Gemara (59a) ruled in accordance with his opinion (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaHaramim* 6:28; *Shulhan Arukh, Even HaEzer* 81:1).

If she says: I will not be sustained by you and I will not work – אָמְרָה אֵינִי מְזוּנָת וְאֵינִי עוֹשָׂה: If a woman tells her husband that she will not be sustained from his possessions and will not perform labor for him, her wishes are respected, as the Sages established her earnings in exchange for her sustenance, in accordance with the Gemara's ruling in favor of Rav Huna's opinion (107b). The Rema writes that this stipulation refers only to earnings that a woman produces to provide income, but in all cases she is obligated to see to the needs of her home (Rambam *Sefer Nashim, Hilkhot Ishut* 12:4 and *Maggid Mishne* there; *Shulhan Arukh, Even HaEzer* 69:4, 80:15).

NOTES

The surplus – הַמְזוּנִי: Rashi, the Rivan, and many other early authorities explain that this clause of the mishna is a separate halakha that is not intrinsically connected to the first clause, and that it is referring to one who explicitly stated that he is consecrating the surplus. However, it is suggested in the *Shita Mekubbetzet* that *Tosafot* do not concur with this opinion. Similarly, the Rosh interprets the mishna as referring to one who consecrated all of his wife's earnings without differentiating. However, he says that there is a distinction in the halakha between the basic, required amount and the surplus amount she produced. The Meiri explains that the mishna discusses one who consecrated the surplus amount together with the rest of his wife's earnings, in addition to one who explicitly specified the surplus to be consecrated.

There is also a similar dispute with regard to the exact definition of the surplus. Rashi, together with most of the early authorities, explains that the surplus mentioned here has a precise definition, and it refers to whatever a woman produces beyond the quota required of her, as explained in a mishna below (see 64b). Others explain that the surplus is what remains after the wife has sustained herself from her earnings, even if she did not produce more than the required quota (*Talmidei Rabbeinu Yona*). These disparate explanations, which are somewhat connected, form the basis of the different interpretations of this Gemara.

עֲשֵׂה עִמִּי – לֹא אֶמְצָא לְךָ אֹמֶר: A master may tell his Canaanite slave: Work for me but I will not sustain you, and the slave must then go and beg for food and receive his sustenance from charity (Rambam *Sefer Kinyan, Hilkhot Avadim* 9:7).

יָכוֹל לְבַרְרָהּ לְפָנֵי הַיְיָ: If a woman refuses to perform labor that she is obligated by marriage to perform, she may be compelled to do so, according to some even by corporal punishment (Rambam *Sefer Nashim, Hilkhot Ishut* 21:10; *Shulḥan Arukh, Even HaEzer* 80:15, and in the comment of Rema).

יָדֶיךָ מְקֻדְּשׁוֹת לַיהוָה: In the case of one who says to his wife: Your hands are consecrated to the One Who made them, all her earnings will be consecrated, since her hands are subjugated to him to perform labor. This is according to the Rambam's understanding that if the husband said this explicitly, the Rabbis concede to Reish Lakish that the consecration takes effect. However, the Ran says that even in this case her earnings are not consecrated, as she has the right to say: I will not be sustained by you, and in turn I will not work (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaHaramim* 6:28; *Shulḥan Arukh, Even HaEzer* 81:1, and in the comment of Rema).

אִי בְּשִׂאֵינָה נִיזוּנָת – מֵאִי לְמִמְרָא?
אֲפִילוּ לְמֵאן דְּאָמַר יָכוֹל הָרַב לְאָמַר
לְעֶבֶד "עֲשֵׂה עִמִּי וְאִינִי זָנֵךְ", הֲיֵי מִיָּלִי –
בְּעֶבֶד כְּנַעֲנִי, דְּלֹא כְּתִיב בֵּיהּ "עִמָּךְ".
אֲבָל עֶבֶד עֲבָדִי דְּכִתְיִב בֵּיהּ "עִמָּךְ" –
לֹא. וְכָל שְׂכֵן אֲשֶׁתּוֹ!

סִיפָא אִיצְטְרִיךְ לֵיהּ; מוֹתֵר, רַבִּי מֵאִיר
אוֹמֵר: הַקָּדֵשׁ, רַבִּי יוֹחָנָן הַסַּנְדֵּלָר אוֹמֵר:
חוֹלִין.

וּפְלִיגָא דְרִישׁ לְקִישׁ. דְּאָמַר רִישׁ לְקִישׁ:
לֹא תִימָא טַעְמָא דְרַבִּי מֵאִיר מְשׁוּם
דְּקִסְבַּר אָדָם מְקַדֵּשׁ דְּבַר שְׂלֵא בְּא
לְעוֹלָם, אֲלֵא טַעְמָא דְרַבִּי מֵאִיר: מִתּוֹךְ
שְׂיָכוֹל לְבִטְלָהּ – נַעֲשֶׂה
כְּאוֹמֵר לָהּ "קִדְּשׁוּ יְדֵיךָ לְעוֹשֵׂיהֶם".

וְהָא לֹא אָמַר לָהּ הֵבִי! בֵּינָן דְּשַׁמְעִינָן
לֵיהּ לְרַבִּי מֵאִיר דְּאָמַר: אִין אָדָם מוֹצֵיא
דְּבָרָיו לְבִטְלָהּ – נַעֲשֶׂה כְּאוֹמֵר לָהּ
"קִדְּשׁוּ יְדֵיךָ לְעוֹשֵׂיהֶם".

The Gemara asks: If it is discussing a woman who is not sustained, what is the purpose of stating that he may not consecrate her earnings? Even according to the one who says that a master can say to his slave: Work for me but I will not sustain you,¹¹ this applies only to a Canaanite slave,¹² about whom it is not written: "With you." But with regard to a Hebrew slave¹³ about whom it is written: "It is good for him with you" (Deuteronomy 15:16), this does not apply, and the master must sustain him just as he sustains the members of his own household. And this is true all the more so with regard to his wife, as there is a specific obligation of sustenance. Consequently, if he does not do so, he certainly has no right to her earnings.

The Gemara answers: This *halakha* did not need to be stated, but the latter clause was necessary, as it contains a novelty with regard to the surplus: Rabbi Meir says that the surplus is consecrated property, and Rabbi Yohanan the Cobbler says it is non-sacred.

The Gemara comments: This opinion of Rav Huna disputes that of Reish Lakish, as Reish Lakish said: Do not say that the reason for the opinion of Rabbi Meir is that since he maintains that a person may consecrate an object that has not yet come into the world, the consecration can take effect even on her future earnings. Rather, say that the reason for the opinion of Rabbi Meir is that since he can compel her to produce her earnings¹⁴ for him, it is as if he had a certain legal claim to the products of her hands, i.e., her earnings. Consequently, he is considered as if he had said to her: Your hands are consecrated to the One Who made them,¹⁵ and the consecration can therefore take effect on something that already exists. Since Reish Lakish said that he may compel her to produce earnings for him, the implication is that she may not say: I will not be sustained and I will not work.

With regard to Reish Lakish's statement, the Gemara asks: But he did not say this to her; rather, he said that he was consecrating her earnings. The Gemara answers: Since we heard that Rabbi Meir said: A person does not say things for naught, and according to this principle, when one says something that has no halakhic meaning, it is interpreted as if he had said something that does have halakhic relevance, he is considered as if he had said to her: Your hands are consecrated to the One Who made them.

BACKGROUND

Canaanite slave – עֶבֶד כְּנַעֲנִי: A Canaanite slave is a non-Jewish slave purchased by a Jew (see Leviticus 25:44–46). After he is purchased, such a slave must be immersed in a ritual bath, and, if male, circumcised. These acts signify a change in the slave's status. Although he is not yet a Jew in all respects, a Canaanite slave must observe all of the Torah's prohibitions and must fulfill all positive mitzvot that are not time bound. In many respects, Canaanite slaves are their masters' property and may be sold and purchased like other possessions. His master can free him by giving him a bill of manumission, a document resembling a bill of divorce in its format, but there is a positive mitzva not to free a Canaanite slave without compelling reasons. There is one exception to the above principle: A slave goes free automatically if his master blinds him, knocks out his tooth, or destroys any one of twenty-four other extremities. This applies regardless of whether the master caused the damage intentionally (see Exodus 21:26–27).

A Hebrew slave – עֶבֶד עִבְרִי: A Hebrew slave is an adult male Jew who becomes the slave of another Jew. There are two ways in which a Jew can enter such servitude: (1) The court may sell a thief into slavery if he does not have the means to make restitution for his theft (Exodus 22:2). (2) If a Jew becomes impoverished, he may choose to sell himself to seek relief from his poverty (Leviticus 25:39). A Hebrew slave sold by the court goes free after serving his master for six years (Exodus 21:2), but one who sells himself as a slave may sell himself for six years or for a longer period. In the Jubilee Year, all Hebrew slaves are freed irrespective of how long they have served (Leviticus 25:40). A Hebrew slave may also attain his freedom by paying his master the value of the remainder of the term for which he was sold. If a Hebrew slave has a wife and children, his master is obligated to provide for their sustenance as well.

NOTES

Your hands are consecrated to the One Who made them – קִדְּשׁוּ יְדֵיךָ לְעוֹשֵׂיהֶם: The Rashba asks: How can a husband consecrate his wife's hands? Obviously her hands do not belong to him; he cannot sell them or give them away. Even with regard to a slave who is his property, the *halakha* does not allow the owner

to consecrate the slave's hands, and therefore he certainly may not do this with his wife. The Rashba therefore explains that it means that he can consecrate her hands vis-à-vis the earnings they produce, just as one can consecrate a tree for its fruit (see *Tosafot* and *Avnei Milluim*).

וסבר רבי מאיר אין אדם מקדיש דבר שלא בא לעולם? והתנא: האומר לאשה "הרי את מקודשת לי לאחר שאתגייר" או "לאחר שתתגיירי", "לאחר שאשתחרר", "לאחר שתשתחררי", "לאחר שימות בעליך" או "שתמות אחותיך" או "לאחר שיחלוץ לך יבמיך", רבי מאיר אומר: מקודשת.

The Gemara asks: **Does Rabbi Meir hold that a person may not consecrate an object that has not yet come into the world?**^H Isn't it taught in a *baraita* that if a gentile says to a woman: **You are hereby betrothed to me after I convert;**^H or if she was a gentile and he said to her: **You are hereby betrothed to me after you convert;** or if he was a slave and said to her: **After I am emancipated;** or if she was a maidservant and he said to her: **After you are emancipated;** or if she was married and he said to her: **After your husband dies;** or if he was married to her sister and he said: **After your sister dies,** as at that point the betrothal could take effect; or if she was a widow waiting for her *yavam* and he said to her: **After your yavam performs halitza with you,** Rabbi Meir says: If any of these cases occurred, **she is betrothed.** Apparently Rabbi Meir maintains that betrothal can take effect even on something that has not yet come into being.

מההיא – אין, מהא ליבא למשמע מינה.

The Gemara answers: Actually, **from that baraita, one can** learn that this is Rabbi Meir's opinion, but Reish Lakish merely wanted to say that **no inference is to be learned from this mishna,** as it is possible to explain Rabbi Meir's words in another way, based on the principle that a person does not say things for naught.

"המותר, רבי מאיר אומר: הקדש". אימת קדוש? רב ושמואל דאמרי תרווייהו: מותר לאחר מיתה קדוש. רב אדא בר אבהו אמר: מותר מחיים קדוש.

§ The mishna states that with regard to **the surplus, Rabbi Meir says: It is consecrated property.** The Gemara asks: According to this opinion, **when does the surplus amount become consecrated?** **Rav and Shmuel both said: The surplus is consecrated only after the woman's death.** **Rav Adda bar Ahava said: The surplus is consecrated while she is still alive.**

הוי בה רב פפא: במאי? אילימא במעלה לה מזונות, ומעלה לה מעה כסף לצרכיה – מאי טעמא דמאן דאמר לאחר מיתה קדוש?

Rav Pappa discussed it, as he was perplexed by this dispute: With regard to what do they argue? **If we say that the husband provides for her sustenance and additionally provides her with a silver *ma'a* coin every week for the rest of her needs,** as he is obligated to do (see 64b), then **what is the reason for the opinion of the one who said it is consecrated only after her death?** As the husband has fulfilled all of his obligations and is consequently the owner of his wife's earnings, he should be capable of consecrating them.

ואלא כשאין מעלה לה מזונות, ולא מעלה לה מעה כסף לצרכיה – מאי טעמא דמאן דאמר מחיים קדוש?

And if we rather say that **he does not provide for her sustenance and does not provide her with a silver *ma'a* for her needs,** and she must consequently support herself entirely, then **what is the reason for the opinion of the one who said that it is consecrated in her lifetime?** It is possible that at some point she will not find sufficient employment, and since her husband does not provide for her sustenance or her other needs, she will need the money for herself and there will not be any surplus at all.

לעולם במעלה לה מזונות ואינו מעלה לה מעה כסף לצרכיה. רב ושמואל סברי: תקנו.

The Gemara answers: **Actually, one must explain that they are discussing a situation where he provides for her sustenance, but does not provide her with a silver *ma'a* for her needs,** and this is their dispute: **Rav and Shmuel maintain that the main enactment was that they established**

HALAKHA

A person may not consecrate an object that has not yet come into the world – אין אדם מקדיש דבר שלא בא לעולם – One may not consecrate objects that have not yet come into the world, in accordance with the opinion of the Rabbis, who disagree with Rabbi Meir (Rambam *Sefer Hafl'a'a, Hilkhot Arakhin VaHaramim* 6:26).

הרי את – אית: מקודשת לי לאחר שאתגייר וכו' You are betrothed to me after I convert, or after you convert, she

is not betrothed, since he cannot at present betroth her, in accordance with the opinion of the Rabbis, who disagree with Rabbi Meir. However, if one betroths a *yevama*, saying that the betrothal will take effect after the *yavam* performs *halitza*, the woman is of uncertain status with regard to betrothal, as some say that the betrothal can take effect as an uncertain betrothal even before the *halitza* is performed (Rambam *Sefer Nashim, Hilkhot Ishut* 7:14, *Shulhan Arukh, Even HaEzer* 40:5–6).