

The betrothal of the first one is completed – גמרו קידושי ראשון –

OVERVIEW

maintains in the case of a חורין בת חוצי שפחה וחצי who was מקודשת and then freed completely that the initial קידושין are now completed and if she received קידושין from someone else it is not effective. reconciles our גמרא with a seemingly contradictory גמרא.

anticipates a difficulty:

והא דאמרינן בפרק קמא דקידושין (דף ז, א) בהמה של שני שותפין -

And regarding this which יוחנן ר' stated in the first פרק of קידושין; 'a cow which belonged to two partners -

הקדיש חציה וחזר ולקחה והקדיש חציה כולי הא לא הקדישה לא גמרי¹ -

One partner was מקדיש his half and then went and bought the other half from his partner, and was מקדיש the second half, etc.' the rule is that it is הקדש (to a degree);² however if he was not מקדיש the second half after he bought it, the initial half הקדש is not completed and extended to the other half automatically, by merely purchasing the other half, but he must be מקדיש it –

responds:

שאני התם דאפשר שתרעה ויהיו חציה דמיה הקדש וחציה חולין³ -

There by a בהמה it is different, for it is possible that she should graze, and half her money will be הקדש and half will be חולין -

אבל הכא דאי אפשר שתהא חציה מקודשת דכי יקח איש אשה כתיב⁴ לא חצי אשה -

However here where it is impossible that only half of her should be מקודשת, for the תורה writes אשה איש אשה, but not a חצי אשה, so the current status cannot remain; therefore -

מסתבר למימר או גמרי או פקעי -

It is logical to say that either the קידושין are completed or they are uprooted –

¹ Why is there this difference that here we say that initially she was halfway מקודשת (since she is still a חציה שפחה), and when she is freed the קידושין extends automatically to her second half, without any additional action; however there by the בהמה when he bought the second half and it no longer belongs to his partner (rather it belongs to him) we do not say that the קדושה of the first half extends automatically to the second half, but rather he is required to make a new הקדש.

² It cannot be brought as a קרבן (since initially when he was מקדיש half, it was not fit to be brought as a קרבן).

³ When he bought the second half; we can say half the animal is הקדש and the other half is חולין; we will let it graze (until it receives a מום) and sell it so that half the money is הקדש and the other half he gets to keep for himself. If he is not מקדיש the second half we have an option of how to deal with this בהמה.

⁴ דברים (תצא) כד, א.

anticipates a difficulty: תוספות

ואף על גב דהתם מדמי למקדש חצי אשה⁵ -

And even though the גמרא there in קידושין מס' compared the case of one who was half a woman **to one who is half a woman** -

responds: תוספות

לא קשה מידי דמייתי שפיר דהיכא דאיכא דעת אחרת לא פשטי בכולה⁶ -

There is no difficulty at all; for there he brings a proper proof from מקדש חצי that wherever there is 'another mind' the הקדש/קידושין **does not extend to the whole**⁷ -

offers a alternate answer to the first question:⁸ תוספות

אי נמי איכא למימר דבהמה של שני שותפין ששייר בקניינו קצת⁹ -

Or it is also possible to say that by a בהמה of two partners, where he left something remaining in his acquiring of this animal for הקדש -

שהרי בהמה היתה בת הקדש¹⁰ לפיכך לא גמרי -

For the entire animal was capable of becoming הקדש, therefore since there was this שיור, the הקדש **does not become complete**, even when he bought his partner's share -

אבל הכא חציה שפחה¹¹ לא היתה בכלל קידושין:

⁵ See following footnote # 6. תוספות just finished saying that we cannot compare being half a woman (since we can divide the value of the בהמה into two parts; one הקדש and the other חולין) to being a woman (who cannot be half מקודשת), so why does the גמרא there compare קידושי אשה to מקדשי בהמה?! See 'Thinking it over'.

⁶ רבא there ruled that if a man said to a woman לי מקודשת, she is not מקודשת. The גמרא asked, but why do we not say that the קידושין expands to the other half, just like if one is half a woman we say the entire בהמה becomes מקודשת because the קדושה of the first half expands into the second half. The גמרא answered that the two cases are different, by an אשה since she has a mind of her own (דעת אחרת) and since she agreed that merely half of her is מקודשת, we cannot expand it to her other half against her wishes. The גמרא then goes on to say that the case of חצייה is similar to the case of יוחנן ר' that if there are two partners, when one is half מקדש his half, the קדושה cannot extend to the other half which belongs to his partner, since there is a דעת אחרת which prevents the קדושה from expanding (even if he later purchased the other half, unless he is מקדש the second half).

⁷ The comparison was only in regard that the קידושין of אשה חצי cannot extend to the other half, just as the מקדש of one partner cannot extend to the domain of the other partner; in both cases there is a דעת אחרת which prevents the התפשטות of the הקדש/קידושין. However here we are discussing the status of the קידושין after she was completely freed, in this regard we cannot compare it to the בהמה of two partners, since there it is conceivable that the animal be part מקודשת and part חולין (moneywise); however a woman cannot be half מקודשת and half not מקודשת.

⁸ See footnote # 2.

⁹ The גמרא stated previously when one is משייר בקידושין (or הקדש); meaning he is not מקדש the total amount of which he is capable of being מקדש, the ensuing קידושין is lacking.

¹⁰ This בהמה was (theoretically) capable of being לגמרי הקדש (if both partners would agree), therefore when one partner was only half מקדש, it is a weaker הקדש since he was שייר the other half, such a weak הקדש cannot be completed even after this partner owns the other half, for the מקדש was lacking initially.

¹¹ Here by the חשוכב"ה he was מקדש all that is possible to be מקדש (there is no קידושין for the שפחות); he was not שייר in the קידושין, therefore when she becomes completely free the strong קידושין (without שייר) can expand to the

However here the half שפחה part was never included in the concept of קידושין, therefore it is possible that when she was completely freed, the קידושין expands and becomes complete.

SUMMARY

The difference between חשוחב"ח (where the קידושין may expand) and בהמה של ב' (where it does not) is that a בהמה can be both half הקדש and half חולין, but a woman cannot be half מקודשת, or by a בהמה he was שייר, but not by the חשוחב"ח.

THINKING IT OVER

Is the question (and answer) of 'ואע"ג וכו' לחצי אשה' on the first answer of תוספות only,¹² or is it on the א"נ as well?

קידושין צד הירות and complete the

¹² See footnote # 5.