

This is with water

הא במיא –

Overview

The התקדשי cited three ברייתות regarding a case where a man said to a woman 1) she is מקודשת with the cup and with its contents;¹ 2. She is מקודשת with the cup, but not with the contents;² 3. She is מקודשת with the contents, but not with the cup.³ The גמרא explained that there is no disagreement between these three ברייתות because they are discussing three different contents; 1. one is water, 2. one is wine, and 3. one is brine (or oil). There is a dispute between רש"י and תוספות as to which case each ברייתא is discussing.

פירש הקונטרס במיא שאינם חשובים אמרין בו ולא במה שבתוכו⁴ -

explained that if the content was water, which is not significant, we say that she is מקודשת with the cup, but not with its content -

בחמרא דחשוב במה שבתוכו ולא בו⁵ -

By wine which is significant, she is מקודשת with its content but not with the cup -

ובציהרא פירש ציר דגים שעשוי לימים רבים לטבל והכוס צריך לו לשומרו -

And with ציהרא, which is fish brine which is made to last for many days, as a dip, and the cup is necessary to keep it, or -

לשון אחר ציהרא שמן כמו יצהר שצריך לכלי שמשחין אותו לזמן גדול בו ובמה שבתוכו⁶ -

Another interpretation of ציהרא – oil, like the word יצהר, which requires a vessel, for it is kept for a long time, so in either of these two (brine or oil) she is מקודשת with the cup and its contents. This concludes פרש"י.⁷

פרש"י asks on תוספות:

וקשה לרבינו תם דאין זה סדר הברייתא שהביא⁸ -

And the ר"ת has a difficulty with פרש"י, for the three answers do not correspond

¹ This means that she keeps the cup and the content; also that if neither of them is a שו"פ, but together they are a שו"פ, she is מקודשת.

² This means the cup must be worth a שו"פ (without the contents), and she needs to return the contents.

³ The content must be worth a שו"פ, and she needs to return the cup.

⁴ Answer # 1 (במיא) is for ברייתא # 2 (במה שבתוכו).

⁵ Answer # 2 (בחמרא) for ברייתא # 3 (בו).

⁶ Answer # 3 (בציהרא) for ברייתא # 1 (בו ובמה שבתוכו).

⁷ According to רש"י the woman's mind is to be מקודשת with what is significant; water is totally insignificant, therefore she is מקודשת with the כוס, wine is significant (and the cup is merely a medium how to give her the wine), therefore she is מקודשת with the wine and returns the cup, ציהרא is significant, but (since it lasts for a while) it cannot be given without the cup, therefore she is מקודשת with both.

⁸ See footnotes 4-6. Seemingly the first answer (מיא) should correspond to the first ברייתא (במה שבתוכו), etc.

to the order of the ברייתות which were mentioned.

תוספות offers his interpretation:

לכן פירש רבינו תם במיא בו ובמה שבתוכו שהמים בטלים לגבי הכוס -

Therefore the ר"ת explained that with water she is מקודשת בו ובמה שבתוכו, for the water is nullified to the cup (the water is not significant enough to be considered a separate entity) -

בחמרא בו ולא במה שבתוכו⁹ שהיין חשוב ואינו בטל לגבי הכוס -

With wine she is מקודשת בו ולא במה שבתוכו, for the wine is significant and is not nullified to the cup (which is more חשוב) -

ומכל מקום אינו חשוב כל כך שנאמר דדעתה תהא על היין -

But nevertheless the wine is not that significant that we should say that her intention was to be מקודשת with the wine (the cup is more חשוב) -

אבל בציהרא במה שבתוכו דחשוב יותר מן הכוס אבל לא בו¹⁰ דהכוס אינו בטל לגבי ציהרא¹¹ -

However with ציהרא she is מקודשת במה שבתוכו, for the contents are more חשוב than the כוס, but not with the כוס, for the כוס is not nullified to the ציהרא.

פרש"י on ר"ת dismisses the question of the תוספות:

ומיהו קושיא דרבינו תם לאו קושיא היא שהרי מצינו בגמרא דאינו חושש לסדר הברייתא -

However the s'ת"ר question is not really a question, for we find in the גמרא that we are not concerned that the answers should correspond to the order of the ברייתות, cited -

כדאמר בפרק הישן (סוכה כו,א) גבי לא יישן אדם בתפילין לא שינת קבע ולא עראי כולי -

As the גמרא states in פרק הישן regarding the rule that a person should not sleep in תפילין, neither a permanent sleep nor a nap, etc.

ודוק¹² ותשכח:

So examine that גמרא and you will find that it is not בסדר הברייתא.

⁹ See 'Thinking it over' # 1.

¹⁰ If the ציהרא is not a שו"פ (only together with the כוס), she is not מקודשת (and in any event needs to return the כוס).

¹¹ According to תוס', the woman is מתקדשת with the חשוב only, unless the item which is not חשוב is so insignificant that it is בטל to the חשוב. Therefore, 1. by water it is completely insignificant and is בטל to the כוס (she is מקודשת בו ובמה שבתוכו), 2. the כוס is more חשוב than the יין (but the יין is sufficiently חשוב not to be בטל to the כוס), 3. by ציהרא which is more חשוב than the כוס (however the כוס is sufficiently חשוב not to be בטל to the ציהרא), she is מקודשת במה שבתוכו ולא בו. These answers follow the order of the ברייתות.

¹² The גמרא cites there three ברייתות; 1. One may nap with תפילין, but not (a permanent) sleep; 2. A person may either sleep or nap with תפילין; 3. One may neither sleep nor nap with תפילין. The גמרא resolves these ברייתות: 1. when he is holding the תפילין in his hands he may neither sleep nor nap with them (for they may fall [ברייתא # 3]); 2. When the תפילין are on his head he may nap but not sleep with them (for he may pass gas [ברייתא # 1]); 3. If the תפילין are covered and lying by his head he may nap and sleep (ברייתא # 2). The answers do not correspond to the order of the ברייתות. See 'Thinking it over' # 2.

Summary¹³

According to רש"י when something is totally insignificant it is excluded completely (the מים and the כוס, she is שבתוכו בלא במה שבתוכו), while תוס' maintains that it is included and part of its significant counterpart (the מים and the כוס, she is שבתוכו במקודשת בו). They also disagree whether the answers of the גמרא need to correspond to the ברייתות (the ר"ת) or not (רש"י and סתמא דתוס').

Thinking it over

1. According to the ר"ת that by wine she is שבתוכו במקודשת בו (with the cup), but not במה שבתוכו (with the wine),¹⁴ why does the משנה say, ונמצא דבש של יין ונמצא דבש, 'התקדשי לי בכוס זה של יין ונמצא דבש',¹⁵ since he is מקדש her with the cup, but not שבתוכו?!¹⁵

2. תפילין¹⁶ proves that we do not follow the סדר הברייתות from the case of תוספות. However there, answer # 1 corresponds to ברייתא # 3, so we can say the גמרא wanted to first answer the last ברייתא (which we were just discussing) and then go back to the first two, however here the first answer corresponds to the second (middle ברייתא), and that is unusual!¹⁷

¹³ See also footnotes # 7 & 11.

¹⁴ See footnote # 9.

¹⁵ See # 90. אוצר מפרשי התלמוד and נחלת משה בגמ' ד"ה ולכאורה.

¹⁶ See footnote # 11.

¹⁷ See # 105-7. אוצר מפרשי התלמוד.