



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kiddushin Daf Lamed Zayin

#### MISHNA

- Every mitzvah that is dependent on the land only applies in EY. Any mitzvah that is not dependent on the land applies in EY and in chutz laaretz, except for orlah and kilayim. **R' Eliezer** says, also the mitzvah of chadash.

#### GEMARA

- **Q:** What is meant by a mitzvah that is "dependent on the land"? It can't be that "dependent" refers to the mitzvos regarding which the pesukim say "when you come into the land..." and not dependent is when the pasuk does not use such verbiage, because the pasuk regarding tefilin and peter chamor use this verbiage and yet we know these mitzvos apply in EY as well as in chutz laaretz!? **A: R' Yehuda** said, "dependent" on the land means it is a mitzvah that applies to the land or its produce, and such a mitzvah only applies in EY. "Not dependent on the land" means it is an obligation on the person, and such a mitzvah applies in EY and in chutz laaretz.
  - **Q:** How do we know this is the halacha? **A:** A Braisa explains the following pasuk: "eileh hachukim" – refers to halachos learned through drasha, "v'hamishpatim" – refers to court laws, "asher tishmirun" – refers to Torah learning, "laasos" – refers to doing the mitzvos, "baaretz" – we would think this teaches that all mitzvos only apply in EY, the pasuk therefore then says "kol hayamim asher atem chayim ahl ha'adama", which implies that the mitzvos apply in EY and in chutz laaretz. Now that we have one part of the pasuk that teaches that they only apply in EY and another part that teaches that they even apply in chutz laaretz, we look at the next pasuk that says we must destroy all avodah zarah wherever we settle. From here we learn that just like this obligation is a personal obligation and applies even in chutz laaretz, so too all mitzvos that are personal obligations apply in EY and in chutz laaretz.

#### CHUTZ MIN HA'ORLAH V'HAKLAYIM

- **Q:** Is **R' Eliezer** introducing a chumra or a kula? Meaning, is the **T"K** saying that orlah and klayim are exceptions based on a Halacha L'Moshe Misinai, but chadash only applies in EY, and even though the pasuk regarding chadash says "in all your dwellings", that type of verbiage only teaches that the chadash obligation did not take effect until the Yidden entered EY, conquered the land, and divided the land, and **R' Eliezer** argues and says that chadash applies in EY and in chutz laaretz, because the Torah's use of the term "in all your dwellings" teaches that this applies even in chutz laaretz? Or maybe the **T"K** is saying that chadash surely applies in chutz laaretz, because the pasuk says "in all your dwellings", and **R' Eliezer** comes to argue and say that chadash only applies in EY and the terms "in your dwelling" means that it takes effects after the conquer and division of EY? **A:** We have learned that **Abaye** said that the Tanna who argues with **R' Eliezer** is **R' Yishmael**, as can be seen in a Braisa. The Braisa says that **R' Yishmael** says that the word "dwelling" written in regard to the obligation to bring nesachim with a personal korbon teaches that the obligation only takes effect after the conquer and division of EY. **R' Akiva** said to **R' Yishmael**, the pasuk regarding Shabbos uses the word "dwelling", and clearly that means to say that it applies even in chutz laaretz, so we see that that is the proper understanding of the word "dwelling"!? **R' Yishmael** answered, we learn that Shabbos applies in chutz laaretz from a kal v'chomer – if less stringent mitzvos apply in chutz laaretz, then the mitzvah of Shabbos surely applies in chutz laaretz. Now, if **R' Yishmael** is the one who argues on **R' Eliezer**, it must be that **R' Eliezer** argues l'chumra. **SHEMA MINAH.**
  - **Q:** In the Braisa **R' Yishmael** was referring to the word "dwelling" used regarding the nesachim obligation. Now, in the pasuk of nesachim the Torah uses the word "dwelling" *and* the word "coming". If so, maybe it is only when both these words are used that it is

to be understood as referring to after the conquer and division of EY, but “dwelling” by itself teaches that the mitzvah applies even in chutz laaretz!?

**A:** That is actually what **R’ Yishmael** was saying. Although he could have answered **R’ Akiva** by saying that the pasuk regarding Shabbos only uses the word “dwelling” and therefore cannot be thought of as the same as nesachim, he actually did answer that to **R’ Akiva** and then added the second answer of the kal v’chomer.

- **Q:** What is the basis for the machlokes between **R’ Yishmael** and **R’ Akiva**? **A:** **R’ Yishmael** holds that nesachim were not brought for personal korbanos in the Midbar, and **R’ Akiva** holds that they were.
- **Abaye** said, this statement of **R’ Yishmael** (that only when the pasuk says “dwelling” and “coming” does it mean that the mitzvah takes effect after the conquer and division of EY) excludes a different version of **R’ Yishmael**, in which he is said to say that when the pasuk uses the word “coming”, since in one place (regarding appointing a king) the pasuk uses the word “coming” and explains it to mean after the conquer and division of EY, so too all uses of the word “coming” refer to after the conquer and division of EY.
  - The first version of **R’ Yishmael** will say that we don’t learn from the pasuk of appointing a king, because there is a pasuk that says this regarding bikkurim as well, and these two pesukim are therefore teaching the same principle, in which case they can’t teach to other places.
  - The second version will say that we can learn from these pesukim, because they are needed. If we only had the pasuk of the king we would say we must wait to appoint a king until after the division of EY, but regarding bikkurim, since the people benefit from the fruit, the bikkurim must be brought from when the Yidden entered EY. And, if we would only have the pasuk of bikkurim, we would say that we cannot wait until that time to appoint a king, because a king is needed to lead the nation in battle. That is why both these pesukim are needed, and are therefore not considered to be 2 pesukim that teach one principle which cannot teach to other places.
    - The first version would say that we could learn bikkurim from the appointment of a king, because if appointing a king can wait, bikkurim can surely wait. The second version would say that if bikkurim weren’t written, we would learn it from the mitzvah of challah and would say that it applies even before the conquering of EY.
- **Q:** Now that we said that a personal obligation applies in chutz laaretz as well, why does the Torah write the word “dwelling” regarding Shabbos? **A:** The parsha of Shabbos is written in the parsha of the Yomim Tovim, and we would therefore think that just as Yom Tov is based on the sanctification of Beis Din, Shabbos should be the same as well. The pasuk therefore teaches that Shabbos is in all your dwellings – meaning that it need not be sanctified by Beis Din.
- **Q:** Why does the Torah say “dwelling” regarding the issur of “cheilev” and blood? **A:** We would think that since it is written in the parsha of korbanos, that these issurim only apply at a time when korbanos can be brought. The word “dwelling” therefore teaches that it applies at all times.
- **Q:** Why does the Torah say “dwelling” regarding the mitzvos of matzah and maror? **A:** We would think that since the pasuk says “ahl matzos umrorim yochluhu”, this teaches that there is only a mitzvah of matzah and maror when there is a Korbon Pesach. The word “dwelling” therefore teaches that these mitzvos apply even where there is no Korbon Pesach.
- **Q:** Why does the Torah say “coming” regarding the mitzvos of tefillin and peter chamor? **A:** This is as taught by **R’ Yishmael**, that Hashem was telling us, “Do these mitzvos so that you merit to enter EY”.