

## Introduction to Tractate Qiddushin

Tractate *Qiddushin* (“sanctification”) deals primarily with acts associated with the betrothal of a woman to a man, acts which render the woman sacred to that man. With respect to betrothal, Scripture provides only a subordinate clause at Deu. 24: 1, “When a man takes a wife and marries her.” The act of “taking” involves “marries,” a translation of the Hebrew word for, “have sexual relations with.” Therefore Scripture provides little preparation for the topic, let alone the structure and system, of *Qiddushin*. The exposition of law in *Qiddushin* extends the principles governing the acquisition of persons and property to the act of betrothal.

- I. Betrothals
  - A. Rules of acquisition of persons and property
  - B. Procedures of betrothal: agency, value, stipulations
  - C. Impaired betrothal
  - D. Stipulations
  - E. Cases of doubt
- II. Castes for the purposes of marriage
  - A. The status of the offspring of impaired marriages
  - B. Castes and marriage between castes
  - C. Cases of doubt

According to *Qiddushin*, just as a farmer might acquire a slave, an ox, or real estate, so a man effects possession of, or gains title to, a woman. Unlike the normal acquisition of property, however, the woman is an active participant in the transfer of title: she must consent. When she does consent, her status as a person, not as property, changes and the change is called “sanctification.” God’s stake in the transaction of the sanctification of a woman extends beyond individuals to the castes among which the community of Israel is distributed: priests, Levites, Israelites, and others as noted in the second section of the outline above. Men and women each belong to a particular classification, and that classification governs whether or not sanctification is even possible. The Torah defines the classifications of persons within the community who may not intermarry—Gentiles do not enter the picture—within the purview of the Torah. A woman’s personal status is affected by prior unions, e.g., marriage to a man to whom the Torah prohibits her, e.g., a widow to a high priest, a divorcée or equivalent to an ordinary priest, or a *mamzer* (a child of parents legally unable ever to marry, such as a brother and a sister, or the child of a married woman and a man other than her husband) to an ordinary Israelite. Ten castes are defined and summarized in *Qiddushin*.

Israel defines itself as holy in two ways: by nature (through birth) and by conviction (through adherence to the Torah). Sanctification by nature, the first of the two media for forming Israel as it will be realized in a given household, occurs when an Israelite man consecrates to himself an Israelite woman who is available to him. She must not be

married or betrothed to someone else (the governing analogy being the consecration of the offering), nor forbidden to him by reason of incest taboos or caste regulations (the governing analogy being the consecration of the priesthood). Sanctification by nature continues when that union produces offspring. Sanctification by conviction takes place when, through those actions specified by law in connection with, for instance, food-preparation, the Israelite sustains life in a manner similar to the way life is sustained at the altar.