



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

Kiddushin Daf Chuf Ches

- **Q:** How far do we take the concept of gilgul shevuah? **A: R' Yehuda in the name of Rav** said, a person can even make another person swear that he is not his slave, based on a gilgul shevuah.
 - **Q:** A Braisa says that if a person makes a baseless claim against another person, saying that the person is an eved knaani, we put the accuser into cheirem. Clearly we would not allow someone to force another to swear that he is not an eved!? **A: Rava** said, **R' Yehuda** meant that he can make a person swear that he was not sold to him as an eved ivri.
 - **Q:** By saying he can “even” make him swear about this, it seems to say that it is an extreme case of requiring the shevuah. Why is that so? He is making a simple claim for money and as such should be able to require that a shevuah be made!? **A: Rava** follows his view elsewhere, that the body of an eved ivri is owned by his master, and as such he is considered to be real property, not moveable property. Therefore, it is a chiddush to say that a shevuah can be made, since one does not normally swear on matters involving real property.
 - **Q:** If so, this is the exact case of the Mishna, when it says that gilgul shevuah can make someone swear on land!? **A:** We would think to say that sale of land can be done without public knowledge, and therefore a shevuah can be appropriate to bring the true facts to light. However, regarding the sale of a person into slavery, that is something that is done with public knowledge, and therefore there is no reason to allow for a shevuah for something that would be known if it were true. **Rava** therefore teaches that a gilgul shevuah may even make someone swear in a situation like that.

MISHNA

- With regard to anything used as payment for something else, as soon as the payment is given to the seller, the buyer becomes responsible for the item that was paid for.
 - How is this so? If one exchanges an ox for a cow, or a donkey for an ox, once one person has taken possession of one of the animals, the other person becomes responsible for the other animal.

GEMARA

- **Q:** Presumably the Mishna's opening clause is referring to when a coin is given in exchange for an item. This would mean that chalipin can be done with money, which is not the accepted view!? **A: R' Yehuda** said, the Mishna means to say that if anything *other than* money is used for an exchange, once the seller takes possession of it, the buyer becomes responsible for the other item. This must be the proper understanding, because the example that the Mishna gives is the exchange of animals.
 - **Q:** According to the presumed meaning, that the Mishna refers to a coin, what was the understanding of the Mishna when it said “how is this so”? **A:** The Mishna was thought to be saying that produce can also be used for chalipin, and the Mishna then meant to give the example of where one exchanged the meat of an ox for a cow, or the meat of a donkey for an ox.
 - **Q:** This makes sense according to **R' Sheishes**, who says that produce can be used for chalipin. However, according to **R' Nachman** who says that it can't, how will he explain the Mishna? **A:** We will have to explain the Mishna to mean that there are types of monetary payments that are like chalipin. The Mishna then

gives the example, if one exchanges money that is owed to him for an ox, for a cow (he is owed money for an ox and then instead takes a cow in the place of the money owed to him). As soon as the one who is now giving the cow says “take the cow instead of the money”, the kinyan is effective.

- The reason the kinyan is effective without meshicha is that the Mishna holds like **R’ Yochanan**, who holds that D’Oraisa money can acquire moveable property. The **Rabanan** require meshicha as a gezeirah. However, in an unusual case (as in the one above) they were not goizer.
- **Q:** How will **Reish Lakish**, who holds that even D’Oraisa only meshicha can be used to acquire moveable property, explain the Mishna? If he holds like **R’ Sheishes**, he can answer that produce is being used. But, if he holds like **R’ Nachman**, how will he explain the kinyan? **A:** He must hold like **R’ Sheishes**.

MISHNA

- Hekdesh is koneh with money, whereas private people are koneh with chazakah (meaning meshicha – Rashi).
- A person saying that he will give something to hekdesch is as effective a transaction as one physically handing something over to a private person.

GEMARA

- A Braisa says, how does hekdesch acquire with money? If the “gizbar” (the hekdesch treasurer) gives money for an animal, wherever in the world the animal is, it is acquired by hekdesch. A private person, on the other hand, would not be koneh until he does meshicha. How is it that merely saying to give something to hekdesch is as effective as something physically given to a private person? If a person says “this ox should be an Olah” or “this house should become hekdesch”, they become the property of hekdesch wherever in the world these items are actually located. A private person, on the other hand, would not be koneh until he did meshicha on the ox or chazakah on the house.
The Braisa continues, if a person made meshicha on something from hekdesch when it was worth a maneh, and before he could pay for it, the value increased to 2 maneh, he must pay 2 maneh. [The Gemara says, this is based on the pasuk of “v’nossan hakesef v’kam lo”]. If he did the meshicha when it was worth 2 maneh and before he could pay for it, the value decreased to 1 maneh, he must pay 2 maneh. [The Gemara explains, this is because it is not right that a private person be in a stronger position than hekdesch].
The Braisa continues, if a person pays 200 for an item of hekdesch, and before he could do meshicha the value decreased to 100, he must pay 200. [This too is based on the pasuk of “v’nossan hakesef v’kam lo”]. If he paid 100 for the item, and before he could do meshicha the value increased to 200, what is done is done, and he only needs to pay the 100.
 - **Q:** In this last case we should again say that it is not right for a private person to be in a stronger position than hekdesch, and therefore he should have to pay 200!?!? **A:** A private person is also not allowed to renege on a deal after payment was given. Therefore, hekdesch is treated in the same way.