



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

### Kiddushin Daf Mem Ches

- The Gemara previously said, that **Rav** said that one who is mekadesh with a loan is not mekudeshes.
  - **Q:** Maybe we should say this is a machlokes among Tanna'im in a Braisa. The Braisa says, if a man says "be mekudeshes to me with a shtar", **R' Meir** says it is invalid, **R' Elazar** says it is valid, and the **Chachomim** say we appraise the paper – if it is worth a prutah she is mekudeshes, and if it is not she is not. Now, what type of shtar is the Braisa discussing? If it is a promissory note from a third person to this man, then there would be a contradiction of **R' Meir**, because he says in another Braisa that such a shtar could be used for kiddushin!? Rather, we must say that the document is a promissory note from this woman to this man, and the machlokes must be whether kiddushin of a loan can be a kiddushin! **A:** **R' Nachman bar Yitzchak** said, the shtar in the Braisa is a shtar kiddushin that wasn't signed by witnesses. **R' Meir** follows his own shitah, that the signing witnesses create the validity of the shtar, and since there are no such witnesses, the shtar is invalid. **R' Elazar** follows his own shitah that the witnesses to the delivery create the validity of the shtar, and since there were such witnesses, the shtar is valid. The **Chachomim** are unsure of who to follow, and therefore they say that if the shtar is itself worth a prutah, the kiddushin is valid and if not, it is not. **A2:** The case is that the shtar of kiddushin was not written lishma, and they argue in the halacha of **Reish Lakish**, who says that a shtar of kiddushin must be written lishma. **A3:** We can say that they all agree with **Reish Lakish**, but the case is that the shtar was written without her knowledge, and they argue in a machlokes of Amora'im, whether a shtar kiddushin must be written with the woman's knowledge.
  - **Q:** Maybe we should say this is a machlokes among Tanna'im in a Braisa. The Braisa says, if a woman gives gold to a goldsmith and tells him to make jewelry out of it, and tells him "make the jewelry and I will become mekudeshes to you", **R' Meir** says as soon as he makes the jewelry, she becomes mekudeshes. The **Chachomim** say that she does not become mekudeshes until money reaches her hand. Now, what do the **Chachomim** mean? If they mean the gold that she gave him, and they mean to say that when he returns it to her she is mekudeshes, that would mean that the **R' Meir** holds she is mekudeshes even if he doesn't give it back to her? That can't be right, because with what would she be mekudeshes!? We must say that the machlokes is whether the man can be mochel the money that she owes him for the work and use that loan as the kiddushin – **R' Meir** says he can and the **Rabanan** say that he can't!? **A:** It may be that everyone holds that one cannot be mekadesh with a loan. The machlokes here is that the **Rabanan** hold that the goldsmith is owed the money from when he begins to work on the project. Therefore it is a loan and can't be used for kiddushin. **R' Meir** holds that he does not earn his money until he completes the project and returns it to her. Therefore, when he gives it to her and tells her not to pay for it, it is not yet a loan and therefore can be used for kiddushin. **A2:** We can say that all agree that a loan can't be used and that all agree that he earns his fee from when he begins to work. The machlokes is whether a craftsman is koneh the value added to the keili. **R' Meir** says he is, and it is this value that he uses for kiddushin. The **Rabanan** say that he is not, and therefore the only thing he gives her is a loan. **A3:** It may be that all agree that he is not koneh the portion of the keili. The case is that the goldsmith added a jewel of his own onto the gold. The machlokes is whether when a woman is given a loan and an additional prutah she focuses on that additional prutah or the entire thing. **R' Meir** says

she focuses on the prutah, and the **Rabanan** say she focuses on the entire thing. This point is actually a point of machlokes between other Tanna'im in another Braisa.

#### MISHNA

- If a man told a woman: be mekadesh to me with this cup of wine, and the cup was found to be of honey, or visa-versa; or he said be mekadesh to me with a silver dinar and it was found to be of gold, or visa-versa; or he said be mekadesh to me on condition that I am wealthy and it is found that he is poor, or visa-versa – in all these cases she is not mekudeshes. **R' Shimon** says if he tricked her in a way that she comes out better than she thought, she is mekudeshes.

#### GEMARA

- A Braisa says, if a man told a woman “be mekadesh to me with this cup”, one Braisa says she is koneh the cup and whatever is in it, another Braisa says she is only koneh the cup and not what is in it, and a third Braisa says that she is only koneh what is in it, but not the cup itself. The Gemara explains, these Braisos don't argue. The first Braisa is discussing where there is fish brine in the cup (which is eaten slowly over time, and therefore she likely meant to accept the contents along with the cup), the second Braisa is dealing with a cup full of water (in which case she had in mind to accept the cup, and not the water), and the third Braisa is discussing a cup full of wine (it is customary for people to offer wine and to expect the cup to be returned, so we assume that that is what the woman agreed to do).

#### IHM HITAH L'SHEVACH HAREI ZU MEKUDESHES

- **Q:** A Mishna says that if one sold vinegar and it turned out to be wine, or visa-versa, either party may back out in either case. We see that some people value wine more, and some people value vinegar more. If so, in our Mishna we should also say that some people value gold more and others value silver more. Why does **R' Shimon** seem to say that the kiddushin is valid if she received a more valuable item than she thought she was getting? **A: R' Simi bar Ashi** said that he heard **Abaye** explain the Mishna to be discussing a case where the man told a shaliach “lend me a silver dinar and give it to this woman to be mekadesh her”, and the shaliach then went and used a gold dinar. In that case the **T”K** holds that since he didn't listen to the specific instructions of the principle, the shaliach's actions are not valid. **R' Shimon** holds that the man was just showing him one possible way to do the kiddushin, but is fine with the fact that gold was used instead of silver, and therefore the kiddushin is valid.
  - **Q:** Based on this, the Mishna should not have said that the man says “be mekudeshes to me”!? It should have said “be mekudeshes to *him*”, since it is the shaliach who is saying that!? Also, the Mishna should say “if he tricked *him*” (the husband), not “if he tricked *her*”!? Finally, what does the Mishna mean “it was later found to be...”? It was known all along what was being used!? **A:** Rather, **Rava** and **R' Chiya bar Avin** said, the case of the Mishna is where the woman appointed a shaliach to accept kiddushin and tells him to get the money from the man “because he told me that he will be giving me a silver dinar” and the shaliach went and was given a gold dinar. The **T”K** holds that the woman specifically wanted a silver dinar and the kiddushin is therefore not valid, and **R' Shimon** holds that she was just giving him one way of getting the kiddushin, and therefore she is okay with him accepting a gold dinar as well. The reason the Mishna says “it was later found to be...” is because the shaliach was given the money wrapped in cloth, and it is only later that it was unwrapped and found to be of a different kind.