



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

Kiddushin Daf Ches

- There was a person who gave some silk to a woman for kiddushin. **Rabbah** said the silk does not need to be appraised by an expert in order to make it a valid kiddushin, and **R' Yosef** said that the value needs to be appraised in order for it to be a valid kiddushin.
 - Everyone would agree that if he told her to take it for kiddushin for whatever it is worth, the kiddushin would be valid since it is surely worth more than a prutah. All would also agree that if he told her it was worth 50 zuz and it was actually worth less, then the kiddushin would not be valid, because he is giving her less than he promised to give her. The machlokes is where he told her that the silk was worth 50 zuz and it was actually worth 50 zuz. In that case, **Rabbah** says no appraisal is needed, because it is worth what he says it was worth, whereas **R' Yosef** says it must be appraised, because a woman is not an expert in appraisals and she will therefore not rely on his valuation and will not fully accept the kiddushin without having a valuation done.
 - **Others** say that they argue even in the case where he told her to take it for whatever it is worth (and it is clearly worth more than a prutah). **R' Yosef** says that an item given for kiddushin has the same halacha as when money itself is given. Therefore, just as money has a clearly defined value, so too any item that is given must have a clearly defined value.
 - **R' Yosef** said, this can be learned from a Braisa. The Braisa says that the pasuk of "mikesef miknaso" teaches that an eved ivri can be purchased with money, but not with produce or keilim. Now, what does this mean? It can't be that he can never be bought with other items, because the pasuk of "yashiv ge'ulaso" teaches that items with value may be used in the place of actual money! It can't be talking about where the items are not worth a prutah, because then money itself could not be used either! Rather, we must say that the case is where the items are worth at least a prutah and the reason they can't be used is because they did not have a defined value.
 - **Rabbah** would say that the Braisa means that the slave can only be bought with a kinyan of money, and not with a kinyan of produce or keilim – i.e. with chalipin.
 - **Q: R' Nachman** said that produce cannot be used for chalipin, so how would we explain the Braisa according to him? **A:** The Braisa means that if the produce is not worth a prutah, it can't be used. Although we asked, if so money could not be used either, the Braisa is teaching that although money surely could not be used, we would think that since produce allows for quicker benefit (it can simply be eaten) we can use even less than the value of a prutah. The Braisa therefore teaches that even produce worth less than a prutah may not be used.
 - **R' Yosef** said, this can be learned from another Braisa. The Braisa says that if a person tells a Kohen "accept this calf or this talis for a pidyon haben for my son", the pidyon is not effective. However, if he said "accept this calf which is worth 5 sela'im or this talis which is worth 5 sela'im for a pidyon haben for my son", the pidyon is effective. Now, what is the case in the Braisa? If it is not actually worth 5 sela'im, then his saying so should make no difference. Rather the case must be where it is worth 5 sela'im, and still we see, that if it was not determined via appraisal, it is not a valid pidyon!

- The Gemara says this is no proof. The case may be where the items are not worth the 5 sela'im. That is why in the first case the pidyon is invalid. The second case is talking about where the Kohen accepted the items as being worth 5 sela'im to him, as we find that **R' Kahana** did so with a turban, since it was something that he needed.
 - **R' Ashi** said, only someone like **R' Kahana** can accept a turban as 5 sela'im, because he is a Gadol, and needs to have his head covered. Other people may not.
- **R' Elazar** said, if a man says "become mekudesh to me with a maneh" and he instead gave her the smaller valued dinar, the halacha is that the kiddushin is valid, and he must then pay her the difference. The reason is, that we view this as if he told her the kiddushin should take effect on the condition that he gives the maneh, and therefore it is valid from now, as long as he eventually gives the maneh.
 - **Q:** A Braisa says, if a man told a woman "become mekudesh to me with a maneh", and he then began counting out the money to reach a maneh, either of them may back out while he is counting, even if he is up to the last coin. We see that the kiddushin is not valid until all the money is received!? **A:** This Braisa is discussing where he said "with *this* maneh", in which case the full maneh must be given for the kiddushin to be valid.
 - **Q:** The next case in that Braisa specifically discusses the case where he said "with this maneh", so the first case must be discussing where he did not say "this maneh"!? **A:** The second case is explaining the first case, teaching that it is dealing with a case of "this maneh". This makes sense as well, because if the first case is where he doesn't say "this maneh" and still he may retract, then we wouldn't need another case to teach that when he says "this maneh" he can retract, because that would be obvious!
 - The Gemara says, this is no proof, because it may be that we need the second case only to make clear that the first case is discussing where he did not say "this maneh".
 - **R' Ashi** said, the Braisa is different than the case of **R' Elazar**, because since he is there counting out the money, in her mind she expects to receive the entire amount. Therefore, anything less will not create a kiddushin.
 - **Q:** The second case of the Braisa (alluded to above) says that if he said "with this maneh" and then gave her a copper dinar among the coins the kiddushin would not be valid, and if he gave her a bad dinar among the coins, the kiddushin is valid but he must change it out for a good coin. With regard to the copper coin, if she knew about it, the kiddushin should be valid!? **A:** The case is that she got it at night and didn't see it, or got it among all the other coins and didn't see it at the time.
 - **Q:** What is the case of the "bad dinar"? If it is not accepted as money, then it is the same as a copper dinar!? **A: R' Pappa** explained that the case is that the coin is not readily accepted, but can be accepted with difficulty.
- **Rava in the name of R' Nachman** said, if a man told a woman "become mekudeshes to me with a maneh", and instead of giving her money, he gave her collateral for the money, the kiddushin is invalid, because she has actually received nothing (no money, and the collateral is not hers to keep).
 - **Q: Rava** asked **R' Nachman**, a Braisa says that if a man is mekadesh a woman with collateral the kiddushin is valid!? **A:** The Braisa is discussing a creditor who has collateral for a loan and gives the collateral to a woman as kiddushin, in effect giving her the loan that must be repaid to him. That is why it is an effective kiddushin. This follows the halacha of **R' Yitzchak**, who learns from a pasuk that a creditor is actually koneh the collateral that is given to him.
 - **R' Huna bar Avin's** children once agreed to buy a maidservant for some prutas. They didn't have prutah coins on them, so they gave a silver bar as collateral. Before they could give the coins, the value of the slave went up. The seller wanted to back out of the deal. **R' Ami** said, you have not paid for it yet and the

silver bar is not the seller's to keep, so no kinyan was made and the seller may back out.

- A Braisa says, if a man gives a maneh to a woman with a statement that it is for kiddushin, and she takes it and in front of him destroys it, the kiddushin is not valid.
 - **Q:** This suggests that if she would throw it down in front of him (without destroying it) it would be valid, but she is essentially telling him "Take this back, I do not want it!"? **A:** In that case it would certainly be invalid. The Braisa is teaching that even if she destroys it, in which case she is chayuv for the money and we would think that therefore she means to accept the kiddushin and destroyed the money to test if he has a temper, still, we still say that the kiddushin is not valid.
- A Braisa says, if a man gives a maneh to a woman with a statement that it is for kiddushin, and she says "give it to my father or your father", the kiddushin is not valid. If she said "on the condition that my father or your father accept the money for me", then it is a valid kiddushin. [The statement of "my father" teaches a chiddush for the first case, and the statement of "your father" teaches a chiddush for the second case]. If a man gives a maneh to a woman with a statement that it is for kiddushin, and she says "give it to so-and so", the kiddushin is not valid. If she said "on the condition that so-and-so accepts the money for me", then it is a valid kiddushin.
 - Both these cases are needed. If we would just have the case with the fathers, we would say that it is only in a case of close relationship like that, that she relies on them to accept on her behalf. If we would only have the case with the other person, we would think that only in that case is it not a kiddushin when she says to give it to him, but in the case where she says to give it to a father, maybe it should be a valid kiddushin.
- A Braisa says, if a man tells a woman "become mekudeshes to me with a maneh" and she responds to him "put it on the rock", the kiddushin is not valid. If it was her rock, then she is mekudeshes.
 - **Q: R' Bibi** asked, what if the rock belongs to both of them? **TEIKU.**
The Braisa continues, if a man tells a woman "become mekudeshes to me with a loaf of bread" and she responds to him "give it to that dog", the kiddushin is not valid. If it was her dog, then she is mekudeshes.
 - **Q: R' Mari** asked, what if a dog was chasing her when she said that? Do we say that the benefit of being saved is what creates the kiddushin, or maybe she can say to him, "You are chayuv to save me, so there is no kiddushin"? **TEIKU.**
The Braisa continues, if a man tells a woman "become mekudeshes to me with a loaf of bread" and she responds to him "give it to that poor man", the kiddushin is not valid, even if it is a poor man that she supports.
 - The reason is that she can say to him, just as I am obligated to support him, you are as well.
- There was a man selling necklaces. A woman came and said "give me one". He said to her, "If I give you one will you become mekudeshes to me?" She said "Give it to me". **R' Chama** said, this does not show consent to the kiddushin.
 - There was a man drinking in a store. A woman came and said "give me one cup". He said to her, "If I give you one will you become mekudeshes to me?" She said "Pour it for me". **R' Chama** said, this does not show consent to the kiddushin.
 - There was a man throwing dates from a tree. A woman came and said "throw me two dates". He said to her, "If I do so, will you become mekudeshes to me?" She said "Throw them to me". **R' Zvid** said, this does not show consent to the kiddushin.
 - **Q:** In the three cases above, she answered with a double verbiage ("give, give me", "pour, pour me", and "throw, throw me"). What would the halacha be if she had answered in a more typical, singular manner? **A: Ravina** said, she would be mekudeshes. **R' Sama bar Raksa** said she would not be mekudeshes even then. The Gemara paskens that she would not be mekudeshes.
- The Gemara paskens that in the case with the silk (above) the silk would not have to be appraised before giving it to her. Also, the Gemara says that we pasken like **R' Elazar** (in the case where he didn't give her the full amount stated, in which case the kiddushin takes effect and he must pay the difference). Finally, the Gemara also paskens like **Rava in the name of R' Nachman** (that giving collateral for a promise to pay for kiddushin is a passul kiddushin).