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Kiddushin Daf 8

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Money and the Equivalent***

Rav Yosef states: How do I know this (*that an equivalent of money used for kiddushin must have a defined monetary value*)? The *braisa* states: “From the money of his purchase.” He (*a Hebrew servant*) is purchased with money, not grain and vessels. What is this case of grain and vessels? If one says that they cannot be used at all (*this cannot be*), the verse states, “He should return his freedom,” implying that the owner must accept even the equivalent of money! If the grain and vessels are worth less than a *perutah*, money itself is no better! The case of the *braisa* must be that they are worth more than a *perutah*, but have not been appraised, and they therefore are not accepted.

The *Gemora* explains: The opinion who argues on Rav Yosef (*Rabbah*) understands that the *braisa* means to state that a servant can acquire himself solely through the mode of acquisition of money, and not by the method of “grain and vessels,” namely *chalifin*.

The *Gemora* asks: According to Rav Nachman, who holds that fruits (*and grain*) are not acquired through *chalifin*, what is the *braisa* saying?

The *Gemora* answers: The case is when the grain and vessels are worth less than a *perutah*. The *braisa* is stating: It is not only money that must have a value of a *perutah* in order to acquire. Even grains and vessels, which one might think are better than money if they are less than a *perutah*, as one can benefit from them right

away, must have a *perutah* of value in order to be used for acquiring.

Rav Yosef states (*another proof*): How do I know this? The *braisa* states: If someone says, “This calf or garment is for the redemption of my firstborn son,” he has not said (*or done*) anything (*even if he gives it to the Kohen*). If he says, “This calf or garment that is worth five *sela'im* is to the *Kohen* for the redemption of my firstborn son,” it is valid. What is the case? If they are not actually worth five *sela'im*, why should we think it is valid? It must be the first case is where it really is worth five *sela'im*, but was not appraised.

The *Gemora* answers: The (*second*) case is where it was not appraised, but the *Kohen* accepted it as if it was worth five *sela'im*. Rav Kahana indeed used to accept a (*special male*) head covering for the redemption, and he would say, “For me this is worth five *sela'im*.”

Rav Ashi says: This only applies to Rav Kahana, who was a great man and required a head covering. This would not apply to everyone. This is similar to the incident where Mar bar Rav Ashi bought a head covering from the mother of Rabbah in Kubi, and paid thirteen although it was worth ten. [*One explanation is that important people pay more for things that they need than regular people (others give a different explanation, see Chidushei Ha'Rashba).*] (8a)

### ***Missing Kiddushin***

Rabbi Elozar states: If a man says to a woman, “Become betrothed to me with a *maneh*,” and he only gives her a

*dinar*, she is betrothed, but he must give her the money he owes her. Why? This is as if he said, “On condition that I give you a *dinar*.” We know that Rav Huna states in the name of Rav: Whoever says “on condition,” is as if he is saying that he wants the transaction to be effective immediately (*which occurs retroactively once the condition is met*).

The *Gemora* asks on this statement from a *braisa*. The *braisa* states: If someone said, “Become betrothed to me with a *maneh*,” and as he was counting out the money to her, and one of them wanted to recant, he may do so. [*This indicates that as long as all the money is not paid, anyone may retract!?*]

The *Gemora* answers: The case is where he said that he is betrothing her with “this *maneh*” (*and therefore the entire maneh must be given before the kiddushin is effective*).

The *Gemora* asks: This is difficult, as the second part of this *braisa* is discussing a case of “this *maneh*,” implying that the first case was not talking about a specific *maneh*. The second case of the *braisa* states: If he said, “Become betrothed to me with this *maneh*,” and it was found that the *maneh* was lacking either a *dinar* or a copper *dinar*, the *kiddushin* is invalid (*as she only agreed to kiddushin for an entire maneh*). If one of the coins is a bad *dinar*, she is betrothed, but he must change the coin for her.

The *Gemora* answers: Both cases are discussing “this *maneh*.” The first case states that anyone can retract while the money is still being counted out, and the second case explains the exact case. This is logical, as if the first case would be talking about any *maneh*, why would it be necessary to state that “this *maneh*” that is found to be lacking is invalid?

The *Gemora* answers: This is not really a proof. It is possible that the second case of “this *maneh*” was coming

to contrast with the first case, and to indicate to us that the first case was by a regular *maneh*, and even so, the *kiddushin* is invalid.

Rav Ashi answers: A case where a person is counting out the *kiddushin* is worse than our case (*where he gave only a dinar*). When someone is counting out the money, the recipient expects all of the money.

The *Gemora* asks: What does the *braisa* mean when it says that a copper *dinar* was missing? If it means that she knew and didn’t care, this should be a valid *kiddushin*!

The *Gemora* answers: The case is where he gave her the *kiddushin* at night. Alternatively, the case is where it was among the other coins, and she didn’t notice it.

The *Gemora* asks: What is the case of the bad coin? If it is a bad copper coin, what is the difference between this and missing a copper coin?

Rav Papa answers: The case is where it can be used, but it is difficult to find people who accept it as legal tender. (8a)

### **Collateral**

Rava says in the name of Rav Nachman: If a man says to a woman, “Become betrothed to me with a *maneh*,” and he proceeded to give her collateral for the *maneh*, she is not betrothed. This is because the *maneh* was not given, and the collateral was not given to her to keep.

Rav asked Rav Nachman a question from a *braisa*. The *braisa* states: If he betroths her with collateral, she is betrothed!?

The *Gemora* answers: The case there is with someone else’s collateral (*who is giving it to the woman; in essence, he is betrothing her with the loan*). This is in accordance with the opinion of Rav Yitzchak. He says: How do we know that a creditor acquires the collateral given to him

by lenders? This is derived from the verse, “*And it will be for you (as if you gave) charity.*” If a creditor does not acquire collateral, why is it considered charity when he lets the borrower keep his collateral (*temporarily, when he needs it*)? This teaches us that in fact the creditor acquires the collateral.

The sons of Rav Huna bar Avin bought a maidservant in exchange for some copper coins. Being that they did not have them at the moment, they gave the seller a bar of silver as collateral. Later, the value of the maidservant went up. They went to Rabbi Ami, who told them, “The money is not here, and the bar is (*therefore*) not here.” [This means that the sale did not actually take place.] (8a – 8b)

#### **Kiddushin Laws**

The *braisa* states: If he said, “Become betrothed to me with a *maneh*,” and she proceeded to take it and throw it into the sea, fire, or anywhere else where it would be destroyed, she is not betrothed.

The *Gemora* asks: This implies that if she threw it down at his feet, she is betrothed. [Why should this be?] Isn’t this tantamount to saying, “Take your *kiddushin* back, I don’t want it!”?

The *Gemora* answers: The *braisa* means to say the following: Not only if she throws it down in front of him is she not betrothed; but even if she destroys it, and one would therefore think she is betrothed, as she would otherwise be obligated to replace it, she is not betrothed. One might have thought that she was merely testing him to see if he gets angry. The *braisa* is therefore teaching us that she is not betrothed.

The *braisa* states: If after a man offers *kiddushin* of a *maneh*, the woman says, “Give it to my father or your father,” she is not betrothed. If she says, “On condition that they should accept it for me,” she is betrothed. The

first case shows that even though she says to give it to her own father, she is not betrothed. The second case shows that even though she says to give it to his father, she is betrothed (*when she uses terminology indicating she really wants to accept the kiddushin*).

The *braisa* continues by stating that the same laws apply if the people are not his or her parents, but rather anyone.

The *Gemora* explains that both cases are necessary. If it would only say this regarding parents, one would think that she relies on them to be her messenger, but does not rely on just anyone. If it would say this regarding other people but not regarding parents, one would think that the reason she is not betrothed is that she has no reason to give the money to just anyone, but she does have reason that the money should go to her parents as a gift, and therefore the *kiddushin* should be valid. This is why both cases are necessary.

The *braisa* states: If after offering *kiddushin* of a *maneh*, the woman states, “Put the money on a rock,” she is not betrothed. If the rock was hers, she is betrothed.

Rav Bibi inquired: What if the rock was owned by both of them?

The *Gemora* leaves this question unresolved.

The *braisa* states: If after offering *kiddushin* of a loaf of bread, the woman states, “Give the loaf to a dog,” she is not betrothed. If the dog was hers, she is betrothed.

Rav Mari inquired: What if the dog was running after her? Does she agree to the *kiddushin* because of the benefit she receives, or can she say that the *kiddushin* is invalid, as he was obligated according to Torah law to save her with the loaf anyway?

The *Gemora* leaves this question unresolved.

The *braisa* states: If after offering *kiddushin* of a loaf of bread, the woman states, "Give the loaf to a poor person," she is not betrothed. This is even if the poor person relies on her. Why? She can say, "Just as I must feed him, so too, you must feed him." (8b)

### INSIGHTS TO THE DAF

#### RAV KAHANA HA'KOHEN

Rav Yosef states: How do I know this (*that an equivalent of money used for kiddushin must have a defined monetary value*)? The *braisa* states: If someone says, "This calf or garment is for the redemption of my firstborn son," he has not said (*or done*) anything (*even if he gives it to the Kohen*). If he says, "This calf or garment that is worth five *sel'a'im* is to the *Kohen* for the redemption of my firstborn son," it is valid. What is the case? If they are not actually worth five *sel'a'im*, why should we think it is valid? It must be the first case is where it really is worth five *sel'a'im*, but was not appraised.

The *Gemora* answers: The (*second*) case is where it was not appraised, but the *Kohen* accepted it as if it was worth five *sel'a'im*. Rav Kahana indeed used to accept a (*special male*) head covering for the redemption, and he would say, "For me this is worth five *sel'a'im*."

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Tosfos deduces from our *Gemora* that Rav Kahana was a *Kohen*.

However, he asks that it is evident from a *Gemora* in Pesachim (49a) that he was not a *Kohen* (*rather, his wife was a Kohenes*)!?

Tosfos answers that the Rav Kahana mentioned in our *Gemora* was evidently not the same one mentioned in the *Gemora* Pesachim. Alternatively, Rav Kahana took the redemption money for the firstborn on behalf of his wife.

Reb Akiva Eiger notes that the father has discharged his obligation by giving the money to Rav Kahana, for his wife is certainly pleased that he accepted the money for her.

It is noteworthy that other Rishonim disagree with Tosfos and maintain that the redemption money for a firstborn must be given only to a male *Kohen*, and not to a *Kohenes*!

The Mishneh La'Melech writes that it would seem from Tosfos that he is uncertain regarding this matter, and that is why he offers two answers.

### DAILY MASHAL

#### True Lineage of a Kohen

The Ya'avetz rules (Sheilos 155) that in our day and age, having suffered so many long years of galus, we cannot be absolutely certain of the *yichus* [lineage] of any individual *Kohen*. It is therefore fitting that the *Kohen* returns the redemption fee to the father. In fact, *sefer Otzar HaKohanim* reports (end of Sukkah) that **more than 1,000 years ago Eliyahu Hanavi appeared to Rav Hai Gaon and pointed at a group of alleged Kohanim who had gathered in a circle around the Mount of Olives on Sukkos – as was their custom every year -- and told him that only one of them was a genuine kosher Kohen.**

Furthermore, the Ya'avetz rules that since most Kohanim are not necessarily kosher Kohanim, the father should try to find as many Kohanim as possible to redeem his son, so



as to increase his chances that one will be a real Kohen. Since he rules that it is proper for the Kohen to return the redemption fee, the father does not lose anything by involving several Kohanim in the mitzvah.

However, most poskim deem it unnecessary to suspect the yichus of Kohanim (See Responsa, Chasam Sofer Yoreh Deah 291) and therefore recommend against asking more than one Kohen to do the ceremony. They also oppose the idea of the Kohen returning the redemption money to the father. The Minchas Yitzchok says (II 30) that one who uses more than one Kohen for the ceremony might make a beracha each time and run the risk of saying a beracha in vain. In sefer Teshuvos V'Hanhagos (I 658), it is written that leaving the redemption money with the Kohen is a segulah for the health of the baby.

On the matter of yichus, it is interesting to note that according to **genetic research conducted in England by Oxford University and the University College in London, 80% of those who identified themselves as Kohanim shared a common gene that is found in only five percent of the general population. This research included Kohanim from all over the world – Ashkenazim, Sefardim and Yemenites.** It is a strong indication that even in our day, there is basis for concluding that most Kohanim are indeed descendants of the Priestly tribe.

#### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Why is the *kiddushin* valid if a woman says to a man, "Give a *maneh* to So-and-so and I will thereby become betrothed to you"?

A: is valid based on the law regarding a guarantor. A guarantor, although he does not (*necessarily*) receive financial benefit, he makes himself indebted to the lender. Similarly, although this woman is not receiving

benefit directly, she is allowing herself to be acquired. [The Rambam (*Ishus 5:21*) explains that she is receiving benefit because she is being listened to and someone else is receiving benefit because of her. This is worth the amount of the *kiddushin*.]

Q: In what case will the *kiddushin* be valid based upon the combination of laws pertaining to a guarantor and a slave?

A: If a woman says to a man, "Give a *maneh* to So-and-so and I will thereby become betrothed to him.

Q: If someone says to a woman, "Become betrothed to half of me," it is valid. If he says, "Half of you is betrothed to me," it is invalid. What is the explanation for this?

A: This is because a woman cannot be married to two different men, while a man can be married to two different women. When he says, "Become betrothed to half of me," he is essentially saying that if I want to marry another wife while I am married to you, I will.