

3 Elul 5783
August 20, 2023



Kiddushin Daf 7

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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

Novel Forms of Kiddushin

Rava says: If a woman says to a man, “Give a *maneh* to So-and-so and I will thereby be *mekudeshes* to you,” the *kiddushin* 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*.]

If a man says to a woman, “Take this *maneh*, and thereby be *mekudeshes* to So-and-so,” it is valid based on the law regarding a Canaanite slave. A Canaanite slave, even though he himself did not lose anything to gain his freedom, is able to acquire himself (*if someone else pays his master a sum for his freedom*). Accordingly, this man can effectively have *kiddushin* with this woman, even though he did not pay anything (*of course, this is assuming he wanted the kiddushin to occur*).

If a woman says to a man, “Give a *maneh* to So-and-so and I will thereby be *mekudeshes* to him,” the *kiddushin* is valid based on a combination of the above laws.

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 *Gemora* asks: This is not comparable! A guarantor is losing money, while this man is acquiring the woman but has lost nothing!?

The *Gemora* answers: This is answered by the law of a Canaanite slave, who does not lose anything and still acquired himself!

The *Gemora* asks: This is not comparable! The owner of the slave receives payment for letting him go. Here, the woman is receiving nothing in exchange for letting herself be acquired by her husband!

The *Gemora* answers: A guarantor is proof, as he receives nothing and is still indebted to the loan.

Rava inquired: If a woman says to a man, “Take a *maneh* and I will be *mekudeshes* to you,” is the *kiddushin* valid?

Mar Zutra said in the name of Rav Pappa: She is *mekudeshes*.

Rav Ashi said to Mar Zutra: This would mean that property with responsibility (*of the seller toward the buyer in case it is seized by creditors of the seller*) is sold as part of a sale of property without responsibility. We learned the exact opposite in a *Mishnah*! The *Mishnah* states that property without responsibility is sold as part of a sale of property with responsibility, through the modes of acquisition of money, document, or holding. [Here, the woman (*people are compared to land, which bears responsibility*) is being

acquired as part of the acquisition of the giving of the money.]

He said to him: Do you think that I meant that the woman is acquired as a side part of the deal? I was discussing a case of an important person, who because she is receiving the benefit that he is agreeing to accept a present from her (*which he rarely does from anyone*), she is letting herself be acquired by him.

It was also taught in the name of Rava: All of these principles similarly apply to regular monetary transactions (*see Rashi*).

The *Gemora* explains: It was necessary to say that this applies to both *kiddushin* and regular monetary law. If it would only be said regarding *kiddushin*, it might be that this is because a woman would really take anything for *kiddushin*, as Rish Lakish stated: "It is better to sit with two, than to sit alone." However, it might not apply to regular monetary law. If it would only be said by monetary law, one might think that this is because money can be relinquished by an owner in any way she sees fit, but *kiddushin* has strict laws (*that the kiddushin has to be in accordance with Torah law or it is invalid*) and these types of transactions might not be valid *kiddushin*. This is why Rava said that they apply by both *kiddushin* and regular monetary law.

Rava says: If someone says to a woman, "Be *mekudeshes* to half of me," it is valid. If he says, "Half of you is *mekudeshes* to me," it is invalid.

Abaye asked Rava: Why do you say the second case is invalid? This must be because the Torah said, "a woman" not half a woman. Why, then, don't you say "a man," and not half a man?

Rava answered: 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, "Be *mekudeshes* to half of me," he is essentially saying that if I want to marry another wife while I am married to you, I will.

Mar Zutra, son of Rav Mari, said to Ravina: Why don't we say that she becomes totally *mekudeshes*? This is as the *Mishnah* states: If someone says, "The leg of this animal should be an *olah* offering," the entire animal becomes an *olah*! Even according to the opinion that argues that it does not become an *olah* in this case; this is only because it was a limb that does not cause the animal to live or die. However, if it was a limb (*certainly half*) that would cause the animal to live or die, everyone would agree it is an *olah*!

The *Gemora* answers: This is incomparable, as it is talking about an animal, while this is a woman who has her own mind! This is more comparable to Rabbi Yochanan's statement: An animal owned by two partners, and half of it was dedicated to *hekdesh*, and then the one who dedicated his half went and bought the other half and consecrated that as well, is holy but should not be brought as a *korban*. It can create *temurah* (*an exchanged animal*), and makes its *temurah* have the same holiness of a *korban* that it has. [*In this case there was a second partner which prevented the animal from being a full-fledged korban that can be brought on the altar, even after his portion was bought out. The woman, as well, prevents herself from being entirely mekudeshes when only half of her was stated as being mekudeshes.*]

The *Gemora* says: We derive three things from Rabbi Yochanan's law. One is that animals whose holiness as a *korban* is pushed aside at a certain stage, can no longer be brought as *korbanos*. The second is when something cannot be a valid *korban* when it is originally dedicated, this also makes it unable to be brought as a *korban*. And thirdly that even an animal that was originally set aside as having the holiness of a *korban's* money (*as it was not*

able to be an actual korban originally) can have a law of being pushed aside.

Rava inquired: What if a man says, “I am betrothing half of you with half a *perutah* and half of you with another half *perutah*?” Do we say this is invalid because the first statement was only involving a half *perutah* (and his statements divide this into two separate transactions)? Or do we say that we count the money in his statements and they add up to a valid *perutah*? If we assume the latter, what would be the *halachah* if he betroths each half of her with a *perutah*? Do we say that each transaction is separate (and therefore invalid, as he is being *mekadesh half a woman each time*)? Or do we say that they add up to two *perutahs*? If we assume the latter, what if he says that he is betrothing half of her today with a *perutah* and half of her tomorrow with a *perutah*? Do we say that because he split up the days, he has clearly made this into two separate and invalid transactions? Or do we say that he means that the *kiddushin* should start now and end tomorrow? What if he says, “I am betrothing two halves of you with a *perutah*”? Do we say that this is certainly one transaction, or do we say that a woman cannot have half of her acquired in anyway? The *Gemora* leaves these questions unresolved.

Rava inquired: What if a man said to his friend, “Your two daughters should be *mekudeshes* to my two sons with a *perutah*?” Do we say that the important thing is that the giver is giving a *perutah* to the one accepting the money? Or do we say that each *kiddushin* must have a *perutah*? The *Gemora* leaves this question unresolved.

Rava Pappa inquired: What if a man said, “[I am acquiring] your daughter and your cow for a *perutah*.” Do we say that he means to acquire each with half a *perutah*, or do we say that he means to acquire his daughter with a *perutah* and the cow through merely pulling on it? The *Gemora* leaves this question unresolved.

Rava Ashi inquired: What if a man said, “[I am acquiring] your daughter and your land for a *perutah*.” Do we say that he means to acquire each with half a *perutah*, or do we say that he means to acquire his daughter with a *perutah* and the land through merely holding it? The *Gemora* leaves this question unresolved.

There was a man who was betrothed a woman with silk clothing. Rabbah says: They do not need to be evaluated. Rav Yosef says: They do. Everyone agrees that if he said to her “as it is” (and quite possibly they are merely worth a *perutah*), no appraisal is necessary (*the kiddushin is valid, as she is not expecting more than their value*). Likewise, everyone agrees that if he said they are worth fifty and they weren’t worth fifty, behold they are not worth it (and the *kiddushin* is invalid). The argument is when he said they were worth fifty and they indeed were worth fifty. Rabbah says: No appraisal is necessary, as they were indeed worth the money he said they were. Rav Yosef said: An appraisal is necessary; being that the woman is not an expert in evaluating these clothes, she did not trust the transaction.

Another version stated that if he said to her “as it is” there is also an argument. Rav Yosef says: Just as money is clearly defined (when it is given), so too items that are worth money must be clearly defined (and therefore an appraisal would still be necessary). (6b3 – 8a1)

HALACHAH FROM THE DAF

The “Golden” Wedding Ring that Really Was Copper

A man gives a silk garment to a woman for *kiddushin*. We know that for *kiddushin* to be valid, the value of the item must be worth at least a *perutah*. In this case, the man admits to her that he doesn’t know the garment’s exact value, and that only an expert is capable of appraising its true worth. The ruling is that as long as she agrees to accept it as *kiddushin*, then even if the appraisal later



shows it is worth only a perutah, which is much less than it appeared to be worth, the kiddushin is valid.

An unusual case was brought to Rav Yosef Shalom Elyashiv Zt"l in Jerusalem. A man took his wife's wedding ring to a jeweler for repair. The jeweler examined the ring and asked the man in amazement, "This is a wedding ring? Wedding rings are made of gold. Your ring is copper!"

As far as the woman was concerned, there was no problem. The custom is that under the chupah, we tell the woman that she should be prepared to accept the ring for the sake of kiddushin even if it is worth only a perutah. Even though at the time she thought she had received a gold ring and not one made of copper, the ring was worth at least a perutah. However, from the man's point of view, he was concerned that the ring may never have been legally his in order to give as kiddushin. This concern is based on the halacha that if someone sells gold and it turns out to be copper, the sale is invalid and either party may cancel the transaction. If so, the husband never really owned the ring to give to his wife under the chupah.

Rav Elyashiv rules (Beis Dovid, Zichron Tovia p. 249) that the husband's fear was groundless, for even if the original sale of the ring had been invalid, it was because the jeweler was dishonest, in which case the jeweler owes the husband a refund. Until he pays him back, the husband has the halachic status of someone who lent money – i.e. what he paid for the ring, and the copper ring is considered a mashkon i.e. collateral in the hands of the husband. A mashkon of this nature is not like regular collateral that is taken as security when the loan is given. Rather, this mashkon is like collateral that the lender seizes for non-payment of a loan. After the seizure, the loan is now partially paid. The ring, therefore, because it represents partial payment of the loan definitely became the property of the husband, and the kiddushin was certainly valid.

DAILY MASHAL

Taking can be giving

I noticed this article from Aish HaTorah from Rabbi Boruch Leff. One of the most important tools in inter-personal relationships is learning how to take a compliment without becoming smug and appearing haughty.

One approach would be to deny the compliment; to respond that it isn't true. Although such an approach seems easier to handle from our own ego-avoiding perspective, it doesn't make the one complimenting feel very good. In fact, it can be insulting when you offer a flattering remark and it is utterly rejected.

The ideal way to accept compliments is simply to say, "Thank you very much," while not letting it go to our heads. Acknowledge their thoughtfulness and allow them to sense our appreciation for their encouragement. Hearing flattering words about ourselves always carries the risk of conceit, but rejecting them is often a selfish proposition at the expense of the compliment giver's feelings. Taking a compliment is giving affection and warmth to another.

Morrie Schwartz, of *Tuesdays with Morrie*, understood this lesson.

When Morrie appeared on Ted Koppel's Nightline program to discuss the unique and profound way he was confronting his terminal illness (ALS), he was watched by hundreds of thousands of people. As a result, letters from around the world kept pouring in. The letters were extremely complimentary and flattering and Morrie would try to respond to each letter. When he felt up to it, his family would sit around reading the letters and Morrie would dictate his response.

One letter from a woman named Jane thanked him for his inspiration and even referred to him as a prophet!

"Morrie made a face. He obviously didn't agree with the assessment.

'Let's thank her for her high praise and tell her I'm glad my words meant something to her. And don't forget to sign, 'Thank you, Morrie.'"

Morrie was able to balance the proper way of acknowledging a compliment without letting it transform him into an egomaniac. He was able to take and thereby give.

Judaism advocates kindness and giving. Sometimes the best way to give is by allowing others give to us and take.

The Talmud (Kiddushin 7a) discusses a case in which a commoner wished to transfer his own property to a wealthy, prominent man. Simultaneously, the wealthy man was given a separate small gift by the commoner. This wealthy man 'had it all' and was not inclined to accept gifts. However, he made an exception in this case.

In Jewish law, one of the ways to officially transfer ownership is for the recipient to give something tangible to the patron. In this circumstance, says the Talmud, it was unnecessary for the wealthy man to do so. His very acceptance of the commoner's gift is tantamount to his actually giving something tangible -- the tremendous boost of distinction to the commoner in the gift's acceptance.

Similarly, in commanding the Jewish people to donate funds to construct the *Mishkan*, the Tabernacle, God says, "Take for Me, a donation...gold, silver, copper" (Exodus 25:2-3). Wouldn't it make more sense for God to say, "Give to Me a donation"? Why "take"?

Can we ever truly give anything to God, the Infinite Source Who lacks nothing? When we "give" to God, we are really taking. When He allows us to give Him funds for the *Mishkan*, He is really giving us prominence and significance in accepting our gift.

Taking can be giving.

I know a woman, Janet, who recently suffered a terrible tragedy in losing her son to an Arab terrorist in Israel. After the shiva mourning period was over, Janet's kind and considerate friends did not want her to be alone and continuously offered to take her out for a cup of coffee just so they could talk. Janet did not particularly feel like socializing during this time, preferring to sort things out on her own in peace and quiet. But Janet quickly realized that she had to accept the offers and go out with her friends. Not for her own sake, but for her friends. Her friends couldn't stand to see her go through such enormous suffering and felt a powerful need to do something for her, to somehow remove a minute amount of pain from her heart. Janet realized this and decided to let them try. She had to take in order to give.