

## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah enumerates the three ways a woman is betrothed and the two ways she acquires herself back. The method of acquiring a yevamah and the ways she acquires herself back are also presented.

### 2) Clarifying the language of the Mishnah

The Gemara inquires why our Mishnah uses the term נקנית and the Mishnah in the next perek uses the word מקדש.

It is suggested that the term נקנית is used to remain consistent with the acquisition of money.

The source that money is a valid means of betrothal is presented.

The reason the next perek does not use the word קונה is explained.

The meaning of the word קידושין is clarified.

The reason our Mishnah is taught from the perspective of the woman is explained.

The Gemara wonders why the Mishnah chose to use the feminine form of the word שלש rather than the masculine form שלשה.

It is suggested that the reason is to use the form that is consistent with the word דרך that is feminine.

The assertion that דרך is a feminine term is successfully challenged and the Gemara concedes that it is a term that changes based on its context but in our context it is used in the feminine form, thus the Tanna uses the word שלש.

It is suggested that the Mishnah use the term דברים rather than דרכים in order to use the masculine form שלשה.

The Gemara explains why the term דברים was not utilized.

Another explanation for the Tanna's choice of the use of the term דרך is explained.

The Gemara presents a number of challenges to the second explanation why the term דרך was chosen. ■

## REVIEW and Remember

1. What are the three methods of betrothal?  
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2. What is the source that the term קיחה refers to an act of acquisition?  
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3. What is the meaning behind Chazal's choice of the term קידושין?  
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4. According to R' Shimon, why does the Torah state כי יקח איש אשה?  
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 Dr. and Mrs. Shmuel Roth  
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 מרת מרים הינדא בת ר' שמואל ע"ה

## Gemara GEM

*Items of value are as good as cash*

ובית הלל אומרים בפרוטה ובשוה פרוטה

One of the three methods prescribed to acquire a woman as a wife is money, and the amount necessary is at least a דינר according to Beis Shamai, and a פרוטה according to Beis Hillel. According to all opinions, the woman does not have to be given cash, but anything which has value of a דינר or פרוטה is also adequate to effect the kiddushin.

Tosafos considers the source from where we know that objects with value are just as good as cash (שוה כסף ככסף) for kiddushin. The premise for the question of Tosafos is that in regard to a Jewish slave and payment for damages we only know that שוה כסף ככסף due to a specific lesson taught from a verse in each case, so we see that without a verse we cannot simply take it for granted that anything other than cash is good enough.

ר"ן attacks the very premise of the question of Tosafos. Perhaps שוה כסף is understood to be as good as cash even without a special verse to teach this fact. The reason the Torah requires a verse in the cases cited is in order to teach us that we are to extend this rule to cases which seem exceptional. For example, a Jewish slave can redeem himself against the wishes of his master. We might have therefore thought that the master can at least demand to be given cash only, and the slave should have to trouble himself and sell his personal items to raise the money. This is why the verse teaches that even here, items of value may be used, and not only cash. Also, in reference to payment for damages, we might have thought that since the Torah demands that only the best land may be given when land is used for payment, perhaps when movable items are used the payer must give only cash. This, again, is why the Torah must teach that items of value are as good as cash in this case as well. However, continues ר"ן, in reference to kiddushin, where the woman is willing to accept שוה כסף, there is no reason to find a verse to teach that this is acceptable.

Avnei Milu'im (27:3) notes that the explanation of ר"ן that a verse is perhaps necessary in reference to damages is correct, but it could be for a different reason that ר"ן himself mentions. Beside the fact that the Torah demands "מיטב—the best" land as payment, the case of damages always has an owner who has sustained a loss, and we might have thought that he deserves to be paid cash, and not just items of value. However, kiddushin is a situation where both parties are willing, and it is not necessary to have a verse to teach the obvious rule that items of value are as good as cash. ■

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# HALACHAH Highlight

## Performing kiddushin with cash

נקנית בכסף בשטר ובביאה

*She is acquired with money, a contract and with relations*

**B**eis Shmuel<sup>1</sup> writes in the name of Mordechai that kiddushin performed with a coin is invalid. Avnei Miluim<sup>2</sup> disagrees with this assertion and offers an alternative explanation for the position of Mordechai. Aruch Hashulchan<sup>3</sup> proves from the Gemara that kiddushin performed with coins is valid. The Gemara derives the validity of kiddushin with money from a gezeirah shavah that equates kiddushin with the purchase of land made by Avrohom Avinu. Since it is clear from the verses that Avrohom Avinu used coins for the purchase of Ma'aras Hamachpela (ארבע מאות שקל כסף) it follows that one may also use coins for kiddushin.

A related question discussed by the Poskim is whether nowadays one could use coins or paper money. In the time of Chazal the money had value by virtue of the precious metal content of the coin but nowadays money does not derive its value from its precious metal content or even the right to purchase precious metals with the money certificate; rather its val-

ue is based on the system of the government that assigns different values to different coins or bills. Accordingly, one could ask whether kiddushin performed with our money is valid since the man did not give the woman an object that has essential value.

Chasam Sofer<sup>4</sup> writes that even when money's value is derived from government convention and not from its precious metal content it is still considered money for halachic purposes and may be used for kiddushin. Chazon Ish<sup>5</sup> agrees that one could use money for kiddushin even nowadays but suggests a slightly different explanation. The reason money could be used is its buying power and not simply that the government has assigned a particular coin with a particular denomination. Oneg Yom Tov<sup>6</sup>, however, disagrees and writes that coins that do not have inherent value may not be used for the purpose of kiddushin or any other circumstance when money is required, e.g. pidyon haben. ■

- .1 בית שמואל אה"ע סי' כ"ז סק"א.
- .2 הובא דעתו בפתי"ש שם סק"א.
- .3 ערוה"ש שם סעי' ג'.
- .4 שו"ת חת"ס יו"ד סי' קל"ד.
- .5 חזו"א יו"ד סי' ע"ב.
- .6 שו"ת עונג יו"ט סי' ק"ב. ■

# STORIES Off the Daf

## One of Two Options

"בגט או במיתת הבעל..."

**O**nce, when Rabbi Akiva Eiger, ז"ל, visited Warsaw, he went to see the Cheshek Shlomo, ז"ל, who was the local Rav. While he was there, a woman approached the two rabbonim and poured out her very bitter heart.

The woman lamented, "It has been years since my husband abandoned both me and his religion, and he still refuses to grant me a divorce. Our Rav has spoken with him about this issue many times to no avail, but now that I heard that the famous Rabbi Eiger is visiting Warsaw, I decided that I would tell you my sorry tale in the hope that what the Cheshek Shlomo had not yet accomplished alone, he could somehow achieve through a joint effort."

The Cheshek Shlomo himself sup-

ported the unfortunate woman's request. "Your honor should really help this poor woman since it is a very big pity on her."

"Perhaps it is possible to prevail upon her husband to come see us?" asked Rabbi Akiva Eiger.

The people of the town put a great deal of pressure on the friends of the renegade Jew, and they finally convinced him to agree to see them. Ultimately, the only argument that appealed to him was their mocking, "What do you care? Why not go and have some fun with the rabbis? There is nothing they can do to prevent you from defying them to their faces."

When he was finally there, Rabbi Akiva Eiger wasted no time. "Why haven't you granted your wife a divorce? I can understand you going on a path you feel suits you, but why do you unnecessarily subject the unfortunate woman to a life of loneliness and bitterness?"

"Because I don't wish to free her," the man brazenly replied.

"I hear that you learned Gemara in

your youth before you left the fold..."

"True," the renegade admitted.

Rabbi Eiger commanded that a meseches Kiddushin be brought and opened to the first page. He read aloud, "Our rabbis tell us in the very first mishnah in Kiddushin that there are two ways for a woman to be freed from marriage: either through divorce or through death of the husband. You can have it one way or the other; either free your wife with a divorce or, if you persist in your cruel refusal, she will have to be freed through the other option..."

The wayward man laughed in the Rav's face and walked out.

As he began to descend the steps from the house he was seized by a sudden weakness. He clutched the railing and toppled over. When witnesses examined him, they found that he was dead. The Rav's words were fulfilled and the man's poor wife was freed.<sup>1</sup> ■

- .1 ר"ח קנייבסקי שליט"א, באורחות יושר, עמוד כ"ה