

19.01.05

6b (או דילמא אין אשה מתקדשת לחצאין כלל תיקו) → 7b (אמר רבא תן למנה לפלוני ואקדש אני לך)

- I רבא: Alternate beneficiaries and donors for קידושין (M=man; W=woman; O=other)
- i W says to M – give money to O and I'll be מתקדשת to you – valid following הנאה-model of ערב
 - 1 explanation: just as ערב gains nothing but becomes obligated, so too, W gets nothing but is משתעבדת to M
 - ii O says to W – here's money and be מתקדשת to M – valid following הנאה-model of (freeing) עבד כנעני
 - 1 Explanation: just as עבד כנעני gives nothing but gains freedom; so too, M gives nothing but is קונה W
 - iii W says to O - give money to M and I'll be מתקדשת to him – valid following combo of [i] and [ii]
 - 1 Explanation: even though:
 - (a) In case of: ערב, the one who "acquires" him gives up money, here M "acquires" W without paying
 - (b) In case of: עבד כנעני, the one who "gives up" gains something (the owner) – here W "gives up" (her freedom) without gaining anything
 - (c) Note: each of these weaknesses is proven to be irrelevant by the other
 - iv Question: (final leg of square) – if W says to M – here's money and I'll be מתקדשת to you – valid?
 - 1 ר' פפא – valid
 - (a) challenge: if so, we have נכסים שיש להם אחריות (woman) acquired along with אחריות (money)
 - (i) explanation: (א:ה) משנה - rules the opposite (שאינן להם... "carry" שיש להם אחריות)
 - (b) answer: only works if the man is אדם חשוב; it's a benefit to her that he accept her gift
 - (c) note: same applies to ממון
 - (d) justification: if we only had קידושין סד"א, it works as per...טן טוב למיתב טן דו... (she's "easily" betrothed)
 - (e) and: if we only had ממון סד"א, since it's able to be forgiven...
- II רבא: Variations on "half-קידושין"
- a M says to W: "you are מתקדשת to ½ of me" – valid
 - i Reason: he could theoretically marry another
 - b M says to W: "½ of you is מתקדשת to me" – invalid
 - i Reason: she could not marry another
 - ii Challenge: the ½ קידושין should "spread" throughout and affect her entire self
 - 1 Model: if someone is מקדש part of an animal that is vital (e.g. heart, head – or ½ of it) – the קדושה spreads
 - (a) Note: there is an opinion that even if he is מקדש a leg, e.g., the הקדש spreads throughout
 - 2 Answer: bad analogy – here she has her own mind (unlike an animal) and only accepted ½
 - 3 Rather: the analogous case is of 2 partners who own an animal
 - (a) Then: one is מקדיש his ½, then buys the other half and is מקדיש it – doesn't spread
 - (i) Note: the הקדש holds, but it may not be brought on the מזבח – תמורה applies and the תמורה has the same rule (of קדושה ואינה קריבה)
1. three inferences:
- a. דיחוי (rejection) applies to animals even before שחיטה
 - b. דיחוי applies to דמים (i.e. non-sacrificial sancta)
 - c. דיחוי from the onset (was never fit) is considered דיחוי
- c question (רבא): "½ of you with ½ a פרוטה and ½ of you with ½ a פרוטה" –
 - i lemma1: do we see each ½ as independent,
 - ii lemma2: is he counting "up" and it's all 1 פרוטה (valid)
 - 1 if: we accept the latter
 - 2 what if: he says "½ of you with a פרוטה and ½ of you with a פרוטה"
 - (a) lemma1: do we consider each פרוטה as independent (invalid as "½ of you" is invalid as above)
 - (b) lemma2: do we consider all same-day transactions as linked
 - (i) if: we accept the latter
 - (ii) what if: he says "½ of you today with a פרוטה and ½ of you tomorrow with a פרוטה"
 - 1. lemma1: do we consider "tomorrow" to be a break
 - 2. lemma2: do we interpret it as "קידושין begin now but are only complete tomorrow"
 - d question: what if he says "both of your halves with one פרוטה" –
 - i lemma1: he certainly intends this as one transaction (valid) '
 - ii lemma2: there are absolutely no ½-קידושין (vis-à-vis woman) תיקו