

19.01.07

8a (והלכתא כרבא אמר רב נחמן) → 9a (אמר רבא אמר רב נחמן: אמר לה התקדשי לי במנה) 8a

7. השב תשיב לו את העבוט כבא השמש ושכב בשלמתו וברכך ולך תהיה צדקה לפני ה' אלהיך: דברים כד, יג

I Further investigation into the nature of הנהא

- a אינה מקודשת – if he is מקדש with money (which he doesn't have) and gives her collateral – (בשם ר' נחמן)
- Reason: there's no money here and the collateral isn't a gift to her
 - Challenge: ruling that המקדש במשכון מקודשת
 - Answer: that case is when he uses a משכון that he collected from another debtor – it's his as per v. 1
 - Story: הונא בר אבין ר' הונא בר אבין's sons bought a שפחה for a n copper coins; they didn't have the money and left a strip of silver as a משכון. Before they paid up, the price of שפחות went up and the sellers wanted to back out
 - Ruling (אמי ר'): they hadn't paid, so the משכון had no value – they could act on their remorse
- b 1: if he gives her ש"פ and she throws it into the fire, the sea etc. – not מקודשת
- implication: if she threw it in front of him – מקודשת (!?)
 - rather: if she threw it in front of him – clearly it's not קידושין;
 - however: if she threw it in the fire (e.g.) it's valid; she knows that she'll be liable for it so she intends קמ"ל – and threw it away to test his temper – קידושין
- c 2: giving money to family members
- if: she tells him to give the money to her father or his – אינה מקודשת
 - however: if she says "on condition that my father or yours accept it" – מקודשת
 - note: רישא uses "my father" to show that even in that case its invalid; סיפא uses "your father" to show that if she makes it conditional, even "your father" is valid
- d 3: giving money to others
- if: she tells him to give the money to X – אינה מקודשת
 - however, if: she tells him "on condition that X accepts it" – מקודשת
 - justification: if we only had:
 - 2: ברייתא only there is it valid if she makes it conditional, since she relies on them to fulfill שליחות
 - 3: ברייתא only there is it invalid if just a directed gift, since she has no relationship with X
- e 4: placing money on rock
- if: she tells him to put the money on a rock – אינה מקודשת
 - however, if: the rock is hers – מקודשת
 - question: what if rock is owned by both of them? תיקו
- f 5a: giving bread to a dog
- if: she tells him to give the loaf (with which he offers קידושין) to a dog – אינה מקודשת
 - however, if: the dog is hers – מקודשת
 - question: if the dog is chasing her –
 - lemma1: with the benefit he gave her by saving her she accepts קידושין or
 - lemma2: she can tell him that he's obligated in any case to save her תורה – תיקו
- g 5b: giving bread to a poor man
- if: she tells him to give the loaf (with which he offers קידושין) to an עני – אינה מקודשת
 - even if: it's a poor man whom she usually supports
 - reason: she can tell him that he is equally obligated to support him
- h cases of peddlers "using" their wares for קידושין in response to a request:
- in each case: the peddler was asked by a girl for his wares (glass, cup of wine, date) and he offered it if she would be מתקדשת to him – her response "הבה מיהבה" etc. was ruled to be a non-acceptance of קידושין
 - question: if she just said "throw it" etc. (single word) – מקודשת?
 - Ruling: אינה מקודשת
- II Final rulings on issues raised in the סוגיות:
- Ruling: ר' יוסף רבה, contra רבה כסף doesn't require appraisal (as per ר' יוסף רבה, above)
 - Ruling: as per ר' נחמן בשם ר' רבא בשם ר' נחמן – מקדש במשכון is invalid