

19.02.06

46a (משנה א) → 47a (כזית וכזית פרטא הוי) (משנה א)

1. ולא תשארו עליו חטא בהרימקם את חלבן ממונו ואת קדשי בני ישראל לא תחללו ולא תמותו: במדבר פרק יח פסוק לב

- I 2א amassing a פרוטה towards קידושין
- a *if*: he gave her several dates and identified each as an independent vehicle for קידושין by saying לי בזו התקדשי at each
- i *then*: at least one of them must be פרוטה for קידושין to be valid
- b *however*: if he grouped them by saying "with this and this and this" –
- i *then*: if the sum value is ש"פ – קידושין are valid
- c *note*: if she was eating each as he gave it to her (so that the group was never in her hand at one time)
- i *then*: at least one of them must be ש"פ on its own for קידושין to be valid
- 1 *question*: is this statement referring to the first case (התקדשי לי בזו התקדשי לי בזו) or the 2nd (בזו ובזו ובזו)?
- (a) *Answer1 (רב ושמואל)*: 1st case:
- (i) *Not only*: if she leaves them be, where at least one must be ש"פ
- (ii) *But even*: if she eats one, demonstrating added הנאה (immediate) – קמ"ל – ש"פ it needn't be ש"פ
- (b) *Answer2 (ר' אמי)*: 2nd case:
- (i) *Meaning*: last one must be פרוטה שווה
1. *reason*: the earlier ones have a status of הלוואה (she would have to return it if קידושין are invalid)
- a. *implications*:
- i. (המקדש במלווה אינה מקודשת) with a loan קידושין are invalid
- ii. קידושין with a מלוה and a פרוטה – she accepts the פרוטה as קידושין
- iii. קידושין which are ineffective are returned to the בעל (hence, it's a מלוה)
- d *identification of authority*: ר"ש - who requires an independent שבועה towards each litigant to obligate multiple רבנות
- II Related discussion (associated with issue of מעות חוזרים); giving money for invalid קידושין (e.g. אחות)
- a *רב*: money is returned (not understood as a gift)
- i *reason*: all understand that קידושין are invalid here; he gave it as a פקדון but said קידושין to convince her to hold them
- b *שמואל*: money is considered a gift (not returned)
- i *reason*: all understand that קידושין are invalid here; he gave it as a gift but said קידושין to keep from embarrassing her
- c *challenge*: from ruling about חלה, 'tho we assume that people know that חלה may not be taken from flour (before kneading with water), we still don't consider it a gift to the כהן
- i *answer*: people don't know the reason for the law, think it is to spare the כהן extra work which he may be מוחל
- III רבא's addendum to the last clause:
- a if she eats them, there only need be a stand-alone ש"פ if he said בזו ובזו ובזו
- i *however*: if he said באלו (turning the bunch of dates into one unit) – only need a sum value of ש"פ
- 1 *reason*: whatever she eats is already hers (not a הלוואה) and it amasses
- b *support*: ברייתא ruling that
- i *If*: he gave her קידושין from 3 named species or "with these" (באלו) – if sum value is ש"פ – valid
- 1 *Note*: באלון ובאגוז explains the wording of the first example – באלון ובאגוז etc. is regarded as באלו
- 2 *And*: in that case, we don't distinguish between "leaving be" and "eating" – if sum is ש"פ - valid
- ii *But if*: he gave her קידושין from 3 species and said בזו ובזו ובזו - sum value only helps if she doesn't eat them as he hands them over
- c *Challenge*: the ברייתא can only be read according to the approach that the final clause of our משנה is a comment on the 2nd clause (see I c i 1)
- i *Who says*: as long as "one of them" has ש"פ means – the last one
- ii *However*: according to רב ושמואל who say that it is a comment on the 1st clause and it is sufficient if any of them are worth ש"פ, there is no parallel in the משנה to this rule of the ברייתא
- 1 *Answer*: it follows רבי who doesn't accept the distinction in meaning between כזית וכזית and כזית וכזית