



Kesef Kiddushin on the Floor

This week we began *masechet Kidushin*. The first *Mishnah* opens with the three ways that *kiddushin* can be performed. In previous cycles we have discussed both *kesef* (money, vol. 3, iss. 38) and *shtar* (contract, vol. 9 iss. 39). When discussing the method of *shtar*, we mentioned that since the *Torah* teaches regarding divorce "...and she leaves his house (by way of divorce) and goes [and marries] another man" (*Devarim* 24b) it connects marriage and divorce. From this "*hekeshe*" we learn that just as divorce is affected through a document, so can *kiddushin*. Due to the *hekeshe*, other details that apply to a *get* also apply to *shtar kiddushin*. For example, we have seen in the previous article the debate whether a *shtar kiddushin* can be written on an *issur hanaah* – an object one is not allowed to derive benefit from. One law that is derived, is just like a *get* must be handed to the wife, so too the *shtar kiddushin* must be handed over. In other words, one cannot place the *shtar* on the floor and ask her to retrieve it. The question posed by the *achronim* is does that law also apply to *kiddushin* performed with *kesef*? Would *kiddushin* work if the man placed, e.g. the ring on the table and she retrieved it?

The *Beit Shmuel* (EH 27:3) is uncertain, and rules that the *kiddushin* is in doubt – *safek mekudeshet*. The *Pitchei Teshuva* (27:3) cites the *Teshuvat Rashach* who rules that there is no doubt and the *kiddushin* works, and that the debate is connected to the debate regarding whether *kidushei kesef* can be performed with something that is attached to the ground. Recall that one cannot write a *get* on part of a plant that is attached to the ground, since there cannot be any intermediary action (cutting it off the tree) in between writing and handing over the *get*. Due to the *hekeshe*, we learn that this law also applies to a *shtar kiddushin*. The point that is debated is whether the *hekeshe* also affects *kiddushin* performed with money. Consequently, those that maintain that *kesef kiddushin*¹ that is attached to the ground can be

used, would also maintain that if the *kesef kiddushin* was placed on the ground for her to retrieve, it would also work.

The *Beit Shmuel*, who we cited previously as being uncertain with this law, earlier (27:1) writes that *kesef kiddushin* that is attached to the ground can be used. Considering the comment of the *Teshuvat Rashach* above, it should be clear to the *Beit Shmuel* that *kesef kiddushin* placed on the ground should work. Why then is he in doubt regarding this law?

To explain, there are two reasons why *Beit Shmuel* rules that *kesef kiddushin* attached to the ground is valid. One is that we do not find the usage of money in divorce. Consequently, a law that applies in divorce does not apply to *kesef kiddushin*. The second answer is that this issue of the *shtar* being attached to the ground does not apply to money. A *shtar* must be handed to her, whereas money need not need to be handed to her directly. For example, *kiddushin* can work even if she instructs him to give the money to someone else (even if he is not her *shaliach*).

The *Yalkut Biurim* (*Kiddushin* 2a) explains that the above two reasons are the basis for the *Beit Shmuel's* doubt. According to the first answer, since *kesef* is not relevant to *gittin*, laws that apply to *gittin* do not apply to *kesef kiddushin*. Consequently, there would be no issue with placing the *kesef kiddushin* on the floor for her retrieve. According to the second answer however, the issue with a *get* being attached to the ground is not applicable to *kesef kiddushin*. This however does not preclude other laws that apply to *get* from applying to *kesef kiddushin*, and *kesef kiddushin* placed on the ground could not be used to affect *kiddushin*. Consequently, despite being definite that *kesef kiddushin* attached to the ground works, since each of the reasons could lead to a different conclusion regarding *kesef kiddushin* placed on the ground, he leaves the ruling as a case of doubt.

Yisrael Bankier

¹ The term is used loosely here to include also objects that have monetary value.

Revision Questions

גיטין ח' י' – ט' י'

- What is a *get kereach*? (ח' טי-לי)
- Explain the debate regarding how a *get kereach* can be fixed? (ח' לי)
- According to who is a *get* invalid if it was given on the condition that the wife would not marry a particular person? (ט' א')
- How and when can this be fixed? (ט' א')
- When do we say that such a condition is not problematic? (ט' ב')
- What is the essential wording of a *get*? (ט' ג')
- Which three *gittin* are invalid, yet if the woman remarries and has children using this *get*, the children are not *mamzerim*? (ט' ד')
- What can be done if two *gittin* (with the same names from different people) were mixed up on the way to the wives? (ט' ה')
- Can a single *get* be used for multiple divorces? (ט' ה')
- In what case can having Greek signatures on a *get* be problematic and why? (ט' ו')
- Can a *get* be written on two sides of a page? (ט' ו')
- Where are the valid locations on a *get* for the signatures of the witnesses? (ט' ו')
- Can a *get* be written in Hebrew and the signatures be in Greek? (ט' ח')
- Is a signature valid if it is just the person's name without the father's name (i.e. missing "*ben Ploni*")? (ט' ח')
- What is a *get me'useh* and is it valid? (ט' ח')
- What is an *amatlah* and how is important in the law of *gittin*? (ט' ט')
- List the three opinions regarding what is considered adequate grounds for divorce. (ט' י')

קידושין א' א' – ג'

- What are the three means of *kidushin*? (א' א')
- What are the two ways a woman leaves a marriage? (א' א')
- How is a Hebrew male servant acquired? How does he "acquire himself" (i.e. set himself free)? (א' ב')
- Is this the same for a female servant? What is extra? (א' ב')
- According to *Rabbi Meir* how is a Canaanite servant acquired? How does he acquire himself? (א' ג')
- According to the *Chachamim*, how is a Canaanite servant acquired? How does he acquire himself? (א' ג')

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10 minutes before *Mincha*
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Sunday -Thursday
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| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| 21 October י"ב חשוון | 22 October י"ג חשוון | 23 October י"ד חשוון | 24 October ט"ו חשוון | 25 October ט"ז חשוון | 26 October י"ז חשוון | 27 October י"ח חשוון |
| Kidushin 1:4-5 | Kidushin 1:6-7 | Kidushin 1:8-9 | Kidushin 1:10-2:1 | Kidushin 2:2-3 | Kidushin 2:4-5 | Kidushin 2:6-7 |

