

## OVERVIEW of the Daf

### 1) A minor who does nissuin without her father's consent (cont.)

Ulla concludes his challenge to R' Huna's position that a girl who did kiddushin and nissuin without her father's consent is allowed to eat her husband's terumah.

Rava defends R' Huna's position.

Rav and R' Assi disagree whether the girl, in addition to her father, can prevent the kiddushin that she accepted with her father's consent.

R' Huna unsuccessfully challenged R' Assi's ruling that the girl cannot prevent the kiddushin from taking effect.

The response to R' Huna's challenge is unsuccessfully challenged.

R' Yosef suggests a proof to this interpretation but Abaye rejects the proof.

### 2) MISHNAH: The Mishnah discusses halachos related to a man betrothing a woman with a date or with many dates.

#### 3) Clarifying the Mishnah

Rabbah asserts that the Mishnah follows the opinion of R' Shimon regarding separate pronouncements.

The Gemara questions, which of the previous rulings did the last ruling of the Mishnah refer to.

R' Yochanan confirms that the Mishnah is indeed difficult to understand.

Rav and Shmuel explain how the last ruling was issued concerning the first ruling of the Mishnah.

R' Ami explains how the last ruling was issued concerning a later ruling of the Mishnah.

Rava infers three halachos from R' Ami's interpretation.

#### 4) Betrothing a sister

According to Rav if a man betrothed his sister the money returns, whereas according to Shmuel the money is considered a gift.

Shmuel's position is explained.

Ravina challenges Shmuel's position from a Mishnah in Challah.

Two interpretations of the Mishnah are suggested that deflect the challenge to Shmuel's position. ■

## Distinctive INSIGHT

### *The value of a date or of several dates*

אם יש באחת מהן שוה פרוטה מקודשת, ואם לאו אינה מקודשת

The Mishnah teaches the case of a man who presents a woman with a date and proposes kiddushin. He then offers her a second date as he proposes kiddushin with it. The halacha is that if either date has the value of a peruta, the kiddushin is valid. However, if neither date has the value of a peruta, even if they are worth a peruta together, the kiddushin is not valid.

Ritva explains that when the Mishnah rules that the kiddushin is not valid, it means that we cannot consider the woman as definitely betrothed, but there is a condition of *קידושי ספק*—uncertain kiddushin. Although this date does not have the value of a peruta in this place, we must suspect that in a different location this date may be worth a peruta, and Shmuel ruled earlier (12a) that the kiddushin is valid if the item used here is less than a peruta but has the value of a peruta in a different place. Rambam (Ishus, 5:26) explicitly understands this halacha as one of "doubtful kiddushin" based upon the concern of Shmuel.

In the second clause of the Mishnah a man gives the woman several dates, and he says that the kiddushin shall be "With this, and with this, etc." The halacha is that the kiddushin is valid, as we understand that the man intends that the value of all the dates combined be for the kiddushin. Ritva (47a) explains that, here again, the kiddushin is not certain, but doubtful. We do not know if the man meant that all the dates together be for the kiddushin, and that it therefore be valid, or if he meant for each one to be for kiddushin, in which case the offer is not valid, as no one date has a value of a peruta.

Pnei Yehoshua asks that, according to Ritva, in the *סיפא* it should make no difference whether the dates together comprise a peruta or not. We already saw in the *רישא* that we rule that the kiddushin is doubtful even if one date is presented, as the halacha of Shmuel teaches that we must suspect that the date has a value of a peruta in some other place. Pnei Yehoshua answers that the only time we use the rule of Shmuel and consider the value of an item in a different place is if the item itself can be transported and taken to that place and perhaps be sold for the higher price. However, in our Mishnah we are dealing with a date that is perishable, and it would not be able to be taken to a distant land where the price might be higher.

He also answers that the consideration of Shmuel results in a rabbinic doubt, but the possibility that the man meant to combine all dates together to comprise a full peruta is a Torah-level doubt. ■

## HALACHAH Highlight

*Are tzedaka collectors permitted to keep a percentage of the money they collect?*

המפריש חלתו קמח אינו חלה וגזל ביד כהן

*One who separates challah from flour, [that flour] is not challah and it is considered stolen [while it remains] in the hand of the kohen*

**P**oskim discuss what percentage of the funds collected a tzedaka fundraiser is permitted to keep for himself. Sefer Ma'aseh Tzedaka<sup>1</sup> writes in the name of Chazon Ish that it is permitted for the fundraiser to keep up to fifty percent. Other authorities argued that fundraisers are not permitted to keep any more than twenty-five percent. Rav Moshe Sternbuch<sup>2</sup> suggests that it depends upon how large or small the donation is. The larger the donation the smaller the percentage the fundraiser is permitted to keep.

Rav Menashe Klein<sup>3</sup> questions the permissibility of a fundraiser taking a percentage of what he collects as his salary and entertains the possibility that it should be considered theft – גזילה. The reason he looks at this practice with such suspicion is that it is known that if a donor of, for example, one hundred dollars was aware that fifty dollars and sometimes more was going into the pocket of the collector he would not give such a generous donation. The presumption that the donor would not give the same amount could be understood based on the following: If two people were to enter the home of a donor to collect, one for a yeshiva and the second for himself, is there any doubt that the one collecting for the yeshiva would walk away with more money? Furthermore, when the collector makes a presentation to the donor about the number of students that study in the yeshiva and the

## STORIES Off the Daf

*Two Halves*

"האומר לאשה התקדשי לי..."

**T**he terrible destructiveness of unfulfilled vows is well known. The gemara even writes that, at times, this can cause one to lose his nearest and dearest, רחמנא ליצלן.

A certain man was very poor, but he had a good heart. He enjoyed pledging a perutah to tzedakah even though he could hardly afford even that paltry sum. He would often give a half-perutah to a deserving poor man. Later, he would give him the second half-perutah to fulfill his vow.

Someone pointed out to this poor man that it was not at all clear that by paying out a half-perutah at a time he had ful-

filled the conditions of his vow. "After all, he has already used the first half-perutah before he receives the second, so how do you know the two join together? How many times have you tried to fulfill your vow in this manner?"

The poor man was devastated since he had repaid his vows countless times in this very manner.

He consulted with his rabbi, but the local rav was unsure and asked the famous Ben Ish Chai, ז"ל.

The Ben Ish Chai answered, "We can learn about this question from the Mishnah found in Kiddushin 46. There, we see that if a person told a woman to marry him with one date and then says the same with another, the marriage only takes effect if one of the dates is worth a perutah. But if

## REVIEW and Remember

1. Who has the right to block kiddushin that a minor accepted without her father's consent?
2. Explain המקדש במלוה ופרוטה דעתה אפרוטה.
3. What is the point of dispute between Rav and Shmuel concerning a man who betrothed his sister?
4. What is R' Ilai's teaching concerning terumah?

number of rabbeim that are on staff and the collector intends to keep a percentage of the money he collects for himself it is possibly a violation of גניבת דעת.

Another issue that comes up when the collector keeps a percentage of what he collects is that people who pledged to give a certain amount to tzedaka will not fulfill their pledge. For example, if a person pledged (נדן) to donate one hundred dollars to tzedaka and then wrote out a check to a collector he has not fulfilled his pledge since it is only the money that goes to the yeshiva that is credited towards fulfillment of his pledge. This is similar to the case in our Gemara of one who separates challah from flour. The flour he separated does not become challah and the flour is considered stolen as long as it remains in the possession of the kohen. ■

1. ספר מעשה הצדקה עמי נ"ג.
2. שו"ת תשובות והנהגות ח"ב סי' תפ"ה.
3. שו"ת משנה הלכות ח"ד סי' רל"ז-רל"ח. ■

he says, marry me with this date and this date and this date, they are married if the value of all the dates together is at least a perutah. But if she was eating the dates as he gave them to her, she is only betrothed if one of the dates is worth a perutah. Rambam adds: If in the final case he said, 'Marry me with these dates,' the marriage takes effect.' This is the ruling of the Tur and Shulchan Aruch as well.

"Similarly, in our case, since he didn't specify that he will give the perutah at one time it makes no difference if the first half was consumed before the poor person received the second half. As long as the same poor person received both halves, he has fulfilled his vow."<sup>1</sup> ■

1. שו"ת תוהו לשמה, סימן רמ"א

