

איכא דניחא ליה בכסף ולא ניחא ליה בזהב –

There are those who prefer silver and are not pleased with gold

Overview

The משנה stated that if the man said, התקדשי לי בדינר כסף, and it turned out to be a דינר זהב, she is not מקודשת; however ר' שמעון argues and maintains if she received something more valuable (a דינר זהב instead of a כסף), she is מקודשת. The גמרא asked what is this different than a case where someone was supposed to sell wine to his friend and it turned out to be vinegar, or the opposite, either party can retract, because some prefer vinegar while other prefer wine, similarly here too we should say, some prefer silver and do not prefer gold. Our תוספות explains the גמרא's question.

פירוש¹ כגון שצריכה כסף להשלים תכשיט של כסף שעושה² -

The explanation (why we say [perhaps] she prefers silver over gold) is in a case where **for instance she needs silver to complete a piece of silver jewelry that she is making** -

ומיהו היכא שהטעה האשה בממון³ לא פליג רבי⁴ שמעון:

However, in a case **where he mislead the woman with money** the רבנן **do not argue** with ר"ש, rather all agree that she is מקודשת, since there is no reason why she should want the smaller amount.

Summary

The dispute between the ת"ק and ר"ש is only where it is possible to explain why the woman would prefer the inferior קידושין, but not when it is inexplicable.

Thinking it over

According to תוספות is the דינר זהב worth more than the דינר כסף, or are they the same value, but one (the smaller) is from gold and the other (the larger) from silver?⁵

¹ Seemingly the גמרא's question is not understood; for the case of the משנה is (not similar to the case of wine and vinegar, where sometimes people need vinegar and not wine and vice versa, but rather it is) similar to a case where they agreed to buy wine of an inferior quality and it turned out to be a superior wine, in this case it is obvious that the buyer cannot retract (one cannot say I want an inferior wine and not a superior wine [for the same price]). Here too what logic is there to say that she prefers silver over gold?! תוספות addresses this question.

² See ר' שמעון prefers the דינר כסף for she can use it (by melting it down) to complete her jewelry; however the דינר זהב, will not serve her purpose. Therefore the גמרא asks why does ר"ש maintain that she is מקודשת by the case of זהב של כסף ונמצא? איכא דניחא ליה בכסף ולא ניחא ליה בזהב. Indeed this is the reason why the ת"ק maintains that she is not מקודשת.

³ He initially told her a smaller amount, but he actually gave her a larger amount.

⁴ The מהרש"א amends this to read לא פליגי רבנן, while the מהר"ם (and the מהרש"א) amend it to read לא פליגי ר' שמעון.

⁵ See נחלת משה בגמ' ד"ה ה"נ (and מהרש"א).