

**השתא במנה סתם לא הוי קידושין במנה זו מיבעיא –**

**Now if by מנה סתם it is not a valid קידושין; is מנה זו necessary**

### OVERVIEW

The **ברייתא** teaches us (in the **רישא**) that if a man says, 'become מקודשת to me with a <sup>1</sup>מנה', as long as he did not finish counting (and giving her) the מנה, either of them can retract from the קידושין. The **ברייתא** continues (in the **סיפא**), if he said, 'be מקודשת to me with this מנה, and it turned out that the מנה (which he gave her) was lacking a דינר she is not מקודשת. The **גמרא** presently assumes that the **רישא** of the **ברייתא** is also discussing a case of <sup>2</sup>מנה זו, for if we are to assume that the **רישא** is discussing <sup>3</sup>מנה סתם and nevertheless either of them can retract before he gives her the entire מנה, then certainly <sup>4</sup>by מנה זו it will not be a valid קידושין if he does not give her the entire מנה. Our **תוספות** challenges this logic and initially argues that the **רישא** can be discussing מנה סתם and the **סיפא** can be discussing מנה זו and there is no difficulty.

תוספות asks:

**ואם תאמר דלמא הא קא משמע לן –**

**And if you will say; perhaps this is what the ברייתא is teaching us** by mentioning (in the **סיפא**) the case of מנה זו (even though we already know [from the **רישא**] that [even] by מנה סתם they can retract) -

**דבמנה זו אף על גב דלא חזרה בה לא הוי קידושין<sup>5</sup> כיון שנמצא חסר –**

**For by מנה זו there is an even greater novelty; even if she did not retract, it is still not a valid קידושין since the מנה was found lacking!<sup>6</sup>**

תוספות answers:

**ויש לומר דמרישא שמעת מינה –**

**And one can say; that we can derive from the רישא of מנה סתם that by מנה זו if the מנה is lacking there is no קידושין even if no one retracted.**

<sup>1</sup> A מנה is a hundred דינרים.

<sup>2</sup> The **רישא** (merely) interprets the **סיפא**.

<sup>3</sup> This means he told her 'I will be מקדש you with a מנה (any מנה); not a specific מנה as in the case of מנה זו.

<sup>4</sup> By מנה סתם we can possibly argue that he will make up the difference later from elsewhere; however by מנה זו he is committing that the entire מנה is being given now with this money. If the money is not there completely, there can be no קידושין.

<sup>5</sup> By מנה סתם if the מנה is lacking and neither retracted then he can make up the difference and it will be a valid קידושין; however by מנה זו even if no one retracts, it is no קידושין for he did not give what he said.

<sup>6</sup> We would (seemingly) not know this from the **רישא** that even without a retraction the קידושין is invalid. Therefore we can (still) assume that the **רישא** is במנה סתם and the **סיפא** is במנה זו.

explains: תוספות

**כיון דבמנה סתם יכולה לחזור בה ולא אמרינן ישלים –**

**Since by מנה she can retract** before he gives her the entire מנה, **and we do not insist** that since she began to accept part of the money she cannot retract as long as he is able **to complete** paying the entire מנה, but rather that she can retract anytime before the entire מנה is paid -

**אלמא לא חלו הקידושין כלל עד שישלים –**

**It is therefore evident that the קידושין do not take effect at all until he completes** the payment of the entire מנה, it is therefore also understood that -

**הכי נמי<sup>7</sup> כי אמר לה במנה זו ונמצא חסר לא חלו הקידושין<sup>8</sup> –**

**Here too when he said to her with 'מנה this' and it was found lacking, the קידושין are not effective,** and in this case it is understood -

**ואף ההשלמה לא מהניא שהרי לא סמכה דעתה להשלמתו אלא למנה שמראה לה –**

**That even completing** the מנה later will be of no avail, for she did not agree to the קידושין pending **his completing** the מנה later from another source, **but rather** she was depending on the מנה which he shows her; that is the קידושין she is depending upon -

**והרי הוא חסר:**

**And that מנה is lacking!** Therefore we understand ourselves (once we are aware that by מנה סתם either can back out) that by מנה there can be no השלמה if the מנה is lacking (even) a דינר.

## SUMMARY

Once we realize that by מנה סתם there is no קידושין until the entire מנה is paid, we also realize that by מנה and it was a חסר, there can never be קידושין.

## THINKING IT OVER

What do we realize in the answer of תוספות that was lacking when תוספות asked the question?

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<sup>7</sup> If the ruling by מנה סתם would be that she cannot retract (once she received a פרוטה) but rather she is מקודשת and he owes her the rest of the money, implying that when one says לי במנה it means that the קידושין is with a פרוטה and the rest is (merely) a payment obligation, then by מנה we could possibly assume that even though an entire מנה is required for the קידושין to be effective (for he said מנה and not מנה סתם, meaning that the קידושין should be with a מנה and not with (merely) a פרוטה), nevertheless even if the מנה is חסר he can be משלים if she did not retract (וצע"ג בזה). However now that we say that even by מנה סתם there is no קידושין unless he is משלים, then by מנה she can never be מקודשת if it is חסר דינר.

<sup>8</sup> She may certainly retract (since she did not receive a מנה), and furthermore she need not even retract in order to invalidate the קידושין – as תוספות goes on to explain.