



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kiddushin Daf Yud Gimmel

- There was a woman who was selling ribbons. A man came and grabbed one from her. She demanded that it be returned. He said to her, "If I give it back to you will you become mekudeshes to me?" She took it and didn't say anything. **R' Nachman** said, the woman can say, yes I took it, but I took something that is mine and not to take it as kiddushin.
  - **Q: Rava** asked **R' Nachman**, a Braisa says, if a man grabs a sela from a woman and uses it to be mekadesh her it is a valid kiddushin!? **A:** The Braisa is discussing where they had previously agreed to get married. In fact, we see that this Braisa must be talking about this case, because if not, it contradicts another Braisa. The other Braisa says that if a man owes a woman money and is about to pay her back, and then changes his mind and says "take this money as kiddushin", the Braisa is explained to say that if she takes it and remains quiet, the kiddushin is not valid. Presumably, the reason for this would be because she can say "I took it, but I took it because it is mine". Now, this contradicts the earlier Braisa which says that when he grabs it from her and gives it back to her the kiddushin is valid!? We must say that the first Braisa is discussing where they had already agreed to get married and the second Braisa is discussing where they had not agreed to that.
- When **R' Assi** passed away, the **Rabanan** got together to gather his various teachings.
  - **R' Yaakov** was first to speak and he said, **R' Assi** said in the name of **R' Mani**, just as a woman cannot be acquired with less than a prutah, so too real estate cannot be acquired with less than a prutah. The **Rabanan** asked him, a Braisa says that although a woman cannot be acquired with less than a prutah, real estate can be acquired with less than a prutah!? **R' Yaakov** answered, that Braisa is referring to kinyan chalipin, whereas **R' Assi** was referring to a kinyan kesef.
  - They then said, regarding the statement of **R' Yehuda in the name of Shmuel**, that anyone who is not well versed in the halachos of gittin and kiddushin should not have anything to do with them, **R' Assi in the name of R' Yochanan** said that if an unqualified person does so, he is worse to the world than the generation of the Mabul. He darshens a pasuk to say that people who cause mamzeirem to be brought into the world bring about the destruction of the entire world, including all animals, birds and fish. During the Mabul, the fish were not killed. We see that people who bring mamzeirem into the worlds are worse than the Mabul.
  - They then said, a Mishna says that if a woman who gave birth and brought her obligatory chatas and then died, her heirs must bring her obligatory olah for her. **R' Yehuda in the name of Shmuel** said, that this is only so if she had separated the olah before she died. From here we can see that **Shmuel** holds that the property of a person who has passed away is not obligated to pay his debts on a D'Oraisa level. **R' Assi in the name of R' Yochanan** said that the heirs must bring the olah even if she did not separate it while she was still alive. We see that **R' Yochanan** must hold that the property of a person who has passed away is obligated to pay his debts on a D'Oraisa level.
    - **Q:** They have already argued on this very subject elsewhere, so why did they argue about it again here. For we have learned that **Rav and Shmuel** say that an oral loan may not be collected from the heirs of the debtor's estate or from the purchased fields of the estate, whereas **R' Yochanan and Reish Lakish** say that it may be collected from them!? **A:** If we would only have this machlokes (mentioned in this paragraph), we would say it is only there that **Shmuel** says it can't be collected from the estate, because this is not for an obligation written

in the Torah, but in the case of the Korbon, since it comes from an obligation written in the Torah, maybe even he would agree that it may be collected from the heirs. And, if we would only have the machlokes regarding the Korbon, we would say that it is only there that **R' Yochanan** says it is collected from the heirs, because it stems from an obligation written in the Torah, but in the other case maybe he would agree with **Shmuel**. That is why both cases are needed.

- **R' Pappa** paskens, an oral loan may be collected from the heirs, because the property of a person who has passed away *is* obligated to pay his debts on a D'Oraisa level, but not from the purchased fields, because this debt is not publicly known and the purchasers therefore had no chance to protect themselves.

#### V'KONAH ES ATZMAH B'GET U'VIMISAS HABAAL

- **Q:** We know that a get makes her mutar to marry other men, based on the pasuk of "v'kasav lah sefer krisus". How do we know that death of the husband does so as well? **A:** It is based on logic – he is the one who made her assur to other men, so when he dies and their relationship ends, she becomes mutar.
  - **Q:** With regard to arayos, although he makes them assur to her, his death does not make her mutar to them!? **A:** Rather we must say, that since the Torah says that a yevama is assur to marry other men, it must be that a regular widow may marry other men.
    - **Q:** Maybe a yevama is at least mutar to the yavam, but any other widow is assur to everyone? **A:** Rather we must say, since the Torah said that a widow is assur to marry a Kohen Gadol, it must mean that she may marry all other men.
    - **Q:** Maybe the Torah means to say that she is assur to the Kohen Gadol with a lav, and is assur to all other men with a more lenient assei, and we can say that the death of the husband achieves to remove the chiyuv misah from her marrying someone else and puts it at an assei. **A:** Rather, we learn from a pasuk that a widow may marry other men. The pasuk says that a newly married man does not go out to war, "lest he die at war and another man ('acher') take his wife as a wife".
    - **Q:** **R' Shisha the son of R' Idi** asked, maybe "acher" refers to a yavam? **A:** **R' Ashi** said: first, a yavam is not referred to as "acher"; second, the pasuk says "if the second husband hates her and he writes a get for her, or if the second husband dies", thereby making a hekesh from the husband's death to gittin, and teaching that just as a get makes her completely mutar to marry another man, the death of the husband does so as well.

#### V'HAYEVAMA NIKNEIS B'BI'AH...

- **Q:** How do we know that a yevama is acquired with bi'ah? **A:** The pasuk says "yevama yavo aleha ulekacha lo l'isha".
  - **Q:** Maybe the pasuk means that she is treated as a wife in all respects, and therefore teaches that kesef and shtar can be used to acquire her as well? **A:** That can't be, because a Braisa says that the word "v'yibma" teaches that only bi'ah can be used, and not kesef and shtar.
    - **Q:** Maybe "v'yibma" teaches that it can be done against her will, and is therefore not available to teach that only bi'ah can be used to acquire her? **A:** The pasuk could have written "v'yibeim", and instead wrote "v'yibma". This allows for two drashos to be made from this word.