



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

Kiddushin Daf Yud Tes

- **Q: Reis Lakish** asked, the Torah teaches that the master may give the amah ivriyah in yi'ud to his son. May he give her in yi'ud to his son who is a minor? Do we say that when the pasuk says yi'ud may be done with "his son" it refers to any son, whatever his age, or do we say that just as the master himself is an adult, the son must be an adult as well? **A: R' Zeira** said, a Braisa darshens to specifically exclude from punishment a man who was mezaneh with the wife of a minor. Now, if we say the minor can do yi'ud, then a minor can be involved in a real marriage, so why would this person be categorically patur!? It must be that the minor son cannot do yi'ud.
 - The Gemara says, this is no proof. If the minor cannot do yi'ud, why would we need to exclude from punishment the person who was mezaneh with the wife of a minor, since a minor can never have a wife!? If anything, this Braisa shows that a minor can do yi'ud.
 - **R' Ashi** said, there is no proof this way either. The Braisa may be talking about a yavam who is a minor at least 9 years old, who had bi'ah with his yevama. Since he is koneh her D'Oraisa, we would think that if someone was then mezaneh with her he should be punished. The Braisa teaches that the pasuk specifically excludes this person from liability.
 - **Q:** We still have the question, can a minor do yi'ud? **A:** A Braisa says, **R' Eivo in the name of R' Yannai** says, yi'ud can only be done by an adult, and yi'ud can only be done with intent. The Gemara explains, both statements are one halacha. The reason why a minor can't do yi'ud is because it must be done with intent, and a minor is not capable of having intent.
 - **Others** say that the intent requirement is for the girl to have intent, as **Abaye the son of R' Avahu** taught that the pasuk teaches that he must inform her of his intent to do yi'ud. **Abaye** explained, this is only necessary when kiddushin with a minor is done via yi'ud, and is following the view of **R' Yose the son of R' Yehuda**, who says the original purchase money is not the kiddushin money, rather the kiddushin is happening now with the freedom from the remaining years of servitude. Therefore, the girl must be made aware of the kiddushin taking place. **R' Nachman bar Yitzchak** said, even if we say the purchase money was given for kiddushin, still he has to let her know that he intends to do yi'ud (even though normally a girl who is given in kiddushin by her father need not be made aware), based on the pasuk that says "ye'adah".
 - The view of **R' Yose the son of R' Yehuda** is taught in a Braisa. The Braisa says, the pasuk says "ye'adah v'hefda", and teaches that yi'ud may only be done when there is still enough time left to her servitude for her to be redeemed with graon kesef. From here **R' Yose the son of R' Yehuda** said, if there is enough time in the day for her to still do work the value of a prutah, he can do yi'ud. If not, he cannot do yi'ud. We see that he holds that the original purchase money is not what creates the kiddushin. **R' Nachman bar Yitzchak** said, he may even hold that the purchase money is what creates the kiddushin. However, since the pasuk says "ye'adah" next to "v'hefda", it teaches that yi'ud may only be done when graon kesef can still be done.
 - **Rava in the name of R' Nachman** said, we can learn from **R' Yose in the name of R' Yehuda** that a father can tell his minor daughter to go and accept her own kiddushin, and it would be an effective kiddushin. We learn this from him, because he says that by yi'ud the original money does not create the kiddushin,

which means that the kiddushin is happening later, with only the consent of the daughter, and yet it is effective.

- **Rava in the name of R' Nachman** said, we can learn from **R' Yose in the name of R' Yehuda** that if a man is mekadesh a woman with the forgiving of a loan for which he has collateral from her, the kiddushin is valid even before the return of the collateral. We learn this from him, because he says that by yi'ud the original money does not create the kiddushin, which means that the kiddushin is happening later, with the forgiving of the debt of servitude that she has to him, in which she herself is the collateral, and yet the kiddushin is valid as long as there is a prutah worth of value left to her servitude.
- A Braisa says, how is yi'ud done? The master says to her in front of 2 people "You are hereby mekudeshes to me" or "you are hereby me'ureses to me". This can be done even at the end of the 6 years, even right before sunset on the last day. He must then treat her as a wife, and no longer as a servant. **R' Yose the son of R' Yehuda** says, if there is enough time left in the day for her to do work for him, the value of a prutah, she is mekudeshes. If not, she is not mekudeshes. We can make a mashal to a man who tells a woman "become mekudeshes to me from now, after 30 days", and another man is then mekadesh her during the 30 days, in which case she is mekudeshes to the first man.
 - **Q:** Regarding whose statement was the mashal said? It can't be said on the words of **R' Yose the son of R' Yehuda**, because he said that the kiddushin does not take effect retroactively. **A: R' Acha the son of Rava** said, it was said on the view of the **Rabanan**, who said that the kiddushin takes place retroactively.
 - **Q:** This seems obvious based on their view, so what is the Braisa teaching us? **A:** In the case of yi'ud there was no requirement for him to say "from now". We would think that in a case of regular kiddushin there is also no need for him to say "from now". The Braisa therefore teaches that he must say "from now" for it to be effective retroactively.
- A Braisa says, if a man sells his daughter as an amah ivriya, and he then went and accepted kiddushin for her from another man, **R' Yose the son of R' Yehuda** said he has made fun of the master, because she becomes mekudeshes to the second man. The **Chachomim** say, if the master wants to do yi'ud, he still can do so. We can make a mashal to a man who tells a woman "become mekudeshes to me after 30 days" and another man came and gave her kiddushin during the 30 days, in which case she becomes mekudeshes to the second person.
 - **Q:** Regarding whose statement was the mashal said? It can't be said on the words of **Rabanan**, because they said that the master can still do yi'ud, and the second kiddushin does *not* take effect!? **A: R' Acha the son of Rava** said, it was said on the view of the **R' Yose the son of R' Yehuda**, who said that the kiddushin of the second man does take effect.
 - **Q:** This seems obvious based on his view, so what is the Braisa teaching us? **A:** We would think that in the case of yi'ud he did not say it should take effect "after 30 days", but in the case when a man does say that, we would think that it would help to make the kiddushin take effect retroactively. The Braisa teaches that it does not do so.
- A Braisa says, if a man sells his daughter, and says that the sale is on condition that he not perform yi'ud with her, **R' Meir** says the condition stands and the master may not do yi'ud with her. The **Chachomim** say, if the master wants he may still do yi'ud, because this is a condition that goes against what the Torah says, and such a condition is batel.
 - **Q:** We find elsewhere that **R' Meir** says in a Braisa that a condition that goes against what is written in the Torah is batel!? **A:** The case of the amah ivriyah is different, because the pasuk says "l'amah", which teaches that it is possible that a girl can be sold solely as an "amah", and for no other purpose.
 - The **Rabanan** say the word "l'amah" teaches as in a Braisa, that a father may sell his daughter to people that she may not marry (e.g. a mamzer).
 - **Q:** There would seem to be a kal v'chomer. If he can give her in kiddushin to one of these people (although she is not allowed to marry them, the kiddushin would take effect), then he should surely be able to

sell her to such a person as an amah! **A:** Maybe he has the ability to give her in kiddushin to these passul people only because he has the ability to give her in kiddushin when she is a naarah. However, a person can't sell his daughter when she is a naarah, so maybe he also can't sell her to passul people. That is why the kal v'chomer doesn't stand, and we need the pasuk to teach that he can sell her to a passul.

- **R' Eliezer** says, the word "l'amah" is not needed to teach that he can sell her to a passul, because that can be learned from another pasuk. Rather, the word "l'amah" teaches that he may even sell her to a relative who cannot effectuate a kiddushin with her. Although we can say that we would know that if he can sell her to a passul, he should for sure be able to sell her to a relative, in truth we could not learn that from there. It may be that he can sell her to a passul since there is the possibility for yi'ud (although he is not allowed to, the kiddushin would take effect if he did); whereas when he sells her to a relative there is no possibility for yi'ud. Therefore, we need the pasuk to teach that he may even sell her to a relative.
- **R' Meir** (who uses this word for his drasha) learns that the father can sell her to a passul based on the pasuk that **R' Eliezer** uses for this drasha, and with regard to selling to relatives, he holds like the **Rabanan**, who say that a man may not sell his daughter to a relative.
- **Q:** One Braisa says that a man may sell his daughter to his father (the girl's grandfather), but may not sell her to his son (the girl's brother). Another Braisa says that a man may not sell his daughter to his father or to his son. Now, the second Braisa can be said to be following the **Rabanan**. However, who does the first Braisa follow? It doesn't follow the **Rabanan** or **R' Eliezer**!? **A:** It follows the **Rabanan**, and they allow this sale since there is the possibility for yi'ud (if the grandfather has another son, that son can do yi'ud with the girl, because she is his niece, and thus mutar for him to marry).