



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

### Kiddushin Daf Chuf Zayin

- **Q:** When acquiring with kinyan agav, does the seller need to explicitly say that he is accomplishing the kinyan with agav or not? **A:** The Gemara has previously brought down a number of Mishnayos and Braisos that discuss kinyan agav, and never said that it must be explicitly mentioned by the seller.
  - This is no proof, because the seller would certainly have to tell the buyer “be koneh”, and there is no mention of him saying that either. It must be that it is understood that he must say that, and therefore, it may be that it was not stated that he said “agav” because it is understood that he must say that.
  - The Gemara paskens that the moveable items do *not* need to be piled onto the land that is being used for the kinyan agav, but the seller must explicitly state “be koneh” and “with kinyan agav”.
- **Q:** What if the field is being sold, and the moveable items are being given as a gift, may a kinyan agav be used? **A:** From the story of **R' Gamliel** on the ship we see that it would be effective. In that case he rented the land to **R' Yehoshua** and **R' Akiva**, and gave the produce on that land as a gift, and it was effective. **SHEMA MINAH.**
- **Q:** What if the field is being transferred to one person and the moveable property is being transferred to another person? **A:** In the story of **R' Gamliel** on the ship we see that he rented the land to **R' Akiva** and the produce on that land was given to the poor people. This shows that both kinyanim are effective even though they are to two different people.
  - This is no proof for two reasons. One, when he rented the land it was rented for the poor people as well. Second, since **R' Akiva** was the one in charge of collecting for the poor people, renting to him was like renting to the poor people themselves.
- **Rava** said, agav only works when the moveable items were paid for in full. If they were not paid for in full, the kinyan only works for the amount of moveable items that were already paid for.
  - There is a Braisa that is a proof to **Rava**. The Braisa says, a kinyan with money is stronger than a kinyan with shtar in some respects, and a kinyan with shtar is stronger than a kinyan with money in other respects. A kinyan with money is stronger in that money can be used to redeem hekdes and maaser sheini, whereas shtar cannot. A kinyan with shtar is stronger in that a shtar can be used to release a woman from a marriage, whereas money cannot. Both of these are stronger than chazaka in that they can both be used to acquire an eved ivri, and chazaka is stronger than both of these in that when one is buying 10 properties in 10 countries and makes chazaka on one of them, he is koneh all of them. This is true only if he had already paid for all 10 properties. If he had not, he is only koneh the fields for which he has paid. Now, this is similar to the idea of **Rava** with regard to being koneh moveable property with kinyan agav, and therefore is a proof to **Rava**.
  - The Braisa is a proof to **Shmuel**, who says that if one buys 10 properties in 10 countries, as soon as he does chazaka on one of them, he is koneh all of them.
    - **R' Acha the son of R' Ika** said, **Shmuel** must be right, because if a seller handed over to a buyer 10 animals tied with one halter and told him “be koneh”, he would surely be koneh, so the same is with the 10 properties. The **Rabanan** told **R' Acha**, the cases are not similar. In the case of the animals, all 10 animals are bound in the buyer's hand. In the case of the properties, they are not.
    - **Others** say that **R' Acha the son of R' Ika** said, the person will surely not be koneh all 10 properties based on one act of chazaka. We can see this from the case of a seller who handed over to a buyer 10 animals tied with one halter and

told him “be koneh”, where he would surely not be koneh. The same is with the 10 properties. The **Rabanan** told **R’ Acha**, the cases are not similar. In the case of the animals, each animal is a separate entity. However, land is all part of the one earth, and is therefore connected.

#### V’ZOKIKIN ES HANECHASIM...

- **Ulla** said, we learn that the concept of gilgul shevuah is D’Oraisa based on the pasuk regarding sotah of “v’amra ha’isha amen amen”. A Mishna explains, why does the woman answer to the Kohen “Amen, Amen” (why does she say Amen twice)? She is saying Amen to the curse and Amen to the oath. She is saying Amen that she wasn’t mezaneh with this man, and Amen that she was not mezaneh with any other man. She is saying Amen that she was not mezaneh as an arusah or as a nesuah. Amen that she was not mezaneh as a shomeres yavam or after having been married with yibum. Now, what is the case of the arusah? It can’t be talking about where she was warned as an arusah and was given to drink as an arusah, because a Mishna says that an arusah and a shomeres yavam are not given to drink the mei hamarim and do not collect their kesubah, based on the pasuk of “tachas isheich”, so she would not need to swear about this!? It also can’t be talking about where she was warned as an arusah, secluded herself as an arusah and then was given to drink as a nesuah, because the pasuk says “v’nikah ha’sih mei’avon”, which teaches that the mei hamarim only do their checking if the man didn’t do an aveirah with her, and his marriage to her after her seclusion was an aveirah, and therefore she would not be given to drink, and would not swear about this case. If so, why would a woman ever swear regarding the time period when she was an arusah? It must be that she swears based on a gilgul shevuah, and we see that gilgul shevuah is found in the Torah.
  - **Q:** This can be the source for a matter of issur, but where do we have a source for gilgul shevuah in monetary matters? **A:** In the yeshiva of **R’ Yishmael** they taught that it is based on a kal v’chomer – if sotah, who cannot be made to swear based on a single witness, can be made to swear with gilgul shevuah, then in monetary matters, where one can be made to swear based on a single witness, surely he can be made to swear based on gigul shevuah.
    - **Q:** This can be the basis for a claim that is made in certainty. What is the basis for an uncertain claim? **A:** A Braisa says, **R’ Shimon ben Yochai** says, we learn the swearing outside the Beis Hamikdash (all cases of swearing) from the swearing inside the Beis Hamikdash (sotah). Just like regarding sotah we treat a safek as a case of certainty, the same will be with regard to others cases of swearing.