



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

### Kiddushin Daf Mem Daled

HA'ISH MEKADESH ES BITO

- A Mishna says, with regard to a naarah hame'orasa, the girl herself or her father may accept the get for her. **R' Yehuda** says, it cannot be that two people can be koneh for one person at one time, therefore, only the father has the authority to accept the get for her. Also, any girl who is not able to take care of her get (she is not mature enough, etc.) cannot be divorced.
  - **Reish Lakish** said, just as there is a machlokes regarding get, the same machlokes applies regarding kiddushin. **R' Yochanan** said, this machlokes is only regarding get, but regarding kiddushin everyone would agree that only the father can accept her kiddushin.
    - **R' Yose the son of R' Chanina** explained, the reason for the view of the **T"K** according to **R' Yochanan** is that regarding a get, where she is returning to the reshus of the father, even she can accept the get. Regarding kiddushin, where her acceptance removes her from her father's reshus, only her father can accept the kiddushin.
    - **Q:** A Mishna regarding maamar (which is like kiddushin and is received from a yavam) says that a naarah can accept it on her own without the consent of her father!? **A:** We must say that **R' Yose the son of R' Chanina** said, the reason for the view of the **T"K** according to **R' Yochanan** is that regarding kiddushin, since it must be done with the woman's consent, only the father can accept the kiddushin for her, because he acts as the consent for the naarah. However, regarding a get, which can be given to her even against her will, even the woman can accept the get on her own behalf.
    - **Q:** Maamar can also only be done with the woman's consent, and yet the Mishna says that woman can accept it on her own!? **A:** The Mishna follows **Rebbi**, who says that maamar can even be given against the woman's will. **Rebbi** teaches this in a Braisa through a drasha from the bi'ah of yibum. Just as the bi'ah can be koneh her against her will, so too the maamar can be koneh her against her will.
      - Based on this Braisa we can bring a proof to **R' Yochanan**. The Braisa continues and says, that although a woman can accept her maamar, she cannot accept her kiddushin. This is consistent with the view of the **Rabanan** (the **T"K**) according to **R' Yochanan**.
      - **Q:** We should say that this totally refutes the view of **Reish Lakish**!? **A:** He would answer that the Braisa is following the view of **R' Yehuda**, who says that it can't be that two people can have the authority to accept kiddushin for a woman at the same time.
        - **Q:** If the Braisa is following **R' Yehuda**, it should have said that although a woman can accept her maamar, she cannot accept her get!? **A:** In truth he could have said that. However, since the Braisa was discussing maamar, which is similar to kiddushin, he contrasts it with kiddushin.
        - **Q:** According to **R' Yehuda**, why is it that maamar is different, and a naarah may accept her own maamar? **A:** Maamar is different because she is already connected to the yavam with zikah.
        - Once we have this answer, we can even go back to the original explanation of the view of the **Rabanan** according to **R'**

**Yochanan**, and the reason why maamar is different is because she is already connected to the yavam with zikah.

- **Q:** Our Mishna says that a father, either on his own or through a shaliach, can accept the kiddushin for his daughter who is a naarah. Now, this suggests that the naarah herself could not accept her kiddushin. This refutes **Reish Lakish!**? **A:** He will answer that this Mishna also follows the view of **R' Yehuda**, but the **Rabanan** would in fact argue and say that she can.
  - **Q:** From the next part of the Mishna (on a later daf) we see that this Mishna follows the view of **R' Shimon**, and not of **R' Yehuda!**? **A:** The entire Mishna follows the view of **R' Shimon**, and with regard to whether a naarah can accept her own kiddushin, **R' Shimon** holds like **R' Yehuda**.
- **R' Assi** once did not go to Beis Medrash. He asked **R' Zeira** to tell him what he missed. **R' Zeira** said he also hadn't gone that day, but that **R' Avin** had gone and told him that all the **Chachomim** sided with **R' Yochanan** that a naarah cannot accept her own kiddushin. Although **Reish Lakish** protested based on the hekesh of "v'yatza v'huysa", no one listened to him.
- **Q: Rava** asked **R' Nachman**, according to the **Rabanan**, can a naarah appoint a shaliach to accept her own get from her husband? Is she considered to be like the hand of her father, and just as her father can appoint a shaliach, she can as well, or is she like the chatzer of her father and the get will therefore not take effect until it reaches her hand?
  - **Q:** How can **Rava** have had this question? We find that **Rava** says that if a husband puts a get into the hand of a slave of his wife, then if the slave was sleeping and the wife was there to guard him, the get is valid. If he was awake the get is not valid even if she was guarding him. Now, if the naarah is like the chatzer of her father, then even when the get reaches her hand the get should not be effective, because she is like a chatzer that is not being guarded by the father!? **A:** Rather, **Rava's** question was, is the naarah like the hand of her father in a way that is strong enough that she can even appoint a shaliach like he can, or do we say that she cannot? **R' Nachman** answered, she cannot appoint a shaliach.
    - **Q:** A Mishna says that if a minor girl appoints a shaliach to accept a get for her, the get is not effective until it reaches her hand. This suggests that a naarah could appoint a shaliach to accept a get for her!? **A:** The Mishna is discussing a case where there is no father. In that case a naarah could accept the get on her own behalf and could make a shaliach.
    - **Q:** That Mishna continues and says that if the father appointed a shaliach to accept the get for his minor daughter, the get is effective as soon as it reaches the hand of the shaliach. We see that the Mishna is discussing where there is a father!? **A:** The Mishna is missing words and should be understood as saying, a minor cannot appoint a shaliach to accept her get, but a naarah could. Now, that is only if there is no father. However, if there is a father, he may appoint a shaliach for his minor daughter.
- We have learned, if a minor accepts kiddushin without the knowledge of her father, **Shmuel** said she is required to receive a get *and* to do "mi'un".
  - **Q: Karna** asked, if she needs a get why does she also need mi'un!? And if she needs mi'un, why does she need a get!? **A:** They sent this question to **Rav** and he strongly agreed with **Shmuel's** ruling.
    - **R' Acha the son of R' Ika** explained, we require her to receive a get for the possibility that the father will consent to the marriage when he finds out about it, and thereby make it a valid kiddushin. We require her to do mi'un, because by receiving a divorce people will say that if this man then gives kiddushin to this girl's sister, the kiddushin will not take effect (since she is the sister of his divorcee). However, if the father never really consented, then the first kiddushin never took effect, and

this second kiddushin does take effect. We therefore require her to do mi'un which lets people know that the first kiddushin may have not been a kiddushin at all, and will therefore let them all know that a subsequent kiddushin given to her sister may be an effective kiddushin.

- **R' Nachman** said, the kiddushin with the minor only requires the divorce and mi'un if the minor and the man had discussed getting married before the giving of the kiddushin. If they had not, the kiddushin is totally invalid.
- **Ulla** argued on **Rav and Shmuel** and said that a minor who accepted kiddushin does not even need mi'un, because the kiddushin is certainly invalid.
  - **Q:** Was this said even if they had previously discussed getting married? **A:** We must say that the one who taught **Ulla's** statement is not the same one who taught **R' Nachman's** statement.
  - **Others** say that **Ulla** made his statement as a standalone statement, not connected with the ruling of **Rav and Shmuel**.
  - **Q: R' Kahana** asked, a Mishna says that if a yevama is the daughter of the yavam, and she had done mi'un from her husband, her co-wives are mutar to her father to do yibum. Now, how can it be that the father is alive and yet she did mi'un? It must be that she accepted the kiddushin as a minor and we see that such an acceptance requires a mi'un, which refutes **Ulla!**? **A:** The case may be where her father had originally married her off and she was then divorced. In such a case, since she is really considered to be out of the reshut of her father, if she were to then accept her own kiddushin it would be effective unless she would later do mi'un.
  - **Q: R' Hamnuna** asked, a Braisa says that a father may sell his daughter who is a widow to a Kohen Gadol. Now, if she was widowed from a marriage accepted by the father, he would not be allowed to sell her!? Rather, the case must be where she accepted her own kiddushin and the husband then died, and we see that she is given the status of a widow, which means her acceptance had some legal effect, which refutes **Ulla!**? **A: R' Amram in the name of R' Yitzchak** said, the case here is that this girl had been married through "yi'ud" and the Braisa follows the view of **R' Yose the son of R' Yehuda**, who says that the purchase money upon the girl's sale is not considered to be money of kiddushin at the time it is given. Therefore, when she married with yi'ud it is not considered as if the father married her off, and therefore, if she is widowed, the father retains his right to sell her.