



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

Kiddushin Daf Mem Hey

- If a man gave kiddushin to a minor without her father's knowledge and the husband then died without children, and she therefore falls to yibum to his brothers, **R' Huna in the name of Rav** said, if the brother gave maamar, she needs mi'un from the maamar as well as a divorce and chalitza in order to be free to marry another man. If no maamar is done, she only needs chalitza and nothing further.
 - The Gemara explains, she needs a get, because maybe the father agreed to the maamar of the brother, and she needs chalitza, because maybe the father agreed to the kiddushin of the dead husband. She is also required to get mi'un, because maybe the father did not agree to the kiddushin of the first or of the second man, and people will think the kiddushin was effective and therefore if the brother then gives her sister kiddushin, people will say that this kiddushin is not effective (when in reality it is, because neither of the men were even married to the first girl).
 - The Gemara explains, if no maamar was given, she only needs chalitza. You will suggest that she should do mi'un as well, so that people not say that a kiddushin then given to her sister is not effective. However, that is not necessary, because everyone knows that the sister of a woman to whom you have given chalitza is only assur D'Rabanan, and therefore a kiddushin given to the sister would definitely be effective. As we find that **Reish Laskish** said that **Rebbi** said, the sister of a man's divorcee is assur D'Oraisa, and the sister of a man's chalutza is only assur D'Rabanan.
- There were 2 people drinking wine under a willow tree in Bavel. One of them took a cup of wine and gave it to the other and said "Let your daughter become mekudeshes to my son with this cup of wine". **Ravina** said, even according to the view that when a minor girl accepts kiddushin without the knowledge of her father, we must be concerned that the father will later agree to the kiddushin and thereby make it effective, in this case we need not be concerned that the son will later agree to the kiddushin done without his knowledge, and therefore this kiddushin is not effective. The **Rabanan** asked **Ravina**, maybe we should be concerned that the son appointed the father as a shaliach to give the kiddushin!? **Ravina** said, no one would have the chutzpah to appoint his father as a shaliach.
 - **Q:** Maybe we should be concerned that the son previously told the father that he wanted to marry that girl? **A: Rabbah bar Simi** said, I have been told that **Ravina** does not hold like **Rav and Shmuel** (who are concerned that the father of the girl will later agree to the kiddushin) and he therefore is also not concerned that the father was appointed as the son's shaliach.
- There was a person who was mekadesh a minor girl in the marketplace without knowledge of the father, using a bundle of vegetables. **Ravina** said, even according to the view that we have to be concerned that the father will agree to the kiddushin, that is only when it is given in a respectable way. Here, it was not done so, and therefore there is no concern.
 - **Q: R' Acha Midifti** asked **Ravina**, was this not respectable because it was a bundle of vegetables, or because it was done in the marketplace? **A: Ravina** said, each aspect on its own makes it be considered as not respectable.
- There was a couple who had an argument. The husband wanted their minor daughter to marry his relative and the wife wanted her to marry her relative. The wife finally convinced the husband to her view. As they were at the party to celebrate the kiddushin that was to take place, the husband's relative went and gave kiddushin to the minor without her father's knowledge. **Abaye** said that we can assume that the father will not agree to that kiddushin since he already gave his word to his wife that the daughter will marry her relative. **Rava** said, we can assume that the father would not agree with that kiddushin, because he had already spent the

money on the party for the kiddushin to the other man. The difference between these views would be if no party was thrown yet.

- If a minor was mekudeshes with her father's knowledge and consent, and the father then went overseas and the minor then entered into nissuin without the father's knowledge, **Rav** said that she may eat terumah (if the husband is a Kohen) until her father comes back and protests to the nissuin. **R' Assi** said, she may not eat terumah, because we are concerned that her father will come and protest the nissuin, which will cause that retroactively she has eaten terumah when she was not allowed to do so.
 - When faced with an actual case, **Rav** was machmir like **R' Assi**.
 - **R' Shmuel bar R' Yitzchak** said, **Rav** would agree that if the girl were then to die, the husband would not inherit her.
 - If the minor was mekudeshes with her father's knowledge and consent, and then entered into nissuin without his knowledge, but the father was local (and not overseas), **R' Huna** said she may not eat terumah, and **R' Yirmiya bar Abba** said that she may eat terumah.
 - **R' Huna** said, even according to **Rav** who said that she may eat terumah when the father was overseas, in this case she may not eat terumah, because the fact that he is local and remains silent shows that he is angry and not agreeable to the nissuin. **R' Yirmiya bar Abba** said, even according to **R' Assi** who said that she may not eat terumah when the father was overseas, in this case she may eat terumah, because he is local and has not protested, which shows that he is agreeable.
 - If a minor was mekudeshes without the knowledge of her father and entered into nissuin without the knowledge of her father, and her father is local, **R' Huna** said she may eat terumah and **R' Assi** said that she may not eat terumah.
 - **Ulla** said, this can't make sense. If in the case where there is a definite kiddushin **R' Huna** said that she may not eat terumah, then in this case she should surely not be able to eat terumah!? Therefore, it must be that **R' Yirmiya** is correct.
 - **Rava** said, this is not so. The reason of **R' Huna** is that since she entered into kiddushin and nissuin without his knowledge and he did not protest, she is treated as an orphan in her father's lifetime, and therefore she may eat terumah based on these acts.
- We have learned, if a minor accepted kiddushin without her father's knowledge, **Rav** said that both she and her father have the ability to stop the kiddushin from taking effect. **R' Assi** said, only her father has the ability to do so.
 - **Q: R' Huna** asked **R' Assi**, a Braisa says that a pasuk teaches that a girl can refuse to marry her seducer. Presumably this includes the case of where the seduction was done with a minor for the purpose of marrying her, without the father's knowledge. We see that the girl has the ability to stop the kiddushin from taking effect!? **A: Rav** said, we can say that the Braisa is discussing where the seduction was done not for purposes of marriage, and therefore doesn't prove anything for a case of actual kiddushin.
 - **Q:** We would not need a pasuk to teach that the father or the girl can stop the marriage from happening if the seduction was done with other than the intent to marry her!? **A: R' Nachman bar Yitzchak** said, the pasuk could be teaching that if the girl later refuses to marry him, that refusal would make him obligated to pay the penalty of a seducer.