



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

Kiddushin Daf Hey

- A Braisa asks, how do we know that kiddushin can even be done with a shtar? We can learn it from a kal v'chomer. If money, which cannot dissolve a marriage, can create the marriage, then shtar, which can dissolve the marriage, can surely create the marriage! The Braisa asks, money is different because it can be used to redeem hekdesch and maaser sheini, but shtar cannot! The Braisa says, the pasuk says "v'yatz'ah...v'huysa", which teaches a hekesh between gittin and kiddushin, and we can learn that just as divorce can be done with a shtar, so too kiddushin can be done with a shtar.
 - **Q:** If so, we should use this hekesh to teach that just as money can be used for kiddushin it should also be able to be used for gittin!? **A: Abaye** said, it can't be that the same money which can create a marriage can be used to terminate a marriage, as we have the rule that "the defense attorney cannot become the prosecutor".
 - **Q:** If so, a shtar should not be able to be used for kiddushin, because the "prosecutor cannot become the defense attorney"!? **A:** The words written into the get are very different than the words written in the shtar kiddushin, and therefore they are not considered to be the same thing.
 - **Q:** With money as well, when giving the money, there is one thing that would be said when doing so for a gittin and a different thing that would be said when doing so for a kiddushin!? **A:** It is the same physical coin that would be used in both circumstances, and that cannot be right.
 - **Rava** said, that money cannot be used for a divorce based on the pasuk of "v'kasav lah", which teaches that a divorce can only be done through a written document, and not with money.
 - **Q:** Maybe this exclusionary language should instead teach that a shtar can only be used for gittin, and cannot be used for kiddushin!? **A:** That can't be, because we have the hekesh that teaches to include the method of shtar to create a kiddushin.
 - **Q:** Why do we assume that the inclusion is to allow shtar for kiddushin and the exclusion is to disallow money for gittin? **A:** The exclusionary pasuk is written by gittin, so it is logical to say that it is excluding something from divorce – money.
 - **Q:** According to **R' Yose Haglili**, who uses the pasuk of "v'kasav lah" for a different drasha, how does he know that a divorce can't be done with money? **A:** He learns it from the words "sefer krisus", which teach that only a sefer (a shtar) can make a divorce.
 - The **Rabanan** use these words to teach that the get must create a complete severance between man and woman, and cannot have a condition that she must adhere to forever. **R' Yose Haglili** learns this from the fact that the pasuk could have said "kares" and instead says "krisus". The **Rabanan** don't darshen this "kares" and "krisus".
- The Gemara asks, although we have established that we could not have learned from a kal v'chomer that any of the methods of kiddushin can be derived from another method of kiddushin, maybe we can say that one method can be derived from the remaining two and a pasuk is only needed for 2 and not the third?
 - Which one should not have been written? If the Torah would not have taught regarding shtar, we would say that money and bi'ah work because they bring hana'ah to the woman, but shtar which does not, cannot create a kiddushin! If the Torah would not have taught regarding bi'ah, we would say that money and shtar work because they can

effect kinyanim in many other places, but bi'ah which cannot, cannot create a kiddushin! If the Torah would not have taught regarding money, we would say that shtar and bi'ah work against a woman's will (shtar by get, and bi'ah by yevama) and that is why they can effect kiddushin, but money, which cannot work against her will, cannot effect a kiddushin! Although a girl can be sold as an amah ivriya against her will, that is not for purposes of marriage. We see that all three methods are necessary to be taught by the pesukim.

- **R' Huna** said, that chuppah (which is a valid form of nissuin) can be used for kiddushin based on a kal v'chomer. If kiddushin based on money cannot allow her to eat terumah (if he is a Kohen), but yet creates a kiddushin, then chuppah, which allows her to eat terumah, can surely effect a kiddushin!
 - **Q: Ulla** has taught that D'Oraisa a kiddushin with money does allow her to eat terumah, and it is only a gezeira D'Rabanan that says that she may not!? **A:** The kal v'chomer must be, that if money, which cannot be used for nissuin (to complete the marriage), can be used for kiddushin, then chuppah, which can be used for nissuin, can surely be used for kiddushin!
 - **Q:** We can ask that money has the characteristic that it can be used to redeem hekdes and maaser sheini, and maybe that is why it can create a kiddushin!? **A:** Bi'ah would refute that, because it cannot redeem and yet it creates a kiddushin. **Q:** We can ask that bi'ah can acquire a yevama, and maybe that is why it can be used for kiddushin!? **A:** Money will refute this, because it cannot be used to acquire a yevama, and yet it can be used for kiddushin. We must say that the common characteristic between the two of them is that they can acquire elsewhere and can be used for kiddushin. We can therefore add chuppah, which can acquire elsewhere (for nissuin) and can therefore also create a kiddushin.
 - **Q:** We can ask that a common characteristic of money and bi'ah is that they give benefit to the woman, whereas chuppah does not!? **A:** Shtar would refute that, because it does not give benefit, and yet it can create a kiddushin. **Q:** Shtar is different because it can be used for divorce!? **A:** Money and bi'ah refute this, because they can't create divorce, and yet they create kiddushin. The common characteristic between the three of them is that they can acquire elsewhere and can be used for kiddushin. We can therefore add chuppah, which can acquire elsewhere (for nissuin) and can therefore also create a kiddushin
 - **Q:** We can ask that a common characteristic of money, shtar, and bi'ah is that they can be used against the will of a woman!? Chuppah cannot be done against her will, and that is why it cannot be used for kiddushin!? **A: R' Huna** holds, that since money can't be used against her will in matters of marriage, it refutes this theory, and therefore chuppah can be included as a method of kiddushin.
 - **Q: Rava** asked on **R' Huna** that there are two questions: one, the Mishna says that there are 3 methods of kiddushin, so how can you say that there is a 4th!? Second, chuppah only creates a nissuin after a kiddushin was done, so how can we learn that it should even work when it does not have a kiddushin preceding it!? **A: Abaye** answered, regarding the first question, the Mishna only listed methods that are derived from the pasuk itself. Regarding the second question, that is what **R' Huna** meant as the kal v'chomer – if money cannot complete the marriage even when given after money, yet it can create a kiddushin, then chuppah, which can create a nissuin after a kiddushin, can surely create a kiddushin as well!
- A Braisa says, how is kiddushin done with money? If a man gave money, or items worth money, to a woman, and said to her “You are hereby mekudeshes to me” or “you are hereby me'oreses to me”, or “you are hereby to me for a wife”, it is a valid kiddushin. However, if she gave money to him and said to him “I am hereby mekudeshes to you”, or “I am hereby me'oreses to you”, or “I am hereby to you for a wife”, it is not a valid kiddushin.
 - **Q: R' Pappa** asked, from the beginning of the Braisa it seems that the man is required to give the money and make the statement, but if the man gave the money and the woman made the statement it would be passul. However, the second part of the Braisa

suggests that it is passul only because she gave and made the statement. However, if he gave and she made the statement, it seems that it would be a valid kiddushin!? **A:** The first part of the Braisa is meant as stated, whereas the second part is not meant as stated, and therefore nothing should be inferred from the second part of the Braisa.

- **Q:** A Braisa wouldn't teach something that contradicts its earlier teaching!? **A:** The Braisa means to say that if he gave and made the statement it is clearly a kiddushin. However, if he gave and she made the statement, it is as if she gave and made the statement, and the kiddushin is passul. **A2:** The Braisa means to say that if he gave and made the statement it is clearly a kiddushin. If she gave and she made the statement it is clearly passul. However, if he gave and she made the statement, it is a safek and therefore D'Rabanan we have to be concerned that a kiddushin was created.
- **Shmuel** said, if a man gave money, or items worth money, to a woman, and said to her "You are hereby mekudeshes" or "you are hereby me'oreses", or "you are hereby a wife", it is a valid kiddushin. However, if he says "I am hereby your spouse", or "I am hereby your husband", or "I am hereby your arus", it is not even a question of being a kiddushin. The same is true for gittin. If he gives her a get and tells her "You are hereby sent away", or "You are hereby divorced", or "You are hereby mutar to any man", she is divorced. However, if he tells her "I am not your spouse", or "I am not your husband", or "I am not your arus", it is not even a question of being a divorce.
 - **Q: R' Pappa** asked **Abaye**, **Shmuel** says the kiddushin is valid even though he doesn't say "to me". Does this mean that he holds that yados statements that are unclear are valid statements? How can that be when we find that **Shmuel** explains a Mishna regarding nazir to mean that the yados statement must be clear!? **A: Shmuel** meant to say that the case was where the husband did say "to me".
 - **Q:** If so, what is **Shmuel's** chiddush!? **A:** His chiddush is regarding the second group of statements made by the man, that they do not create a valid kiddushin. The reason it is not valid is because regarding kiddushin the pasuk says "ki yikach", which means that his statement must show that he is taking a wife, and not that he is taking himself to her. And, regarding gittin the pasuk says "v'shilcha", which teaches that he must send her, and not that he should send himself away from her.