



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

Kiddushin Daf Nun

GEMARA

- A person sold his possessions with the intent to move to EY, but he never expressly stated his reason. In the end he couldn't make the move to EY. **Rava** said, these thoughts are "dvarim shebileiv" (thoughts that were not expressed), which are given no effect.
 - **Q:** How does **Rava** know this?
 - We can't say it is from a Braisa which says that we force someone to verbally agree to bring a korbon even though a korbon must be brought willingly, and we know that in his heart he doesn't want to bring the korbon, so we see that we don't give effect to what is said in his heart, because that case may be different, because we say that every person truly wants to get kaparah, and therefore really does want to bring the korbon.
 - We can't say it is from the next part of that Braisa, which says that we can also force someone to give a get or a get shichrur until he says that he agrees to give it, although we know that in his mind he is not willing to do so, because that case may be different, because we say that every person truly wants to do what the **Rabanan** tell him to do.
 - **A: R' Yosef** said, we learn it from a Mishna that says, that if a man gave kiddushin and later says, "I gave the kiddushin because I thought she was a Kohenes and it turned out that she was a Leviya", the kiddushin remains valid, because she in no way misled him. Now, he is stating what he had in his mind, and we don't give effect to it.
 - **Abaye** said, this is no proof, because it may be that the Tanna only paskens that way l'chumra, because he is unsure what the true halacha should be!? **Abaye** therefore said, the source for **Rava** is from our Mishna, which says that if the woman was misled, even if she says that she had in mind to agree to the kiddushin if she was misled, the kiddushin is still ineffective. We see from here that we give no effectiveness to what she says she had in her heart.
 - The Gemara says, this is not a valid source. It may be that in that case she is not believed, because she has to render the condition ineffective if she is to be believed, and to that extent, maybe we don't listen to what someone had in their heart. However, in another case, maybe we would listen to what a person says was in their heart!?
 - **A: R' Chiya bar Avin** said, **R' Huna** explained to **R' Chisda**, the source is a Mishna that says that if a person told a shaliach to get him coins from "the wallet on the window", and he took coins from hekdesch, the principle is chayuv me'ilah, even if he says that he had a different wallet in mind. We see that unexpressed intent is not given any affect.
 - **Q:** It may be that only in that case we don't believe him, because he is trying to make himself patur from bringing a korbon!? **A:** If he wanted to make himself patur, he could have said that he was a meizid instead of a shogeg, and he would be patur from bringing a korbon.
 - **Q:** He wouldn't say that, because he doesn't want to make himself seem to be a rasha!? **A:** He could have said that he remembered that the money belonged to hekdesch right before the shaliach took it, in which case a Mishna says that it is the shaliach who would be chayuv, and not the principle.

- There was a person who sold his possessions so that he could go to EY, and he expressed this intention. He moved there and realized that he could not live there. He moved back and wanted his possessions returned. **Rava** said, when someone sells his possessions “to go to EY”, he means he wants to live there. Since this person couldn’t live there, the sale is now void. **Others** say that **Rava** said, the person said he wanted to “go to EY”, and he did in fact go to EY. Therefore, he cannot void the sale at this point.
- There was a person who sold his possessions and said he was doing so, so that he could go to EY. At the end he did not go to EY. **R’ Ashi** said, if he wanted to he could have gone. He chose not to, and therefore the sale is not voided. Another version is that **R’ Ashi** said, if he wanted, couldn’t he have gone to EY? The difference between the versions is that according to the first version, even if he was an oneis the sale would not be voided, and according to the second version, an oneis would void the sale.

MISHNA

- If a man tells a shaliach, “Go be mekadesh that woman for me in this place”, and the shaliach was then mekadesh her in a different place, the kiddushin is not valid. If the man had told the shaliach “Go be mekadesh her for me, and you can find her in this place”, and the shaliach was mekadesh her somewhere else, she is mekudeshes.

GEMARA

- The Mishna regarding get says the same halachos. The Mishna says, if a man tells a shaliach, “give this get to my wife in a particular place” and he went and gave it to her somewhere else, it is passul. If the husband had told him “give this get to my wife, who can be found in this particular place”, and the shaliach then gave it to her in a different place, the get is valid. Both these Mishnayos are needed. If we would only have it regarding kiddushin, we would say only here is he particular regarding the place, because he wants it to take place in a place where people like him, so that they will say nice things about him to the woman. However, regarding get, maybe he doesn’t really care where the get is given. If we would only say the Mishna regarding get, we would say that he is particular there, because giving the get is an embarrassing thing, and he only wants to be embarrassed in that place. However, regarding kiddushin maybe he doesn’t care.

MISHNA

- If a man is mekadesh a woman on condition that she is not under any vows and it turns out that she is, she is not mekudeshes. If he was mekadesh her without any condition and it turns out that she is under vows, the kiddushin is effective, but she may be divorced without a kesubah payment.
- If a man is mekadesh a woman on condition that she does not have any mumin and it turns out that she has, she is not mekudeshes. If he was mekadesh her without any condition and it turns out that she has, the kiddushin is effective, but she may be divorced without a kesubah payment.
 - Any mum that would make a Kohen pasul would also make a woman “pasul” for purposes of the above scenario.

GEMARA

- This Mishna is written regarding kesubos as well. Here, the main point is regarding the effectiveness of the kiddushin, and once we teach that, we teach the law of the kesubah as well. In Mesechta Kesubos, the main point is regarding the kesubah, and once we teach that halacha, we teach the law of the kiddushin as well.

MISHNA

- If a man is mekadesh 2 women with one prutah (1/2 to each), or he is mekadesh one woman with less than a prutah, even if he then sends her gifts, she is not mekudeshes, because we assume that the gifts were sent based on the original kiddushin (which was invalid), and not to create a new kiddushin.
 - The same halacha would apply to a minor who was mekadesh a woman and then sent her gifts after becoming an adult.

GEMARA

- All 3 cases of the Mishna are necessary to be taught. If we would only give the first case, we would say in that case he mistakenly thinks that he gave a full prutah, and therefore he thinks the kiddushin was effective, and the presents he later sends are clearly not for a new kiddushin. However, in the second case, he knows the kiddushin is not valid, and therefore we should assume that when he gives the gifts it is given with intent to make a kiddushin. If we would only have these 2 cases, we would say in those cases, since a person doesn't realize the difference between a prutah and a drop less (in his mind he thinks it is worth a prutah) therefore the later gifts are not given as a new kiddushin. However, when a minor gives the kiddushin, he knows it is invalid, and therefore the gifts he later gives are surely given with intent for a new kiddushin. The Mishna therefore teaches that even there they are not thought of as being for a new kiddushin.
- We have learned that **R' Huna** said, we are concerned that gifts sent are sent with intent for a new kiddushin. **Rabbah** said this as well.
 - **Q: Rabbah** asked, our Mishna says the opposite!?! **A: Abaye** answered, in our Mishna it is because he gave her a previous kiddushin, and therefore he doesn't have in mind for another kiddushin. However, **R' Huna** was discussing a case where no previous kiddushin was given.
 - **Another** version says that **Rabbah** said, I have a proof to **R' Huna's** statement from the Mishna, because the Mishna says we don't consider it a kiddushin because he already gave her a kiddushin. This suggests, that in another case we would have to be concerned that the gifts create a kiddushin. **Abaye** said, this is no proof. The Mishna may be saying, that not only are the gifts not a kiddushin when they are given without a prior kiddushin (and there is no reason to think they were given for kiddushin), rather even in a case of a prior kiddushin, the gifts are still not considered to be a kiddushin.
 - **Q:** What is the end result? Are we concerned that a gift was sent as a kiddushin? **A: R' Pappa** said, in a place where people normally give a kiddushin and then send gifts, we must be concerned that the gifts were sent to act as a kiddushin. In a place where gifts are sent before a kiddushin is given, we need not be concerned that the gifts were sent as kiddushin.
 - **Q:** If people normally give kiddushin first it is obvious that the gifts must be viewed as a possible kiddushin!?! **A:** The case he is discussing is where most people give kiddushin first and then gifts, but some people first give gifts and then kiddushin. We would think to look at the minority and therefore say that the gifts are not a kiddushin. **R' Pappa** therefore teaches that we must follow what the majority of people do.
 - **Q: R' Acha bar R' Huna** asked **Rava**, what is the halacha if a kesubah is found in the marketplace, are we concerned that the woman named is mekudeshes to the man named? **A: Rava** said, just because we find the kesubah, do you think we will presume that she is now a married woman!?!
 - **Q:** How do we pasken? **A: R' Ashi** said, in a place where people first give kiddushin and then write a kesubah, we are concerned that she is mekudeshes. In a place where the kesubah is written before the kiddushin, we are not concerned that a kiddushin took place.
 - **Q:** It is obvious that in a place where kiddushin is given before a kesubah is written, we must be concerned for a kiddushin!?! **A:** The case is where a sofer was hard to find. We would think that maybe he found a sofer and therefore had the kesubah written even before he gave kiddushin. **R' Ashi** therefore teaches that we are still concerned that a kiddushin was given.

MISHNA

- If a man is mekadesh a woman and her daughter, or a woman and her sister, simultaneously, neither of them are mekudeshes.
 - It once happened that there were 5 women, of which 2 of them were sisters. A man gathered a basketful of figs – these figs belonged to the women, and were of shmitta – and the man said to the women, “All of you should be mekudeshes to me with this

basket". One of the women then accepted the basket on behalf of all of them. The **Chachomim** said, the sisters in the group are not mekudeshes (but the other women are).

GEMARA

- **Q:** How do we know that the mother and daughter, or the 2 sisters, who are given kiddushin simultaneously are not mekudeshes? **A: Rami bar Chama** said, the pasuk of "v'isha ehl achosa lo sikach litzror" teaches that at a time when sisters will become "tzaros" (co-wives) to each other (when they are given kiddushin simultaneously), kiddushin cannot be effective.
 - **Q: Rava** asked, the pasuk later says that this person will get kares. Now, if the kiddushin is not effective, why is he getting kares? **A: Rava** therefore said, the pasuk is discussing where they were given kiddushin one after the other, and teaches that the kiddushin to the second woman is not effective. The reason the kiddushin is not effective in the case of the Mishna is based on the statement of **Rabbah**, who says that anything that cannot take place consecutively, cannot take place simultaneously.