



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

### Kiddushin Daf Nun Aleph

- **Rabbah** said, anything that cannot take effect if done consecutively, will also not take effect if done simultaneously.
  - **Q: Abaye** asked, a Braisa says, if one separates more than a tenth of his produce as ma'aser, the leftover produce may be eaten but the full amount that he separated as ma'aser may not be eaten (because any amount over 10% that is separated does not have a din of ma'aser, and at the same time is not considered to be part of the leftover produce for which ma'aser was given, therefore it remains "tevel" and is forbidden to eat). Why is this the halacha? If a person separates 10% and then tries to separate additional produce as ma'aser, the additional amount will not receive the ma'aser designation. If so, according to **Rabbah**, since it cannot be done consecutively, it should not be able to be done simultaneously and the entire designation should be invalidated!? **A:** The case of ma'aser is different, because one may designate parts of individual fruits as ma'aser without designating the entire fruit. Therefore, when he designates more than 10%, we assume he meant that only parts of each fruit should become ma'aser, equaling to a total of 10% of the produce. A person cannot be mekadesh half a woman, and therefore this logic does not apply to our case of kiddushin.
  - **Q:** When one gives ma'aser from his animals he may not designate part of an animal, and yet **Rabbah** says that if 2 animals exit the pen at the same time (these 2 being the 10<sup>th</sup> and 11<sup>th</sup> of his count), and he calls them both "number 10", they both get kedusha. The 11<sup>th</sup> would not get kedusha simply by calling it "number 10" if it walked out after the 10<sup>th</sup> animal, so why does it get kedusha when it walks out together with the 10<sup>th</sup> animal?! **A:** Animal ma'aser is different, because there are times when number 11 does get kedusha (in a case when he mistakenly calls number 10 as 9, and then calls number 11 as 10). Therefore, when done simultaneously it will get kedusha as well.
  - **Q:** If one brings a korban todah which requires 40 challos to be brought, and he is "makdish" 80 challos, if it is done mistakenly, they do not become kadosh, and if it is done intentionally, but consecutively (first 40 then another 40) it is also not kadosh. Yet, if all 80 are done at once, **Chizkiya** says that 40 out of the 80 do become kadosh!? **A:** Even Chizkiya says that if he clearly states "I want all 80 to be kadosh", none of them will become kadosh. That case is discussing where he brings the 80 without saying anything. Chizkiya feel that we assume he is bringing 80 only so that he has 40 as a backup in case something happens to the first 40. That is why the kedusha is effective on 40 out of the 80.
- **Q:** Why did **Rava** have to say that the reason that our Mishna says that kiddushin given to sisters simultaneously is not effective is based on the principle of **Rabbah**? Why didn't he say that this kiddushin could not lead to a possible bi'ah (because he doesn't know which sister is truly his wife) and we have a rule that a kiddushin that can't lead to a bi'ah is not effective at all!? **A:** He could have answered that, but he was giving an answer according to **Rami bar Chama**, who used the pasuk of "isha ehl achosa". He was saying that if the reason is based on that pasuk, we have to come onto the principle of **Rabbah**.
  - We have learned, regarding a kiddushin that cannot lead to a permissible bi'ah, **Abaye** says it is a valid kiddushin, and **Rava** says it is not a valid kiddushin. **Rava** said that **Bar Ahina** explained, this is based on the pasuk of "ki yikach ish isha ubi'alah".
  - **Q:** Our Mishna said, if one is mekadesh a mother and daughter, or two sisters, simultaneously the kiddushin is not valid. This suggests that if he gives kiddushin to one of either of the pairs (i.e. one of the sisters) without specifying to which sister he is

giving the kiddushin for, the kiddushin would be valid. Now, since he doesn't know which sister is his wife, he couldn't have bi'ah with either sister. Therefore, this is a kiddushin that can't lead to a bi'ah, and should therefore be invalid!? **A: Rava** said, look at the end of the Mishna, where the Mishna gave the story of the person who gave a basket of figs to be mekadesh 5 women, among whom were 2 sisters, and the Mishna says that the sisters are not mekudeshes, but the other women are. We see that the kiddushin is invalid regarding the sisters, because it cannot lead to a possible bi'ah!

- **Q:** Based on this, the beginning of the Mishna is problematic according to **Rava** and the end of the Mishna is problematic according to **Abaye**? **A: Abaye** answers the Mishna as follows. The Mishna says that giving kiddushin to 2 sisters simultaneously is invalid, however, giving to one of them without specifying for which one, will lead to a valid kiddushin. If he says "let any of you with whom I am permitted to have bi'ah become mekudeshes to me", then neither of them is mekudeshes (because neither is mutar for bi'ah, and that is now a condition of the kiddushin). The Mishna then says, it once happened where a man gave a basket of figs to 5 women and said "any of you with whom I can have bi'ah should be mekudeshes to me", and the **Chachomim** said that the sisters among the group do not become mekudeshes. **Rava** answers the Mishna as follows. The Mishna says, if a person gives kiddushin to one of 2 sisters, without specifying which one, it is treated as if he gives kiddushin to the 2 sisters simultaneously, and neither is mekudeshes. And there is a story that shows this, where a man gave a basket of figs to 5 women and said, "let all of you and one of the two sisters be mekudeshes to me", and the **Chachomim** said that the sisters are not mekudeshes.
- **Q:** A Mishna says, if a man accepts kiddushin for one of his daughters, without specifying for which one, the adult daughters are not included in the daughters that are possibly mekudeshes. This suggests that the minor daughters are all possibly mekudeshes. Now, this is a kiddushin that can't lead to a bi'ah, and yet we see that it is valid, and refutes **Rava**!? **A: Rava** will say, the case is where there was only one adult daughter and one minor daughter.
  - **Q:** The Mishna said "adult daughters" – in the plural!? **A:** It is referring to all cases of adult daughters, not to the plural in this specific case.
  - **Q:** If there is only one minor daughter, what is the chiddush of the Mishna? **A:** The case is that the adult daughter made her father a shaliach to accept kiddushin for her. We would think that maybe he therefore accepted the kiddushin for her. The Mishna teaches that he will first accept kiddushin for his minor daughter, because he keeps that kiddushin money.
    - **Q:** Maybe the case is that the adult daughter told him to keep the money from her kiddushin as well!? **A:** The Mishna teaches, that a person will rather do a mitzvah that is incumbent on him (to marry off his minor daughter) rather than a mitzvah that is not incumbent on him (for his adult daughter to get married).
- **Q:** A Mishna says, if a man has 2 daughters from one wife, and then has 2 daughters from another wife, and he says "I was mekadesh my older daughter, but I do not know if it was the older of the older set, the older of the younger set, or the younger of the older set who is older than both of the younger set, **R' Meir** says all the daughters become assur to marry (since they may already be mekudeshes) except for the youngest of the younger set. Now, we see from here that the kiddushin is valid even though it cannot lead to a bi'ah!? **A:** The case is that at the time of the kiddushin it was known which daughter was becoming mekudeshes. After that there was confusion. Therefore, the kiddushin was one that could lead to a bi'ah, and that is why it was valid. We can prove this from the Mishna, because the Mishna says that the father said "I do not know", and the Mishna does not say that "it was not known".
  - **Q:** If so, what is the chiddush of the Mishna? **A:** The chiddush is to exclude the view of **R' Yose** who says that they are all mutar except for the oldest of the older set, because a person would not say anything with ambiguity that can lead to a safek, so her surely meant the oldest of the older set.

- **Q:** A Mishna says, if one gave kiddushin to one of 2 sisters, but does not remember to which one, he must give a get to both of them. We see that a kiddushin is valid even when it can't lead to a bi'ah!? **A:** Here too, the case is that it was known at the time of the kiddushin to which of the sisters he was giving the kiddushin, and it later became confused. Here too we can prove it from the Mishna which says "and he did not know", and doesn't say "and it was not known".
  - **Q:** If so, what is the chiddush? **A:** The chiddush is the next part of the Mishna which says, if he dies without children and has only one brother, he must give chalitza to each woman. If he has 2 brothers, one must do chalitza and the other can then do yibum to the other sister. If both brothers went and did yibum (each to a different sister), we do not make them get divorced. The chiddush is that it is only if first chalitza is given and then the yibum is done that it is permitted. However, the reverse would be assur, because he is possibly marrying the sister of his yevama.
- **Q:** That Mishna then says, if two men gave kiddushin to 2 sisters (each man to one of the sisters), but they don't remember to which one they gave the kiddushin to, each of the men must give a divorce to each of the women. We see that a kiddushin is valid even when it can't lead to a bi'ah!? **A:** Here too, the case is that it was known at the time of the kiddushin to which of the sisters he was giving the kiddushin, and it later became confused. Here too we can prove it from the Mishna which says "and he did not know", and doesn't say "and it was not known".
  - **Q:** If so, what is the chiddush? **A:** The chiddush is the next part of the Mishna which says, if they both died and each one had one brother, each brother must give chalitza to each of the sisters. If one man had one brother and the other had 2 brothers, the lone brother must give chalitza to each woman, and the 2 brothers should have one give chalitza to one sister and the other brother may even do yibum to the other sister. If the two brothers each did yibum to a different sister, we don't make them get divorced. The chiddush is that it is only if the lone brother first gives chalitza and then one of brothers of the other man does yibum that it is permitted. However, the reverse would be assur, because he is possibly marrying a yevama who still has a zika to a yavam.
- **Q:** Tavyumei taught a Braisa, if a man with five sons said to a man with 5 daughters "let one of your 5 daughters become mekudeshes to one of my sons", each daughter will need a get from each of the sons. We see that the kiddushin is valid even though it cannot lead to a bi'ah!? You can't say that it was known at the time the kiddushin was given and was later confused, because the Braisa says "one of your daughters to one of my sons"! **A:** This is a **TEYUFTA** of Rava.
  - The Halacha follows **Abaye** in the cases of "Y'A'L K'G'M".