



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

Kiddushin Daf Nun Tes

PEREK HA'OMER -- PEREK SHLISHI

MISHNA

- If a man tells his friend "go and be mekadesh a certain woman for me", and the friend then went and was mekadesh this woman for himself, she is mekudeshes to the second man (i.e. the friend that actually gave the kiddushin).
- Similarly, if a man gives kiddushin to a woman and says "you should be mekudeshes to me after 30 days", and another man came along during the 30 days and gave her kiddushin, she is mekudeshes to this second man, so much so that if he is a Kohen she may now eat terumah.
- If the man gave kiddushin and said to the woman "you should be mekudeshes to me from now and after 30 days", and another man came along during those 30 days and gave her kiddushin, it is a safek which man she is mekudeshes to. Therefore, whether she is a Yisraelis and one of the men are a Kohen, or if she is a Kohenes and one of the men are a Yisrael, she may not eat terumah.

GEMARA

- A Braisa says, in the first case of our Mishna, what the second man did is effective (the woman is mekudeshes to him), however he is considered to have acted deceitfully. The Gemara says, that when our Mishna says "and the friend then *went*", is also meant to imply that he went deceitfully.
 - **Q:** Why does our Mishna give the case of where the man sent his "friend", and the earlier Mishna (which discusses the person who sent a shaliach to be mekadesh a woman for him in a particular place and the shaliach was mekadesh her in another place, in which case the kiddushin is invalid) gives the case of where the man sent a "shaliach"? **A:** Each Mishna is teaching a chiddush with use of its particular term. If our Mishna would use the term shaliach, we would think that it is only a proper shaliach who is considered deceitful if he is mekadesh the woman for himself, because the man was relying on the shaliach to get this done for him. However, since he doesn't rely on his friend in that way (he asked him to take care of it as a favor, not as a proper shaliach), maybe if a friend did this, he wouldn't be labeled as deceitful. If the other Mishna would use the term "friend", we would say it is only when a friend is sent that if he is mekadesh her in a different place than instructed, the kiddushin is invalid, because the man doesn't think the friend will go looking for her in another place, and therefore doesn't invest in the friend the power to be mekadesh her in another place. However, with a proper shaliach, we would say that the man named a place, showing him one possible way of getting the shlichus done, but in fact, he invests the shaliach with the power to give the kiddushin in any place.
 - **R' Amram** went to be mekadesh a woman for his son, but ultimately was mekadesh the woman for himself.
 - **Q:** How could he have done that when the Braisa said that doing so is deceitful!? **A:** They family would not give this girl to **R' Amram's** son for a wife, so he therefore decided to marry her himself.
 - **Q:** He should have told his son of this situation before marrying her himself!? **A:** He was afraid that if he would take the time to do so, someone else would have come and married this woman.
 - **Rabbah bar bar Chana** gave money to **Rav** to buy a certain piece of land for him. **Rav** went and bought this land for himself.

- **Q:** How could he have done that when the Braisa said that doing so is deceitful!? **A:** The landowners in that area were strong people and they would never have allowed **Rabbah bar bar Chana** to buy that piece of land. Therefore, **Rav** bought it for himself (they had respect for **Rav** and allowed him to buy it).
- **Q:** He should have told **Rabbah bar bar Chana** of this situation before buying it for himself!? **A:** He was afraid that if he would take the time to do so, someone else would have come and bought the land in the meantime.
- **R' Gidal** was negotiating to buy a piece of land. In the meantime, **R' Abba** went and bought the land. **R' Gidal** complained to **R' Zeira**, who then went and relayed to **R' Yitzchak Nafcha**, as to what had taken place. **R' Yitzchak Nafcha** waited until he met **R' Abba** and asked him "if a poor person is trying to get a cookie and someone else comes and grabs it away, what would you say about this person?" **R' Abba** said, that person is a rasha. He then asked **R' Abba**, so why did you buy that piece of land? He said, I did not know that **R' Gidal** was negotiating on it. **R' Yitzchak Nafcha** said, so then go and sell it to him now. **R' Abba** said, I don't want to sell it to him, because it is the first piece of land I ever owned, and it is not a good siman to sell one's first piece of land. However, I am willing to give it to him as a gift. Ultimately, **R' Gidal** did not do anything with that land, because he wouldn't accept a gift (based on the pasuk of "sonei matanos yichyeh"), and **R' Abba** did not do anything with that land, because **R' Gidal** had been negotiating on it. The land became known as the "Land of the Rabanan".

V'CHEIN HA'OMER L'ISHA HISKADSHI LI...

- **Q:** If a second man did not give her kiddushin during these 30 days, what is the halacha? **A:** **Rav and Shmuel** both said, she is mekudeshes, even if the money that he gave her at the start of the 30 days is no longer around at the end of the 30 days. This is because the money was initially given to her for kiddushin, not for a loan (in which case he would be giving kiddushin with a loan) and not to be guarded by her (in which case it could be used for kiddushin only if a prutah remains at the time of the kiddushin).
- **Q:** What if no one else gave her kiddushin during the 30 days, but she decided that she no longer wants to marry this man? **A:** **R' Yochanan** said, she may decide that during the 30 days and she will not be mekudeshes. **Reish Lakish** said, that she cannot retract her earlier acceptance, because words cannot now come and cancel earlier words.
 - **Q:** **R' Yochanan** asked **Reish Lakish**, a Mishna says, if a man appointed a shaliach to separate terumah for him, he can cancel that appointment if the shaliach has not yet separated terumah. We see that words can cancel previously spoken words!? **A:** **Reish Lakish** said, the giving of the kiddushin money to the woman was an act, and therefore, later words cannot come and cancel an earlier act.
 - **Q:** A Mishna says, if a man gives a get to a shaliach and instructs that he deliver it to his wife, and he then chases down the shaliach and tells him that the get is void, it becomes void and even if it is given to the woman at that point, she will not be divorced. Now, giving the get to the shaliach is an action, and we see that the husband's later words can cancel the earlier action!? **A:** Until the giving of the get to the woman, it is considered as words. Therefore, his later words can cancel his earlier words.
 - **Q:** **Reish Lakish** asked **R' Yochanan**, a Mishna says, if a craftsman decided that he is done with the making of a keili (he no longer needs to work on it to finish it), it becomes fit to become tamei. However, to remove the tumah and the ability to become tamei, he will have to actually begin to work on the keili again, and the thought to do so is not sufficient. We see from here that an act can cancel a previous act and a previous thought, but a thought alone cannot cancel a previous act!? **A:** **R' Yochanan** said, the concept of tumah is different, because the thought that makes it fit to become tamei is given the status of an act.
 - **R' Zvid** said that the machlokes between **R' Yochanan and Reish Lakish** was said on a different Mishna. The Mishna says, if a woman appoints a shaliach to accept kiddushin for her from a particular man, and she then goes and accepts kiddushin on her own from a different man, the halacha is that if she accepted her own kiddushin before the shaliach accepted for her, then her kiddushin is effective and the other is not. If the shaliach accepted first, that kiddushin is effective and the one she accepted on her own is not. The question was then asked, what if she didn't accept kiddushin on her own, but

instead said that she no longer gives the shaliach the power to accept kiddushin for her? What is the halacha? **R' Yochanan** said she can retract the authorization – her new words can cancel her original words, and **Reish Lakish** says that she cannot do so – her new words cannot cancel her old words.

- **Q: R' Yochanan** asked **Reish Lakish**, a Mishna says, if a man appointed a shaliach to separate terumah for him, he can cancel that appointment if the shaliach has not yet separated terumah. We see that words can cancel previously spoken words!? **A: Rava** said, the case in this Mishna is that the man went and separated terumah on his own before the shaliach did so, and it is therefore an act, not just words, that is removing the authorization of the shaliach, and that is why it is effective.
- **Q: Reish Lakish** asked **R' Yochanan**, a Mishna says, if a craftsman decided that he is done with the making of a keili (he no longer needs to work on it to finish it), it becomes fit to become tamei. However, to remove the tumah and the ability to become tamei, he will have to actually begin to work on the keili again, and the thought to do so is not sufficient. We see from here that an act can cancel a previous act and a previous thought, but a thought alone cannot cancel a previous act, but according to you a thought should at least be able to cancel another thought!? **A: R' Yochanan** said, the concept of tumah is different, because the thought that makes it fit to become tamei is given the status of an act.
- **Q: A Mishna** says, if a man gives a get to a shaliach and instructs that he deliver it to his wife, and he then chases down the shaliach and tells him that the get is void, it becomes void. We see that his later words are able to cancel his earlier words!? This is a **TEYUFTA** of **Reish Lakish**, and we therefore pasken like **R' Yochanan**.
- The Gemara says we even pasken like **R' Yochanan** according to the first version of the machlokes, where the woman accepted the kiddushin and she therefore did an act, still we say that her later words can cancel her earlier words of acceptance.
- **Q: We** say that we pasken like **R' Yochanan**, however we pasken like **R' Nachman** who says that when the husband cancels the power of the shaliach to give the get, he may use that get if he later decides he wants to use it, which means that he cannot cancel the authority of the sofer and of witnesses who wrote the get!? **A: The husband** words were only intended to cancel the authority of the shaliach, and they accomplish that.

MEKUDESHES LASHEINI

- **Rav** said, the kiddushin of the second man is effective forever. **Shmuel** said, the kiddushin of the second man is effective until Day 30. At that time it is removed and the kiddushin of the first man is finalized and becomes effective.
 - **Q: R' Chisda** asked, with what was the second man's kiddushin removed!? **A: R' Yosef** said, you have learned this machlokes as referring to the earlier part of the Mishna, and that is why you have this question. **R' Yehuda** taught this machlokes on the later part of the Mishna and therefore doesn't have this problem. He taught it on the part of the Mishna that says "if he gave her kiddushin and told her it should be effective from now and after 30 days...", **Rav** says the woman become safek mekudeshes forever, and **Shmuel** says she is only safek mekudeshes during the 30 days. After the 30 days, the second man's kiddushin is removed and the first kiddushin becomes fully effective.
 - **Rav** is unsure whether when the man adds "and after 30 days" it is a condition or a retraction, and therefore he treats both kiddushin as a safek. **Shmuel** is certain that it is a condition, and therefore the first man's kiddushin is fully effective on Day 30.
 - Based on this, we can say that they argue in the same machlokes among Tanna'im in a Braisa. The Braisa says, if a man gives a get to his wife and says "this is your get from today and after my death", the **Chachomim** say it is a safek get, and **Rebbi** says in a case like this it is a get. The machlokes seems to be that the **Chachomim**, like **Rav**, are unsure whether "and after my death" is a

condition or a retraction, whereas **Rebbi** feels it is certainly a condition, and therefore holds the get is effective.

- **Q:** If this is true, why didn't **Rav** simply say that the halacha follows the **Chachomim**, and **Shmuel** say that the halacha follows **Rebbi**? **A: Rav** had to also say his view regarding kiddushin, because if he would have only agreed with the **Chachomim** regarding gittin, we would say that only regarding gittin, where a man finds it hard to divorce his wife, does **Rav** say that it may be considered a retraction. However, with regard to kiddushin, maybe he is certain that such language is a condition. Also, if **Shmuel** would only have agreed with **Rebbi**, we would say that in that case, since there is no such thing as a get after death, it must be that we say his statement was a condition. However, with regard to a kiddushin, maybe we are unsure if the statement was a condition or a retraction. Therefore, they must both state their views in a case of kiddushin as well.