



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

Kiddushin Daf Samach

- The Gemara had taught the machlokes in a case where a man gave kiddushin and said it should take effect from now and after 30 days, and a second man came and gave kiddushin during those 30 days, in which case **Rav** said she is safek mekudeshes to both the men, because he is unsure whether the “and after 30 days” was a condition or a retraction, and **Shmuel** said she is certainly mekudeshes to the first one after the 30 days, because “and after 30 days” is certainly a condition, and not a retraction.
 - **Abaye** said, according to **Rav**, if one man gives her kiddushin and says it should take effect from now and after 30 days, and a second man then gives her kiddushin and says it should take effect from now and after 20 days, and a third man then gives her kiddushin and says it should take effect from now and after 10 days, she would only need a get from the first man and the last man, because if we look at the statement as a condition, she is only married to the first man, and if we look at it as a retraction, she is only married to the last man. Therefore, she is certainly not married to the second man.
 - **Q:** This seems to be obvious!? **A:** We would have thought that we must be concerned that each man meant the statement differently (maybe one meant it as a condition and another as a retraction). He therefore teaches, that we assume that all the men meant it in the same way.
 - **Ulla** and **R' Assi** each said that in **Abaye's** case **R' Yochanan** would say that every man's kiddushin will take effect, and she would need a get from each one of them.
 - **R' Mesharshiya the son of R' Ami** said to **R' Assi**, the reason of **R' Yochanan** is that the each person does his kiddushin in a way that he leaves a place for another man's kiddushin to take effect
 - **Q: R' Chanina** asked, a Mishna says, if a man gives a get and tells his wife “this is your get from today and after my death”, it is a safek get. Therefore, if he were then to die without children, his brother would have to give this woman chalitza, and could not do yibum. Now, **Rav's** view is supported by this Mishna. Even **Shmuel** could say that his earlier statement was following **Rebbi**, and this Mishna is following the **Rabanan**. However, according to **R' Yochanan**, since such language means that the man left over something, if so the get in this Mishna is not a get at all (a get that leaves over something is not a get), and therefore the brother should even be able to do yibum!? **A: Rava** said, **R' Yochanan** will hold that the get is effective to an extent in terminating the marriage, and the death of the husband then completes the termination. That is why she is somewhat of a divorcee and somewhat of a widow. That is why yibum cannot be done with her.
 - **Q: Abaye** asked, we can't say that the get and death both work towards the same goal, and combine to terminate the marriage, because a get would remove her from the reshus of the yavam, whereas the death would bring her into the reshus of the yavam. Therefore, they are very different and can't say to combine to reach the same goal. If so, the question is back on **R' Yochanan**!? **A: Abaye** said, in truth, D'Oraisa yibum can be done to the woman in the Mishna. It is only D'Rabanan that it can't be done, as a gezeirah for the case when the man says “here is your get from today if I die”, in which case the get is valid, and yibum therefore cannot be done. So as not to confuse with that case, the **Rabanan** were goizer that in the case of the Mishna yibum may also not be done.

- **Q:** If so, we should say that “from today if I die” should need chalitza so that people not confuse the case of “here is your get from today and after my death” and will come not to give chalitza in that case either!?
A: The **Rabanan** were concerned that if we tell people to give chalitza in the case, they may also come to do yibum as well (and doing yibum in that case is assur D’ORaisa, because she was a divorcee and not a widow).
- **Q:** If so, in the case of “from today and after my death”, if we have them do chlitza, it may lead to them doing yibum!? **A:** If they do yibum it would not bother us, because D’Oraisa yibum can be done.

MISHNA

- If a man tells a woman “you are mekudeshes to me (with this prutah) on the condition that I give you 200 zuz”, she is mekudeshes to him and he must then give her the 200 zuz.
 - If he said “on condition that I give it to you from now until 30 days”, if he gives it to her within 30 days she is mekudeshes, if not she is not mekudeshes.
- If he says “on condition that I have 200 zuz”, then she is mekudeshes to him if he has this money.
 - If he said “on condition that I show you 200 zuz”, she is mekudeshes as long as he shows her this money. However, if he was a moneychanger, and he showed her this amount of money on the table (the money did not belong to him), she is not mekudeshes.

GEMARA

- We have learned regarding the first case of the Mishna, that **R’ Huna** says he should give her the money, and when he does the kiddushin is effective retroactively to the time of the kiddushin, and **R’ Yehuda** says the kiddushin becomes effective when the money is given, and not retroactively. The reasons are that **R’ Huna** views this as a condition, so once the condition is fulfilled the kiddushin is effective retroactively, and **R’ Yehuda** says we view it as the kiddushin is to take place when the money is given. The difference between these shitos would be if she accepted kiddushin from another man before the 200 zuz was paid – **R’ Huna** would say this second kiddushin is not effective, and **R’ Yehuda** would say that it is.
 - We find that they argue regarding gittin in this way as well, where a man gives a get on condition that the woman give him 200 zuz. There is the same machlokes between **R’ Huna and R’ Yehuda** in that case, and for the same reasons. There, the difference between the shitos would be if the get was destroyed before the money was given – according to **R’ Huna** once the money is given the get is still effective, and according to **R’ Yehuda** it would not be effective.
 - We need to have the machlokes in both cases. If we would only have the machlokes regarding kiddushin, we would say that **R’ Huna** says it takes effect retroactively over there, because the point of kiddushin is to bring her close, and he therefore intends for it to take effect at that time. However, regarding a get, it may be that he agrees with **R’ Yehuda** that it does not take effect until the money is given. If we would only have the machlokes regarding get, we would say that there **R’ Huna** says that it takes effect retroactively, because he is not embarrassed to press her for collection of the money. However, when he gives her kiddushin she will be embarrassed to do so, and therefore maybe **R’ Huna** would agree with **R’ Yehuda** and say that it does not take effect until the money is actually given. These same 2 reasons would apply to **R’ Yehuda** in the reverse. That is why we need the machlokes taught to us in both cases.
 - **Q:** A Braisa says that if a man tells his wife “this is your get on condition that you give me 200 zuz” and the get is then lost, she is still divorced but may not marry someone else until she gives the money. This refutes **R’ Yehuda**!? Even more, a Braisa says, if a man tells his wife “this is your get on condition that you give me 200 zuz” and he then died childless, if she gave him the money before he died, she is not bound to the yavam, if she did not, she is bound. **R’ Shimon ben Gamliel** said, even after he died she can still give the money to the husband’s father, brother or relative. Now, the machlokes is only whether the husband meant that the condition can be fulfilled through giving the money to his inheritors or not. However, all seem to agree that the get takes effect

retroactively and this therefore refutes **R' Yehuda!**? **A: R' Yehuda** will answer, these Braisos follow the view of **Rebbi**, who was quoted by **R' Huna** to say that whenever someone says that there should be a condition he means for it to take effect immediately. However, the **Rabanan** argue with **Rebbi**, and **R' Yehuda** will hold like the **Rabanan**.

- **R' Zeira** said that he repeated this quote of **R' Huna in the name of Rebbi** and it was accepted in Bavel. However, in EY he was told by **R' Assi in the name of R' Yochanan** that **Rebbi and the Rabanan** agree that by a condition a person means for it to take effect immediately. The machlokes is only when a husband gives a get and says it should take effect "from today and after my death". In fact, we have a Braisa that says that they argue in specifically that case.
 - **Q:** According to **R' Yehuda**, why do they argue in that case in the Braisa? They should argue in the case of a regular condition!? **A:** They argue in that case to show that **Rebbi** holds that even in that case it takes effect immediately. We want to show the extent of **Rebbi's** shita, because he is issuing the permissive ruling.

AHL MENAS SHE'ETEIN LACH MIKAN...

- **Q:** It is obvious that the kiddushin will only take effect if she fulfills the condition, so what is the Mishna teaching? **A:** We would think that the husband doesn't mean to make the timeline into an absolute condition, but instead means to push himself to give the money quickly. The Mishna teaches that the timeline is an absolute demand and condition.

AHL MENAS SHEYEISH LI MASAYIM ZUZ...

- **Q:** Even if we don't know for sure that he has the money, we should be concerned that he does, and the woman should not be allowed to marry another man!? Even a Braisa says that we must be concerned for this!? **A:** Our Mishna means that we don't have a definite kiddushin here, and the Braisa means that we are concerned for a safek kiddushin.

AHL MENAS SHE'AR'EICH MASAYIM ZUZ...

- A Braisa explains, the woman only has in mind that she wants to see this money that belongs to him. Seeing it belonging to other people is therefore nothing.

V'IHM HER'AH LAH AHL HASHULCHAN EINA MEKUDESHES

- **Q:** This seems obvious!? **A:** The chiddush is, even if he gets a share of the profits generated by this money, it is not called his money, and the kiddushin will therefore not take effect.

MISHNA

- If a man gives kiddushin "on condition that I have a beis kor of land", she is mekudeshes as long as he has that amount of land.
 - If he says "on condition that I have a beis kor of land in such-and-such a place", she is mekudeshes only if he has that amount of land in that place.
- If he says "on condition that I show you a beis kor of land", she is mekudeshes as long as he shows her this land. However, if he shows her land that does not belong to him, she is not mekudeshes.

GEMARA

- **Q:** Even if we don't know for sure that he has the land, we should be concerned that he does, and the woman should not be allowed to marry another man!? Even a Braisa says that we must be concerned for this!? **A:** Our Mishna means that we don't have a definite kiddushin here, and the Braisa means that we are concerned for a safek kiddushin.
- **Q:** Why do we need a Mishna to teach the same concept regarding money and regarding land? **A:** People generally hide their money, and maybe that is why in that case we must be concerned that he has the money. However, regarding land, we would say that if he owned the land we would know about it. Therefore we are taught that even regarding land we must be concerned that he owns the land.

AHL MENAS SHEYEISH LI B'MAKOM PLONI IHM YEISH LO...

- **Q:** This seems to be obvious!? **A:** We would think that even if has land someplace else, he could tell her, what do you care where the land is? I will get the produce and deliver it to you! The Mishna therefore teaches that even so, the kiddushin is not valid.

AHL MENAS SHE'AR'EICH BEIS KOR AFAR

- A Braisa explains, the woman only has in mind that she wants to see this land that belongs to him. Seeing it belonging to other people is therefore nothing.

V'IHM HER'AH B'BIKAH EINAH MEKUDESSES

- **Q:** This seems obvious!? **A:** The chiddush is, even if he gets a share of the profits generated by this land, it is not called his land, and the kiddushin will therefore not take effect.