



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

Kiddushin Daf Samach Gimme!

- **Abaye** said, **R' Eliezer ben Yaakov, Rebbi, and R' Meir** all hold that a person can make a kinyan on something that is not yet present in the world.
 - **R' Eliezer ben Yaakov** – in the Braisa quoted previously, that terumah can be designated for produce that has not yet even grown to 1/3 of its size.
 - **Rebbi** – his view in a Braisa is explained to refer to a case where a person gave a shtar shichrur to a slave (which he didn't own) and said it should take effect when he is purchased.
 - **R' Meir** – he says in a Braisa that if kiddushin is given and stated that it should take effect after he becomes a ger, or after she becomes a ger, or other things that have not yet taken place, **R' Meir** says the kiddushin is valid.
 - **Q:** Why doesn't he also list **R' Akiva**, who says in a Mishna that a neder can be effective on handiwork that was not yet done!? **A:** We have learned that **R' Huna the son of R' Yehoshua** said, the case was where the woman made a neder that her hands should become hekdes, and since her hands are presently in the world, the neder is effective.

MISHNA

- If a man tells a woman “you are mekudeshes to me on the condition that I speak on your behalf to the king” or “that I will work for you for a day like a laborer”, she is mekudeshes as long as he speaks on her behalf, or works for her for a day.

GEMARA

- **Reish Lakish** says, even if he does those things for her, she is only mekudeshes if he also gave her a prutah at the time of the kiddushin.
 - **Q:** Would the performance of services not be valid for kiddushin? A Braisa clearly says that performance of future services can create a valid kiddushin!? A second Braisa says this as well!? In both cases the Braisos say that the kiddushin is for the services, which suggests that no prutah was given!? This seems to refute **Reish Lakish**!? **A: Reish Lakish** would say that the Tanna of those Braisos hold that wages are not earned until the completion of a service, and therefore the performance of the service can be used for kiddushin. The Tanna of our Mishna holds that wages are earned for every small bit of the service as it is done. The wages then become a debt to the service provider. That is why he holds that this can't be used for kiddushin, because one cannot use a debt for kiddushin, and that is why the Mishna must be discussing where a prutah was given as well.
 - **Q:** Why does **Reish Lakish** have to say our Mishna holds the view that wages are earned every step of the service and therefore has to say that our Mishna discusses where a prutah was given as well? Why couldn't he just say that the Mishna holds like the Braisos? **A: Rava** explained, this is based on the Mishna using the words “ahl menas”. If no prutah was given, he should have said “you are mekudeshes with this service”. Since he says “ahl menas”, it must mean that there is another prutah that is being given.

MISHNA

- If a man says “become mekudeshes to me on condition that my father agrees to this kiddushin”, then if the father wants she is mekudeshes, and if not, she is not.
 - If the father died, she is mekudeshes.
 - If the man himself died, we tell the father to say that he does not agree (so that the woman will not be subject to yibum).

GEMARA

- **Q:** What is meant when he says “on condition that my father agrees”? It can’t mean that the father must say yes, because the Mishna says that if the father died without saying anything, the kiddushin is effective! It can’t mean that the father must at least remain quiet, because in the case when the man himself died we tell the father to say that he doesn’t agree. If quiet is enough to make the kiddushin effective, the fact that the father was quiet until the death should mean that the kiddushin was already effective!?! Rather, we will say that this means that the father must not protest the kiddushin. However, that also can’t be, because that would mean that in each case of the Mishna the consent that the father must give has a different meaning!?
A: R’ Yanai said, we must understand each case of the Mishna as understanding “consent” in a different way. **Reish Lakish** learns from this answer that it is preferable to force an explanation and say that the Mishna is discussing 2 different cases than to say that the cases of the Mishna are the views of different Tannaim. **A2: R’ Yosef bar Ami** said, the entire Mishna refers to the same case, where the condition was that the father will not protest to the kiddushin within the next 30 days.

MISHNA

- If a father says “I accepted kiddushin for my daughter, but I don’t remember who I accepted the kiddushin from”, and man comes and says “I am the one who gave you the kiddushin”, he is believed. However, if one man comes and says “I am the one who gave the kiddushin” and another man comes and says “I am the one who gave the kiddushin”, they both must give her a get in order for her to remarry. If they want, one can give her a get and the other can then marry her.

GEMARA

- **Rav** said, when the Mishna says the man is believed, it means he is believed to give her a get, because we have a general rule that a person would not do an aveirah if he does not stand to benefit, but he is not believed to the point that he may then enter into nisuin, because we say that his Yetzer Harah is making him say that so that he can be with this woman. **R’ Assi** said, the man is even believed to marry her. However, **R’ Assi** agrees that if a woman herself accepted kiddushin and doesn’t remember from who, and a man comes and says that it is he who gave the kiddushin, he would not be believed to marry her (a person has more fear of lying to the father than to the woman).
 - **Q:** The end of the Mishna said, if the two men want, one can give her a get and the other can marry her. This refutes **Rav**!? **A:** Since there is a second man in that case, the person would be afraid to lie to the father, because he may come to remember that it was the other man who is not lying. Therefore, if he still wants to marry her, we assume that he is the true husband and the one giving the get is the liar.
 - There is a Braisa that supports **R’ Assi**. The Braisa says, if a man says he accepted kiddushin for his daughter but does not remember from who, and a man claims that he is the husband, he is even believed to marry her. If he then married her and another man comes along and says he was the one who had given the kiddushin, this second man is not then believed to make the couple assur to each other. However, if the woman herself accepted kiddushin and does not remember from who, and a man then claims that he is the one, he is not believed to marry her, because he may just know that he can charm her into covering for him.
- **Q:** To what extent do we believe a father to say that he accepted kiddushin for his daughter? Would we give skila to a man who is mezaneh with her at that point? **A: Rav** said we would not give him skila, because we only believe the father with regard to issur, not misah, and **R’ Assi** said that we would, because we believe the father with regard to all aspects. **R’ Assi** would agree that if the woman says she accepted kiddushin, we would not give a man skilah if he was mezaneh with her at that point. **R’ Assi** said, although my rulings seems unexplainable, because if in a place where he is believed to marry her, we say that he could be put to death, then in a place where he is not believed to marry her, for sure he should be put to death. Still, the reason he is put to death in the case of the father and not in the case of the woman is that the Torah believes the father and not the woman herself. **R’ Chisda** said, in both cases the man would not

be put to death. This is consistent with what he says elsewhere, that a father is believed to say that his son is already 9 years old, or that his daughter is already 3 years old with respect to a korbbon obligation, but not with respect to malkus or misah.

- We find a Braisa that says like **R' Chisda** says.