



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

### Kiddushin Daf Samach Hey

#### MISHNA

- If a man tells a woman "I gave you kiddushin" and she says "you never gave me kiddushin", he becomes assur to marry her relatives and she remains mutar to marry his relatives.
  - If she tells him "you gave me kiddushin" and he tells her "I never gave you kiddushin", she becomes assur to marry his relatives and he remains mutar to marry her relatives.
  - If he tells her "I gave you kiddushin" and she says "you gave kiddushin to my daughter, not me", he becomes assur in the mother's relatives and she remains mutar in his relatives. He remains mutar in the relatives of the daughter and the daughter remains mutar to his relatives.
  - If he says "I gave kiddushin to your daughter" and the mother says "you gave kiddushin to me, not my daughter", he becomes assur to marry the relatives of the daughter, and the daughter remains mutar to marry his relatives. He remains mutar to marry the relatives of the mother, and the mother becomes assur to marry his relatives.

#### GEMARA

##### HA'OMER L'ISHA KIDASHTICH...

- All the different cases are necessary. If we would only say the case where the man makes the claim, we would say in that case we don't believe him, because a man doesn't care if he becomes assur to the woman's relatives, and will lie. However, when the woman makes the claim, since she would not want to make herself assur to his relatives, maybe we must be more concerned that she is saying the truth. The Mishna therefore teaches that even in that case it is only she who becomes assur, and we don't believe her statement beyond that.

##### KIDASHTICH V'HEE OMERES...

- **Q:** What does this case teach? **A:** We would think that a father is believed D'Oraisa to say that his daughter was married, and maybe a mother is therefore believed to say so D'Rabanan. The Mishna therefore teaches that she is not believed to say this even D'Rabanan.

##### KIDASHTI ES BITEICH...

- **Q:** Why is this cases needed? **A:** Since the Tanna taught the previous case, he taught this version as well.
- We have learned, **Rav** says we force the man to give a get and **Shmuel** says we ask him to give a get.
  - **Q:** On which case is this machlokes said? It can't be the first case, because she denies ever getting married in that case and would therefore not need a get at all!? If it is the second case of the Mishna, since the man denies getting married, we can ask him to give a get, but how can he be *forced* to give a get and thereby make himself assur to her relatives? **A:** Rather, we must say that **Rav and Shmuel** were not arguing. Their statements were said in conjunction with one another. **Shmuel** says we ask him to give a get, and **Rav** then adds, that if the man gives a get without even being asked to do so, we *force* him to pay her kesubah.
- **R' Yehuda** says, if one gives kiddushin in front of only one witness, we are not at all concerned that a kiddushin has taken place.
  - They asked **R' Yehuda**, what if the man and the woman admit that a kiddushin was given and that the single witness is therefore telling the truth? Would it be a valid kiddushin? Sometimes he answered that it would be valid, other times he answered that it would not be valid, and the matter was not very clear to him.

- We learned that **R' Nachman in the name of Shmuel** said, that if one gives kiddushin in front of a single witness, and the man and woman admit to the kiddushin, the kiddushin is still not valid.
  - **Q: Rava** asked **R' Nachman**, in the first case of our Mishna what are the circumstances? If there were 2 witnesses, why would she be mutar to his relatives? If there were no witnesses, why would he be assur to her relatives? It must be that there was only one witness, and since the man admits to the kiddushin he becomes assur to her relatives!? **A:** The case is that the man says he gave kiddushin in front of 2 witnesses who have traveled away are cannot be found.
  - **Q:** A Mishna says, if a man divorces his wife and then spends the night with her in a hotel, **B" S** say she does not need a second get, and **B" H** say that another get is required. Now, what is the case? If there are witnesses to a new kiddushin, what would be the reason of **B" S**? If there were no witnesses, what would be the reason of **B" H**? We must say that there was a single witness and the man and woman then admitted to the kiddushin, and we see that it is a valid kiddushin!? **A:** The Mishna then says that if the divorce was from eirusin and not nissuin, all would agree that a second get would not be needed (we are not concerned that a new kiddushin took place from a bi'ah that they had), because they are not comfortable with each other. Now, if one witness is believed, why should it make a difference that the divorce was from the eirusin!? Rather, the case is that there are witnesses to their seclusion, but not witnesses to an actual bi'ah. **B" H** say that we say the witnesses to the seclusion are considered witnesses to a bi'ah as well, and **B" S** say that we do not say that. **B" H** also hold, that if the divorce is from eirusin, since they are not comfortable with each other, in that case we will *not* say that the witnesses to seclusion are considered to be witnesses to a bi'ah as well.
  - The Gemara lists Amoraim who say in the name of **Rav**, and possibly in the name of **Rebbi**, that if one gives kiddushin in front of a single witness, and the man and woman admit to the kiddushin, the kiddushin is still not valid.
  - **Q: R' Achdivoi bar Ami** asked, a Braisa says, if two men come from overseas with a woman and a package, and each man claims that the woman is his wife, the other man is his slave, and the package belongs to him, and the woman claims that both men are her slaves and that the package belongs to her, she needs a get from each man and she collects her kesubah from the value in the package. Now, if each man has 2 witnesses, how can the woman claim that the men are her servants? Rather, it must be talking about where there was a single witness, and we see that the woman needs a get, which shows that the kiddushin *is* valid!? **A:** If each man had a single witness for his claim, the witnesses would not be believed, because a single witness that is contradicted is not believed!? Rather, we must say that she does not need any get to allow her to marry another man. The Mishna is teaching that if she wants to collect a kesubah from these men, she needs a get from each of them, and she can then collect her kesubah from the package (because she has a kesubah claim against each of them and therefore can certainly take from the package for that claim), and the Mishna follows **R' Meir**, who says that moveable items are encumbered to a kesubah liability.
  - **Q:** How do we pasken on this issue? **A: R' Kahana** says the kiddushin is not valid, and **R' Pappa** says it is valid.
    - **Q: R' Ashi** asked **R' Kahana**, you hold the way you do because you hold that we learn a gezeira shava from monetary obligations (on the word "davar") that 2 witnesses are needed. If so, just as by monetary cases, if a person admits to something, he becomes obligated to it, even if there are no witnesses, the same should be regarding kiddushin!? **A:** He answered, in monetary cases, he becomes liable to pay and does not negatively affect anybody else. In the case of the kiddushin, his admission does negatively affect other people (whoever becomes an

ervah is now assur to marry) and therefore we cannot accept the admission.

- **Mar Zutra and R' Ada Saba** were both the sons of **R' Mari bar Issur**. When they divided their father's estate they did so without witnesses present. They then asked **R' Ashi**, are witnesses required so that people not renege on a deal, and since we will not renege we don't need witnesses, or is the transaction not considered valid at all unless there are witnesses? **R' Ashi** answered, witnesses were created only to combat liars.