



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

### Kiddushin Daf Samach Ches

- The Gemara asked how we know that kiddushin is not effective when given to one of the arayos and gave one answer. **R' Acha bar Yaakov** now offers a second answer. He says we learn this from a kal v'chomer from yevama. If kiddushin is not effective when given to a yevama who is awaiting yibum or chalitza, and that would only be assur with a lav, then when something is assur with kares surely kiddushin will not be effective.
  - **Q:** If kiddushin is not effective by a yevama, then we should learn from it to other cases of issur lavim, and kiddushin should not be effective there either!? **A: R' Pappa** said, the pasuk says "ki sihiyena l'ish shte nashim ha'achas ahuva v'ha'achas senu'ah", where the "senuah" refers to a woman whose marriage to this man is "hated" by Hashem, which refers to a case where the marriage is assur with a lav, and yet the pasuk says "ki sihiyena", meaning that kiddushin will be effective. We learn that kiddushin is effective by a case of an issur lav, and yevama is the exception to that rule.
    - **Q:** According to **R' Akiva**, who says that kiddushin is not effective by cases of issur lav, how does he understand this pasuk? **A:** He would say the pasuk refers to the case of a widow who marries a Kohen Gadol, regarding which **R' Simai** said that even **R' Akiva** would agree that kiddushin is effective, based on a drasha of the pasuk.
    - **Q:** According to one understanding of **R' Yesheivav**, he says that **R' Akiva** holds that even a marriage assur with an assei will make kiddushin ineffective. According to that, how would **R' Akiva** darshen the pasuk of "ki sihiyena..."? **A:** He would say that the pasuk refers to the case of a be'ulah who married a Kohen Gadol, where kiddushin would be effective even though the marriage would be assur with an assei.
      - **Q:** Why is this assei different than all other asseis? **A:** This assei is weaker in the sense that it only applies to a Kohen. Therefore it will not prevent kiddushin from being effective.
  - **Q:** According to the **Rabanan**, instead of saying that the pasuk of "ki sihiyena" teaches to make kiddushin effective for a marriage assur with a lav, why don't they say that the pasuk teaches regarding a marriage assur with an assei, and in the case of a lav they can say that kiddushin will not be effective? **A:** They would say that the pasuk must be referring to 2 wives of the same nationality. They can't both be Mitzrim and therefore assur with an assei, because the pasuk says that "one was beloved and one was hated", and if they are both Mitzrim they are both "hated"! It also can't be talking about a widow who married a Kohen Gadol, because the pasuk says "ki sihiyena l'ish", and not "ki sihiyena l'Kohen"! Therefore, the pasuk must be talking about a marriage that is assur with a lav.
    - **Q:** If so, how does **R' Akiva** say that the pasuk is talking about the case of a marriage assur with an assei? **A:** He says that the pasuk can't be referring to a lav, which we learn from yevama that kiddushin will not be effective. Therefore, it must be referring to an assei, even though the pasuk is then somewhat difficult to understand.

V'CHOL MI SHE'EIN LAH ALAV...

- **Q:** How do we know that a non-Jewish maidservant cannot have kiddushin? **A: R' Huna** said, we darshen the pasuk of "shivu lachem poh ihm hachamor" to teach that goyim are a nation compared to a donkey, which would mean that no kiddushin is effective with them.

- **Q:** How do we know that her child will take on her status? **A:** The pasuk says “ha’isha viladeha tihyeh ladoneha” – the children are considered to be her children and get the status of slaves even though their father is a Yid.
- **Q:** How do we know that a non-Jewish woman cannot have kiddushin? **A:** The pasuk regarding goyim says “lo sischatein bam”.
  - **Q:** How do we know that her child will take on her status? **A: R’ Yochanan in the name of R’ Shimon ben Yochai** said, the pasuk refers to the grandson of a person whose daughter married a goy as “your son”. We darshen that only a child from a Jewish mother is called “your son”, but a grandchild whose mother is not Jewish (the Yid’s son married a non-Jew) is not called “your son” (and is a goy).
  - **Q:** The pasuk of “lo sischatein bam” is written in regard to the 7 nation of Eretz Knaan. How do we know that kiddushin is not effective with all other goyim? **A:** The pasuk of “ki yasir es bincha” comes to include all goyim, and teaches that kiddushin is not effective for them.
    - **Q:** This makes sense according to **R’ Shimon**, who darshens the reasons behind the pesukim, so every goy is included because every goy may turn their Jewish spouse and children away from Hashem. However, according to the **Rabanan**, how do they know that kiddushin is ineffective? **A:** The pasuk regarding “yefas to’ar” says that after 30 days he can give her kiddushin. This suggests that for a regular goy, kiddushin will be ineffective.
    - **Q:** How do we know that the children take on the status of the non-Jewish mother who is not from the 7 nations of Eretz Knaan? **A:** The pasuk says “ki sihiyena l’ish...v’yaldu lo” – when there is kiddushin (ki sihiyena) the children are considered to be his (v’yaldu lo). If not, the children are not “his”.
      - **Q:** Why can’t we use this pasuk to teach us the status of the children of the maidservant as well? **A:** We could. The pasuk of “ha’isha viladeha tihyeh ladoneha” is used by a Braisa to teach that if a man frees his maidservant and says that her future children should remain slaves, the children are free men as well. This is based on this pasuk which teaches that when she is a slave her children belong to her master. However, when she is not a slave, her children do not belong to her master.