



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

Kiddushin Daf Ayin Tes

MISHNA

- If a man instructed a shaliach to find a husband for, and accept kiddushin for, his daughter, and the father himself then went and accepted kiddushin for his daughter, if the father accepted kiddushin before the shaliach did, the father's kiddushin is effective, and if the shaliach accepted first, then it is the shaliach's kiddushin that is effective. If it is not known whose was first, she must receive a get from each of the men who gave kiddushin (if she wants to marry a different man). If they want, one of them can give a get and the other can then marry her.
- Similarly, if a woman instructed a shaliach to find a husband, and accept kiddushin, on her behalf, and the woman herself then went and accepted kiddushin, if she accepted kiddushin before the shaliach did, her kiddushin is effective, and if the shaliach accepted first, then it is the shaliach's kiddushin that is effective. If it is not known whose was first, she must receive a get from each of the men who gave kiddushin (if she wants to marry a different man). If they want, one of them can give a get and the other can then marry her.

GEMARA

- Both cases of the Mishna are needed. If we would only say the first case, we would think that in that case when the father accepts kiddushin on his own, he means for it to take away the authority of the shaliach, because men know how to search for yichus, and he feels he found a match with good yichus. However, a woman does not feel competent to deal with matters of yichus, and therefore, when she accepts kiddushin on her own she is accepting it conditionally, in case the shaliach doesn't find a match for her. If we would only have the second case, we would think that a woman is more careful to check out who she is marrying, and therefore in that case her acceptance is meant to be mevatel the authority of the shaliach. However, when the father accepts kiddushin, he only does so conditionally, in case the shaliach does not find a suitable match.
- We have learned, if a father accepted kiddushin for his daughter when he was on the road, and the daughter accepted kiddushin on her own behalf in the city later that day, and when we check her we find that she is a bogeres, **Rav** says she is now known to be a bogeres and we therefore assume she was a bogeres the entire day, and her father's kiddushin is therefore invalid, and **Shmuel** says we must be concerned that she was not a bogeres at the time that her father accepted the kiddushin, and therefore we must be concerned for both kiddushin.
 - **Q:** What is the case of this machlokes? If it was within the 6 months after she became a naarah at 12 years old, how could **Rav** assume that she was a bogeres in the morning as well (since most girls do not become a bogeres until 12 and one half years old)? If it was after the 6 months, **Shmuel** would not be concerned for the kiddushin of the father, because he says that a girl becomes a bogeres at 12 years and six months!?! **A:** The case is on the last day of the 6 months. **Rav** says, since we see that she is now a bogeres based on simanim, we assume that she was a bogeres all day (since this is the day that she is destined to become a bogeres anyway). **Shmuel** says, since she didn't bring simanim until later in the day, we cannot assume that she was a bogeres earlier in the day.
 - **Q:** A Mishna says, if a mikvah is found to be passul, everything that went to that mikvah from the last time it was checked, is considered to be tamei. We see that we assume that the way it was found is the way it has been. If so, why does **Shmuel** say that she is not assumed to be a bogeres? **A:** The case of mikvah is different, because the tamei item has a chezkas tumah.

- **Q:** Why don't we instead say that we follow the chazakah of the mikvah, which was at one time measured and found to have the required amount of water!? **A:** Right now we measured it and it is missing water, so we can't follow that chazakah.
 - **Q:** If so, we should say the same thing with the girl – right now she is a bogeres and therefore we should treat her as being so earlier as well!? **A:** We say that she first became a bogeres now, when she was checked.
 - **Q:** Why don't we say that regarding the mikvah as well? **A:** The mikvah has 2 problems which tell us to treat the items as tamei – the items have a chezkas tumah, and the mikvah is currently not valid. The father's kiddushin has only one issue – the girl was now found to be a bogeres. Therefore, we must still be concerned for the father's kiddushin.
 - **Q:** A Braisa says, if one used a barrel of wine for terumah and then finds this barrel to have become vinegar (which can't be used as terumah for wine), for 3 days it is considered as certain, but beyond that it is considered as a safek whether it was wine or vinegar. **R' Chanina** from Surya explained that this follows **R' Shimon**, and the **Rabanan** hold that the barrel is considered to have certainly been vinegar all along (just like the case of mikvah, which is thought to be missing water all along). If so, why does **Shmuel** say that she is not assumed to be a bogeres? **A:** This case is different, because the produce for which the terumah was separated for has a chazakah that it is tevel.
 - **Q:** Why don't we instead say that we follow the chazakah of the barrel, which was at one time checked and found to have been wine!? **A:** Right now we found it to be vinegar, so we can't follow that chazakah.
 - **Q:** If so, we should say the same thing with the girl – right now she is a bogeres and therefore we should treat her as being so earlier as well!? **A:** We say that she first became a bogeres now, when she was checked.
 - **Q:** Why don't we say that regarding the barrel as well? **A:** The case of the barrel has 2 problems which tell us to treat the items as tevel – the items have a chezkas tevel, and the barrel is currently vinegar. The father's kiddushin has only one issue – the girl was now found to be a bogeres. Therefore, we must still be concerned for the father's kiddushin.
- **Q:** Maybe we can say that the machlokes between **Rav and Shmuel** is a machlokes among Tannaim. A Braisa discusses the case of a person who gave away all his possessions (if a deathly ill person does this and then gets better the gifts become void, but if a healthy man gifted this the gifts are effective) and it was unknown whether he was ill or healthy at the time of the gift, **R' Yaakov** says he keeps his possessions and the recipients must bring proof to show he was healthy at the time, if they want to get the possessions. **R' Nosson** says if he is now healthy, he has to bring proof that he was ill at the time of the gift. If he is now ill, they have to bring proof that he was healthy at the time of the gift. Maybe we can say that **Rav** holds like **R' Nosson** and the **Shmuel** holds like **R' Yaakov**? **A:** **Rav** would say that he could even hold like **R' Yaakov**. He would say that **R' Yaakov** holds like that there only because he says that we keep the money by the person who has the chazakah on the money, but with regard to the girl, since it is the last day of the 6th month, we can't say that there is a chazakah that she is not a bogeres. Also, **Shmuel** would say that he could even hold like **R' Nosson**. He would say that **R' Nosson** holds like that because we say that all people have a chazakah that they are healthy until proven otherwise. However, in the case of the girl, she could very well have been a naarah in the morning and a bogeres in the afternoon.
- **Q:** Maybe we can say that the machlokes between **Rav and Shmuel** is a machlokes among Tannaim. Regarding the case of where a father accepted kiddushin for her in the morning on the road and she accepted kiddushin for herself later in the day in the city, and she was then found to be a bogeres, one Braisa says since she is now a bogeres we

are not concerned for her father's kiddushin, and another Braisa says we must be concerned for both of the kiddushin. Presumably we can say that one Braisa follows **Rav** and the other follows **Shmuel**? **A:** We can say that both Braisos follow **Shmuel**. The first Braisa is discussing where she says that she already saw that she was a bogeres in the morning, and the second Braisa is discussing where she doesn't say that.

- **Q:** Maybe we should say that **Rav and Shmuel** don't argue, and instead **Rav** is referring to a case where she says she saw that she was a bogeres in the morning and **Shmuel** is referring to where doesn't say this? **A:** This can't be, because we find that **Shmuel** was upset at **R' Yosef the son of R' Menashya** of Dvil, who paskened like **Rav**.
- **Mar Zutra** told **R' Ashi** that **Ameimar** paskened like **Shmuel**. However, **R' Ashi** paskened like **Rav**. The Gemara says that we pasken like **Rav**.

MISHNA

- If a man went overseas with his wife and returned some time later with his wife and children and says "this is the wife that I married before I went overseas, and these are her children", he does not have to bring proof about the wife or the children regarding their yichus (the wife was checked before he married her, and the children will be explained in the Gemara).
 - If he returns with children and says "my wife died overseas and these are her children", he has to bring proof regarding the yichus of the children, but not regarding the yichus of the wife.
 - If he returns with a different wife and says "I married this woman overseas and these are her children", he has to bring proof regarding the yichus of the woman, but not for the yichus of the children.
 - If he returns and says "I married a woman overseas, but she died, and these are her children", he must bring proof about the wife and about the children.

GEMARA

- **Rabbah bar R' Huna** said, all the cases of the Mishna are discussing a case where the children tag along with the mother (and we can therefore assume that they are her children).
- A Braisa says, if a man comes and says "I married a woman overseas, and this is her and these are her children", he has to bring proof of the yichus of the woman, but not of the children. He must bring proof for the yichus of the grown children (who don't tag along with the mother) but not of the young children. This is all true when he claims to have only had one wife. However, if he says that he had two wives and one died and he claims that the children that he brings belong to the wife that is still alive, he would have to bring proof of yichus for the woman and for all the children, even for the young ones that tag along with her (because we are concerned that they tag along with her only because she raised them, but that they in fact may be from the wife who has passed away).