



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

### Kiddushin Daf Tes

- A Braisa says, how is kiddushin done with a shtar? The husband writes on a piece of paper or piece or broken pottery, even if they are worth less than a prutah, "Your daughter is mekudeshes to me" or "your daughter is me'oreses to me", or "your daughter is to me for a wife", and the girl becomes mekudeshes.
  - **Q: R' Zeira bar Mamal** asked, this is different than a document of sale, because a document of sale is written by the seller, and the shtar kiddushin is written by the "buyer"!? **A: Rava** said, the reason for the difference is based on the pasuk written in regard to each of them. Regarding a sale the pasuk says "umachar mei'achuzaso", making the seller responsible to write the document. Regarding kiddushin the pasuk says "ki yikach", making the husband responsible to write the shtar.
    - **Q:** Regarding a sale the pasuk says "sados bakesef yiknu", which seems to give responsibility to the buyer!? **A:** The word should be read "yaknu", which again speaks from the perspective of the seller.
      - **Q:** If so, maybe we should also understand the pasuk by kiddushin as saying "ki yakach", which would speak from the perspective of the father of the girl!? **A: Rava** said, the halachos of who should write these documents are based on a Halacha L'Moshe MiSinai, and the pesukim were only used as support. **A2:** A pasuk regarding the purchase says "v'ekach", referring to the buyer taking the document from the seller, and that is why in commercial transactions the seller must write.
  - **Rava in the name of R' Nachman** said, if the husband writes on a piece of paper or piece or broken pottery, even if they are worth less than a prutah, "Your daughter is mekudeshes to me" or "your daughter is me'oreses to me", or "your daughter is to me for a wife", whether the shtar is then given to the father of the girl or to the girl herself, if it is done with the consent of the father she becomes mekudeshes. This is the process for a girl who is not yet a bogeres. For a girl who has already become a bogeres, if the husband writes on a piece of paper or piece or broken pottery, even if they are worth less than a prutah, "You are mekudeshes to me" or "you are me'oreses to me", or "you are to me for a wife", whether the shtar is then given to the father of the girl or to the girl herself, if it is done with the consent of the girl, she becomes mekudeshes.
- **Reish Lakish** asked, what is the halacha if a shtar kiddushin is not written lishma? Do we say that we compare the kiddushin document to the divorce document, and just as a get must be written lishma, the same is true for kiddushin, or do we say that we compare the different forms of kiddushin to each other, and just as kiddushin money need not be minted lishma, the same is true for the writing of the document? **Reish Lakish** then answered, we learn the concept of shtar for kiddushin from the hekesh of "v'yatz'ah v'huysa", and therefore we compare it to a get and lishma is necessary.
  - If a shtar kiddushin was written lishma but without the knowledge of the woman, **Rava and Ravina** say it is valid, and **R' Pappa and R' Shravva** say it is not valid. **R' Pappa** said, I will explain their reason and my reason. They base their view on the hekesh of kiddushin to gittin, and just as a get must be written lishma but need not be written with her knowledge, the same is for kiddushin. I also base my view on the hekesh, but I say that just as by gittin the get must be written with the knowledge of the one who is giving (i.e. the husband), so too kiddushin must be written with the knowledge of the "giver" (which in this case is the woman).

- **Q:** A Braisa says, we may not write a shtar eirusin or nissuin without the consent of the man and the woman!? **A:** That refers to a document of agreement as to finances for the marriage. It does not refer to a shtar kiddushin.

#### U'BIBI'AH

- **R' Avahu in the name of R' Yochanan** said, this is learned from the pasuk of "be'ulas baal". This teaches that a bi'ah creates the relationship of a husband.
  - **Q: R' Zeira or Reish Lakish** asked, what is wrong with the source taught by **Rebbi** (previously), that kiddushin of bi'ah is learned from the pasuk of "ubi'alah"? **A:** From that pasuk (since it is written right after "ki yikach ish") we would think that he needs to give money and then have bi'ah, and each alone could not create a kiddushin.
    - **Q: R' Abba bar Mamal** asked, if that would be true, how would it be possible to have a "naarah hame'urasa" who is a besulah, and for whom the punishment of zenus with her is skilah instead of the usual chenek? If she is an arusah, then according to your logic she would have to have had bi'ah and by definition can't be a besulah!? **A:** The **Rabanan** said to **Abaye**, the case can be where the husband had bi'ah with her in an unnatural way, and although that makes a kiddushin, it still leaves her as a besulah.
      - **Q: Abaye** said, we have learned in a Braisa that there is a machlokes when a person is mezaneh with a woman in an unnatural way, whether that makes her to be considered a "be'ulah" or not. However, all would agree that if a husband had bi'ah with her in an unnatural way that she would surely become a be'ulah!? **A: R' Nachman bar Yitzchak** said, the case can be where she got kiddushin with a shtar, which would be able to create a kiddushin fully on its own, just as it can terminate a marriage fully on its own.
  - **Q:** What does **R' Yochanan** do with the word "u'bi'alah"? **A:** He uses it to teach that a bi'ah works for kiddushin, but not to be koneh an amah ivriya. We would think to learn from yevama with a kal v'chomer that if the yevama, who cannot be acquired with money can be acquired with bi'ah, then an amah ivriya, who can be acquired with money can surely be acquired with bi'ah.
    - **Q:** We would not learn such a kal v'chomer, because a yevama is different since she is already bound to the yavam!? **A:** The pasuk regarding amah ivriya says "ihm acheres yikach lo", thereby comparing the amah ivriya to his other wives, and we would therefore think that just like the other wives, she too can be acquired with bi'ah. The pasuk of ubi'alah therefore teaches that this is not so.
    - **Q:** How will **Rebbi** learn that an amah ivriya cannot be acquired with bi'ah? **A:** The pasuk uses the word "ubi'alah" instead of simply saying "uba'al" and is available for another drasha.
      - **Q: Rava** said that Bar Ahina taught him a different drasha using the word ubi'alah, to teach that a kiddushin is only valid if it can lead to a bi'ah. According to **Rava**, how will he learn the two drashos that **Rebbi** learned from that word? **A:** The pasuk could have said "oy bi'alah" and instead says "ubi'alah", and therefore all 3 drashos can be learned from it.
  - **Q:** What does **Rebbi** learn from the pasuk of "be'ulas baal"? **A:** He uses it to teach that only a husband's unnatural bi'ah makes a woman into a be'ulah, but such a bi'ah from any other man will not.
    - **Q: Rebbi** says in a Braisa that if 10 men are mezaneh with a naarah hame'urasa in an unnatural way, only the first one will get skila and the rest will get chenek. This shows that he holds that the first act of zenus does make her into a be'ulah even though it is being done in an unnatural way by a person other than her husband!? **A:** He still holds that the other 9 people would have to pay the penalty if they were mezaneh in this way with an unmarried girl. He learns this out from the pasuk. Regarding killing, he says that the pasuk says "umeis ha'ish...levado" and teaches that only one man is to die with skila in the above case. The **Rabanan** who argue with **Rebbi** and say that all 10 men will get skila

say that the word levado teaches that the man is put to death even if the woman is a minor, who would not be put to death.

- **Q:** How does **R' Yochanan** learn the halacha that only a husband's unnatural bi'ah makes a woman into a be'ulah, but such a bi'ah from any other man will not? **A:** The pasuk could have said "be'ulas ish" and instead says "be'ulas baal". Therefore, we can learn this drasha as well.