



## Daf In Review – Weekly Chazarah

### Maseches Gittin, Daf פד – Daf ז

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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CHASMU EIDIM B'ROSH HADAF...

- **Q: Rav** would sign documents on the side!? **A:** That was done when the roof of the signature faced the text of the document. The Mishna is discussing where it faces away from the document.
  - **Q:** The Mishna said, if two gittin are written on one paper, each starting from the middle and heading to opposite ends of the page, and the witnesses are signed in between, both gittin are passul. According to what we just said, the get which has the roof of the signatures facing it should be valid!? **A:** The case is that the signatures were signed perpendicular to the texts of the gittin, therefore the roof of the signatures faces neither get.
    - **Q:** The Mishna then gave the case where two gittin are written one below the other on the same paper, and the witnesses signed in between them. The Mishna said, in that case the get with which the signatures are read (the upper get) is valid. If, as we just said, the Mishna is discussing where the signatures were perpendicular, the signatures cannot be read with either get, and both should be passul!? **A: Rav** never signed on the side of a document as a witness. He would sign on the side when he was signing a hazmanah for the Beis Din.

GET SHEKASVU IVRIS...

- **R' Yirmiya** explained, this means that if the sofer wrote and signed and another witness signed, the get is valid. **R' Chisda** said, this Mishna must follow **R' Yose** (who says that words cannot be transferred to a shaliach, and the husband must have directly asked the sofer to write and sign the get, because if he asked others who may then appoint the sofer, they will ultimately allow the sofer to sign so as not to embarrass him, and since the husband never asked him to sign, the get would be passul. Therefore, to prevent this from happening, the **Rabanan** would have to institute that a sofer may not be a signor on a get. Since that was not instituted, it must be that we are not concerned for this situation, because a sofer cannot write the get without being specifically told by the husband to do so).
  - It once happened that **R' Avahu** was going to validate a kesubah based on his recognizing the handwriting of the sofer and the signature of one witness. **R' Yirmiya** told him, the Mishna only allowed relying on the signature of the sofer along with another witness, not based simply on the handwriting in the text alone.

KASAV CHANICHASO VACHANICHASA KASHER

- A Braisa says, with regard to gittin, a person may use the name of his ancestor which has become sort of the family's last name, until 10 generations have passed. **R' Shimon ben Elazar** says, it is only valid for up to 3 generations. We find that **R' Chanina** holds like **R' Shimon ben Elazar** as well. **R' Huna** said, this view is learned from the pasuk of "ki solid banim uvnei vanim v'noshantem" (after the 3<sup>rd</sup> generation it becomes "old").
  - **R' Yehoshua ben Levi** learns from a pasuk (and **R' Ami** learns this from the pasuk just mentioned) that EY was not destroyed until there were 7 kings that worshipped avodah zara.
  - **Q: R' Kahana and R' Assi** asked **Rav**, the pasuk says that King Hoshea ben Eilah was wicked, but not as wicked as some other kings. If so, why was EY destroyed in his lifetime? **A: Rav** said, it was because the Yidden did not go and be oleh regel in his time, even though he had removed the barriers that would prevent them from doing so.
  - **R' Chisda in the name of Mar Ukva** said that **Mereimar** darshened, the pasuk teaches that Hashem acted righteous by hastening the Churban. The reason for this is that by the time the final Yidden were sent to galus, the earlier **Rabanan** were still alive in galus (having been sent into galus years before) and were there to teach and establish Torah. **Ulla** learns from a pasuk that going into galus 2 years early saved the Yidden from being totally destroyed for their aveiros.

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## MISHNA

- If a husband was forced by a Beis Din into giving a get, it is valid. If he was forced by a non-Jewish court, it is passul. However, the non-Jewish court can beat him and tell him “Do as the Jewish courts told you to do!”, and it would then be valid.

## GEMARA

- **R’ Nachman in the name of Shmuel** said, if a husband was forced to give a get by Beis Din, then if it was done according to halacha, the get is valid. If not, it will be passul, but would still make the woman passul to marry a Kohen. If he was forced by a non-Jewish court, if it was done according to halacha the get is passul but would still make the woman passul to marry a Kohen, and if it was not done according to halacha, then there is not even a slight effect of a get.
  - **Q:** If goyim may force a Yid to give a get, then the get should be valid, and if they can’t it should not make her passul to a Kohen!? **A: R’ Mesharshiya** said, D’Oraisa when a goy forces a Yid to give the get it is effective. The **Rabanan** said it is passul so that women not be encouraged to go to goyim to force their husbands to give a get.
    - **Q:** If so, why in the case where it was done not according to halacha is there not even a slight effect of a get? It should be no different than when a Yid did it in this way, and the woman should therefore become passul to marry a Kohen!? **A: R’ Mesharshiya’s** statement is mistaken (and when a goy forces a Yid, the get is never valid). However, if we don’t make her passul when a goy forces her according to halacha, then people may think that the get is not valid even when a Yid forces him. When a goy forces not according to halacha, there is no concern that people will mistaken that for the case of a Yid forcing as well.
  - **Abaye** saw that **R’ Yosef** forced someone to give a get. He asked **R’ Yosef**, we have learned in a Braisa that judges that are not ordained may not do so!? **R’ Yosef** said, we are the shluchim of the ordained judges in EY, and as such may force the writing of the get.
    - **Q:** Why isn’t this said for other matters in which ordained judges are required? **A:** We only say this for matters that are more common, like that of get, and not for less common cases.

## MISHNA

- If there was a rumor in the city that a certain woman was mekudeshes, she is treated as being mekudeshes (and may not marry any other man). If there was a rumor that the wife of a Kohen was divorced, she is treated as such and may not remain with her husband. These rumors are only followed when there is no plausible way to explain them.
  - What is meant by a plausible explanation? If the rumor was that the get was given on a condition, it may be that the condition was not fulfilled, and she is therefore not divorced. Or, if there was a rumor that the kiddushin was thrown in a way that it was a safek whether it was closer to her or to him, she would not be considered as being mekudeshes.

## GEMARA

- **Q:** Would we really make this woman assur to her husband based on a rumor? **R’ Ashi** has said that we don’t follow a rumor that comes about after a marriage!? **A:** The Mishna should be understood as follows. If a woman is rumored to be mekudeshes, she is treated as such. If she is rumored to have been mekudeshes and to have then gotten divorced, she is considered divorced and may marry any man, because the rumor that makes her assur has the follow up rumor that makes her mutar.
- **Rava** said, if a rumor went out about a woman that she was mezaneh with a goy or slave (which would make her passul to marry a Kohen), we do not listen to this rumor, because we assume that people saw her acting improperly, but not actually being mezaneh.
  - It is actually a machlokes Tanna’im whether a rumor is enough to assume that a woman was mezaneh.

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- If there was a rumor that a woman (who was known as a besulah) was a be'ulah, we do not pay heed to it. If the rumor said that a single woman was married with nisuin, we do not pay heed to it. If the rumor said that a single woman was married with eirusin, we do not pay heed to it. If the rumor said she became mekudeshes today (in which case the rumor is typically believed, as in the Mishna), but it didn't state who the husband is, the rumor is disregarded. If the rumor said she became mekudeshes today, but in another city, the rumor is disregarded. If the rumor said that a woman is a mamzeres, we disregard it. If it said she is a slave, we disregard it. If a rumor said that a person gave all his possessions to hekdesch, or that he made all his possessions hefker, we disregard the rumor.
- **Ulla** said, when the Mishna says that we believe the rumor that a woman got married, it means there is more than simple gossip. Rather, it must be that they saw a room lit up and prepared for a kiddushin party, and people were seen going in and out and said that this woman had accepted kiddushin.
  - **Levi** taught a Braisa that says very similar to this as well, that when we say that we believe the rumor that a woman got married, it means there is more than simple gossip. Rather, it must be that they saw a room lit up and prepared for a kiddushin party, and women sitting there and rejoicing with the woman and saying that this woman had accepted kiddushin.
  - **Rabbah bar bar Chana in the name of R' Yochanan** said, that when we say that we believe the rumor that a woman got married, it means there is more than simple gossip. Rather, it must be that they saw a room lit up and prepared for a kiddushin party, and people are going in and out. If the people say that she accepted kiddushin, that is a rumor we believe. If they say nothing, that is a rebuttal for the rumor.
    - **Q:** If they said nothing at all there is no rumor that even needs rebuttal!? **A: R' Yochanan** is teaching that a rebuttal to a rumor must take place immediately. This is contrary to **Rabbah bar R' Huna**, who says that it can take place many days later as well.
  - **R' Abba in the name of R' Huna in the name of Rav** said, a rumor is believed when the source of the rumor can be traced back (by asking the one saying the rumor – who did you hear from, and who did that person hear from, etc., until you reach the source).
    - **Q:** That would be true testimony (at the source) so why is it called a rumor? **A: R' Shmuel bar Yehuda** said that **Rav** means that if, when searching for the source, it is determined that the people at the source have left overseas, that would become a rumor that we rely on.
- **Abaye** asked **R' Yosef**, do we negate a rumor that was later found to be false, or not (does Beis Din reverse the psak that was based on this rumor)? **R' Yosef** said, since **R' Chisda** has said that we only accept a rumor when it is said by people who are fit to be witnesses, we see that we do negate a rumor (because the **Rabanan** were lenient in matters of rumor). **Abaye** asked, since **R' Sheishes** said that we even accept rumors told over by women, we see that we would not negate a rumor!? **R' Yosef** said, different places had different customs. In Sura they would negate rumors and in Neharda'ah they would not do so.
  - There was a rumor that a woman was mekudeshes to a certain man. **R' Chama** called her father and asked for the circumstances that led to the rumor. He said she accepted kiddushin on a condition that he not go to Bei Chuzai, and he did go there, so the kiddushin was not effective. **R' Chama** said, since this fact was not known at the time and was first being reported now, we cannot believe this fact, and she is treated as being mekudeshes to this man.
  - There was a rumor that a woman accepted date flesh that remained stuck to the pit, as kiddushin. **R' Idi bar Avin** asked **Abaye** what the halacha in this case would be. He answered, that even according to the view that we do not negate a rumor, in this case we would do so, because people will attribute the fact that she is not mekudeshes to the fact that her kiddushin was less than the value of a perutah, and not to the fact that we negated a rumor.
  - There was a rumor that a woman was mekudeshes "to the son of so-and-so", but without specifying which son. **Rava** said, in this case all would agree that we can negate the rumor, because the people will say that the kiddushin was batel because it turned out to be from a minor son.

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- There was a rumor that a woman accepted kiddushin from a minor that looked like an adult. **R' Mordechai** said to **R' Ashi**, it will be readily apparent that he has the intellect of a minor, and therefore people will know that the kiddushin is batel.

### UVILVAD SHELO TIHEI SHAM AMASLA

- **Rabbah bar R' Huna** said, we listen to an “amasla” to nullify a rumor even if it first comes up 10 days after the rumor.
- **R' Zevid** said, if there is reason to believe there is an amasla, we act as though the amasla was stated.
  - **Q: R' Pappa** asked, the Mishna seems to say there has to be an actual amasla!? **A:** The Mishna should be understood as saying, that even if there is reason to believe that there is an amasla.
    - **Q: R' Kahana** asked **R' Pappa**, how could you say that the amasla is only recognized when it is actually stated? A Mishna says that if a woman thought her husband had died and therefore accepted kiddushin from somebody else, and the husband then returned, she is allowed to go back to the first husband. Now, in that case people will surely think that the first husband had divorced her and yet she is remarrying him after having accepted kiddushin from somebody else, so how do we allow it? We must say that there is an amasla that the rumored get was given on a condition that was not fulfilled and that is why it was never effective. We see that we recognize the amasla even though it was never stated!? **A:** The reason why we allow her to go back to the first husband in that case is because the first husband returns and publicly argues that the second marriage was void. That makes people realize that the entire rumor was false.
      - **Q:** If so, this should even apply if she entered into nissuin with the second man, and yet we have learned that in that case she would not be allowed to return to the first husband!? **A:** When she enters into nissuin she has done an issuer, and the **Rabanan** therefore penalize her for doing so. Accepting kiddushin involved no issuer.
- **R' Ashi** said, any rumor that was not established in court is not a rumor that we concern ourselves with. **R' Ashi** also said, any rumor about the marital status of a woman after she was already married with nissuin, is also not something that we concern ourselves with.
  - This suggests that a rumor after only kiddushin is something that we would concern ourselves with. **R' Chaviva** said, even a rumor after eirusin is not something we concern ourselves with. The Gemara paskens like **R' Chaviva**.
- **R' Yirmiya bar Abba** said, the talmidim of **Rav** asked **Shmuel**, what is the halacha if there is a rumor that a woman accepted kiddushin from one man, and she then accepted a full kiddushin in front of witnesses? **Shmuel** said she must leave the second man, but you must look into the matter and tell me what you find.
  - **Q:** What is the reason to look into the matter? It can't be that he meant to look into it so that if you find the rumor to be false we can negate the rumor, because **Shmuel** was in Neharda'ah, where they did not negate rumors! **A:** Rather, he meant that if it turns out that the rumors were true, she will not need a get from the second man before marrying someone else.
    - This argues on **R' Huna**, who says that if a married woman accepts kiddushin from another man she needs a get from him.
  - **Q:** What would happen if they could not determine whether the rumor was true? **A: R' Huna** said she may divorce the first one and marry the second one, but she may not divorce the second one and marry the first one, because that would lead people to say you may marry your wife that you divorced from eirusin, who then went and married another man. **R' Shinina the son of R' Idi** said, that she may even divorce the second man and marry the first, because people will say that the matter must have been looked into and it must have been determined that the kiddushin of the second man was accepted in error.
- **Q:** What is the halacha if there is a rumor that a woman accepted kiddushin from one man and then another man? **A: R' Pappa** said, that even in this case she may divorce the first one and marry the second one, but not visa-versa. **Ameimar** said, she may marry either man after receiving a get from the other man.
  - The Gemara paskens like **Ameimar**.

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## MISHNA

- **B”S** say, a person should not divorce his wife unless she commits an act of adultery, as the pasuk says “ki matza bah ervas davar”. **B”H** say, he may divorce her even for simply having burned his food, as the pasuk says “davar” (for anything). **R’ Akiva** says, he may divorce her even if it is because he found someone that he finds to be better than her, as the pasuk says “v’haya ihm lo simtza chein b’ainav”.

## GEMARA

- A Braisa says, **B”H** asked **B”S**, the pasuk says “davar”!? **B”S** responded, the pasuk says “ervas”! **B”H** say, if it would only say ervas we would think that he can only divorce her for adultery, and if it would only say “davar” we would say that she may only remarry someone else if she got divorced for reasons other than adultery. That is why the pasuk needs to state both words. **B”S** use the word “davar” to teach a gezeirah shava that we do not force a man to divorce his wife based on adultery unless it was witnessed by 2 witnesses. **B”H** agree with that, but say that since the pasuk says “davar” and not “b’davar” it teaches that divorce can be given for any reason. **B”S** say, if it meant to give additional reasons for divorce, the pasuk would have said “oy ervah oy davar”. **B”H** say, the pasuk therefore wrote “ervas davar” which can be understood in both ways.

## R’ AKIVA OMER AFILU MATZA ACHERES

- The machlokes is regarding the teaching of **Reish Lakish**, that the word “ki” can have 4 different meanings. The pasuk says “if she will not find favor in his eyes” and then says “ki matza bah ervas davar”. **B”S** and **B”H** hold that the word “ki” means “because” and the Torah is saying, if she loses favor *because* she has done an ervas davar (each view according to their understanding of those words), and therefore the “if she does not find favor” is not giving an additional reason for divorce. **R’ Akiva** understands the word “ki” as meaning “if” and therefore the earlier part of the pasuk is a separate and additional reason for divorce.
- **Q: R’ Pappa** asked **Rava**, according to **B”H**, if a man divorced his wife for no reason at all, must he remarry her? **A: Rava** said, that he is not required to do so.
- **R’ Mesharshiya** asked **Rava**, if a man decided to divorce his wife, but does not tell her of his plans, and she therefore remains with him and serves him, is he punished for this? **A: Rava** said, he has violated the pasuk that says “do not plan bad against your friend while he dwells with you in trust”.
- A Braisa says, **R’ Meir** would say, just as there are different opinions regarding food, there are different opinions regarding women. There are some people who find a fly in their cup and will not drink from it again. This is like **Papus ben Yehuda**, who would leave his house and lock his wife inside so that she not be mezaneh. Then there are people who will take out the fly and drink from the cup. This is like most people, who allow their wives to talk to relatives, but not to other men. Then there are people who will actually eat the fly. This is the way of the wicked man, who sees his wife go with uncovered hair into the marketplace to spin her thread, wearing revealing clothing, and bathe together with other men (which the Gemara explains to mean that she enters the bathhouse while the men are still dressing), and does not say anything to her. In this last case it is a mitzvah to divorce the woman, as the pasuk says “ki matza bah ervas davar v’shilcha mibeiso”. The pasuk then says “v’yatza v’huysa l’ish *acher*” – the new husband is referred to with the derogatory “acher”, because he married a woman who was divorced for reasons of adultery. This marriage will either terminate in divorce, as the pasuk says “usnei’ah ha’ish ha’acharon” or with his death, as the pasuk says “oy ki yamus ha’ish ha’acharon”
- A pasuk says “ki sanei shalach”. **R’ Yehuda** says this means that if a man hates his wife, he should divorce her. **R’ Yochanan** says it means that a man who divorces his wife for no reason is hated by Hashem.
  - They do not argue. **R’ Yochanan** is referring to a first wife and **R’ Yehuda** is referring to a later marriage. This is as **R’ Elazar** learns from a pasuk that when a man divorces his first wife, even the Mizbe’ach cries because of it.

**HADRAN ALACH PEREK HAMEGAREISH!!!**

**HADRAN ALACH MESECHTA GITTIN!!!**

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**MAZEL TOV!!!**



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## Maseches Kiddushin, Daf כ – Daf ה

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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### MESECHTA KIDDUSHIN

#### PEREK HA'ISHA NIKNEIS -- PEREK RISHON

#### MISHNA

- A woman may be acquired in 3 ways, and she can acquire herself back in 2 ways. She may be acquired with money, with a document, or with bi'ah.
  - **B”S** say if being acquired with money, the amount of money must be a dinar, or the value of the item given must be worth a dinar. **B”H** say the amount must be a prutah or the value of a prutah.
    - How much is a prutah worth? One eighth of the Italian issur.
- She acquires herself back either with a get or with the death of her husband.
- A yevama can be acquired through bi'ah, and she can acquire herself back with chalitza or with the death of the yavam.

#### GEMARA

- **Q:** Why does this Mishna speak of terms of “acquired” and the Mishna in the next perek speaks in terms of “kiddushin”? **A:** The Mishna wants to teach that one method of acquisition is with money, which itself is learned out from a gezeirah shava on the verbiage of “kicha” from the purchase of the Me’aras Hamachpeila from Efron, and the verbiage of “kicha” is more befitting to be spoken about in terms of acquisition than in terms of kiddushin. That is why this Mishna says “haisha *nikneis*”, using a term of acquisition.
  - **Q:** Why did the Mishna in the next perek not say “ha’ish koneh” instead of “ha’ish mekadesh”? **A:** Our Mishna, which is first, uses the verbiage of the pasuk (“kinyan”), whereas the later Mishna uses the verbiage of the **Rabanan** (“kiddushin”). The verbiage of the **Rabanan** means that the act should make her like hekdes, and forbidden to all other men.
- **Q:** Why did our Mishna speak from the perspective of the woman and not from the perspective of the man, and not simply say “ha’ish koneh”? **A:** Since the Mishna then says that “she is koneh herself in 2 ways”, which is said from her perspective, we speak from her perspective in the beginning of the Mishna as well.
  - **Q:** Why can’t the second part of the Mishna also be written from the man’s perspective and say “umakneh” (the man is koneh to her)? **A:** One of these 2 methods is by death of the husband. His death is a way in which Heaven is makneh to her, and is not the husband’s doing. Therefore, it would be inappropriate to say “ha’ish makneh”.
  - **A:** Another reason we did not want to say “ha’ish koneh” is, that would suggest that it can be done against the will of the woman, and this is not so.
- **Q:** Why did the Mishna say “shalosh derachim” (3 ways) and use the feminine version for the number 3? Why not use the masculine version and say “shloscha”? **A:** It is because the Mishna uses the word “derech”, which we find in a pasuk (“es haderech yeilchu vah”) to be in the feminine form.
  - **Q:** We find a Braisa that uses the masculine form of a number when saying derech, and that is based off of a pasuk that suggests that derech is a masculine word!? **A:** The pesukim are not contradictory, because the form of the word depends on the subject matter of the pasuk. The first pasuk discusses Torah, which is a feminine word, thereby making derech feminine as well. The second pasuk discusses war, and since it is men who go to war, it becomes a masculine word. The Mishnayos are also not contradictory, because our Mishna discusses a woman and therefore derech is considered to be

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feminine, the Braisa discusses the checking of a zav, which is something that is done for men and not women. Therefore, the word is masculine.

- **Q:** The result of the discussion above is that we use the feminine “shalosh” because we use of the word “derachim”. Why didn’t the Mishna instead use the word “devarim” and in that way it could have used the masculine “shlosha” (the Torah is generally written in the masculine form)? **A:** Since one of the methods is bi’ah, and a pasuk refers to bi’ah as a “derech”. That is why the word derech was chosen.
  - **Q:** What about the other methods of money and shtar? **A:** Since we use derech for bi’ah, we use it for all.
    - **Q:** We have the two follow the one instead of the one follow the two!? **A:** All methods of kiddushin are for the purpose of an eventual bi’ah. Therefore, the word derech is most appropriate.
  - **A:** The reason the Mishna uses the word derech is because it follows **R’ Shimon**, who says in a Braisa that the Torah says “ki yikach ish isha” instead of “when a woman is taken by a man”, because it is the “derech” (the normal way) that a man seeks out a woman and not visa-versa. The mashal can be said about a person who loses an item – it is the person who looks for the lost object (so too a man looks for the woman who was “taken from man”).
    - **Q:** If this is the only reason that “derachim” was used instead of “devarim”, why in the Mishna regarding zav is the word derachim used? **A:** It is used to teach that it is the normal way for overeating to bring zivah, and for overdrinking to bring zivah.
    - **Q:** Why is the word derachim used in a Mishna when comparing an esrog to other fruits of a tree? **A:** That is because the end of that Mishna must say that the esrog is like a vegetable in one “derech”.
      - **Q:** At the end we should also say “davar” instead of “derech”!? **A:** It uses derech to teach that the way of the esrog is like a vegetable in that it must be irrigated besides being watered by rainwater, and that is why maaser is given based on the year in which it is picked (and not the year in which it begins to grow).
    - **Q:** Why is the word “derachim” used in a Mishna that gives the similarities and dissimilarities of a “koy” (a certain animal) to a beheimah and to a chaya? Also, why is the word “derachim” used in a Mishna when comparing a get to a get shichrur? **A:** We must say that whenever there is differentiation in the halacha, the word “derachim” is used (e.g. in our Mishna only these 3 methods may be used, but chuppah cannot act as a kiddushin), and whenever there isn’t, the word devarim is used. This can be proven from the end of the Mishna regarding esrog, which says that **R’ Eliezer** says that an esrog is like a tree “I’chol davar” (“in every way”, we see that since he holds there is no differentiation, he uses the word “davar”).

### -----Daf ל--3-----

- **Q:** When a Tanna states a number in addition to actually listing the items, there is a reason he gave the number, typically to exclude the possibility of adding anything else to the list. Based on this, what is the number 3 in the beginning of the Mishna coming to exclude (“a woman can be acquired in 3 ways”) and what is the number 2 in the next part of the Mishna coming to exclude (“she can be koneh herself back in 2 ways”)? **A:** The number 3 comes to exclude entering into chuppah, and teaches that doing so is not a valid act of kiddushin.
  - According to **R’ Huna** who darshens a kal v’chomer to teach that chuppah can act as a form of kiddushin, the number 3 comes to exclude an act of “chalipin” (where an exchange is made and the purchaser gives the seller something that can be worth even less than a prutah, and when he does so the item to be purchased is then acquired by the purchaser). We would think that since we learn the gezeirah shava of kiddushin to the purchase of the Me’aras Hamachpeila, we should say that just as a field can be purchased with chalipin, kiddushin can be done with chalipin as well. The Mishna therefore teaches that chalipin is not a valid form of kiddushin.



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- **Q:** Based on the gezeirah shava, why is chalipin actually not allowed for kiddushin? **A:** Since it is possible to do chalipin with less than a shava prutah, and since a woman would not give herself away for less than a prutah, the method of chalipin is not allowed.
- **Q:** What does the number “2” in the Mishna come to exclude? **A:** It comes to exclude chalitza. We would think to darshen a kal v’chomer and to say that if a yevama, who may not be released with a get, may be released with a chalitza, then surely a regular woman, who can be released with a get, can be released with a chalitza. The Mishna teaches that chalitza cannot be used to release a regular woman from marriage.
  - **Q:** Maybe we should learn from the kal v’chomer that it can be used!? **A:** The pasuk says “sefer krisus” – a shtar of get must be used to sever a marriage, and not something else.

### B’KESEF

- **Q:** How do we know that money may be used? Also, a Mishna teaches that the father of a naarah or ketanah has a right to the money that is given for her kiddushin. How do we know that money is a form of kiddushin, and how do we know that the father has the rights to that money? **A: R’ Yehuda in the name of Rav** said, the pasuk regarding an “ama ivriya” (a Jewish maidservant) who goes out free when she becomes a naarah says, “v’yatz’ah chinam ein kasef” (she goes out free without money). We darshen, that no money is given to *this* master when she leaves his reshus, but there is money given to another master, i.e. her father, when she leaves his reshus (when she gets married). We see that the kiddushin money goes to him.
  - **Q:** Maybe the pasuk means that money takes her out of her father’s reshus, but in fact the money is to belong to her!? **A:** A pasuk clearly teaches that the father may accept kiddushin for his daughter, as the pasuk says “es biti nasati la’ish hazeh”, so how can it be that she would then keep the money!?
  - **Q:** Maybe the father only has a right to keep the money when it is for a daughter who is a ketanah, since she has no ability to accept kiddushin on her own (she is a minor). However, if she is a naarah, who is an adult and can enter into transactions, maybe she can accept kiddushin and keep the money!? **A:** The pasuk says “binureha beis aviha”, which teaches that all profits that come from a girl while she is a naarah go to the father. Therefore, the same would hold true for the kiddushin money.
    - **Q: R’ Huna in the name of Rav** said that we learn that the earnings of a naarah go to her father from the pasuk of “v’chi yimkor ish es bito l’amah”, which teaches that there is a comparison between a daughter and an amah, and a father is therefore entitled to the earnings of his daughter. Based on our last answer, why isn’t this learned from “binureha beis aviha”!? It must be because “binureha beis aviha” is written regarding the father’s ability to be meifer her nedarim. If so, we are left with the question of how do we know that the father gets the kiddushin money!? You can’t say that we learn that if he can be meifer her nedarim he should also get to keep the money, because we can’t learn out a monetary concept from a an issur concept!? You also can’t say that we learn that if the father keeps the penalty paid by someone who rapes his daughter then he should also keep the kiddushin money, because we don’t learn concepts of regular monetary payments from penalty payments!? You also can’t say that we should learn that since the father also keeps the payments for her embarrassment and the decrease in her value that the rapist must pay (which are not considered to be penalties) then he should also keep the kiddushin money, because the father has a right to those monies based on his right to marry off his daughter to an ugly, disgusting person, which would cause her embarrassment and a decrease in her value, and the value of these rights have now been taken from him by the rapist. However, there is no such entitlement to the naarah’s kiddushin money!? **A:** We learn that the father gets the kiddushin money from the pasuk suggested earlier, of “v’yatz’ah chinam ein kasef”. We darshen the pasuk to teach that although an amah she leaves her master without giving money to the one whose reshus she is leaving (the master), when she leaves the reshus of another master (i.e. her father) through kiddushin, that master does get money (i.e. the kiddushin money).
      - **Q:** The leaving of the reshus of the master and the father are not comparable, because when she leaves the master, she is completely out of his reshus, whereas when she

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enters into kiddushin she still needs to enter into chuppah to be completely out of the father's reshus!? **A:** At kiddushin the father totally loses the right to single handily be meifer her nedarim. In that way she is totally out of his reshus, and in that way the leaving of his reshus can be compared (or contrasted) to the leaving from the master.

### -----Daf 7---4-----

- **Q:** The Gemara said that we learn that a father gets the kiddushin money for his daughter who is a naara, based on the pasuk of “v'yatz'ah chinam ein kasef”. However, a Braisa says that the pasuk is needed for another drasha. The Braisa says that “v'yatz'ah chinam” teaches that when a girl becomes a bogeres (at 12 ½ years old) she goes out free, and “ein kasef” teaches that she goes out free when she becomes a naarah (at 12 years old). If so, how is the pasuk available for our drasha? **A: Ravina** said, the pasuk writes the word “ein” with a “yud”. This extra yud allows us to make the additional drasha to teach that a father gets the kiddushin money of his daughter who is a naarah.
  - **Q:** Where do we see that we darshen an extra “yud” for a drasha? **A:** A Braisa regarding the daughter of a Kohen who was widowed without children says “v'zerah ein lah”, and teaches that she may then go back to her father's house and eat terumah. The word “ein” is written with a yud and the Braisa darshens the extra yud to teach that she must also not have any grandchildren. Also, the extra yud teaches that even if she has passul children she would not be allowed to go back and eat terumah.
    - **Q:** How could the yud be used to teach regarding passul children when it is used to teach regarding grandchildren? **A:** We don't need the yud to teach regarding grandchildren, because we have the principle that “grandchildren are like children”. Therefore, the pasuk is only needed to teach regarding passul children.
    - **Q:** How does the Braisa know that we can darshen a yud in this way? **A:** We find that the word “ein” is sometimes written without a yud, as in the pasuk of “mei'ein Bilam” and “mei'ein yevami”. Therefore, when it is written with a yud it must be written so, to teach a drasha.
  - We have now said that a father is entitled to his naarah daughter's earnings based on the pasuk of “biti l'amah” and to her kiddushin money based on the pasuk of “ein kasef”. Both pesukim are needed. If we would only have been taught that her kiddushin money goes to her father we would say that is because she didn't work for this money. However, her earnings for which she worked, maybe don't go to her father. If we would only have a pasuk to teach regarding earnings, we would say that since the father supports her he is entitled to her earnings, but kiddushin money, which comes from elsewhere, he is not entitled to. Therefore, both pesukim are needed.
- **Q:** We have stated above that “v'yatz'ah chinam” teaches that when a girl becomes a bogeres (at 12 ½ years old) she goes out free, and “ein kasef” teaches that she goes out free when she becomes a naarah (at 12 years old). Why didn't the Torah just tell us that she goes out as a naarah and we would then know that she certainly goes out as a bogeres!? **A: Rabbah** said, if we only had one teaching we would say that it refers to a bogeres (which is the smaller novelty). We need a second teaching so that we are now forced to say that one teaches that even a naarah goes out free.
  - We find this concept regarding the halacha that a Jewish slave owned by a Kohen may not eat terumah. A Braisa says that the pasuk teaches that a Jewish slave owned by a Kohen who is to go out free at 6 years may not eat terumah, and the pasuk also teaches that a slave who will be remaining until Yovel may also not eat terumah. The Braisa asks that the pasuk should only teach regarding the slave who is to be there until Yovel and we will then know that the slave who is only there for 6 years may surely not eat terumah as well? The Braisa answers that if we would only have one teaching we would assume that it is teaching regarding the 6 year slave (which is a smaller chiddush). Therefore, we need two teachings so that we know to apply this teaching to a Yovel slave as well.
  - **Q: Abaye** asked, in the case of the Kohen's slaves, they are two separate people and therefore even if the pasuk would have been specific about each type of slave we would still not have an issue as to why the pasuk teaches regarding each type of slave, because we would say that the Torah wrote something that can otherwise be learned by a kal v'chomer (as the Torah sometimes does). However, regarding the

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amah, if she goes out when becoming a naarah, there is no case of her going out when she becomes a bogeres (since she would have already gone out when reaching naarus)!? **A: Abaye** said, the case would be where she was never a naarah, but became a bogeres as an ailunis (as such, she never had simanim, which are required to show that one is a naarah). We would think that a girl who doesn't become a naarah never goes out free. The pasuk therefore teaches that a bogeres goes out free.

- **Q: Mar bar R' Ashi** asked, a bogeres should go out free based on a kal v'chomer – if bringing simanim takes a girl out of the reshut of her master even though it would not take her out of the reshut of her father, then reaching bagrus, which takes a girl out of the reshut of her father, should certainly take her out of the reshut of her master!? **A:** He therefore said, the pasuk is needed only to teach that the sale of a girl who turns out to be an ailunis is considered to be a good sale. We would think that only a girl who eventually brings simanim is allowed to be sold in the first place. The pasuk therefore teaches that even a girl who is an ailunis may be sold.
- **Q: Why is Mar bar R' Ashi** so bothered with the fact that the Torah wrote something that can be learned from a kal v'chomer? We have learned that at times the Torah writes something that can be learned from a kal v'chomer!? **A:** We only say that when there is no other possible drasha to make.
- We have learned earlier that **R' Yehuda** learns that kiddushin may be done with money based on the pasuk of “v'yatz'ah chinam ein kasef”. A Braisa gives a different source. The Braisa says, the pasuk says “ki yikach ish isha”, and the word “taking” refers to money, as another pasuk says “nasati kesef hasadeh kach mimeni”. The Braisa asks, we should learn this from a kal v'chomer!? If an amah ivriyah, who cannot be acquired with bi'ah, can be acquired with money, then a woman, who can be acquired with bi'ah, can surely be acquired with money! The Braisa says that a yevama refutes this, because a yevama can be acquired with bi'ah, and cannot be acquired with money. The Braisa asks, a yevama cannot be acquired with a shtar, and maybe that is why money won't work there, but a woman, who can be acquired with a shtar should also be able to be acquired with money! The Braisa says, that is why the pasuk says “ki yikach ish”, which teaches that kiddushin may be done with money.
  - **Q:** Why does the Braisa end off by saying that a pasuk is needed, when it just said that the kal v'chomer stands, and a pasuk is therefore not needed!? **A: R' Ashi** said, the kal v'chomer can be refuted. It is based on an amah ivriya. We can say that an amah ivriya can be acquired with money only because she can also be freed with money. That is why the pasuk is needed.
  - The Gemara says that both pesukim (“v'yatz'ah chinam” and “ki yikach ish”) are needed. If we would only have “ki yikach”, we would say that the kiddushin money is always hers. The pasuk of “v'yatz'ah chinam” teaches that if she is a naarah the money belongs to her father. If we would only have the pasuk of “v'yatz'ah chinam”, we would think that money has to be given to create a kiddushin, but the money may even be from the woman to the man. The pasuk of “ki yikach” therefore teaches that the money must go from the man to the woman.
- A Braisa says, the pasuk says “u'bi'ala”, which teaches that bi'ah may be used for kiddushin. The Braisa asks, this should be learned from a kal v'chomer – if a yevama, who cannot be acquired with money, can be acquired with bi'ah, then surely a woman who can be acquired with money, can be acquired with bi'ah!? An amah ivriya refutes this, because she can be acquired with money and cannot be acquired with bi'ah. The Braisa asks, maybe the reason that an amah ivriya can't be acquired with bi'ah is because she is not being bought for marriage, but a regular woman who is, could be acquired with bi'ah!? The Braisa says, that is why the pasuk says “u'bi'ala”, which teaches that bi'ah may be used to acquire a woman.
  - **Q:** Why does the Braisa end off by saying that a pasuk is needed, when it just said that the kal v'chomer stands, and a pasuk is therefore not needed!? **A: R' Ashi** said, the kal v'chomer can be refuted. It is based on a yevama. Maybe a yevama can be acquired with bi'ah only because she is already connected with a “zikah” to the yavam. However, a regular woman who has no halachic connection to the husband before the kiddushin, maybe cannot be acquired with bi'ah!? Therefore, the Braisa says that the pasuk of “u'bi'ala” teaches that bi'ah may be used to acquire a woman.

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## -----Daf 17---5-----

- A Braisa asks, how do we know that kiddushin can even be done with a shtar? We can learn it from a kal v'chomer. If money, which cannot dissolve a marriage, can create the marriage, then shtar, which can dissolve the marriage, can surely create the marriage! The Braisa asks, money is different because it can be used to redeem hekdesch and maaser sheini, but shtar cannot! The Braisa says, the pasuk says "v'yatz'ah...v'huysa", which teaches a hekesh between gittin and kiddushin, and we can learn that just as divorce can be done with a shtar, so too kiddushin can be done with a shtar.
  - **Q:** If so, we should use this hekesh to teach that just as money can be used for kiddushin it should also be able to be used for gittin!? **A: Abaye** said, it can't be that the same money which can create a marriage can be used to terminate a marriage, as we have the rule that "the defense attorney cannot become the prosecutor".
    - **Q:** If so, a shtar should not be able to be used for kiddushin, because the "prosecutor cannot become the defense attorney"!? **A:** The words written into the get are very different than the words written in the shtar kiddushin, and therefore they are not considered to be the same thing.
    - **Q:** With money as well, when giving the money, there is one thing that would be said when doing so for a gittin and a different thing that would be said when doing so for a kiddushin!? **A:** It is the same physical coin that would be used in both circumstances, and that cannot be right.
  - **Rava** said, that money cannot be used for a divorce based on the pasuk of "v'kasav lah", which teaches that a divorce can only be done through a written document, and not with money.
    - **Q:** Maybe this exclusionary language should instead teach that a shtar can only be used for gittin, and cannot be used for kiddushin!? **A:** That can't be, because we have the hekesh that teaches to include the method of shtar to create a kiddushin.
    - **Q:** Why do we assume that the inclusion is to allow shtar for kiddushin and the exclusion is to disallow money for gittin? **A:** The exclusionary pasuk is written by gittin, so it is logical to say that it is excluding something from divorce – money.
    - **Q:** According to **R' Yose Haglili**, who uses the pasuk of "v'kasav lah" for a different drasha, how does he know that a divorce can't be done with money? **A:** He learns it from the words "sefer krisus", which teach that only a sefer (a shtar) can make a divorce.
      - The **Rabanan** use these words to teach that the get must create a complete severance between man and woman, and cannot have a condition that she must adhere to forever. **R' Yose Haglili** learns this from the fact that the pasuk could have said "kares" and instead says "krisus". The **Rabanan** don't darshen this "kares" and "krisus".
- The Gemara asks, although we have established that we could not have learned from a kal v'chomer that any of the methods of kiddushin can be derived from another method of kiddushin, maybe we can say that one method can be derived from the remaining two and a pasuk is only needed for 2 and not the third?
  - Which one should not have been written? If the Torah would not have taught regarding shtar, we would say that money and bi'ah work because they bring hana'ah to the woman, but shtar which does not, cannot create a kiddushin! If the Torah would not have taught regarding bi'ah, we would say that money and shtar work because they can effect kinyanim in many other places, but bi'ah which cannot, cannot create a kiddushin! If the Torah would not have taught regarding money, we would say that shtar and bi'ah work against a woman's will (shtar by get, and bi'ah by yevama) and that is why they can effect kiddushin, but money, which cannot work against her will, cannot effect a kiddushin! Although a girl can be sold as an amah ivriya against her will, that is not for purposes of marriage. We see that all three methods are necessary to be taught by the pesukim.
- **R' Huna** said, that chuppah (which is a valid form of nissuin) can be used for kiddushin based on a kal v'chomer. If kiddushin based on money cannot allow her to eat terumah (if he is a Kohen), but yet creates a kiddushin, then chuppah, which allows her to eat terumah, can surely effect a kiddushin!
  - **Q: Ulla** has taught that D'Oraisa a kiddushin with money does allow her to eat terumah, and it is only a gezeira D'Rabanan that says that she may not!? **A:** The kal v'chomer must be, that if money, which

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cannot be used for nissuin (to complete the marriage), can be used for kiddushin, then chuppah, which can be used for nissuin, can surely be used for kiddushin!

- **Q:** We can ask that money has the characteristic that it can be used to redeem hekdesch and maaser sheini, and maybe that is why it can create a kiddushin!? **A:** Bi'ah would refute that, because it cannot redeem and yet it creates a kiddushin. **Q:** We can ask that bi'ah can acquire a yevama, and maybe that is why it can be used for kiddushin!? **A:** Money will refute this, because it cannot be used to acquire a yevama, and yet it can be used for kiddushin. We must say that the common characteristic between the two of them is that they can acquire elsewhere and can be used for kiddushin. We can therefore add chuppah, which can acquire elsewhere (for nissuin) and can therefore also create a kiddushin.
- **Q:** We can ask that a common characteristic of money and bi'ah is that they give benefit to the woman, whereas chuppah does not!? **A:** Shtar would refute that, because it does not give benefit, and yet it can create a kiddushin. **Q:** Shtar is different because it can be used for divorce!? **A:** Money and bi'ah refute this, because they can't create divorce, and yet they create kiddushin. The common characteristic between the three of them is that they can acquire elsewhere and can be used for kiddushin. We can therefore add chuppah, which can acquire elsewhere (for nissuin) and can therefore also create a kiddushin
- **Q:** We can ask that a common characteristic of money, shtar, and bi'ah is that they can be used against the will of a woman!? Chuppah cannot be done against her will, and that is why it cannot be used for kiddushin!? **A:** **R' Huna** holds, that since money can't be used against her will in matters of marriage, it refutes this theory, and therefore chuppah can be included as a method of kiddushin.
- **Q: Rava** asked on **R' Huna** that there are two questions: one, the Mishna says that there are 3 methods of kiddushin, so how can you say that there is a 4<sup>th</sup>!? Second, chuppah only creates a nissuin after a kiddushin was done, so how can we learn that it should even work when it does not have a kiddushin preceding it!? **A: Abaye** answered, regarding the first question, the Mishna only listed methods that are derived from the pasuk itself. Regarding the second question, that is what **R' Huna** meant as the kal v'chomer – if money cannot complete the marriage even when given after money, yet it can create a kiddushin, then chuppah, which can create a nissuin after a kiddushin, can surely create a kiddushin as well!
- A Braisa says, how is kiddushin done with money? If a man gave money, or items worth money, to a woman, and said to her “You are hereby mekudeshes to me” or “you are hereby me'oreses to me”, or “you are hereby to me for a wife”, it is a valid kiddushin. However, if she gave money to him and said to him “I am hereby mekudeshes to you”, or “I am hereby me'oreses to you”, or “I am hereby to you for a wife”, it is not a valid kiddushin.
  - **Q: R' Pappa** asked, from the beginning of the Braisa it seems that the man is required to give the money and make the statement, but if the man gave the money and the woman made the statement it would be passul. However, the second part of the Braisa suggests that it is passul only because she gave and made the statement. However, if he gave and she made the statement, it seems that it would be a valid kiddushin!? **A:** The first part of the Braisa is meant as stated, whereas the second part is not meant as stated, and therefore nothing should be inferred from the second part of the Braisa.
    - **Q:** A Braisa wouldn't teach something that contradicts its earlier teaching!? **A:** The Braisa means to say that if he gave and made the statement it is clearly a kiddushin. However, if he gave and she made the statement, it is as if she gave and made the statement, and the kiddushin is passul. **A2:** The Braisa means to say that if he gave and made the statement it is clearly a kiddushin. If she gave and she made the statement it is clearly passul. However, if he gave and she made the statement, it is a safek and therefore D'Rabanan we have to be concerned that a kiddushin was created.
- **Shmuel** said, if a man gave money, or items worth money, to a woman, and said to her “You are hereby mekudeshes” or “you are hereby me'oreses”, or “you are hereby a wife”, it is a valid kiddushin. However, if he says “I am hereby your spouse”, or “I am hereby your husband”, or “I am hereby your arus”, it is not even a

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question of being a kiddushin. The same is true for gittin. If he gives her a get and tells her “You are hereby sent away”, or “You are hereby divorced”, or “You are hereby mutar to any man”, she is divorced. However, if he tells her “I am not your spouse”, or “I am not your husband”, or “I am not your arus”, it is not even a question of being a divorce.

- **Q: R' Pappa** asked **Abaye, Shmuel** says the kiddushin is valid even though he doesn't say “to me”. Does this mean that he holds that yados statements that are unclear are valid statements? How can that be when we find that **Shmuel** explains a Mishna regarding nazir to mean that the yados statement must be clear!? **A: Shmuel** meant to say that the case was where the husband did say “to me”.
  - **Q:** If so, what is **Shmuel's** chiddush!? **A:** His chiddush is regarding the second group of statements made by the man, that they do not create a valid kiddushin. The reason it is not valid is because regarding kiddushin the pasuk says “ki yikach”, which means that his statement must show that he is taking a wife, and not that he is taking himself to her. And, regarding gittin the pasuk says “v'shilcha”, which teaches that he must send her, and not that he should send himself away from her.