



Daf In Review – Weekly Chazarah

Maseches Kiddushin, Daf א – Daf ב'

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

-----Daf א--6-----

- A Braisa says, if a man says to a woman “you are hereby my wife” or “you are hereby my arusah” or “you are hereby acquired to me”, it is a valid kiddushin. If he says “you are hereby mine” or “you are hereby in my reshus” or “you are hereby bound to me”, it is a valid kiddushin.
 - **Q:** Why were these 6 phrases broken into two groups of 3? **A:** It was taught this way for easier memorization.
- **Q:** What if a man says “you are hereby singled out for me” or “you are hereby designated for me” or “you are hereby my helpmate” or “you are hereby my counterpart” or “you are hereby my gathered one” or “you are hereby my rib” or “you are hereby my closed one” or “you are hereby my replacement” or “you are hereby my seized one” or “you are hereby my taken one”? **A:** We can answer one of these, based on a Braisa that says that if a man tells a woman “you are hereby my taken one” it is a valid kiddushin, since that is the verbiage used in the pasuk of “ki yikach ish isha”.
- **Q:** What if a man says “you are hereby my charufah”? **A:** A Braisa says, if one says “you are hereby my charufah” it is a valid kiddushin, because in Yehuda they call an arusah by the term charufah.
 - **Q:** Yehuda is not most of the world!? **A:** The Braisa means to say that if someone says “you are hereby my charufah” the kiddushin is valid because the pasuk says “v’hee shifcha necherefes l’ish” (which refers to designation for marriage), and in Yehuda they refer to an arusah as a charufah.
 - **Q:** Do we need the custom in Yehuda to be brought as a support in addition to a pasuk!? **A:** The Braisa means, that if someone from Yehuda says “you are hereby my charufah”, it is a valid kiddushin, because in Yehuda they refer to an arusah as a charufah.
- **Q:** The Gemara above asked about these other phrases and whether they possibly suggest kiddushin. The Gemara now asks, what were the circumstances in which these phrases were said? If they were not even discussing marriage at all, then even if these phrases are proper phrases of kiddushin, how can she possibly know what he was referring to? If the situation was that they were discussing matters of kiddushin, then if he then hands her money without saying anything at all the kiddushin would be valid, because **R’ Huna in the name of Shmuel** said that we pasken like **R’ Yose** in a Mishna, who says that if they were discussing marriage and he then gave her money without saying anything further, the kiddushin would be valid!? **A:** If he would have remained silent, it would surely be a kiddushin. The question of the Gemara is when he said one of those other phrases. The question is, does he mean it as kiddushin, or does he mean to hire her to work for him. On that, the Gemara remains with a **TEIKU**.
 - **R’ Yehuda in the name of Shmuel** said that when **R’ Yose** says that nothing additional need be said, that is talking about when they were still discussing marriage until he gave her the money. However, had they stopped discussing that prior to the money being given, it would not be a valid kiddushin. **R’ Elazar in the name of R’ Oshaya** said this as well.
 - This is actually a machlokes among Tanna'im. **Rebbi** says that they must be discussing marriage up until he gives her the money, and **R’ Elazar the son of R’ Shimon** says that it is a kiddushin even if they were not discussing marriage, which **Abaye** explains to mean that they were discussing other aspects of marriage, but not the discussion of actually getting married.
 - **R’ Huna in the name of Shmuel** said that we pasken like **R’ Yose**.
 - **R’ Yeimar** asked **R’ Ashi**, we know that **R’ Yehuda in the name of Shmuel** said that one who is not well versed in the halachos of gittin or kiddushin should not have dealings with them. Does this even include knowing the psak of **R’ Huna in the name of Shmuel**? **R’ Ashi** said, yes.
- The Gemara earlier brought the statement of **Shmuel**, that if a man gave a get to his wife and said “you are hereby sent away” or “you are hereby divorced”, or “you are hereby mutar to any man”, the get is valid.

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- **Q:** It is clear that if he writes to his wife in the get “You are hereby a free woman”, the get is not valid. Similarly, if he writes to his slave “You are hereby mutar to every man” the get shichrur is not valid. What if he writes in the get to his wife “You are hereby to yourself”? Does he mean that the marriage is over and the get is valid, or does he mean that she can keep her earnings, but the marriage continues?
A: Ravina told **R’ Ashi**, a Braisa says that this phrase suffices to free a slave, who is totally owned by its master. Certainly then, this phrase would totally “free” the woman, who is not owned by the husband, and the marriage would terminate.
- **Q: Ravina** asked **R’ Ashi**, what if he writes to his slave “I have no dealings with you”? **A: R’ Chanina** said to **R’ Ashi**, we see from a Braisa that when such language is used it serves as a get shichrur.
- **Abaye** said, if a man tells a woman that she should keep the loan he gave her as kiddushin, the kiddushin is not valid. If he is mekadesh her with the “benefit of a loan”, the kiddushin is valid, although it is assur to do so because of a gezeira for ribis.
 - **Q:** What is the case of the “benefit of a loan”? If the case is that he originally lent her money with interest, and he then told her to keep the interest as her kiddushin money, that is true ribis!? Also, that would still be a case of being mekadesh with a loan!? **A:** The “benefit of a loan” means that he gave her more time to pay a loan that she had with him. The benefit that she has from having more time to pay can be used for kiddushin.
- **Rava** said, if one person tells another, “take this money on the condition that you return it to me”, then if this was given to buy something, the acquisition is not valid; if it was given as kiddushin, the kiddushin is passul; if it was given for pidyon haben, the pidyon is not valid; however if it was given (in the form of produce) to a Kohen for terumah, it is a valid giving of terumah, but it is assur to do so, because it looks like the case of a Kohen who is helping out in the granary.
 - **Q:** What does **Rava** hold? If he holds that a gift given on condition that it be returned is considered to be a valid gift, then in all the cases the giving should be a valid act of giving, and if he holds that it is not a valid gift, then even in the case of terumah it should not be a valid act of giving!? Also, **Rava** himself has said regarding the mitzvah of esrog, that such a gift is a valid gift!? **A: R’ Ashi** said, **Rava** actually said that in all the cases the act is a valid act of giving except for the case of kiddushin, because making her return the gift is similar to making a kinyan chalipin, which we have stated earlier is not a valid form of kiddushin. **R’ Huna Mar the son of R’ Nechemya** said to **R’ Ashi**, we have taught **Rava’s** statement just as you have.

-----Daf 7-----

- **Rava** said, if a woman tells a man “Give a maneh to so-and-so and I will become mekudesh to you with that”, she becomes mekudeshes through the concept of a guarantor. A guarantor does not receive any benefit, and yet he obligates himself, so too this woman, although she has not received any benefit, obligates herself and gives herself to him as a wife.
 - A second halacha, if a man gives money to a woman and says “take this money and become mekudesh to so-and-so” she becomes mekudeshes through the concept of a non-Jewish slave. A slave can acquire himself even though he does not give up anything of himself. This husband too, can acquire this woman even though he does not give up anything to her.
 - A third halacha, if a woman says to a man “give money to so-and-so and I will become mekudeshes to that man (who gets the money)”, she becomes mekudeshes using the concept of guarantor (she obligates herself even though she does not get any benefit) and of the slave (the man doesn’t have to give up something in order to acquire the woman).
 - **Q: Rava** asked, what is the halacha if a woman gave money to a man and says to him “Take this maneh and I will become mekudeshes to you”? **A: Mar Zutra in the name of R’ Pappa** said, it would be a valid kiddushin.
 - **Q: R’ Ashi** asked, that means that the woman (who has the status of real property) it being acquired along with a kinyan made on the money (which is moveable property), but we have

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learned that moveable property can be acquired with a kinyan made on real property, but not the other way around!? **A: Mar Zutra** answered, that this woman is not being acquired along with the money. The case is that this man is a prestigious person, and with the hana'ah that she receives by him accepting a gift from her, she becomes mekudeshes.

- **Rava** also taught that the use of the concepts of guarantor and slave can be used in monetary matters as well.
 - It was necessary to say that these concepts apply to kiddushin as well as commercial transactions, because if he would have only said kiddushin, we would think that the reason it works there is because a woman is ready to accept any little benefit in order to become mekudeshes. And, if we would only say that it applies in commercial transactions, we would think that it only applies there because a person can simply remove his rights to his property by waiving his rights (and therefore giving away the property using one of these methods would work as well), but a woman cannot waive her rights to herself and therefore these concepts would not work by kiddushin.
- **Rava** said, if a man says “become mekudeshes to half of me”, it is a valid kiddushin. However, if he says “half of you should be mekudeshes to me”, she is not mekudeshes. **Abaye** asked **Rava**, you say that the second case is a passul kiddushin, presumably because the pasuk says “isha”, and not half a woman. Based on that, why is the first case a valid kiddushin? There too the pasuk says “ish” and not half a man!? **Rava** answered, a woman may not be married to two men. A man may be married to two women, and what he was telling her (by saying “to half of me”) was that he may marry another woman if he so desires.
 - **Q: Mar Zutra the son of R' Mari** asked **Ravina**, why doesn't the kiddushin spread to the entire woman? We have learned that if someone is makdish a part of an animal that it cannot live without, the kedusha spreads to the entire animal. If so, the kiddushin should also spread to the entire woman!? **A:** With regard to the animal, the owner's statement has the ability to spread over the entire animal. With regard to the woman, she must consent to the spreading of the kiddushin. Since she has not consented, it cannot spread beyond half of her. The more comparable case to the woman would be where a partner in an animal is makdish the animal. There too, he can only be makdish what he owns, and the kedusha therefore does not spread beyond his half.
- **Q: Rava** asked, if a man says “half of you should become mekudeshes to me with half a prutah and the other half of you with another half of a prutah”, what is the halacha? Do we view this as two distinct statements and the kiddushin will therefore be passul, or do we say that he was detailing a single statement and the kiddushin will therefore be valid?
 - **Q:** If we say that he is considered to be detailing the parts of one statement, what if he says “half of you should be mekudeshes to me with one prutah and the other half with another prutah”? Since he is giving 2 prutas it shows that he means for it to be 2 separate statements, or do we say that since he is saying this all to take place in one day he is simply detailing a single statement of kiddushin?
 - **Q:** If we say that since it was all to take place in one day we view it as one statement, what about if he says “half of you should be mekudeshes to me with a prutah today, and the other half with a prutah tomorrow”? Do we say that since it is two separate days we view this as two statements, or do we say that he means for the kiddushin to begin today and carry through until tomorrow, and it is therefore all viewed as one statement?
 - **Q:** What if he says “your two halves should be mekudeshes to me with a prutah”? Since he says this should all take place at once, it is one statement, or do we say that half a woman may simply never become mekudeshes? **TEIKU.**
- **Q: Rava** asked, if a man says to another man “Your two daughters should become mekudeshes to my two sons with this prutah”, what is the halacha? Do we look at the giver and the receiver, and since a full prutah is being given, the kiddushin is valid, or do we look at the children in this case (the subjects of

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the kiddushin) and therefore the kiddushin is passul (because there is not a prutah for each couple)? **TEIKU.**

- **Q: R' Pappa** asked, if a man says to another man “Your daughter and your cow should become mine with this prutah”, what is the halacha? Do we view this as the daughter and the cow are being given for half a prutah each, and the kiddushin is therefore passul, or do we say that the daughter was to be mekudeshes with the full prutah and the cow was to be acquired with meshicha? **TEIKU.**
- **Q: R' Ashi** asked, if a man says to another man “Your daughter and your field should become mine with this prutah”, what is the halacha? Do we view this as the daughter and the field are being given for half a prutah each, and the kiddushin is therefore passul, or do we say that the daughter was to be mekudeshes with the full prutah and the field was to be acquired with chazaka? **TEIKU.**

-----Daf ן---8-----

- There was a person who gave some silk to a woman for kiddushin. **Rabbah** said the silk does not need to be appraised by an expert in order to make it a valid kiddushin, and **R' Yosef** said that the value needs to be appraised in order for it to be a valid kiddushin.
 - Everyone would agree that if he told her to take it for kiddushin for whatever it is worth, the kiddushin would be valid since it is surely worth more than a prutah. All would also agree that if he told her it was worth 50 zuz and it was actually worth less, then the kiddushin would not be valid, because he is giving her less than he promised to give her. The machlokes is where he told her that the silk was worth 50 zuz and it was actually worth 50 zuz. In that case, **Rabbah** says no appraisal is needed, because it is worth what he says it was worth, whereas **R' Yosef** says it must be appraised, because a woman is not an expert in appraisals and she will therefore not rely on his valuation and will not fully accept the kiddushin without having a valuation done.
 - **Others** say that they argue even in the case where he told her to take it for whatever it is worth (and it is clearly worth more than a prutah). **R' Yosef** says that an item given for kiddushin has the same halacha as when money itself is given. Therefore, just as money has a clearly defined value, so too any item that is given must have a clearly defined value.
 - **R' Yosef** said, this can be learned from a Braisa. The Braisa says that the pasuk of “mikesef miknaso” teaches that an eved ivri can be purchased with money, but not with produce or keilim. Now, what does this mean? It can't be that he can never be bought with other items, because the pasuk of “yashiv ge'ulaso” teaches that items with value may be used in the place of actual money!? It can't be talking about where the items are not worth a prutah, because then money itself could not be used either!? Rather, we must say that the case is where the items are worth at least a prutah and the reason they can't be used is because they did not have a defined value.
 - **Rabbah** would say that the Braisa means that the slave can only be bought with a kinyan of money, and not with a kinyan of produce or keilim – i.e. with chalipin.
 - **Q: R' Nachman** said that produce cannot be used for chalipin, so how would we explain the Braisa according to him? **A:** The Braisa means that if the produce is not worth a prutah, it can't be used. Although we asked, if so money could not be used either, the Braisa is teaching that although money surely could not be used, we would think that since produce allows for quicker benefit (it can simply be eaten) we can use even less than the value of a prutah. The Braisa therefore teaches that even produce worth less than a prutah may not be used.
 - **R' Yosef** said, this can be learned from another Braisa. The Braisa says that if a person tells a Kohen “accept this calf or this talis for a pidyon haben for my son”, the pidyon is not effective. However, if he said “accept this calf which is worth 5 sela'im or this talis which is worth 5 sela'im for a pidyon haben for my son”, the pidyon is effective. Now, what is the case in the Braisa? If it is not actually worth 5 sela'im, then his saying so should make no difference. Rather the case

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must be where it is worth 5 sela'im, and still we see, that if it was not determined via appraisal, it is not a valid pidyon!

- The Gemara says this is no proof. The case may be where the items are not worth the 5 sela'im. That is why in the first case the pidyon is invalid. The second case is talking about where the Kohen accepted the items as being worth 5 sela'im to him, as we find that **R' Kahana** did so with a turban, since it was something that he needed.
 - **R' Ashi** said, only someone like **R' Kahana** can accept a turban as 5 sela'im, because he is a Gadol, and needs to have his head covered. Other people may not.
- **R' Elazar** said, if a man says “become mekudesh to me with a maneh” and he instead gave her the smaller valued dinar, the halacha is that the kiddushin is valid, and he must then pay her the difference. The reason is, that we view this as if he told her the kiddushin should take effect on the condition that he gives the maneh, and therefore it is valid from now, as long as he eventually gives the maneh.
 - **Q:** A Braisa says, if a man told a woman “become mekudesh to me with a maneh”, and he then began counting out the money to reach a maneh, either of them may back out while he is counting, even if he is up to the last coin. We see that the kiddushin is not valid until all the money is received!? **A:** This Braisa is discussing where he said “with *this* maneh”, in which case the full maneh must be given for the kiddushin to be valid.
 - **Q:** The next case in that Braisa specifically discusses the case where he said “with this maneh”, so the first case must be discussing where he did not say “this maneh”!? **A:** The second case is explaining the first case, teaching that it is dealing with a case of “this maneh”. This makes sense as well, because if the first case is where he doesn't say “this maneh” and still he may retract, then we wouldn't need another case to teach that when he says “this maneh” he can retract, because that would be obvious!
 - The Gemara says, this is no proof, because it may be that we need the second case only to make clear that the first case is discussing where he did not say “this maneh”.
 - **R' Ashi** said, the Braisa is different than the case of **R' Elazar**, because since he is there counting out the money, in her mind she expects to receive the entire amount. Therefore, anything less will not create a kiddushin.
 - **Q:** The second case of the Braisa (alluded to above) says that if he said “with this maneh” and then gave her a copper dinar among the coins the kiddushin would not be valid, and if he gave her a bad dinar among the coins, the kiddushin is valid but he must change it out for a good coin. With regard to the copper coin, if she knew about it, the kiddushin should be valid!? **A:** The case is that she got it at night and didn't see it, or got it among all the other coins and didn't see it at the time.
 - **Q:** What is the case of the “bad dinar”? If it is not accepted as money, then it is the same as a copper dinar!? **A:** **R' Pappa** explained that the case is that the coin is not readily accepted, but can be accepted with difficulty.
- **Rava in the name of R' Nachman** said, if a man told a woman “become mekudeshes to me with a maneh”, and instead of giving her money, he gave her collateral for the money, the kiddushin is invalid, because she has actually received nothing (no money, and the collateral is not hers to keep).
 - **Q:** **Rava** asked **R' Nachman**, a Braisa says that if a man is mekadesh a woman with collateral the kiddushin is valid!? **A:** The Braisa is discussing a creditor who has collateral for a loan and gives the collateral to a woman as kiddushin, in effect giving her the loan that must be repaid to him. That is why it is an effective kiddushin. This follows the halacha of **R' Yitzchak**, who learns from a pasuk that a creditor is actually koneh the collateral that is given to him.
 - **R' Huna bar Avin's** children once agreed to buy a maidservant for some prutas. They didn't have prutah coins on them, so they gave a silver bar as collateral. Before they could give the coins, the value of the slave went up. The seller wanted to back out of the deal. **R' Ami** said, you have

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not paid for it yet and the silver bar is not the seller's to keep, so no kinyan was made and the seller may back out.

- A Braisa says, if a man gives a maneh to a woman with a statement that it is for kiddushin, and she takes it and in front of him destroys it, the kiddushin is not valid.
 - **Q:** This suggests that if she would throw it down in front of him (without destroying it) it would be valid, but she is essentially telling him “Take this back, I do not want it!”? **A:** In that case it would certainly be invalid. The Braisa is teaching that even if she destroys it, in which case she is chayuv for the money and we would think that therefore she means to accept the kiddushin and destroyed the money to test if he has a temper, still, we still say that the kiddushin is not valid.
- A Braisa says, if a man gives a maneh to a woman with a statement that it is for kiddushin, and she says “give it to my father or your father”, the kiddushin is not valid. If she said “on the condition that my father or your father accept the money for me”, then it is a valid kiddushin. [The statement of “my father” teaches a chiddush for the first case, and the statement of “your father” teaches a chiddush for the second case]. If a man gives a maneh to a woman with a statement that it is for kiddushin, and she says “give it to so-and so”, the kiddushin is not valid. If she said “on the condition that so-and-so accepts the money for me”, then it is a valid kiddushin.
 - Both these cases are needed. If we would just have the case with the fathers, we would say that it is only in a case of close relationship like that, that she relies on them to accept on her behalf. If we would only have the case with the other person, we would think that only in that case is it not a kiddushin when she says to give it to him, but in the case where she says to give it to a father, maybe it should be a valid kiddushin.
- A Braisa says, if a man tell a woman “become mekudeshes to me with a maneh” and she responds to him “put it on the rock”, the kiddushin is not valid. If it was her rock, then she is mekudeshes.
 - **Q: R' Bibi** asked, what if the rock belongs to both of them? **TEIKU.**The Braisa continues, if a man tell a woman “become mekudeshes to me with a loaf of bread” and she responds to him “give it to that dog”, the kiddushin is not valid. If it was her dog, then she is mekudeshes.
 - **Q: R' Mari** asked, what if a dog was chasing her when she said that? Do we say that the benefit of being saved is what creates the kiddushin, or maybe she can say to him, “You are chayuv to save me, so there is no kiddushin”? **TEIKU.**The Braisa continues, if a man tell a woman “become mekudeshes to me with a loaf of bread” and she responds to him “give it to that poor man”, the kiddushin is not valid, even if it is a poor man that she supports.
 - The reason is that she can say to him, just as I am obligated to support him, you are as well.
- There was a man selling necklaces. A woman came and said “give me one”. He said to her, “If I give you one will you become mekudeshes to me?” She said “Give it to me”. **R' Chama** said, this does not show consent to the kiddushin.
 - There was a man drinking in a store. A woman came and said “give me one cup”. He said to her, “If I give you one will you become mekudeshes to me?” She said “Pour it for me”. **R' Chama** said, this does not show consent to the kiddushin.
 - There was a man throwing dates from a tree. A woman came and said “throw me two dates”. He said to her, “If I do so, will you become mekudeshes to me?” She said “Throw them to me”. **R' Zvid** said, this does not show consent to the kiddushin.
 - **Q:** In the three cases above, she answered with a double verbiage (“give, give me”, “pour, pour me”, and “throw, throw me”). What would the halacha be if she had answered in a more typical, singular manner? **A: Ravina** said, she would be mekudeshes. **R' Sama bar Raksa** said she would not be mekudeshes even then. The Gemara paskens that she would not be mekudeshes.
- The Gemara paskens that in the case with the silk (above) the silk would not have to be appraised before giving it to her. Also, the Gemara says that we pasken like **R' Elazar** (in the case where he didn't give her the full amount stated, in which case the kiddushin takes effect and he must pay the difference). Finally, the Gemara also paskens like **Rava in the name of R' Nachman** (that giving collateral for a promise to pay for kiddushin is a passul kiddushin).

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-----Daf 9-----

- 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’ Shravya** 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.

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- **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 pasul 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 a 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.

-----Daf 10-----

- **Q:** Is the beginning of the act of bi'ah koneh or is it the end of the bi'ah that is koneh? The difference between the two would be where a man has only the beginning of bi'ah with a woman and she then goes and accepts kiddushin from somebody else. Another difference would be whether a Kohen Gadol could do kiddushin with bi'ah, because she would lose her status as a besulah (and therefore become assur for the Kohen Gadol to marry) at the beginning of the bi'ah. If he is not koneh her until the end of bi'ah, he would no longer be allowed

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to marry her at that point in time. What is the halacha? **A: Ameimar in the name of Rava** said, anyone who has bi'ah has in mind for the full act, and therefore the bi'ah will not be koneh until the end.

- **Q:** Does bi'ah that is done for kiddushin accomplish a nissuin as well or only a kiddushin? The difference would be whether after a kiddushin of bi'ah the husband would inherit her if she were to die, whether he could become tamei to her if he is a Kohen, and whether he could be meifer her nedarim. If it makes nissuin, he can do all these things. If it does not, he cannot. What is the halacha? **A: Abaye** said, a Mishna says - A father is entitled to his daughter's kiddushin – whether by getting the money, the document, or giving her over for bi'ah. He also gets her finds, her earnings, and can annul her vows. If she gets divorced from the kiddushin, the father accepts the get. A father is not entitled to the produce of the field that his daughter inherited from her mother's family. Once the girl enters nissuin, the husband is even stronger than the father was, in that he is entitled to the produce of the girl's property. Now, the Mishna mentions kiddushin of bi'ah, and still then discusses what happens after nissuin. We see that the bi'ah does not make a nissuin!
 - The Gemara says this is no proof, because the Mishna's discussion of nissuin may be for the benefit of when the father gives her over for kiddushin with a method other than bi'ah.
 - **Rava** said, a Mishna discusses that when a girl reaches the age of 3 years and one day, any bi'ah with her is given the status of a bi'ah l'halacha (e.g. a kiddushin with bi'ah is effective, a man who is mezaneh with her could be put to death if she is married, a yavam can be koneh her, etc.). The Mishna also mentions that if she has nissuin to a Kohen, she may eat terumah. We see that although the Mishna first mentions kiddushin of bi'ah, it separately mentions nissuin! It must be that the bi'ah only creates kiddushin, and not nissuin.
 - The Gemara says this is no proof. The Mishna means to say that if the nissuin created by the bi'ah is to a Kohen, she may eat terumah.
 - We have learned that **Yochanan ben Bag Bag** sent to **R' Yehuda ben Beseirah** a message saying "I have heard that you say that a Yisraelis who is an arusah to a Kohen may eat terumah". **R' Yehuda** sent back, "it is based on a kal v'chomer. If a non-Jewish maidservant, who cannot eat terumah based on a bi'ah, eats terumah based on being acquired by money, then a woman who would eat terumah based on a bi'ah, should surely eat when she is acquired by money. However, the **Rabanan** were goizer and said that an arusah to a Kohen should not eat terumah until she enters into chuppah". Now, what are the circumstances that **R' Yehuda** refers to that she may eat terumah after a bi'ah but not after a kiddushin of money? If he refers to a bi'ah that was followed by a chuppah and a kiddushin of money that was followed by a chuppah, then in both cases she may eat terumah!? He can't be talking about where the bi'ah was followed by chuppah but the money was not, because then he is not comparing two like cases!? Rather, he must be discussing a bi'ah and a kiddushin of money that is *not* followed by chuppah. From the fact that he seems to say that it is established that she may eat terumah after the bi'ah it must mean that he holds that the bi'ah acts as a nissuin, because if it only creates a kiddushin, why is it more established that she eats after bi'ah than after kiddushin of money?
 - **R' Nachman bar Yitzchak** said, this is no proof. **R' Yehuda** was discussing where the bi'ah was followed by chuppah and the kiddushin of money was not. Although we asked that if so, he is not comparing two like cases, that is true, but it still serves as the basis for a kal v'chomer as follows – if a maidservant, who does not eat terumah even if he has bi'ah with her followed by a chuppah, will eat terumah based on her being acquired with money, then a woman, who would eat based on a bi'ah followed by chuppah, should surely eat terumah after being acquired with money! However, the **Rabanan** were goizer that an arusah should not eat terumah until she enters into chuppah, as **Ulla** has said (there is a gezeira that if she eats terumah while still living in her father's house, she may accidentally give some terumah to her father or her siblings, who are not allowed to eat terumah).
 - **Ben Bag Bag** doesn't agree with this kal v'chomer, because he says that a maidservant is *fully* acquired when she is acquired with money and that is why she may then eat terumah. However, a woman who is acquired with money must still undergo chuppah. Since her kinyan is not complete, she may still not yet eat terumah.

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- **Ravina** said, that **R' Yochanan ben Bag Bag** agreed that D'Oraisa an arusah may eat terumah. He asked **R' Yehuda ben Beseirah** "I heard that you allow an arusah to eat terumah and you are not concerned that he will find out that she has a mum which would annul the kiddushin retroactively, thus making that she never had the right to eat terumah!" **R' Yehuda** sent back to him "it is based on a kal v'chomer. If a non-Jewish maidservant, who cannot eat terumah based on a bi'ah, eats terumah based on being acquired by money and we are not concerned that he will find a mum that will annul the sale, then a woman who would eat terumah based on a bi'ah, should surely eat when she is acquired by money and we need not be concerned that he will find a mum that will annul the sale. However, the **Rabanan** were goizer and said that an arusah to a Kohen should not eat terumah until she enters into chuppah". **R' Yochanan ben Bag Bag** disagreed with this kal v'chomer, because he said that the sale of a maidservant would not be annulled based on a mum. If it was a known mum, it would clearly not annul the sale (because he has accepted it with the purchase) and if it was unknown, since it does not effect the work of the maidservant, it has no bearing on the sale. However, with a wife a mum does have bearing on the kiddushin, and that is why we must be concerned for that in the case of kiddushin.
 - **Q:** According to both views a woman may not eat terumah until she enters into chuppah, so what is the difference between them? **A:** The difference would be where the Kohen said he accepts her regardless of any mum she may have (the gezeirah of **Ulla** would still apply, but the concern of the kiddushin becoming batul would not apply). Another difference would be if the father gives over his daughter to the shluchim of the husband or if the father sent her with his own shluchim who were accompanied by the shluchim of the husband (the gezeira of **Ulla** would not apply, but the concern that the kiddushin may become batul upon finding a mum still does apply).

-----Daf נ"א-----11-----

B'KESEF B"S OMRIM B'DINAR...

- **Q:** Why do **B"S** require a dinar? **A:** **R' Zeira** said, because a woman is particular and will not agree to become mekudeshes for less than a dinar.
 - **Q:** **Abaye** asked, if so, then girls like the daughters of **R' Yannai**, who are very particular and would not accept less than 3 kavs of golden dinars, if they were to accept a dinar would the kiddushin not take effect? **A:** **R' Zeira** said, if she clearly accepts less, all would agree that the kiddushin would be valid. **B"S** say their halacha when she received the money at night or when a shaliach accepted it for her (without her specifying how much she would accept). In those cases **B"S** say that we assume she would not accept less than a dinar, and therefore anything less will not create a kiddushin.
- **R' Yosef** said, the shitah of **B"S** is based on **R' Yehuda in the name of R' Assi**, who said that whenever the Torah mentions "kesef" it refers to the more valued "kesef Tzuri". When the **Rabanan** mention "kesef", they refer to the less valuable, local currency. Therefore, since kiddushin is mentioned in the Torah, it must take on the higher valued dinar.
 - **Q:** The Gemara just quoted the statement of **R' Yehuda in the name of R' Assi**. Is that true that whenever the Torah mentions kesef it refers to "kesef Tzuri"? The pasuk regarding making someone swear when he admits to part of the claim against him is learned from a pasuk that says "kesef", and yet a Mishna says that this term refers to 2 me'ah. Now, if **R' Assi** is correct, the Torah refers to a silver coin, not a particular currency, and as such there would be no basis to say that 2 me'ah coins are needed. Since the Mishna says that it must be two, it suggests that kesef in the pasuk refers to money in general, and the **Rabanan** are then to decide how much is meant!? **A:** The statement of **R' Assi** is correct. The reason that in that case 2 coins are needed is because the pasuk says "kesef oy keilim", and we learn that just as keilim refers to 2, so too kesef refers to two coins. We also learn that just as kesef refers to a significant item, so too keilim must refer to a significant item.

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- **Q:** Regarding maaser sheini the pasuk says “v’tzarta hakesef b’yadcha”, and yet a Mishna suggests that even copper coins can be used!? **A:** The use of the letter “hey” in the word “hakesef” is an inclusionary term and teaches that in this case even copper coins may be used.
- **Q:** Regarding hekdesch the pasuk says “v’nossan hakesef v’kam lo”, and yet **Shmuel** says if one redeemed hekdesch with copper coins it is considered to be redeemed!? **A:** There is a gezeira shava on the word kesef to maaser sheini, which teaches that just as there copper coins may be used, by hekdesch they may be used as well.
- **Q:** Regarding kiddushin the pasuk says “ki yikach”, from which we have a gezeira shava to the purchase of a field where the word kesef is stated, and yet **B”H** say that a prutah is sufficient. Should we say that **R’ Assi** only follows **B”S** who say that at least a dinar must be used? **A:** Rather we must say that **R’ Yehuda in the name of R’ Assi** said that whenever a pasuk mentions a set amount of kesef, it is referring to money of Tzuri, and when a set amount of kesef is mentioned by the **Rabanan**, they refer to the local currency.
 - **Q:** What would be the chiddush in saying this? We have already learned this in a Mishna which says that the 5 sela’im for pidyon haben, the 30 sela’im penalty for the owner of an ox that killed a slave, the 50 sela’im penalty for a rapist or seducer, and the 100 sela’im penalty for the defamer, all must be paid in the maneh of Tzuri!? **A:** The chiddush is the second half of the statement, that when a set amount is given by the **Rabanan** it refers to the local currency. This concept is not stated in a Mishna.
- **Reish Lakish** said, that the shita of **B”S** is based on **Chizkiya**, who says that the pasuk of “vihefda” written by an amah ivriya teaches that the amah ivriya must be allowed to redeem herself from slavery by paying the master for the amount of years left to her slavery (e.g. in a typical case we take the amount he paid and divide that over the 6 years until her automatic freedom, and we use that proportionate rate if she or anybody else wants to redeem her from slavery). Now, this halacha can make sense if the master originally paid a dinar, because then, when dividing for the remaining years, there will be at least a prutah remaining for each year. However, if the initial purchase price was a prutah, there is no smaller amount for her to give. Therefore, it must be that the initial purchase is at least a dinar, to allow for the diminishing. **B”S** learn kiddushin from amah ivriya, and just like there a prutah is not sufficient, so too for kiddushin a prutah will not be sufficient.
 - **Q:** Maybe only a half of a dinar, or only 2 prutos should be needed (because that too would allow for diminishing for redemption)!? **A:** Once we know that the amount can’t be a pruta, the **Rabanan** designated that the dinar is the minimum amount that must be used.
- **Rava** said, the shita of **B”S** is based on the logic that Jewish girls should not be looked at as cheap, and that is why a prutah is not enough for kiddushin, and a minimum of a dinar must be used.

-----Daf ג’---12-----

U’BEIS HILLEL OMRIM B’PRUTAH

- **R’ Yosef** thought to say, that the smallest coin of any generation is what is meant by the prutah (and there is no fixed minimum that **B”H** would require). **Abaye** said, the Mishna clearly says that the value of the prutah must be one eighth of an Italian issur! And, don’t say that the value given in the Mishna was for the times of Moshe Rabbeinu, because we find that **R’ Dimi** held that the prutah must be worth one eighth of the Italian issur and **Ravin** held that it needs to be one sixth of the Italian issur, so we see that a certain valuation is required! **R’ Yosef** answered, how will you explain the Braisa that says that you will find that there are more than 2,000 prutos in two sela’im. Now, if you are correct that a prutah cannot be worth less than one eighth of an issur, there are less than 2,000 prutos in two sela’im, so how can the Braisa say that there are more than 2,000!? A certain elder told **R’ Yosef**, “I actually had a version of the Braisa that said that there are ‘close to 2,000 prutos’ in the 2 sela’im”. Although if you do the calculation based on 8 prutos per dinar it will come out that there are only 1,536 prutos to the 2 sela’im, since it is a number greater than 1,500 the Braisa calls it “close to 2,000”.
 - **Q:** The Gemara mentioned the machlokes between **R’ Dimi and Ravin**. **Abaye** asked **R’ Dimi**, maybe you argue in the machlokes in a Braisa where the **T”K** goes through a calculation, from which we see that there are 8 prutos to an issar, and **R’ Shimon ben Gamliel** goes through the calculation and determines

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that there are 6 prutos to an issar!? **A: R' Dimi** said, we both would agree with the calculation as set forth by the **T"K**. I said my view at a time when the issar had a high valuation (so there were 8 prutos per issar) and **Ravin** said his view at a time when the issar was at a lower valuation (so there were only 6 prutos to the issar). However, we both agree as to the value of the prutah.

- **Shmuel** said, if a man is mekadesh a woman with a date, even if one can buy a kor of dates for a dinar (so that the single date is clearly worth less than a prutah), she is mekudeshes, because we are concerned that the date may be worth a prutah in Madai.
 - **Q: B"H** in the Mishna say that it must be a prutah. If we have this concern of **Shmuel**, what was the purpose of giving the shita of a prutah!? **A: B"H** gave the amount needed for a definite kiddushin. **Shmuel** was saying that in that case there would be a safek kiddushin.
 - There was a person who was mekudeshes a woman with a bundle of material. **R' Simi bar Chiya** sat in front of **Rav** to determine whether it had the value of a prutah, in which case the kiddushin would be valid, or if it was not worth a prutah, in which case it would not be a valid kiddushin.
 - **Q:** According to **Shmuel** it should be a valid kiddushin in either case!? **A:** They were trying to decide if it was a definite kiddushin, not only a safek.
 - There was a person who was mekudeshes a woman with a dark blue stone. **R' Chisda** sat to determine whether it had the value of a prutah, in which case the kiddushin would be valid, or if it was not worth a prutah, in which case it would not be a valid kiddushin.
 - **Q:** According to **Shmuel** it should be a valid kiddushin in either case!? **A: R' Chisda** did not agree with **Shmuel**.
 - **R' Chisda** paskened that it was not worth a prutah. The woman went and accepted kiddushin from another man. The mother of the first man came to **R' Chisda** and said "although it is not worth a prutah now, it was worth a prutah on the day that it was given as kiddushin!" **R' Chisda** told her, "you are not believed to make her assur on the second man".
 - **Q:** The **Rabanan** asked **R' Chisda**, there are witnesses in the town of Idis who were at the kiddushin and know that on that day the stone was worth a prutah!? **A: R' Chisda** said, right now they are not here to give testimony. In fact, we find that **R' Chanina** used this same logic to believe a woman to say that she was captured but was not violated even though there were witnesses somewhere who supposedly said she was violated.
 - **Abaye and Rava** did not agree with the halacha of **R' Chisda**. They said that **R' Chanina** said that regarding a captured woman, who we deal with leniently, because she makes herself appear ugly to her captors so that they not violate her. However, in a case like that of **R' Chisda**, there is no reason to be meikel.
 - The woman from the case of **R' Chisda** remained married to the second man and had children with him. There were some descendants from this couple remaining in Sura, and the **Rabanan** refused to marry with them. They did so not because they held like **Shmuel**, but rather because they held like **Abaye and Rava**.
 - There was a man who was mekadesh a woman with a hadas branch in the marketplace. **R' Acha bar Huna** sent the question to **R' Yosef** asking him whether the kiddushin is valid. He sent back, "give the man malkus according to **Rav**, and he needs to give a get based on **Shmuel**" (even though it is not worth a prutah here, we must be concerned for elsewhere).
 - **Rav** would give malkus to one who was mekadesh in the marketplace, to one who was mekadesh with bi'ah, to one who was mekadesh without first having an agreement with the woman to get married, to one who was mevatel a get, to one who said that he wrote a get against his will, to one who started up with the shluchim of Beis Din, to one who was in cheirem for 30 days and did nothing to correct his actions, and to a son-in-law who lived in his in-laws' house.
 - **Q:** This suggests that a son-in-law may pass by his in-laws' house, yet we find that **R' Sheishes** gave malkus to one who even passed by!? **A:** That case was different, because the mother-in-law was already suspected of zenus with that son-in-law.

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- In Nehardai they said that **Rav** only gave malkus in the case of the person who was mekadesh with bi'ah without having made an agreement to get married. **Others** say that even if an agreement was made he would give malkus to one who was mekadesh with bi'ah, because it is considered pritzus.
- There was a person who was mekadesh a woman with a mat of hadasim. After she accepted it the people said to him “it is not worth a prutah!” He said to them, “she should become mekudeshes with the 400 zuz that is wrapped in the mat”. She kept the mat with the money and said nothing. **Rava** said, the silence happened after the money was already given, and silence after the giving of the money is meaningless. **Rava** said, I can prove this from a Braisa. The Braisa says, if a man gives a woman a sela to watch for him, and then changes his mind and tells her “be mekadesh to me with this sela”, if it was done at the time that the money was being given, it is a valid kiddushin. If it was done after the money was given, if she consents to it the kiddushin is valid, and if she does not consent, the kiddushin is not valid. Now, “not consenting” can’t mean that she actually says she doesn’t want to marry him, because then even in the first case the kiddushin would not be valid. Rather, we must say that “not consenting” means she was quiet, and the kiddushin would not be valid, because silence after the giving of the money is meaningless!
 - In Pum Nahara in the name of **R’ Huna the son of R’ Yehoshua**, they asked, that the cases are different! In the case of the Braisa we can’t expect her to throw the money away to show her non-consent, because since she was asked to watch the money she feels that she would be responsible if the money is lost. Therefore, she holds onto it and remains quiet to show non-consent. However, if the case of **Rava**, if she wanted to show non-consent she should have thrown the money back at him, since she wouldn’t be liable for the money anyway!? Therefore, in that case, the fact that she is quiet does show consent!? **R’ Achai** said, that is no objection, because women don’t know the halachos, and even in **Rava’s** case she may have thought that if she throws it and it gets destroyed, she would be responsible.
 - **R’ Acha bar Rav** asked **Ravina** how to pasken in such a case. He answered, we have never heard the objection of **R’ Huna the son of R’ Yehoshua**. However, since you have, you need to be concerned for it, and the woman will therefore need a divorce in a case like that of **Rava**.