



בס״ד Intro

Today we will Be"H learn דף ס"ד of מסכת קידושין. Some of the topics we will learn about include:

קדשתי את בתי

A father is believed, while his daughter is still קטנה or , נערה, to say that he married her off and accepted her divorce.

However,

הרי היא גדולה

If she is presently an adult, OR

נשבית

If he claims she was captured and possibly violated, and therefore forbidden to marry a Kohein, he is not believed.

חלל לבת ישראל

It is a מחלוקת if a woman becomes forbidden to marry a Kohein through היל with a חלל, and whether their daughter is a חללה.

אין קידושין תופסין בחייבי לאוין

רבי עקיבא holds that a marriage with a woman forbidden by a אל is not binding. Therefore, a child from such a union is a מחלוקת. It is a מחלוקת whether this applies to ALL חייבי עשה, and also to חייבי עשה.

יש לי בנים

יש לי אח

It is a מחלוקת if one is believed to change his wife's status regarding יבום by claiming he does or does not have sons or brothers.





This may depend on whether מה לי לשקר כעדים או חזקה

The rationale to believe someone who could accomplish their objective without a lie carries as much weight as witnesses or is merely an assumption.

שתי כיתי בנות

The Mishnah cites a מחלוקת regarding someone who has many two pairs of daughters from two wives, and marries one of them off without clearly specifying which one.

This depends whether

מחית איניש נפשיה לספיקא

A person would use an ambiguous expression for ANY of its possible meanings, or only for its most straightforward meaning.









So let's review...

Zugt di Mishnah

קדשתי את בתי

If someone claims to have married off his minor daughter; or

קדשתיה וגרשתיה כשהיא קטנה

He married her off and accepted her **G**ett while she was a minor:

והרי היא קטנה

נאמן

If she is still a minor, he is believed.

At first, the Gemara explains that he is believed because

It is in his power to accept a Kiddushin right now.

The Mishnah continues,

קדשתיה וגרשתיה כשהיא קטנה

והרי היא גדולה

אינו נאמן

If she is now an adult he is no longer believed, because לאו בידיה

He no longer has the ability to marry her off.

Similarly, the Mishnah concludes,

נשבית ופדיתיה

If the father claims she was captured and possibly violated, and therefore forbidden to marry a Kohein,

בין שהיא קטנה

בין שהיא גדולה

אינו נאמן

Even if she is still a minor he is not believed, because it is not בידו to give her this status.

However, the Gemara asks

נהי דבידו לקדשה

בידו לגרשה

It is not in his power to get her divorced?

Additionally,

אילו אמר האי דלא ניחא בגוה

מי מצי מקדש ניהליה בעל כרחיה

He cannot marry her off unless someone agrees to marry her, and so this is also not כידו?

Therefore, the Gemara explains that the Pasuk את בתי נתתי לאיש הזה

ירוני נונוני לאיש ויווי

Teaches us

אב נאמן לאסור את בתו מן התורה

The father is believed to forbid his daughter. However, בנישואין הימניה רחמנא לאב

The Torah only believed him regarding her marriage when she is a קטנה or a נערה, which is what the Parsha there is referring to. However, if she is a בוגרת, an adult, or בשבויה לא הימניה

Regarding her being a captive, he is not believed.

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2 Zugt di Mishnah מי שאמר בשעת מיתתו

יש לי בנים

נאמן

A dying man who declares "I have sons" is believed, and his wife is כטור, However.

יש לי אחים

אינו נאמן

If he says "I have brothers," he is not believed to cause her to become יבום חו חייב.

The Gemara points out

נאמן להתירה

ואינו נאמן לאוסרה

Apparently, he is only believed to permit her, and not to forbid her.

This is apparently the opinion of רבי, who says in a Braisa בשעת קידושין אמר יש לו בנים

בשעת מיתה אמר אין לו בנים

If when they married he assured her that he has sons and she will not become bound for בוכי, and on his deathbed he retracted and claimed that he does not have sons which would bind her for יבום. OR

בשעת קידושין אמר אין לו אחים

בשעת מיתה אמר יש לו אחים

If he assured her that he does not have brothers and she will not become bound for יבום, and on his deathbed he retracted and claimed that he does have brothers which would bind her for יבום;

נאמן להתיר

ואינו נאמן לאסור

His retraction is not believed.

רבי נתן disagrees, and maintains $\dot{\cdot}$

אף נאמן לאסור

He retraction IS believed to cause her to be forbidden to others without הליצה.





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However, the Gemara suggests reconciling our Mishnah with יר' נתן's opinion as follows:

מתניתין

דלא מוחזק לן באחי

ולא מוחזק לן בבני

לאו כל כמיניה דאסר לה אכולי עלמא

Our Mishnah is discussing a scenario where it was always assumed that he did NOT have sons or brothers, and she was exempt from יבום. Therefore, even רבי נתן agrees that he cannot retract and cause her to be forbidden to others.

ברייתא

דמוחזק לן באחי

ולא מוחזק לן בבני

The ברייתא is discussing a scenario where it was always assumed that he DOES have brothers, and does NOT have children, and she would be יבום in יבום.

However, we have reason to believe his statement בשעת לידושין that

יש לו בנים

Or

אין לו אחים

And she would be פטור from יבום, because מה לי לשקר

מצי אמר פטרנא לך בגיטא

He could have assured her that he will give her a Gett מחיים סמוך למיתה, to take effect a moment before his death, which would also exempt her from יבום.

Now, when he retracts בשעת מיתה and says אין לו בנים

AND

יש לו אחים

Which would cause her to become יבום in חייב, the Machlokes is as follows:

רבי סבר

אינו נאמן לאסור

Because

מה לי לשקר כי עדים דמי

ואתו עדים עקרי חזקה

His statement בשעת קידושין, since it carries the same weight as witnesses, completely uproots the original assumption that she's חייב and firmly establishes that she's הייב that she's בשעת מיתה is NOT believed, because he cannot contradict עדים, and she therefore remains פטור מיבום.

However.

רבי נתן סבר

אף נאמן לאסור

Because

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מה לי לשקר כי חזקה דמי

לא אתי חזקה ועקרה חזקה לגמרי

His statement בשעת קידושין merely carries the weight of an assumption and cannot completely uproot the original assumption that she's חייב, but merely weakens it enough so that she's פטור. Therefore, his retraction בשעת מיתה that she's חייב IS believed, because it confirms the original חזקה, and she therefore becomes חייב ביבום again.

Reconciling our Mishnah with pry 's

דמוחזק לן באחי ולא מוחזק לן בבני

The ברייתא is discussing a scenario where it was always assumed that he DOES have brothers, and NOT any children, and that she would be יבום in תייב.

דלא מוחזק לן באחי ולא מוחזק לן בבני

דאסר לה אכולי עלמא

In our Mishnah it was always assumed that he did not have sons or brothers. Therefore, even כבי כתן agrees that he cannot retract and cause her to be forbidden to others.



However, we believe his statement בשעת קידושין

בשעת קידושין אמר אין לו אחים

בשעת קידושין אמו יש לו בנים

מה לי לשקר מצי אמר פטרנא לך בגיטא

He could have assured her that he will give her a Gett מחיים סמוך למיתה, to take effect a moment before his death, which would also exempt her from יבום.

Now, when he retracts

בשעת מיתה בשעת מיתה אמר

יש לו אחים

אף נאמן לאסור

מה לי לשקר כי חזקה דמי לא אתי תזקה ועקרה תזקה לגמר

His statement בשעת קידושין merely carries the wei an assumption and cannot completely uproot the original assumption that she's תייב, but merely weakens it enough so that she's פטור.

Therefore, his retraction חייב that she's בשעת מיתה IS believed, because it confirms the original חזקה, and she therefore becomes חייב ביבום again.

אמר אין לו בנים

אינו נאמן לאסור

מה לי לשקר כי עדים דמי ואתו עדים עקרי חזקה

His statement בשעת קידושין carries the same weight as witnesses, and uproots the assumption that she's מייב

His retraction בשעת מיתה that she's תייב is NOT believed, because he cannot contradict עדים, and she therefore remains פטור מיבום







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Zugt di Mishnah

המקדש את בתו סתם

If someone accepted Kiddushin for one of his daughters, but did not specify which one,

אין הבוגרות בכלל

The adult daughters are certainly not מקודשת, because the father cannot accept Kiddushin on their behalf.

The Gemara explains that the Mishnah is discussing a case of

כשאין שם אלא גדולה וקטנה

Where there are only two daughters, one adult and one minor, and

שויתיה שליח

The adult daughter appointed her father as her agent; Nevertheless,

לא שביק איניש מידי

דאית ליה הנאה מיניה

ועביד מידי דליתא ליה הנאה מיניה

The father certainly accepted the Kiddushin on behalf of the minor daughter, since he keeps the money from this Kiddushin.

Furthermore, even if

אמרה ליה קדושיי לך

Even if the adult daughter allowed him to keep the money from her Kiddushin,

לא שביק איניש מצוה דרמיא עליה

ועביד מצוה דלא רמיא עליה

He would not abandon the obligation to marry off his minor daughter in favor of his older daughter for whom he has no Mitzvah.

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המקדש את בתו סתם

If someone accepted Kiddushin for one of his daughters, but did not specify which one

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The adult daughters are not מקודשת, because the father cannot accept Kiddushin on their behalf.

כשאין שם אלא גדולה וקטנה

Where there are only two daughters, one adult and one minor, and the adult daughter appointed her father as her agent;

Nevertheless,

לא שביק איניש מידי דאית ליה הנאה מיניה ועביד מידי דליתא ליה הנאה מיניה

The father certainly accepted the Kiddushin on behalf of the minor daughter, since he keeps the money from this Kiddushin.

And even if the adult daughter allowed him to keep the money from her Kiddushin,

לא שביק איניש מצוה דרמיא עליה ועביד מצוה דלא רמיא עליה

He would not abandon the obligation to marry off his minor daughter in favor of his older daughter for whom he has no Mitzvah







The Mishnah continues with the following Machlokes: רבי מאיר

מי שיש לו שתי כיתי בנות משתי נשים

ואמר קדשתי את בתי הגדולה

If someone has two pairs of daughters from two wives, and says that he accepted Kiddushin for the 'older one'; however,

ואיני יודע אם גדולה שבגדולות

או גדולה שבקטנות

או קטנה שבגדולות

שהיא גדולה מן הגדולות שבקטנות

He did not specify whether he refers to the oldest daughter, or the older of the younger set, or even the younger of the older set, who is older than the younger pair,

כולן אסורות

חוץ מן הקטנה שבקטנות

דברי רבי מאיר

The three older ones are all ספק מקודשת, because, as the Gemara explains,

כיון דאיכא זוטרא מינה

להך גדולה קרי לה

Since there is a younger sibling, he would refer to them all as 'older', because רבי מאיר holds

מחית איניש נפשיה לספיקא

A person would use an ambiguous expression for ANY of its possible meanings.

However, the youngest daughter is permitted, because he would certainly not refer to her as 'older'.

רבי יוסי אומר

כולן מותרות

חוץ מן הגדולה שבגדולות

The three younger ones are all permitted, because we are certain that he was referring only to the very oldest,

because רבי יוסי holds

לא מחית איניש לספיקא

Although he uses an ambiguous expression, his intent is only for its most straightforward meaning, in this case the oldest sibling.

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אלונים

מי שיש לו שתי כיתי בנות משתי נשים ואמר קדשתי את בתי הגדולה

If someone has two pairs of daughters from two wives, and says that he accepted Kiddushin for the 'older one'; however,

ואיני יודע אם גדולה שבגדולות או גדולה שבקמנות או קמנה שבגדולות שהיא גדולה מן הגדולות שבקמנות

He did not specify whether he refers to the oldest daughter, or the older of the younger set, or even the younger of the older set, who is older than the younger pair,

רבי יוסי

כולן מותרות חוץ מן הגדולה שבגדולות

The three younger ones are all permitted,

because we are certain that he was referring only to the very oldest,

because

לא מחית איניש לספיקא

Although he uses an ambiguous expression, his intent is only for its most straightforward meaning, the oldest sibling.

רבי מאיר

כולן אסורות חוץ מן הקטנה שבקטנות

כיון דאיכא זוטרא מינה להך גדולה קרי <u>לה</u>

Since there is a younger sibling, he would refer to them all as 'older',

because

מחית איכיש נפשיה לספיקא A person would use an ambiguous expression for any of its possible meanings.



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The Mishnah continues with the reverse case;

קדשתי את בתי הקטנה ואיני יודע אם קטנה שבקטנות או קטנה שבגדולות או גדולה מן הקטנות שהיא קטנה מן הקטנות שבגדולות

If he accepted Kiddushin for the 'younger one', he might have been referring to the youngest daughter, or to the younger of the older set, or even to the older of the younger set, who is younger than the older set. Therefore, כולו אסורות

חוץ מן הגדולה שבגדולות

דברי רבי מאיר

The three younger ones are all forbidden to marry, because although it is not complimentary, he would refer to them all as younger; except for the very oldest, to whom he would certainly not refer to as the younger one;

רבי יוסי אומר כולן מותרות חוץ מן הקטנה שבטקנות

The three older ones are all permitted, because we are certain that he was referring only to the very youngest.

קרשתי את בתי הקטנה ואיני יודע אם קטנה שבקטנות או קטנה שבגדולות

או גרולה מן הקמנות שהיא קמנה מן הקמנות שבגרולות

If he accepted Kiddushin for the 'younger one', he might have been referring to the youngest daughter, or to the younger of the older set, or even to the older of the younger set, who is younger than the older set.

רבי יוסי

כולן מותרות חוץ מן הקמנה שבמקנות

The three older ones are all permitted, because we are certain that he was referring only to the very youngest.

רבי אלינ

כולן אסורות חוץ מן הגדולה שבגדולות

The three younger ones are all forbidden to marry, because although it is not complimentary, he would refer to them all as younger;

except for the very oldest, to whom he would not refer to as the younger one





















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