



Kiddushin in Thirty Days

Kiddushin can be performed based on a condition. For example, we have learnt that one can perform *kiddushin* on condition that it will only take effect in the thirty-day time. The *Mishnah* (3:1) however teaches that if one does so, and during that time another person performs *kiddushin* then she is considered married to the second man and not the first. We shall probe this ruling.

The *Gemara* (59b) initially records a debate about what happens after the thirty-day period. According to *Rav*, she remains married to the second man, while *Shmuel* disagrees and the *kiddushin* of the first man would take hold. The *Gemara* however rejects this understanding of the debate and explains that *Rav* and *Shmuel* were arguing about a different case. The reason is that once *kiddushin* of the second man takes hold during the thirty-day period, it cannot simply disappear on its own once the period expires. In other words, everyone agrees that she would remain *mekudeshet* (betrothed) to the second man.

What if the second man divorced her or died before the thirty-day period expires? Would the *kiddushin* of the first man then take hold?

The *Tosfot R' Akiva Eiger* cites the *Ramban* who maintains that she would indeed be *mekudeshet* to the first man. The *Ramban* derives this from the *Mishnah* that simply writes that she is *mekudeshet* to the second man and does not state that she is not *mekudeshet* to the first. In other words, the only thing preventing the *kiddushin* of the first man from working in the *Mishnah* is that once the time expires she is already *mekudeshet* to someone else. It is not however that the second *kiddushin* somehow reverted the first. Consequently, if she is no longer *mekudeshet* to the second man when the time expires, the first *kiddushin* would still work. The *Ramban* cites the *Yerushalmi* that also maintains this position.

Interestingly the *Ramban* continues, citing the *Yerushalmi*, that if the second man died during this period and she required *yibum*, this would also prevent the first *kiddushin* from working. The *Ramban* explains that the *Yerushalmi*

maintains *Rav's* position that *kiddushin* in general would not work for a *shomeret yabam* (a woman who is waiting for either *yibum* or *chalitza*). The *Ramban* however explains that since we rule that *kiddushin* does work with a *shomeret yabam*, she would require a *get* from the first man and *yibum* or *chalitza* from the brother of the second.

The *Rashba* however disagrees. He explains that we rule according to *R' Yochanan* who maintains that even if no one else came during this period, and she simply changed her mind, this would prevent the *kiddushin* from taking effect. The *Rashba* reasons that if a declaration alone can prevent the *kiddushin*, then certainly her accepting the *kiddushin* from someone else should be no different. He rejects the *Ramban's* proof from our *Mishnah* since once it states that she is *mekudeshet* to the second man, it is understood that she is not *mekudeshet* to the first.

The *Ran* however dismissed the *Rashba's* argument. The *Ran* accepts that in general an action demonstrating one's intent is more powerful than a declaration. He however argues that her accepting the *kiddushin* from the second man need not be interpreted as a complete retraction from the first. She could still be maintaining the first *kiddushin* if the second's does not work out during this period.¹ The *Ran* argues that since the *Gemara* entertained the idea that according to *Shmuel* that second *kiddushin* would only work until the thirty days were complete, this must mean that her acceptance of the second *kiddushin* is not a complete rejection of the first.

In defence of the *Rashba*, the *Tosfot R' Akiva Eiger* rejects the *Ran's* proof. He explains that according to the original assumption, *Shmuel* maintains the second *kiddushin* would be temporary. Considering it is temporary, that is why the acceptance would not be considered a rejection of the first *kiddushin*. However according to the conclusion, where the acceptance of the second *kiddushin* would be permanent, perhaps such acceptance should indeed be considered as a rejection of the first *kiddushin*. Consequently no proof can be brought from the *Gemara's* initial assumption.

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¹ The *Rashba* brings other proofs which the *Ran* addresses.

Revision Questions

קידושין בי ח' - ג' י"א

- Can a person perform *kidushin* with:
 - *Matanot kehuna?*
 - *Ma'aser sheni?*
 - *Hekdesh?* (ב' ח')
 - *Orlah?*
 - *Basar be'chalav?*
 - The money made from selling *kil'ei kerem?* (ב' ט')
 - *Trumah?*
 - *Mei Chatat?* (ב' י')
- What is the law regarding the case where a person sends a *shaliach* to perform *kidushin*, and the *shaliach* marries the woman himself? (א' ג')
- What is the law regarding the case where a person is *mekadesh* a woman on the condition that it takes effect in thirty days, and in that time another person performs *kidushin*? (א' ג')
- Can *kidushin* be performed on the condition that he will give her a sum of money? (ג' ב')
- What is the difference if he stipulated as a condition in *kidushin* the he "has 200 *zuz*" and he "will show her 200 *zuz*"? (ג' ב')
- What case is brought that is similar to the previous question? (ג' ג')
- According to *R' Meir*, what qualifies as a satisfactory condition? (ד' ג')
- What is the law regarding a case where a man says "when I married you I thought you were *bat Kohen*" and she is really a *bat Levi*? (ה' ג')
- Can a person *mekadesh* a married woman now, in case her current husband dies? (ה' ג')
- What is the law regarding the case where a person performs *kidushin* on the condition her father consents? (ו' ג')
- Regarding the previous case what if her father subsequently dies? Or what if instead the husband dies? (ו' ג')
- What is the law regarding the case where a man says that he married off is daughter but he does know to who, and then someone says it was him? (ז' ג')
- Regarding the previous case what if two people say it was them? (ז' ג')
- Is a person believed if he said regarding his daughter that he married her off and subsequently accepted her *get* when she was a *katan*? (ח' ג')
- Is a man on his death bed believed if he says he has children? Or if he says he has brothers? (Why is this important?) (ח' ג')
- What is the law regarding the case where a person who has two wives and two daughters from each of the wives says that he married off his "big" daughter? (ט' ב')
- What is the law regarding a case where a man say to a woman "I was *mekadesh* you!" and:
 - She denies it?
 - She say it was not her but her daughter that he was *mekadesh*? (י' ג')
- What is the law regarding a case where a man say to a woman "I was *mekadesh* your daughter" and she say it was not her daughter but herself that he was *mekadesh*? (י"א ג')
- Complete the following rules and explain: (י"ב ג')
 - _____ כל מקום שיש קידושין ואין עבירה
 - _____ כל מקום שיש קידושין ויש עבירה
 - _____ כל מקום שאין קידושין ויש עבירה
- According to *R' Tarfon*, how can one "*metaher*" a *mamzer*? (י"ג ג')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
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Melbourne, Australia

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10 minutes before *Mincha*
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Melbourne, Australia

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Shiur in English

Sunday -Thursday
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Kollel Magen Avraham
Reemon Neighbourhood

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 November כ"ו חשוון	5 November כ"ז חשוון	6 November כ"ח חשוון	7 November כ"ט חשוון	8 November ל' חשוון	9 November א' כסלו	10 November ב' כסלו
Kidushin 3:12-13	Kidushin 4:1-2	Kidushin 4:3-4	Kidushin 4:5-6	Kidushin 4:7-8	Kidushin 4:9-10	Kidushin 4:11-12

