

## 13.13.2

107b (או חולצת או מתייבמת) → 109a (משנה ב') → 107b

1. מימינו בקטף שתינו עצינו במחיר יבאו: איכה פרק ה מסוק ד

- I מאון – age of משנה ב'
- a ת"ק – if she was married off by family members (not the father) and she consented
  - b מאון כסף קידושין when she marries, no need for מאון if she isn't mature enough to guard her חנינא בן אנטיגונוס
    - i הלכה כרחב"א
    - ii *Tangential ruling*: if she doesn't perform מאון but accepts קידושין from another, even if she was originally married, this is inherently valid מאון (כמותו) והלכה כמותו (ר' יהודה בן בתירה והלכה כמותו)
  - c אכילת תרומה vis-à-vis marriage is insignificant –but need for מאון; marriage is insignificant vis-à-vis מאון
    - i ר"א is consistent (as opposed to יהושע ר') in nullifying any act of a קטנה; only requires מאון so that there is some vehicle for disengagement
- II description of wording of גט מאון and interpreting her words as מאון
- a גט used to be verbose, since it looked like a standard גט, they shortened it:
    - i "on X day, A was ממאן her husband B in our presence"
  - b if she says: "I don't want him", even if context indicates that she is staying married, this is מאון
- III משנה ג' – any restraint which come from him – she is considered his wife; from her – not considered his wife
- a Meaning:
    - i שמואל: if she is courted by another and refuses due to her present husband – כאשתו; if due to the unworthiness of the suitor – לא כאשתו
    - ii בני ר' אבין: if he gives her a גט – this is "from the man" and she is retroactively considered כאשתו → he may not marry her kin nor she, his; if she performs מאון, not כאשתו → they may marry each other's kin (משנה next parallel)
- IV consequences of מאון vs. גט: משנה ד'
- a גרושה nor is she considered a גרושה → מאון
  - b מחזיר גרושתו:
    - i If he divorced her, took her back then she did מאון, married another (dissolved) – she may return
    - ii If she was ממאן, returned, he divorced her, she married another (dissolved) – she may not return
  - c Rule: if גט follows מאון, may not return; if מאון follows גט, she may return
    - i Observation: his גט nullifies his גט – which is not true about another's גט (משנה ה')
      - 1 Reason: he may convince her to be ממאנת; which he wasn't successful doing (convincing her **not** to be ממאנת) while married to him
      - 2 Exception: but she may marry his brother, since he isn't familiar with intimate gestures and cannot convince her to perform מאון (other version – even brother is prohibited, precaution against the original husband).
    - ii Contradiction: one's מאון does/doesn't nullify another's גט
      - 1 Answer1: different authors
        - (a) Identity: ר"ע, who prohibited someone who leaves במאון after גט; or he was asked about מאון in a case of ייבום which allows the צרה to accept ייבום – and he prohibited
      - 2 Answer2: if she already had 3 גיטין, she appears to be a גדולה
- V status of "returned wife" vis-à-vis ייבום: משנה ו'
- a if he divorces her and takes her back – ייבום is permitted (ר"א forbids)
  - b if he marries an orphan (i.e. קידושי מאון), divorces her and takes her back – ייבום is permitted (ר"א forbids)
    - i reason for ר"א's positions:
      - 1 גרושת אחיו) because she was ליבם at one point
        - (a) challenge: then she shouldn't need חליצה (which ר"א requires)
      - 2 ר"א is unsure if death or the original marriage generates the זיקה (original marriage dissolved)
      - 3 ר"א is sure that death generates זיקה; everyone is aware of a divorce, but not of a return (might have returned her at night and died the next morning)
      - 4 ר"א: precaution against final case, as indicated by inclusion of final case (supportive ברייתא אשי)
        - (a) חכמים: only applies if he took her back as a קטנה and died before she came of age
          - (i) reason: her divorce was דאורייתא but the return (קידושי מאון) was less than that
  - c if he marries a קטנה via her father and divorces her, she is considered a האב בחיי התומה
    - i if: he takes her back, all agree that the יבם is prohibited; all agree that the צרה may have ייבום