

## 14.1.9

11a (משנה ב) → 12a (אנא אעדים סמכי)

- I בתולות: status of converts etc. as משנה ב
- list includes converts, captives, שפחות who entered "safe zone" before age of 3
  - כתובה is 200 and טענת בתולים can be claimed
- II Related discussion about גר who is a minor
- על דעת בית דין רב הונא: he may be brought through conversion
    - challenge: nothing new – falls under rubric of זכין לאדם שלא בפניו
    - answer: סד"א it's a detriment to him to convert – קמ"ל that only applies to an adult (e.g. עבד) who has already "tasted forbidden fruit"
    - Suggestion: support from our משנה – גיורת converted below age of 3
    - Rejection: may have converted with whole family (על דעת אביה)
    - Caveat: רב יוסף – when a גר קטן grows up, s/he may repudiate the conversion
    - Challenge1: (אביי) how can we give them 200 – when they may retroactively become non-Jews?
    - Answer: once they reach majority and don't repudiate their Judaism, there is no more opportunity to do so
    - Challenge2: (רבא) משנה ג:א – קנס given to such a convert – how can we give them 200?...(answer as above)
    - Explanations:
      - אביי didn't see קנס as a challenge – reason for קנס to ensure that the sinner doesn't gain;
      - רבא didn't see כתובה as a challenge – reason for כתובה that it shouldn't be too easy for him to divorce her
- III משנה ג: Those who have a כתובה of 100
- (exceptions) if a גדולה has relations with a קטנה or vice-versa – she maintains status of בתולה (200/בתולים)
  - if she is מוכת עץ:
    - ר"מ – 200
    - חכמים – 100
  - status of הגדולה על הגדולה קטן
    - מוכת עץ: - רב
      - reads משנה – קטן who has ביאה with a גדולה is considered a מוכת עץ, which is itself a dispute (100/200)
      - שמואל - ~: מוכת עץ (no מוכת עץ with flesh)
        - reads משנה – קטן who has ביאה with a גדולה gets 200 according to all; מוכת עץ alone is the dispute
  - Ruling re: מוכת עץ who was discovered to be so after the marriage (i.e. marriage was under assumption of בתולה)
    - רמי בר חמא: dispute is only if he knew in advance
      - ר"מ: 200 (like בוגרת; in neither case was anything done to her by a man)
      - רבנן: 100 (like בעולה, who had something done to her)
    - challenge: ז:א משנה – her claim of מוכת עץ is accepted (must mean she gets something), rather
    - רבא:
      - ר"מ: whether or not he knew in advance, 200
      - רבנן:
        - if he knew in advance, 100
        - if he didn't know – מקח טעות (0)
    - challenge: from ruling about ש"ר מוציא ש"ר – if there are witnesses that she had ביאה before אירוסין – still gets 100
      - implication: if he marries her as a בתולה and she turns out to be a בעולה – 100
      - internal challenge: his claim (ז:א) that it happened before becomes מקח טעות (=0)
      - resolution: מוקח טעות about ברייתא ש"ר should be read: if she had relations before – מקח טעות; if מוכת עץ – 100
        - רבא agrees and changed his mind – מוכת עץ always gets 100, even if he didn't know)
      - support: if the 1<sup>st</sup> husband was never secluded with her, nonetheless, there is no טענת בתולים – 100
        - implication: (רבה) if he marries her בתולה בחזקת בתולה and she turns out to be a בעולה – 100
        - rejection: this case is different, since she was already married to the 1<sup>st</sup> man (no expectation of בתולה)
          - consideration: perhaps she committed adultery while betrothed to the 2<sup>nd</sup> man
          - defense: case where he performed קידושין just before נישואין
      - variant: some see רבה's derivation from משנה ד' – משנה ד' מן הנשואין: how is such a thing possible?
        - Answer: they had חופה but no ביאה
        - Rejection: perhaps in this case, she gets 100, because she had חופה
      - Assessment: if someone reads רב אשי's rejection re: the ברייתא, certainly he will do so re: our משנה ב
        - However: if someone reads it re: the משנה, he may not apply it to the ברייתא (husband will argue that he was relying on the witnesses that she was never secluded; nonetheless she gets 100)