

14.6.4

69b (משנה ז') → 70a (סוף הפרק)

- I ז משנה: discretionary rights of a daughter re: money entrusted to an agent on her behalf
- a ד"מ agent must follow his orders (from her father) and buy land on her behalf – not give to husband
 - b ד' יוסי since it would be her right to do as she sees fit with field, she may also direct agent to give money to husband
 - i Note: this only applies to an adult girl; if she is a קטנה, her actions are invalid (→ יוסי ר' agrees w/מ"מ in this case)
 - c Related ברייתא (ט: תוספתא כתובות ו:): ר"מ: if she is already married, שליט must follow her lead (give to husband)
 - i But: if only betrothed, must stay true to father's directive
 - ii ד' יוסי: if she is גדולה, in either case, follow her directive; if קטנה (in either case) – follow father's orders
 - d Split the difference: what is the practical difference between their approaches
 - i Proposal: קטנה who is married
 - 1 ד"מ she has the right to redirect order
 - 2 ד' יוסי קטנה may not redirect
 - 3 Rejection: אין מעשה קטנה כלום (of our משנה) the statement that
 - (a) Must be: taught by ר"מ, as we already infer from יוסי ר' argument from the sale of the field
 - (i) Therefore: clearly יוסי ר' already maintains that קטנה may not redirect (since she can't sell field)
 - (b) Therefore: ר"מ agrees that a קטנה, even if married, may not redirect orders
 - ii Rather: the difference between them is a גדולה – if only betrothed (ר' יוסי allows her to redirect)
 - e Practicum: שמואל ruled like יוסי ר'; ר"נ ruled like ר"מ
- II Redirecting parental gifts
- a Story: אילפא (to prove his proficiency) challenged anyone to find a ברייתא that he couldn't support from משנה
 - i ברייתא: if someone (on deathbed) directs a שקל be given to sons per week, but they need a סלע (2 שקל), we give סלע
 - 1 But if: he said "give no more than a שקל", we give שקל
 - 2 And if: he ordered that up on his death, others will inherit, in either case, only gets a שקל
 - ii אילפא: this follows ר"מ who ruled that it is a מצוה to fulfill last wishes
 - iii Practicum (מר עוקבא): in any case, we give them all their needs (from the estate)
 - 1 Challenge: we hold like ר"מ – מצוה לקיים דברי המת
 - 2 Defense: he only ruled that way in reference to other matters
 - (a) But here: he certainly wants his sons to be supported
 - (i) However: he was simply impressing the importance of frugality on them
- III Application of last line in our משנה
- a transactions regarding chattel (מטלטלין) made by children ("פעוטות") are valid
 - i דפרום: only if there is no trustee; but if there is אפוטרופוס, their transactions are invalid
 - ii Support: from our משנה – אין מעשה קטנה כלום –
 - 1 Challenge: perhaps that's only in a case where there is an agent (שליט)?
 - 2 Defense: if so, should say "in case of קטנה, agent should complete his agency"
 - 3 However: since it reads "אין מעשה קטנה כלום" means even if there is no שליט