

14.11.2

97a (משנה ב') → 98a (עריכה הכרזה)

1. והוא אשה בבתוליה יקח: ויקרא טא, י.

I משנה ב' context of אלמנה selling property

- a **חכמים**: she may take an oath out of context of מומחין ב"ד (as long as they are experts in assessments)
 - i *understood*: why she would sell as a נשואה – she has מזונות coming to her
 - ii *not understood*: why would enable her to collect (כתובה) without ב"ד as an ארוסה
 - 1 *answer1*: **חינא** (we want to ease her chances of remarrying)
 - 2 *Answer2*: a man doesn't want his wife to be disgraced by going to ב"ד
 - 3 *Split the difference*: a divorcee – still needs **חינא**, but he wouldn't care about her dignity
 - 4 *Challenge to 1st answer*: (next משנה) א גרושה must sell in ב"ד (→2nd reason)
 - 5 *Answer*: authored by ר"ש (no concern for **חינא** as evidenced by his position in our משנה)
 - 6 *Challenge*: his position is already found in our משנה
 - 7 *Answer*: we wouldn't apply his ruling in our משנה to גרושה, who needs more **חינא** (as opposed to an אלמנה who never had ביהא and will still be eagerly sought after)
 - 8 *Challenge*: isn't that included in the general statement of ר"ש – "anyone who only has מזונות..."
 - 9 *Answer*: that refers to a ספק גרושה, who has מזונות
 - 10 *Challenge (to answer #1)*: just as she, similarly, her heirs may sell the כתובה outside of ב"ד
 - (a) *understood*: if we accept answer#2 – he also doesn't want his heirs to be disgraced
 - (b) *not understood*: if we accept answer #1 – there is no **חינא** here
 - 11 *answer*: her heirs may be her daughters, who need **חינא**
- b ר"ש: only if she is an אלמנה מן הנישואין – since she is collecting for מזונות
 - i *rule*: anyone who has no מזונות may only sell in ב"ד

II משנה ג' dispute regarding selling the כתובה in stages

- a ר"ש: once an אלמנה sells, pledges or gives away part of her כתובה (for מזונות), she may not sell the remainder without a שבועה
 - i *note*: we identify ר"ש as the ת"ק as per his opinion in a תוספתא that if she sells part of her כתובה, she loses מזונות
- b **חכמים**: she may even sell it in 4 or 5 stages
 - i *additionally*: she may sell for מזונות outside of ב"ד (and write on the שטר that she sold for מזונות)
 - ii *however*: a divorcee may not sell outside of ב"ד
- c *observation*: ר"ש seems to hold that the partial debt owed her is not considered like a full debt, **חכמים** holding the inverse
 - i *challenge*: ר"ש considers that "בתולים" (i.e. בוגרת) is proper בתולה for purposes of marrying ר"מ; כה"ג בתולים are not considered full בתולים
 - ii *answer*: that dispute is about interpretation of v. 1
- d *story*: woman seized a silver cup for (payment of part of) her כתובה and then sued for מזונות
 - i *ruling*: רבא ordered that the heirs feed her - no one accepts ר"ש's opinion
- e *Question*: (asked of ר' יוסף) if she sells outside of ב"ד, does she require a שבועה?
 - i *Response*: why not ask about הכרזה (made before any court-ordered sale)
 - ii *Answer*: seems from ruling about the nullity of an אלמנה who did her own assessment for collection of her כתובה that there must have been no announcement (else her assessment would be valid)
 - iii *Block*: might have been an announcement – and they said to her "who estimated for you?"
 - iv *Ruling*: in such a case, she requires an oath, but no public announcement