

14.12.1

101b (משנה א') → 103a(מדת סדום)

- I משנה א': status of agreement with אלמנה regarding support for her daughter
- a if he agrees to support her for X years, that obligation outlives the marriage
 - b if she marries another (during X years) with same agreement, they can't split the payment:
 - i husband A continues feeding to where (ex-)wife is
 - 1 *observation*: proves that the daughter, even if she is a בוגרת, stays with mother
 - ii husband B gives her payment for food (cash)
 - 1 *case*: A rented his mill to B for no financial consideration, just that B would grind A's grain
 - (a) *then*: A got wealthy, bought another mill and donkey and didn't need B's work
 - (b) *then*: A told B to pay him rent
 - (c) *response*: B agreed to keep milling for A
 - (d) *suggested ruling*: akin to our משנה, B must pay A
 - (e) *rejection*: in our משנה, she has only 1 stomach and cannot eat more → husband B must pay cash; in this case, B can continue to mill for A and A can mill for profit
 - (f) *caveat*: only true if B has no other work; if he is paid by others to mill their grain, he cannot force A to accept his grain as that would be מדת סדום
 - c if the daughter marries, husband feeds her and husbands A and B each pay for duration of X
 - d if husbands A and B die, their daughters are fed (exclusively) from free assets, but this girl is fed from בעלת חוב – since she is a משעובדים
 - i clever husbands would stipulate that the support would last only as long as they were married
- II *related dispute*: if A admits – to witnesses (without designating them) that he owes B as per a given שטר
- a ד' יוחנן owes the money
 - b ר"ל – doesn't owe it
 - c *challenge 1*: (ר"ל) from our משנה, where he agrees to support daughter etc. –
 - i *rejection*: that is a case of שטרי פסיקתא (what we refer to as תנאים) – ruling of רב
 - d *challenge 2*: if A writes a שטר to a כהן that he owes him 5 שקלים – he owes it and his son isn't redeemed
 - i *rejection*: in reality, his son is redeemed; we disallow it so people won't think that פודין בשטרות
 - e *suggested explanation*: follow along lines of ר' ישמעאל בן ננס v. ר' ישמעאל regarding obligation of an ערב who is signed below the witnesses to be available for collection (from בני חורין – ר' ישמעאל – or not at all (בן ננס))
 - f *rejection*: all would agree that according to בן ננס, he would not be חייב
 - g *rather*: dispute is within position of ר' ישמעאל:
 - i ר' ישמעאל ד' יוחנן follows
 - ii ר"ל limits ר' ישמעאל (ערב) to case of שעבוד דאורייתא and not this case
- III *more on דב שטרי פסיקתא*
- a *Consideration*: רבא thought to apply רב's ruling only to a נערה, since father has a stake
 - i *Rejection*: even applies to a בוגרת, since the groom's father is also obligated and he has no stake
 - ii *Resolution*: each party's interest and stake – in seeing the couple married
 - b *Question*: may שטרי פסיקתא be written
 - i *Answer*: no
 - ii *Challenge*: from our משנה
 - iii *Defense*: "writing" in our משנה means "saying", as per ר' חייא's take on ט:א
 - iv *Possible challenge deflected*: שטרי אירוסין that may be written – refers to שטר אירוסין itself
 - v *Challenge*: the daughter (in our משנה) may collect from mortgaged property (→ must be a שטר)
 - vi *Answer*: the mother made a קנין on her behalf
 - vii *Attempted block*: then why don't the latter-born daughters collect from משעובדים?
 - viii *Response 1*: they weren't around at time OR
 - ix *Response 2*: they already get benefit of ב"ד תנאי → they likely received some מטלטלים from father before his death