

19.01.09

10a (איכא בינייהו: קיבל, מסר, והלך) 11a → (איבעיא להו: ביאה, נשואין עושה או אירוסין עושה)

- I Status and effect of ביאת קידושין – possibility that it generates נישואין
- a *Split the difference*: if it generates נישואין, than he becomes her heir (at this point) and may repudiate her vows and, if a כהן, is מיטמא לה
- b *Answer1*: lists ביאה among other forms of קידושין, pre-נישואין (→only generates אירוסין)
i *Rejection*: perhaps נישואין is only mentioned as a 2nd stage to others
- c *Answer2*: lists effects of ביאה (at 3+) – then (as 2nd stage) - נישאת (→only generates אירוסין)
i *Rejection*: perhaps meaning is “if these נישואין are to a כהן, she eats תרומה”
- d *Answer3*: argument provided by יהודה בן בתירה ר' why an ארוסה בת ישראל should eat תרומה
i *Built on*: giving her תרומה (ק"ו) that קידושי כסף should work, ק"ו from שפחה כנענית
1 *Assumption*: context is ביאה w/o חופה, being more obvious (that it allows תרומה) than חופה w/o חופה
(a) *Answer1* (רנב"י): context is ביאה w/חופה – ק"ו still stands (ביאה – even with a theoretical חופה – won't allow a שפחה כנענית to eat, yet allows a woman to; כסף, which allows ש"כ to eat, certainly should allow אשה)
(i) *Note*: retort to ק"ו is that ש"כ has nothing remaining in her קנין, אשה still awaits חופה
(b) *Answer2* (רבינא): entire discussion is on level of דרבנן (and practical) consideration:
(i) *Challenge to דיב"ב*: we understand that you are allowing ארוסה to eat תרומה and aren't concerned with סימפון –
1. *retort*: ק"ו from ש"כ (as above) and no concern for סימפון
a. *Admission*: but we don't practically allow it, as a precaution against her sharing תרומה with her family members
2. *response*: there is no concern for סימפון for עבדים;
a. *if*: it is obvious and exposed – he saw it (and didn't care)
b. *if*: it is discreet – no concern
c. *if*: it is a slave who is a thug or a kidnapper – purchase is valid (no surprise there)
d. *if*: it was someone who was on death row or wanted by government – there's a קול
(ii) *note*: since all agree that she doesn't eat (either due to סימפון or concern about feeding family members) - in what cases do they differ?
1. *קבל*: if he accepted any מומין she might have (no סימפון)
2. *מסר והלך*: if she was already handed over to husband's agents (no concern for feeding her family)