

19.02.04

44a (מעות הראשונות לאו לקידושין ניתנו) → 45a (בעא מיניה רבא מרב נחמן)

- I Ability of a נערה to appoint a שליח to receive her גט (according to רבנן)
- a נחמן (רבא) asked by ר' dilemma
- i lemma1: is she considered like the "hand of her father" → may make שליח
- ii lemma2: is she considered like the "חצר of her father" → גט isn't in effect until it gets to her hand \
- 1 note: רבא can't entertain this idea, since he holds that placing a גט into the hands of a woman's slave, if awake, is invalid, since it is a חצר המשתמרת שלא לדעתה → when the נערה gets it, still not divorced since it's משתמרת שלא לדעת אביה
- iii rather: question – is she as strong as יד אביה to appoint a שליח or not?
- 1 Answer (ר' נחמן): she may not appoint a שליח
- 2 Challenge: if a קטנה appoints someone to get her גט, it isn't valid until she receives it
- (a) Implication: if she were a נערה, it would be valid immediately
- (b) Rejection: in that case, the קטנה is an orphan
- (i) Block: סיפא states that if the father appointed the שליח, it's valid immediately → father is alive
- (ii) Answer: deficient reading – should include "bridge" – "and if father was alive..."
- II Status of קידושי קטנה which she accepts without her father's consent
- a שמואל: she requires גט and מיאון (position also taken by רב)
- i גט: in case father was agreeable
- ii מיאון: in case father wasn't agreeable – so people won't think that קידושין with her sister are invalid (→ no גט needed)
- 1 addendum: ר"י – only need a גט if there was a prior discussion of marriage (שידוכי)
- (a) add (version #1): עולא – מיאון unnecessary
- (i) note: this is only true if we don't accept first addendum (שידוכי)
- (b) add (version #2): עולא – a קטנה who accepts קידושין doesn't even require מיאון (certainly not גט)
- (c) challenge: א:א stipulates that if any of the 15 עריות performed, מיאון, the צרות may go ahead with ייבום
- (i) note: that includes בתו → father must still be alive → she must have accepted קידושין on her own
1. explanation: otherwise, מאון wouldn't be sufficient
2. therefore: קטנה שנתקדשה שלא לדעת אביה must require מיאון
3. defense: she became a "living orphan"
- a. explanation: if father is מקדש her and then she is divorced or widowed מן הנישואין, she's considered a "יתומה בחיי האב" and father has no more purview over her
- (d) challenge: dispute between ר"א חכמים if father can sell daughter to קרובים (concern of עריות w/ ייעוד)
- (i) note: all agree that she may be sold as an אלמנה כה"ג to אלמנה (etc.)
- (ii) question: how could she be an אלמנה and still eligible for sale?
1. note: cannot be a case where father was מקדש her; he couldn't sell her afterwards
2. therefore: must be a case where she was מקדש herself (and father is alive)
3. defense: reference is to קידושי ייעוד (i.e. she was sold and the master married her and then died)
- a. note: follows position of יהודה ר' יוסי בר יהודה that original payment was not כסף קידושין
- i. therefore: this isn't considered אחר שפחות אחר אישות, rather שפחות אחר שפחות