

## OVERVIEW of the Daf

### 1) A minor who accepts kiddushin without her father's consent (cont.)

R' Hamnuna concludes his unsuccessful challenge to Ulla's ruling that a minor who accepted kiddushin without her father's consent does not require a **גט** nor **מיאון**.

R' Huna in the name of Rav rules that if the **ארוס** dies before the minor can receive a **גט** and do **מיאון** she will require **מיאון** for her **מאמר** but not for her **זיקה**.

The Gemara explains why if the **יבם** performed **ma'amar** will the three procedures of **חליצה**, **גט** and **מיאון** be necessary.

The reason why **חליצה** is sufficient if the **יבם** did not do **ma'amar** is explained.

A related incident is recorded.

Ravina's ruling in this incident is unsuccessfully challenged.

Another incident and ruling of Ravina is presented.

Ravina's ruling is unsuccessfully challenged.

Another incident related to a minor who accepted kiddushin without her father's consent is recorded.

Abaye and Rava offer different explanations why the kiddushin in this incident is not valid.

The difference between their positions is explained.

### 2) A minor who does nissuin without her father's consent

Rav and R' Assi disagree regarding the halacha of a girl who went forward with nissuin without her father's consent since he was out of the country.

The Gemara reports that in a practical case Rav took into account R' Assi's strict position.

Rav's position is qualified.

R' Huna and R' Yirmiyah bar Abba disagree about the status of a girl who did nissuin without her father's consent when he was in town.

Each position is explained.

R' Huna and R' Yirmiyah bar Abba disagree about the status of a girl who did kiddushin and nissuin without her father's consent when he was in town.

Ulla challenges R' Huna's ruling that the minor may eat her husband's **terumah**. ■

## Distinctive INSIGHT

### *The choice of the parents for their daughter's husband*

אמר אביו כתיב שארית ישראל לא יעשו עולה ולא ידברו כזב. רבא  
אמר חזקה אין אדם טורח בסעודה ומפסידה

The Gemara tells the story of a father who wanted to have his daughter marry one of his own relatives, but the mother wanted the daughter to marry one of her relatives. Finally, the mother prevailed and convinced the father to arrange a marriage with one of her relatives. A meal was arranged to celebrate the upcoming marriage. At the banquet, a relative of the father took the girl aside and offered kiddushin to her, without the consent of the father before the father actually accepted kiddushin from his wife's relative. The question was now whether the father was satisfied with this development, thus requiring the girl to get a **גט** and perform **מיאון** with the father's relative before being able to marry anyone else.

Abaye and Rava both explain that the kiddushin with the father's relative was not valid. Abaye cites the verse (Tzefania 3:13): "The remnants of the Jewish people do not act improperly and they do not lie." Even though the father had originally wanted to have his daughter marry this man, however he promised his wife to have the girl marry her relative, and we do not have to suspect that he now changed his mind.

Rava explains that the reason we can dismiss the father's relative's action is that the banquet being held was in honor of the engagement with the relative of the mother. We do not have to consider that the father would conduct an entire affair to celebrate the engagement with the wife's relative if he had agreed that the true husband was someone else.

Ri"ף writes that the reason the Gemara had to resort to the explanations of Abaye and Rava to confirm that the proper husband was the relative of the wife was that the husband had earlier shown an interest in arranging a marriage with his own relative. This is why there was a strong possibility that the father preferred this man even now. However, Abaye and Rava each point out that the selection of the father to choose his own relative as the new husband can be dismissed.

Tur (E.H. 37) writes that if a girl who is a minor accepts kiddushin from a man to whom the father had earlier indicated he wished to receive kiddushin for her, we must treat the kiddushin as valid. **חלקת מחוקק** identifies our Gemara as the source for this halacha, in that we would have considered kiddushin to the relative of the father as meaningful had we not been presented with the explanations of Abaye and Rava which are specific to our case where the father subsequently agreed to his wife's choice for their daughter's husband. ■

## HALACHAH Highlight

*Reviewing the parsha of the week on Shabbos when one is observing shiva*

בפירוש אמר מר לא סבירא ליה להא דשמואל

*The master said explicitly that he does not follow the ruling of Shmuel*

A question that is often asked by mourners is whether they are permitted on the Shabbos of shiva to review the parsha of the week **שנים מקרא ואחד תרגום**. Rav Ovadiah Yosef<sup>1</sup> cites the comment of the son of the author of Sefer Beis Hillel<sup>2</sup> who writes that the halacha depends upon when shiva will conclude. Although Shulchan Aruch<sup>3</sup> rules that one should finish his review of the parsha before he eats the seudah on Shabbos morning, he also cites opinions who maintain that **בדיעבד** if a person finishes after the meal, before Wednesday or at the very least by Shmini Atzeres the mitzvah is still fulfilled. Accordingly, if a person's shiva will conclude Wednesday or later he should review the parsha on the Shabbos of shiva in order to fulfill the mitzvah before that deadline. If, however, shiva will conclude on Sunday, Monday or Tuesday, thus leaving him with time after shiva to review the parsha before the Wednesday deadline, he should not review the parsha on the Shabbos of shiva.

Rav Ovadiah Yosef disagreed with this conclusion and argues that it is permitted for the mourner to review the parsha no matter when shiva will conclude. Since ideally one should finish the parsha before the seudah on Shabbos morning and the language of Shulchan Aruch<sup>4</sup> indicates that it is permitted, there is no reason to delay reviewing the parsha. Furthermore, it is incorrect to delay the fulfillment of the mitzvah since there is the concern that the person may die and not fulfill the

## REVIEW and Remember

1. According to R' Yosi bar R' Yehudah, how does **קידושין יעוד** work?
2. What is the origin of the prohibition against marrying the sister of one's **חלוצה**?
3. Under what conditions is it certain that the kiddushin a minor accepted without her father's consent is invalid?
4. What is the point of dispute in a case where a minor accepted kiddushin with her father's consent but did nissuin without her father's consent and he is in town?

mitzvah. One may argue, however that the concern that someone will die is relevant only when discussing a long period of time but within a short period of time there is no concern that a person will die. Kesav Sofer<sup>5</sup>, in fact, writes that seven days is considered a short period of time and there is no concern for death within that period. Tosafos<sup>6</sup> in our Gemara, however, disagrees and maintains that one has to be concerned with the possibility of death within a period of time even shorter than seven days. After additional analysis Rav Ovadiah Yosef concludes that it is permitted for a mourner to review the parsha of the week on the Shabbos of shiva. ■

1. שו"ת יביע אומר ח"ד יו"ד סי' ל"א
2. ספר בית הלל סי' תי' בהגה מבן המחבר.
3. שו"ע או"ח סי' רפ"ה סעי' ד'.
4. שו"ע יו"ד סי' תי' סעי' א'.
5. שו"ת כתב סופר או"ח סי' ק"ג.
6. תוס' סוף ד"ה בפירוש. ■

## STORIES Off the Daf

*"A man would not act with such Chutzpah..."*

"לא חציף איניש לשוויי לאבוה שליח..."

Many people have not internalized that it is prohibited for a child to act as though he is his parent's equal. This is the basis of the prohibition against sitting in one's parent's place, and it has many other practical halachic applications as well.

A certain person once owned valuable property in another city that he

wished to sell and donate the proceeds to charity. Unfortunately, the only person he knew that could help him take care of the transaction was his father. He had always been careful with his father's honor until then, never asking him to do anything not in keeping with the honor he deserved. The son wondered if working together with his father on the sale of the property was unacceptable halachically, since he was treating his father as an equal, a clear prohibition.

On the other hand, since he wished to give the proceeds of the land to charity the sale was a mitzvah, so presumably his father could do this service for him. Since

he was unsure if this was permitted, he consulted with the Ben Ish Chai, zt"l.

The great sage answered, "It is prohibited to appoint one's father to be his messenger even for the sake of a mitzvah, since this action is a failure to treat him with the proper respect. It is considered a chutzpah,' in the words of our sages. We find the proof of this in Kiddushin 45. There, we find that a son would never be brazen enough to make his father a messenger to be mekadesh him. We see clearly that even for a mitzvah it is a chutzpah to appoint one's parent as a messenger!"<sup>1</sup>

1. שו"ת תורה לשמה, סימן רס"ח

