

## OVERVIEW of the Daf

### 1) Two hands retaining the right to acquire at the same time (cont.)

The Gemara concludes its challenge to R' Yosi bar R' Chanina's explanation of Rabanan according to R' Yochanan.

An alternative version of R' Yosi bar R' Chanina's explanation is presented.

This explanation is unsuccessfully challenged.

Tangentially, the Gemara explains the dispute between Rebbi and Chachamim whether **מאמר** can be done without the consent of a yevamah.

Further proof to R' Yochanan's interpretation of the dispute (daf 43) between Tanna Kamma and R' Yehudah is cited.

It is explained why the proof to R' Yochanan's position does not refute Reish Lakish's explanation.

After the Gemara explains why **מאמר** is treated differently according to Reish Lakish it realizes that the same explanation could be used to respond to an earlier challenge to R' Yochanan.

The position of Reish Lakish is unsuccessfully challenged.

The response to this challenge is unsuccessfully challenged.

An incident is recorded that describes how the dispute between R' Yochanan and Reish Lakish was resolved.

R' Nachman bar Yitzchok clarifies a point related to this discussion.

### 2) A na'arah appointing an agent to accept her **גט**

Rava asked R' Nachman whether a na'arah can appoint an agent to accept a **גט** on her behalf and the two sides of the question are explained.

It is demonstrated that Rava could not have posed such a question and a revised version of the question is presented.

R' Nachman ruled that a na'arah may not appoint an agent to accept a **גט** on her behalf.

This ruling is unsuccessfully challenged.

### 3) A minor who accepts kiddushin without her father's consent

Shmuel ruled that a minor who accepts kiddushin without her father's consent requires a **גט** and **מיאון**.

Karna challenged this ruling.

Rav confirmed that a **גט** and **מיאון** are required.

The rationale behind this ruling is explained.

R' Nachman asserts that Shmuel and Rav's ruling applies only if there was a shidduch between the man and the minor.

Ulla asserts that the minor who accepted kiddushin without her father's consent does not even require **מיאון**.

This ruling is unsuccessfully challenged.

A second version of Ulla's teaching is recorded.

R' Kahana unsuccessfully challenges Ulla's ruling that the minor does not require a **גט** or **מיאון**.

R' Hamnuna begins another challenge to Ulla's ruling. ■

## Distinctive INSIGHT

### *Rav Avin and his accurate report*

אמר ליה אבין בר סמכא הוא, אמר ליה אין, כמין ימא לטיגני הוא

**R**av Avin came from the Beis midrash and informed Rav Assi and Rebbe Zeira of the lessons being taught in the study hall. Rav Avin reported that all the students had come to a consensus that the halacha is according to Rabbi Yochanan that when a girl is a na'arah, only a father may accept kiddushin for her, but she may not accept kiddushin for herself. Although Reish Lakish protested strongly and insisted that just as we find regarding divorce that either the father or the girl may accept the **גט**, so too is the halacha in reference to kiddushin that either the father or the girl may accept the kiddushin, no one accepted the opinion of Reish Lakish as valid.

At this point, Rav Assi asked Rebbe Zeira whether Rav Avin was a reliable source and whether they should conclude that the halacha is according to Rabbi Yochanan. Rebbe Zeira answered that, in fact, Rav Avin was dependable, "**כמין ימא לטיגני הוא**." The Rishonim translate the words of Rebbe Zeira in different ways. Rashi explains that the response was "like from the sea straight to the frying pan." In other words, this is just as if a person takes a fish directly from the sea and places in into a hot frying pan he has prepared to fry it. The intent was that Rav Avin had just come directly from the Beis midrash with his information, and he had no time to forget what had just been discussed. It was obviously an accurate report of the student's lesson. Ritva questions Rashi's commentary, as there is no indication that a house where a fish is fried is near the sea. Furthermore, the word for frying is **טיגני**, not **טיגני**.

Tosafos cites Rabeinu Chananel who explains that **ימא** and **טיגני** are names of two places which were very close one to the other. A person in one of these cities would not lie in one of these places about something that occurred in the other, as it was reasonable to assume that people so close would hear about what he said and they would be able to then come and challenge him. So, too, Rav Avin's report about what was discussed in the Beis midrash was certainly accurate, since if it were in error, any student from the Beis midrash was readily available and would have come and pointed out its being in error. Since no one had come, they were able to assume that Rav Avin's report was correct. ■

# HALACHAH Highlight

## The obligation to confirm a rumor

אמר ליה אבין בר סמכא הוא, אמר ליה אין

He asked him, "Is Rav Avin reliable?" He said, "Yes, he is."

It happened once that a kohen was engaged to marry. Three days before the wedding the girl's father, who had divorced her mother fourteen years earlier, appeared in the office that oversees marriages in Eretz Yisroel and shared with them information that could cancel the wedding. He informed them that thirteen years previously, in Yemen, he had accepted kiddushin for his daughter and a short time later had accepted a גט on her behalf, making her prohibited to a kohen. After sharing this information the father walked out of the office before anyone could question him. The Beis Din was informed about this revelation and called in the engaged couple. When they heard what the father had done they were astonished since they had met with him a few weeks before this incident and he had given them his blessing regarding the marriage.

There were additional details that are beyond the scope of this article but the question that is relevant for us is whether the wedding should be delayed in order to confirm all the details of the case or is it unnecessary. Rav Ovadiah Yosef<sup>1</sup> ruled that it is not necessary to delay the wedding to investigate the claim of the father. Since the father did not identify the names of the witnesses who allegedly witnessed the kiddushin there is no reason for Beis Din to assign any reliability to his claim. This principle is expressed by Beis Shmuel<sup>2</sup> who ruled that we do not give any credibility to a rumor that circulates about a woman who is about to marry that she had previously accepted kiddushin from another man. It does not matter, writes Beis Shmuel, whether the alleged witnesses

# REVIEW and Remember

1. What is the effect of ma'amar done to a yevama without her consent?

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2. Why is it important to know who issued a halachic ruling?

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3. Is there any validity to kiddushin a minor accepted without her father's consent?

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4. Why would it be necessary for a girl to both receive a עט and perform מניאון?

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are far away or close by, either way the rumor is completely ignored.

Rav Ovadiah Yosef cites our Tosafos as further proof to this principle. Tosafos<sup>3</sup> writes that a person would not lie about something that happened at a location nearby since he fears that someone will come and refute his claim. Poskim do not write that we should investigate the person's claim since the matter could be easily clarified; rather they rely on the presumption that the person would not lie. Certainly then, in our case where the father could not even identify the names of the witnesses there is no reason to give credibility to the father's claim and the wedding could go forward as planned. ■

1. שו"ת יביע אומר ח"ד אה"ע סי' ו' אות ה'.
2. בית שמואל סי' מ"ב ס"ק ט"ו.
3. תוס' ד"ה כמין ימא לטיגני. ■

# STORIES Off the Daf

## Defending a point

"אפכוה שדרוה לקמיה דרב..."

The Rebbe of Kotzk, zt"l, learned a huge volume of Gemara and halachah. Even during the tekiyos on Rosh Hashannah—a time when many gedolim learn the Zohar regarding shofar—he could be seen studying the most difficult chapters in Choshen Mishpat. Those associated with him would toil mightily in learning and were some of the sharpest lamdanim of his generation.

The Kotzker Rebbe and the Chiddushei HaRim, zt"l, were very close. As a matter of fact, it took them a little time to finally decide that the Kotzker would be Rebbe and the Chiddushei HaRim the disciple, and not

vice versa.

Once, when the Kotzker Rebbe told over a penetrating vort to the Chiddushei HaRim in the name of "a certain avreich," the latter brought a proof against it. This was a regular part of their relationship, since often enough one or the other would share a chiddush in whatever subject he was holding, while the other either agreed or disagreed.

Oddly enough, this particular time the Kotzker went out of his way to defend the chiddush, even citing what the Chiddushei HaRim felt was a tenuous proof in support of the opinion. When the Chiddushei HaRim left the Kotzker's room he wondered at this and immediately began making inquiries who was the originator of the idea that the Kotzker had so staunchly defended. Eventually he heard that it was the chiddush of a

huge tzaddik, Rav Yechiel Meir, the Rebbe of Gustinin.

When telling over this story, Rav Yisrael Feigenbaum, zt"l, commented: "My son Yitzchak showed me that we find something similar in Kiddushin 44b. When they wished to elicit an opinion from Rav regarding Shmuel and Karna's dispute, they switched the names, lest Rav argue Shmuel's point because he was his friend. We see that even in the times of the Gemara, an Amora would sometimes bend over backwards to explain the reasoning of his friend.

Rav Feigenbaum concluded, "It is also possible to explain this in light of the Shitah Mikubetzes in Bava Kama 50, who writes that it is Hashem's way to agree to the reasoning of the tzaddikim of the generation." ■

1. אור פני יצחק, עמוד ס"ט

