

## When he sends her out; is she his wife?!

**[לכשיוציא<sup>1</sup> אשתו היא –**

## Overview

The משנה stated<sup>2</sup> that the מפתה pays the קנס, when he sends her out. This seems to mean that he pays her when he divorces her. Therefore the גמרא wonders what is the meaning of 'לכשיוציא'; is she then his wife that he sends her out; they never were married! תוספות clarifies this question.

**אפילו פיתה לשם אישות<sup>3</sup> מכל מקום פריך אשתו היא כיון דאינה צריכה<sup>4</sup> גט):**

**Even if he seduced her with the intention of marrying her, nevertheless the גמרא correctly asks, ‘is she his wife’; since she does not require a גט, even if פיתה לשם אישות.**

## Summary

One who was בערה לשם אישות a מפתה, they are not considered married.

## Thinking it over

Why does תוספות write כיון דאינה צריכה גט, he should have written, כיון קידושין (or something similar)?!

<sup>1</sup> See marginal note; this is an addendum from תוספות ישנים.

2 א.ט.

<sup>3</sup> He was **מקדש** her with this **ביאה** to which she consented, therefore she should be his wife. He pays the **קנס** only if he divorces her; what is the **ש'גמרא** question.

<sup>4</sup> The **קידושין** are not effective, since she is a **נערה**, and only her father can be **מקדש** her, and the father did not consent..