

## **It is forbidden – אסור לאדם שיקדש את בתו כשהיא קטנה – for a person to be מקדש his daughter when she is a קטנה**

### **OVERVIEW**

בתו קטנה ruled that it is forbidden for a person to marry off his daughter (even though legally he has the right to do so), until she grows up and declares whom she wants to marry. תוספות resolves the apparent discrepancy with the previously learned dictum of 'טב למיתב וכו'', and in addition qualifies this prohibition.

anticipates a difficulty:

ואפעל גב דאמר לעיל דאיסורא ליכא משום דטב למיתב טן דו<sup>1</sup> –

**And even though** the גמרא stated previously that there is no prohibition for a woman to become מקודשת to a man before she meets him, **since** we apply the dictum that **'it is preferable for two bodies to live'** together, etc. Why therefore is it prohibited for the father to be מקדש his בתו קטנה, if ultimately she prefers marriage to anyone as opposed to remaining unmarried?!

responds:

הני מילי בגדולה שהיא מתקדשת על ידי עצמה –

**These words** (of 'טב למיתב וכו') are valid (only) **by an adult** woman in a case where she becomes מקודשת on her own -

דכיון שנתרצית ליכא למיחש שמא תחזור –

**For since** she is agreeing to become מקודשת to this unknown person, **there is no concern that perhaps she will retract** from this קידושין because she may not like her new husband. There is no such concern for she freely agreed to marry him, and the dictum of 'טב למיתב' applies.

אבל קטנה<sup>2</sup> שמתקדשת על ידי אביה –

**However** when a קטנה becomes מקודשת through her father, and it was not her choice, then -

איכא למיחש שמא אם היתה גדולה לא היתה מתרצית<sup>3</sup> –

**There is the concern that perhaps if she were an adult she would not agree to marry this person.**<sup>4</sup>

<sup>1</sup> assumes (in the question) that from the woman's perspective it is preferable for any woman to marry any man as opposed to remaining single.

<sup>2</sup> See עיי"ש קטנה here means an immature child (קטע הב').

<sup>3</sup> It appears that 'טב למיתב וכו'' is not a universal attitude, but rather it applies to a woman who is agreeing to marry a person she has not met. This does not preclude that other woman will not agree to marry anyone just for the sake of being married.

מקדש בתו הקטנה to be אסור deals with the halachic ramifications of the תוספות

ועכשיו שאנו נוהגים לקדש בנותינו אפילו קטנות –

**And now that our custom is to be מקדש our daughter even when they are קטנות**, contradicting this אסור of רב – ר"י אמר

explains the reason for this is - תוספות

היינו משום שבכל יום ויום הגלות מתגבר עלינו –

**Because the גלות gets more difficult with every passing day -**

ואם יש סיפק ביד אדם עכשיו לתת לבתו נדוניה –

**And if a person has the capacity presently to provide his daughter with her dowry**, he should marry her off even if she is a קטנה -

שמה לאחר זמן לא יהיה סיפק בידו ותשב בתו עגונה לעולם:

**For perhaps at later date he may not have that capability and his daughter will remain 'chained' to her spinsterhood status forever.**

Therefore it is permitted and preferable to marry off the daughter whenever the opportunity presents itself.

## **SUMMARY**

The understanding of טב למיתב טן דו applies to a woman who indicates her willingness to marry someone with whom she is not acquainted. It does not give us a blanket permission to marry off our daughters when they are קטנות. The exception is in the difficult times of גלות when one should marry off his daughters whenever possible.

## **THINKING IT OVER**

What is the cause of the אסור to be מקדש בתו קטנה, and how is that concern addressed, now when the גלות is בכל יום עלינו מתגבר?

---

<sup>4</sup> It would appear that even if the קטנה agrees to marry this individual, it is still forbidden for the father to be מקדש her because as תוספות states that if she would be a גדולה she would not agree (and as א"ר states אסור (לאדם שיקדש את בתו קטנה עד שגדל ותאמר בפלוגי אני רוצה).