

Your two daughters to my two sons

שתי בנותיך לשני בני –

OVERVIEW

ר'בא queried what the ruling would be if one father said to another father your two daughter should be מקודשות to my two sons with one פרוטה (only). The two sides of the query are presented as whether we only consider the giver and taker (and therefore since there is only one giver and one taker, so one פרוטה would be sufficient) or do we consider those who are becoming מקודשות and therefore (since they are two) two פרוטות are required. תוספות qualifies the scope of this query and reinterprets it as well.

A father may accept קידושין for his daughter when she is a קטנה (without her consent). However he may never act on behalf of his son to be מקדש a woman for him without being appointed שליח by his son.

אומר רבינו יצחק דמיירי בבנות קטנות דקידושין דאב נינהו –

The ר"י states that ר'בא is discussing a case where the daughters were minors, so the קידושין money which is received, and the right to be מקדש them belongs to the father -

דאי בגדולות ואב מקבל קידושין בתורת שליחות –

For if the daughters were adults and the father is accepting the קידושין for them as their agent -

פשיטא דבעי פרוטה לכל אחת דשליח לא עדיף ממשלחו –

It is obvious that a פרוטה would be required for each of them, for a שליח is no better than his principal. If the daughters would accept the קידושין, each one would need to receive a פרוטה in order to be מקודשת, so too if the father is acting on their behalf he would have to accept two פרוטות. However since they are קטנות, one פרוטה is sufficient for both of them (according to one side of the query).¹

תוספות anticipates a difficulty. How can we say that if they were גדולות, then two פרוטות would be required, since he is their שליח; when we see that there is the possibility that the father of the sons may give only a פרוטה, if we would take into consideration only the giver [the father of the sons (and the receiver, the father of the daughters)]. The father of the sons is certainly their שליח and nevertheless there is that view that one פרוטה is enough, since we follow the נותן. It follows that concerning the daughters the same should hold true; that even if they are גדולות, the father can accept one פרוטה only, on behalf of both of them, just as the father of the sons can give only פרוטה only, on behalf of both of

¹ See who adds: תוספות הרא"ש ש' כיון שבו תלוי קידושיהן הו' כחד גופא.

his sons. replies that it is incorrect to assume that the reason one פרוטה is sufficient (for the sons) is because we take into consideration the father only (who is the נותן).

דבתי נותן דקאמר לאו דוקא שהרי הנותן על כרחך בתורת שליחות בניו הוא בא –

For when the גמרא states that perhaps we follow the נותן (and the מקבל) it was not stated precisely; for perforce the נותן is acting as an agent on behalf of his sons -

ואי בתי נותן אזלינן הוי בעי שתי פרוטות כאילו הבנים בעצמם מקדשין –

And if we follow from the perspective of the נותן, two פרוטות would be required, for since the נותן (the father) is acting as a שליח for the בנים it is as if the בנים themselves are being מקדש the daughters; then each of the sons is required to give one פרוטה. Therefore we cannot assume the term (ומקבל) נותן at face value-

אבל הבעיא היא אי בתי מקבל אזלינן לגמרי –

But rather the query is, do we follow this קידושין from the perspective of the recipient only; the father of the daughters -

דשמא אין לחוש אלא שיקבל המקבל שוה פרוטה² –

For perhaps by קידושין the only concern is that the recipient receives a שוה פרוטה and all other factors are irrelevant. In this case there is only one recipient, namely the father of the daughters if we assume that the daughters are קטנות. If we assume that only the recipient matters then one פרוטה should suffice. However if the daughters are גדולות then the father is merely acting as an agent for two recipients, then certainly two פרוטות would be required.

continues in a different vein:

וצריך לומר שבירר לאיזה מהם כגון רחל לראובן ולאה לשמעון –

And it is necessary to assume that they chose for which of the sons each daughter will be מקדשת, for instance רחל for ראובן and לאה for שמעון

דאם לא כן הוי קידושין שלא נמסרו לביאה³:

For otherwise (if they did not designate specifically who will marry whom), it will be a case of קידושין שלא נמסרו לביאה⁴, which it is not a valid קידושין, according to רבא, who posed this query.

² See 'Thinking it over #'s 2 & 3.

³ This is referring to a case where קידושין were made but in such circumstances as to not allow the marriage to be consummated. If for instance a person was מקדש one of two sisters (without specifying which sister he is being מקדש). This marriage cannot be consummated for each sister is forbidden to him since she may be אחות אשתו. There is a מחלוקת between אביי ורבא (later on ז,א) whether the קידושין are effective. רבא maintains that קידושין שלא נמסרו לביאה are not קידושין and she is not considered an אשת איש. (This מחלוקת is the "ק" of יע"ל קג"ם, where the הלכה is according to אביי, that it is a valid קידושין).

⁴ Neither of the sons will be able to live with either of the daughters because perhaps she is מקדשת to his brother.

SUMMARY

The query in the גמרא is whether it is sufficient for the מקבל to receive a פרוטה, regardless whether or not the נותן gives a פרוטה. The query is only in a case where the daughters are קטנות, so there is only one מקבל (their father). The prospective couples were specifically designated (according to רבא).

THINKING IT OVER

1. When the גמרא says (for one side of the איבעיא אזלינן דידהו או בתר דידהו אולינן), who is the 'דידהו' referring to; the sons or the daughters?⁵
2. What would be the ruling if two people approached the father of the daughters (קטנות) and gave him one פרוטה and said, 'your two daughters should be מקודשות to us'; will that be a valid קידושין?⁶
3. What would be the ruling of a person was מקדש a woman who is a חולה with איסורי הנאה that can cure her?⁷

⁵ נח"מ.

⁶ See אמ"ה footnote # 71.

⁷ See (בל"י אות קעז בסופו and) מל"מ פ"ה מהלכות אישות ה"א.