

19.02.09

49b (משנה ג) → 50a (תנא קידושין אטו כתובות)

1. אם עלה קרבנו מן הבקר זכר תמים יקריבנו אל פתח אהל מועד יקריב אתו לקצנו לפני ה' יקרא א:

- I קידושין additional examples of misrepresentation in משנה ג
- a Personal status:
 - i נחין/ממזר, כהן/לוי, Big-city dweller/town-dweller
 - b Stated condition:
 - i House is near/far from bathhouse; has a grown daughter or maid/doesn't have one; has sons/doesn't have sons
 - c In all cases: even if she later states that she overlooked the condition (בלבה) – invalid
 - d Note: same applies if she misleads him
- II Consideration of דברים שבלב
- a Story: a man sold all his property, intending to make עליה, was unsuccessful and wanted to force a buy-back
 - i Ruling (רבא): his intent was unstated as a condition and, as דברים שבלב, is meaningless
 - ii Source:
 - 1 Suggestion #1: v. 1 – teaches that he must be willing, even though we see that he isn't really willing
 - (a) Rejection: perhaps that case is different, because we know that ultimately he's interested in כפרה
 - 2 Suggestion #2: from גט ושחרור, equating ruling with ברייתא of same סיפא
 - (a) Rejection: perhaps that case is different; we know he wants to fulfill the order of ב"ד
 - 3 Suggestion #3: if a man attempts to negate קידושין based on his unstated assumption about her – still valid
 - (a) Rejection: that's לחומרא (still married)
 - 4 Suggestion #4: end of our משנה – (“even if she later states...”)
 - (a) Rejection: she doesn't have power to overturn his stated condition
 - 5 Suggestion #5: ruling of מעילה – if בעה"ב changed his mind about מעילה, שליח is still exempt
 - (a) Possible rejection: בעה"ב is simply trying to exempt himself from קרבן
 - (i) Block: he could have exempted himself by saying that he acted purposefully (מזיד) –
 1. Rejection: a person doesn't own up to sinfulness
 - (ii) Block: could have said that he just now remembered (הקדש) (suggestion #5 validated)
 - iii Story: man sold all his property with a stated purpose of making עליה – but couldn't find a residence there
 - 1 רבא's ruling (version #1): “making עליה” implies finding a residence (→ may force buy back)
 - 2 רבא's ruling (version #2): he did “go up” (→ may not force buy back)
 - iv Story: man sold his property in order to make עליה but didn't go
 - 1 רבא (version #1): if he wishes, he may go
 - 2 רבא (version #2): “what's stopping him?”
 - (a) Split the difference: if there is a real אונס (#1 – he may still go; #2 – he really is prevented)
- III משנה ד' שליחות with a specified location
- a If: he directs a שליח to give קידושין in a particular place – קידושין only valid if given there
 - b But if: he directs a שליח that the woman is in a particular place – קידושין valid anywhere
 - i Note: same principle taught in re: גיטין (ג: גיטין) - that the location matters
 - 1 Justification:
 - (a) If: only קידושין were taught, סד"א since he's bringing her close, he may insist on a specific location as the people there will speak well of him – but in re: גיטין, he wouldn't care
 - (b) And if: only גיטין were taught, סד"א since he's divorcing her, he insists on shaming her in a particular place, but wouldn't care in re: קידושין – קמ"ל
- IV משנה ה' declared and assumed status of woman found to be untrue after marriage (also taught in כתובות – each for context)
- a If: he betrothed her on condition that she has no נדרים or מומין and it turned out that she had נדרים/מומין – no קידושין
 - i However: if he betrothed her without stating the condition and it turned out that she had נדרים/מומין – נדרים/מומין בלא כתובה – תצא בלא כתובה
 - ii Note: definition of מומין for woman same as that for הנינים