

19.03.01; 58b (משנה א') → 60a (ואין בכך כלום, חששא דרבנן הוא) → 60a

Note: for a כלי to be accessible to טומאה, it must be a "finished product"; the definition is usually provided by the artisan. If he decides, at some point, that the כלי is finished – it is now accessible to טומאת כלים. If, however, he changes his mind and decides to do more to it, he must act (i.e. begin buffing, painting etc.) to demonstrate that it isn't complete and not yet מוכשר לקבל טומאה

1. עכר ביתו בוצע בצוע ושווא מתנת יחיה: משלי פרק טו פסוק כז  
2. וכי יתן מים על זרע ונפל מנגלתם עליו טמא הוא לכם: ויקרא פרק יא פסוק לח

I קידושין "doubled-over" 3 cases of משנה א'

- a if: A sent B as a שליח קידושין and he appropriated her for himself – מקודשת לשני
- i however: he is considered to be a deceptive fellow ("הלך" means "הלך ברמאות" – he went furtively)
- ii note: use of חבר here and שליח in ב:ד is deliberate
- 1 here: even a חבר is considered deceptive if he gives the girl קידושין for herself
- 2 earlier: even a שליח is considered to be deliberately "directed" when he says "give her קידושין at place X"
- iii story: רבין חסידא went to be מקדש a girl for his son; they didn't agree so he took her for himself
- 1 Note: there wasn't an opportunity to return and revoke שליחות beforehand as she would have been taken
- iv Story: רב was sent to purchase land for רבה בר בר חנה, they didn't agree and he bought it for himself (as above)
- v Story: ר' יצחק נפחא ר' was looking into buying land, ר' אבא ר' bought it (גידל) ר' complaint reached ears of ר' נפחא
- 1 Rebuke: ר' יצחק נפחא ר' got ר' אבא ר' to admit that one who, spying a poor man trying to get some food, takes it is רשע
- (a) Defense: ר' אבא ר' didn't know about ר' גידל ר' interest
- (i) Conclusion: ר' גידל ר' wouldn't sell it to ר' אבא ר' (considered bad luck to sell first property bought)
1. however: ר' גידל ר' wouldn't take it as a present as per v. 1
2. and: ר' אבא ר' wouldn't use it as a result of ר' גידל ר' feelings; remained unused
3. so: students used it for themselves (ארעא דרבנן)
- b if: A gave her קידושין and stated that they would take effect in 30 days and in the meantime B gave her קידושין – מקודשת to B
- i note: if B is a כהן, she may eat תרומה (i.e. קידושין are complete and without equivocality)
- ii note: if there is no "B", מקודשת to A, even if money is spent when day #30 arrives
- 1 reason: money isn't like פקדון (we would require at least ש"פ left) – it belongs to her
- 2 and: money isn't like מלוה – not given להוצאה; rather, given for קידושין
- iii question: what happens if she changes her mind during the 30 days?
- 1 אתי דיבור ומבטל דיבור) ד: יוחנן she may change her mind – her later words can cancel her earlier words
- 2 לא אתי דיבור ומבטל דיבור – ד"ל she may not change her mind
- (a) challenges (ר"י): a dispatcher may cancel his שליחות לתרומה or his שליחות לגט
- (i) defense: each of these is just דיבור vs. דיבור (ר"ל concedes this point); giving money to woman is a מעשה
- (b) challenge (ר"ל): status of כלים (see note) established mentally, cannot be changed without action
- (i) defense: מחשבה טומאה is considered as an action as per two reads of כי יתן/כי יתן
- iv Note: ר' זביר read this entire debate as revolving around a different משנה – if she cancels her קידושין is it valid
- 1 As a result: some of the responses change, since here's there is no "מעשה" akin to handing money to the woman
- (a) Therefore: ר"ל's defense against תרומה is that the בעה"ב went ahead and took (מעשה) his own תרומה
- (b) And: ר"ל's argument from הגט שליח is convincing (therefore brought last) and ר"ל is refuted
- (i) Note: even in our case, ר"ל is refuted in spite of his defense – since דיבור cancels דיבור
- (ii) Note: in גט case, we rule that שולח may cancel שליחות – but גט is still valid, as per our ruling like ר"ל
- c If: A gave her "delayed קידושין" with מעכשיו and B gave her קיד' in the interim – מקודשת ואינה מקודשת
- i Note: whether she is a בת כהן and B is ישראל or vice-versa, she may not eat תרומה
- ii Status of קידושין after 30 days:
- 1 דב "mixed" forever – he is unsure if מעכשיו is a חזרה ("no, not now, but later") or a תנאי
- (a) אב"י: if A said ל' לאחר, B then said כ' לאחר... then C said י' לאחר... – needs גט from A and C
- (i) we don't consider: all would need גט – each phrase may mean תנאי or חזרה
- 2 שמואל "mixed" for 30 days – afterwards A's "trump" B's and take over – sure it's a תנאי
- 3 note: parallels dispute רבי/רבנן in re: delayed גט
- (a) however: cannot just align with sides; רב ר' said הלכה כרבנן רב ר' that only applies to גט which is לרחוקה; not קיד'
- (b) and: if שמואל said הלכה כרבי שמואל ר' that only applies to גט because לאחר מיתה גט אין but he would agree with רב...
- 4 even 100 could be "קידושין" – each leaves room for the next one
- 5 challenge: a גט given מיתה ולאחר מהיום is ספק and מתייבמת (works for both שמואל רב, not ר"י)
- (a) מהיום אם מתייבמת it's OK – it's really not a גט at all and if she is מתייבמת it's OK