

## ואפקעינהו רבנן לקידושין מינה –

**And the רבנן extracted the קידושין from her**

### OVERVIEW

The גמרא stated that since כל המקדש אדעתא דרבנן מקדש (when they see fit) to be מפקיע the קידושין retroactively, that there never was any קידושין and they were never married. This can have serious consequences which need to be addressed.

בריש השולח<sup>1</sup> (גיטין לג, א) פירשתי<sup>2</sup>:

I explained this in the beginning of פרק השולח.

### SUMMARY

פרק השולח in אפקעינהו resolves the issues with תוספות.

### THINKING IT OVER

Seemingly the concerns mentioned in פרק השולח apply only to one who will be מבטל a אונס בגיטין<sup>3</sup>; however here by אונס (since he can plan to make an אפקעינהו) one cannot plan on making an אונס, so seemingly the concerns are not relevant here, so why does תוספות need to mention here that he addressed the concerns of אפקעינהו in פרק השולח?

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<sup>1</sup> The גמרא there states that even though מדאורייתא one may nullify a גט before a בי"ד (and he need not do it in the presence of the שליח or his wife), nevertheless the חכמים enacted that if one is מבטל a גט, not in the presence of the שליח or his wife, the ביטול is invalid and the גט is effective. There too the גמרא states that the חכמים relied on this same concept of (כל המקדש אדעתא דרבנן מקדש) and therefore אפקעינהו לרבנן לקידושין מינה.

<sup>2</sup> The difficulty of saying אפקעינהו by one who is מבטל a גט שלא בפניו is that he can be מחפה על בת אחרת and be מטהר (אפקעינהו) was never married to him and she is not מחויב מיתה for her זנות and her children from this זנות will not be ממזרים. The תוספות there addresses these and other issues. See 'Thinking it over'.

<sup>3</sup> See footnote # 2.