

## והאיכא סהדי באורית – אורית But there are witnesses in

### OVERVIEW

The רב asked רבן; how can you void the קידושין of the first (brother) since it is presently not a שו"פ, but there are witnesses in אורית that on that particular day when the קידושין took place it was worth a שו"פ?! Our תוספות discusses what the רבן meant when they said there are witnesses in אורית.

אין לפרש דניחוש לשמא איכא סהדי –

**We cannot explain** that when the רבן said באורית סהדי והאיכא they meant **that we should be concerned that perhaps there are witnesses** that it was worth a שו"פ on that day and therefore we should not invalidate the קידושין -

דאם כן אין לדבר סוף<sup>1</sup> דלעולם איכא למיחש<sup>2</sup> –

**For if this is indeed so, then there is no end** to this concern, **for there is always a concern** that perhaps somewhere there are witnesses that it was worth a שו"פ on that day -

והא נמי ליכא לפרש והא איכא<sup>3</sup> סהדי דידעי דבהווא שעתא הוה ביה שוה פרוטה –

**And we cannot either explain** that they meant **but there are actually witnesses who know that at that moment it was worth a שו"פ** -

דפשיטא דעל זה ראוי להחמיר –

**For obviously in this situation it would be proper to be stringent** and verify what these witnesses know, and certainly not to invalidate this קידושין.

אלא נראה לרבינו יצחק לפרש והא איכא סהדי כלומר –

**Rather, it seems to the ר"י** that when they said 'והא איכא סהדי'; they meant - **יצא הקול שיש עדים באורית או במדינת הים**:<sup>4</sup>

**There is a rumor that there are witnesses in אורית or overseas** that it was worth a פרוטה. Therefore since it was only a rumor, רב חסדא discounted it.

<sup>1</sup> See 'Thinking it over'.

<sup>2</sup> Seemingly this question is not understood, perhaps indeed there is always this concern, just as according to שמואל there is always the concern of במדי שו"פ. Others say since רב חסדא disagrees with שמואל (and is not concerned במדי שוה פרוטה), the רבן would not challenge him with a question based on שמואל's view (that a שוה פרוטה is a cause for concern). The מהרש"א explains that it seems the source of their contention was based on the testimony of the mother; otherwise they would not have challenged רב חסדא. If their question, however was that we should be concerned for עדים (without a basis as תוספות us suggesting), then this concern should be even without the testimony of the mother. See אמ"ה.

<sup>3</sup> The רבן knew that there were עדים in אורית who could testify that it was a שו"פ.

<sup>4</sup> See נח"מ; the phrase או במדינת הים is referring to the case of ר' חנינא, where he was told that there are עדים (רש"י ד"ה דרבי). (see שמואל who know that the daughters of שמואל were captured)

### **SUMMARY**

We are certainly not concerned that there may be עדים, elsewhere; if we know that there are עדים elsewhere, it should be investigated. If there is a rumor that there are עדים elsewhere; that is the dispute between רב חסדא and the רבנן.

### **THINKING IT OVER**

asks<sup>5</sup> if we are concerned that perhaps there are עדים in אורית (even if we are not aware of them), then אין לדבר סוף; meaning that there will always be a concern of קידושין ספק. Seemingly this is not so. If at the time of קידושין it is determined that it is not a שו"פ then there will be no קידושין at all!

In addition even if we always need to be concerned, why is this referred to as אין לדבר סוף?! This concern can be addressed; every קידושין will be required to give a גט (or to make a new קידושין with a שו"פ) even if it is פחות משו"פ!

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<sup>5</sup> See footnote # 1.