

## Wedding gifts are a concern

## חוששין לסבלונות -

### Overview

הונא (and רבה [רבא]) ruled that if a man sent סבלונות to a woman we are concerned that perhaps he was מקדש her. There is a dispute between רש"י and תוספות as to the nature of this concern.

פירש בקונטרס<sup>1</sup> ששידך האשה ונתרצית וקדם קודם הקידושין ושלה סבלונות בעדים<sup>2</sup> - רש"י explained that he became engaged to this woman and she agreed to marry him, and before the קידושין, he preceded and send סבלונות with witnesses, so - חוששין שמא לשם קידושין שלה -

We are concerned perhaps he sent the סבלונות for קידושין. This concludes פרש"י.

comments: תוספות

משמע מתוך פירושו דחיישינן שמא מחמת קידושין הם -

It seems from רש"י's explanation that we are concerned that perhaps these סבלונות were for the purpose of קידושין, we can assume that -

ולכך נקט בלשונו שידך דאם לא כן לא הוה קידושין דמנא ידעה -

For that explains why רש"י in his wording mentioned 'שידך' (they were engaged), for if they were not engaged, the סבלונות cannot be קידושין, for how would she know, that he intends to be מקדש her with these סבלונות -

כדאמר בפרק קמא (לעיל דף ו,א) גבי נתן לה קידושין ולא פירש -

As the גמרא states in the first פרק regarding a case where he gave her money for קידושין, however he did not specify that this is for קידושין, and the גמרא there asks, how can it be קידושין, since she does not know what this money is for.

פרש"י asks on תוספות

וקשה להרב רבינו משה(?) וכי שידך מאי הוי והא בעינן שידבר מענין לענין ובאותו ענין<sup>3</sup> -

And the הר"ם has a difficulty with פרש"י; so what if he was שידך, but there is a requirement that when he is מקדש her he must speak to her (at least) from one topic to another topic as long as it is regarding the topic of marriage, otherwise it is not קידושין.

<sup>1</sup> ד"ה חוששין.

<sup>2</sup> The two witnesses gave her the סבלונות, stating that it is from her fiancé. See 'Thinking it over'.

<sup>3</sup> In the case of סבלונות they were not speaking at all, let alone that they were not speaking (at least) באותו ענין.

חשש סבלונות offers his interpretation of the תוספות:

**לכך נראה לפרש חוששין כלומר כיון ששלח לה סבלונות חיישין שמא קידשה כבר -**  
**Therefore it seems to explain that we are concerned, meaning, since he**  
**sent her סבלונות, we are concerned perhaps he was already מקדש her in the past –**

פירוש offers a proof to his תוספות:

**וכן משמע בסמוך דקאמר<sup>4</sup> באתרא דמקדשי והדר כתבי כתובה חיישין –**  
**And it also seems so shortly where the גמרא states that in a place where they are**  
**מקדש first and afterwards they write the כתובה, we are concerned that she is מקודשת**  
**if the כתובה was בשובק –**

**והתם על כרחך צריך לומר דחיישין שמא קידש כבר -**  
**And there in that גמרא, perforce we are required to say that we are concerned**  
**that he was already מקדש her (before she received the כתובה) -**

**דלשון חיישין שמא לשם קידושין שלח לא שייך -**  
**For it is not applicable that the expression חיישין there means perhaps he sent it**  
**to her קידושין לשם (as רש"י explains the term חיישין here) -**

**דהא פשיטא<sup>5</sup> דלא שילח לה הכתובה לשם קידושין:**  
**For it is obvious that he did not send her the כתובה for the sake of קידושין.**

### **Summary**

According to רש"י we are concerned that perhaps the סבלונות are the קידושין (since he was already שידך), and according to תוספות we are concerned that perhaps he was already מקדש her (and that is why he is sending her wedding gifts).

### **Thinking it over**

רש"י mentions that he sent the סבלונות with עדים. According to תוספות is it also in a case where he sent it with עדים?<sup>6</sup>

2. How will תוספות explain the previous גמרא which states, 'כי קא משדר סבלונות אדעתא, דקידושי קא משדר'<sup>7</sup> and later where the גמרא states, 'נחית לתורת קידושין'?

<sup>4</sup> The case there is where there was a שטר כתובה known in public; are we חושש that she is מקודשת or not (we do not know of the קידושין).

<sup>5</sup> So just like there the term חיישין means that the קידושין took place already, similarly here by the סבלונות, the term חיישין, means that perhaps he was מקדש her before he sent her the סבלונות.

<sup>6</sup> See ר"ן.

<sup>7</sup> See אוצר מפרשי התלמוד # 133-4.