

רס"ד

Intro

Today we will בע"ה begin learning מסכת קידושין, which deals with the Halachos of effectuating a marriage.

קידושין, also known as אירוסין, and referred to in our first Mishna as a קנין - is the initial step of marriage, in which the man gives the woman one of the three forms of קידושין, and she thereby becomes a ארוסה and is considered אשת in that she is now forbidden to all other men as an אשת איש – and, both he and she are forbidden to all עריות. all proscribed relatives.

However, she does not yet enter the husband's רשות, and does not yet receive the benefits and responsibilities of a full wife, as taught in מסכת כתובות.

is the final step of marriage, which includes חופה, he brings her into his domain, and ביאה, cohabiting. After נישואין, the wife is considered to be a full-fledged wife and receives the benefits and responsibilities of a full

Although in today's times both אירוסין and נישואין are performed simultaneously, in the times of the Gemara, there was a lengthy interval between נישואין and נישואין.

Today we will בע"ה learn מסכת קידושין of מסכת Some of the topics we will learn about include;

The three ways in which Kiddushin is accomplished;

The two ways in which a marriage is terminated;

The reason that our Mishnah refers to Kiddushin as a קנין

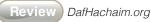
The reasons that the Mishnah associates Kiddushin to the wife and not the husband;

The word דרך can be used either as לשון זכר or as לשון נקבה; it depends on the topic it's associated with.











So let's review ...

Bezras Hashem we begin Meseches Kiddushin

Zugt Di Mishnah:

האשה נקנית בשלש דרכים

וקונה את עצמה בשתי דרכים

A woman is acquired by her husband through קידושין in three ways, and she reacquires herself from her husband in two ways.

The Mishnah elaborates;

נקנית בכסף בשטר ובביאה

קידושין is either

1.

בכסף

If a man gives a woman some money or שוה כסף, an item of monetary value, and tells her הרי את מקודשת לי, you shall become betrothed to me through this money.

OR

2.

בשטר

He gives her a document in which he wrote הרי את מקודשת לי.

OR

3.

ובביאה

They cohabit and he tells her זו התקדשי לי בביאה.

She becomes an ארוסה and is considered אשת, in that אסר לה אכולי עלמא, אסר לה אכולי עלמא

She is now forbidden to all other men as an אשת איש.

וקונה את עצמה

And she reacquires herself, either

1.

בגט

If he gives her a טא, a divorce document, in which it states, as part of a longer text;

הרי את מותרת לכל אדם

You are now permitted to marry anyone.

OR

2.

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If he dies, she likewise becomes permitted.

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The Mishnah proceeds to cite a Machlokes as to the minimum amount of money required for Kiddushin:

בכסף

בית שמאי אומרים

בדינר

ובשוה דינר

ב"ש hold that קידושי כמח only be accomplished with a silver דינר, or its equivalent value.

ובית הלל אומרים

בפרוטה

ובשוה פרוטה

maintain that a mere copper פרוטה is sufficient.

וכמה היא פרוטה

אחד משמנה

באיסר האיטלקי

The value of a פרוטה is equivalent to 1/8 of a silver Italian איסר.

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The Mishnah concludes with

והיבמה נקנית

בביאה

There is only one way of acquiring a יבמה and that is through ביאה.

וקונה את עצמה

And she acquires herself to return to her own domain in one of two ways: Either

1.

בחליצה

By performing חליצה;

OR

2.

ובמיתת היבם

Through the יבם's death

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The Gemara begins with a discussion of the Mishnah's wording, and first asks;

מאי שנא הכא

דתני האשה נקנית

Why does our Mishnah use the word קנין for a marriage? ומאי שנא התם

דתני האיש מקדש

And why does the Mishnah in the beginning of the second Perek use the word קדושין for a marriage?

The Gemara explains that our Mishnah uses the word קנין, משום דקא בעי למיתני כסף

The Mishnah teaches that money can effectuate Kiddushin, because

גמר קיחה קיחה משדה עפרון

There is a אירה שוה of the words קיחה:

The Pasuk regarding Kiddushin states

כי יקח איש אשה

And the Pasuk regarding שדה עפרון states

נתתי כסף השדה קח ממני

Just as there the קיחה was done with money, so too the קיחה of Kiddushin can also be accomplished with money. וקיחה איקרי קנין

And קיחה is referred to as קנין, as the Pasuk states השדה אשר קנה אברהם

And כסף is also referred to as קנין in another Pasuk שדות בכסף יקנו

They purchase fields with money.

Therefore, our Mishnah stated האשה נקנית because of קידושי כסף. However, the later Mishnah uses the word מקדש because

תני לישנא דרבנן

דאסר לה אכ"ע כהקדש

is similar to הקדש, as Tosfos explains

מקודשת לי

מיוחדת לי ומזומנת לי

She becomes exclusively his wife and is thereby forbidden to all others.

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The Gemara then asks; why does our Mishnah associate Kiddushin with the wife, when in fact the husband is the one who effectuates the Kiddushin by his action and she merely accepts it?

The Mishnah should rather have stated האיש קונה, as it does later האיש מקדש, and not ראשה נקנית?

The Gemara offers two explanations:

1.

The Mishnah states האשה נקנית, because דקא בעי למיתנא סיפא

וקונה את עצמה

It states in the סיפא that she reacquires herself in two ways, and this statement is associated only with the אשה but not with the איש, because

דאיכא מיתת הבעל דלאו איהו קא מקני

מן שמיא הוא דמקני לה

She also reacquires herself with his death, which is not his doing but rather a heavenly decree. Therefore,

תנא נמי רישא בדידה

The אשה also mentions איש but not איש.

2.

Another reason the Mishnah states האשה is because had it stated

האיש קונה

הוה אמינא אפילו בעל כרחה

This would imply that the husband has the complete authority regarding marriage, and he can effectuate Kiddushin even against her will. Therefore, the Mishnah states;

האשה נקנית

To teach

דמדעתה אין

שלא מדעתה לא

She also has the authority regarding marriage, and therefore it can be done only with her consent.

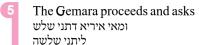
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Why does the Mishnah state שלש, a לשון נקבה, instead of the word שלש, a לשון זכר, which is what the Mishnah is accustomed to use?

The Gemara explains משום דקא בעי למיתני דרך ודרך לשון נקבה הוא

Because the Mishnah mentioned the word לשון, a לשון, therefore it also states שלש, a, לשון נקבה.

However, the Gemara goes on to explain that the word דרך can actually be used both as לשון נקבה or יכל לשון זכר לשון נקבה; it depends only on the topic it's associated with.

If און הודה is associated with a לשון נקבה such as דרך is also considered שון נקבה as in the Pasuk והודעת להם את הדרך ילכו בה And therefore, in our Mishnah that deals with a אשה is considered a ילשון נקבה sonsidered a. דרך ילכו בה בחל is considered a. דרך ילטון נקבה is considered a.

And therefore, in our Mishnah that deals with a אשה is considered a לשון נקבה; and for this reason our Mishnah speaks in לשון נקבה;

האשה נקנית
בשלש דרכים

And, if דרך is associated with a דרך such as הדרך הדר is also considered a לשון זכר as in the Pasuk שון זכר as in the Pasuk בדרך אחד יצאו אליך ובשבעה דרכים ינוסו לפניך And therefore, the Mishnah in Masechta זבין that deals with the Halachos of a בד, that pertain only a זכר, is considered a לשון זכר and for this reason the Mishnah there speaks in לשון זכר ; לשון זכר בשבעה דרכים בשבעה דרכים בדרכין את הזב





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The Gemara then offers two reasons why our Mishnah chose to the word לשון נקבה, ways, לשון נקבה, which is what the Mishnah is accustomed to use:

1.

Either because

דקבעי למיתני ביאה

The Mishnah mentions that Biyah can also accomplish Kiddushin, and Biyah is referred to as דרך in the Pasuk ודרך גבר בעלמה כן דרך אשה מנאפת

And this is also applicable to כסף ושטר because העך נמי צורך ביאה נינהו הנך נמי צורך ביאה נינהו

All forms of Kiddushin are for the purpose of marriage.

2.

 $\ensuremath{\mathsf{OR}}$ the Mishnah chose to state דרכים because

הא מני רבי שמעון היא

Who asked

מפני מה אמרה תורה

כי יקח איש אשה

ולא כתב כי תלקח אשה לאיש

Why does the Pasuk associate marriage with the husband but not with the wife, as it states "if a man takes a woman" and does not state "If a woman allows herself to be taken by a man?

רבי שמעון explains because חוה was created from one of אדם sribs; and therefore,

דרכו של איש לחזר על אשה

ואין דרכה של אשה לחזר על איש

It is the way of a man to look for a wife, his האבידה, his lost possession, but it's not the way of a woman to look for a husband. her בעל אבידה.

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This discussion continues in the next Daf





