

She is acquired in marriage

נשאת –

OVERVIEW

In this משנה the term נשואין is used in a passive form (נפעל - intransitive verb) 'the בתולה is married', and not in the active form (פועל), 'one marries a בתולה'. Our תוספות discusses this matter.

תוספות responds to an anticipated difficulty:

הא דלא קתני נושאין את הבתולה¹ כמו האיש מקדש (קדושין דף מא,א) לפי שעתה מקצר יותר² -
The משנה does not teach, 'one marries a בתולה' (in the active form), like another משנה, which reads האיש מקדש (also in the active form), but instead states בתולה נשאת (in the passive form), because now the משנה is more brief³ -

תוספות offers an alternate explanation:

ועוד דאי תנא הכי הוה אמינא אפילו בעל כרחה⁴ -
And additionally, if the משנה would have taught this way (נושאין את הבתולה), I may have thought that he may marry her even against her will, -
כדמשני (שם דף ב,ב) גבי הא דפריך וליתני האיש קונה⁵ -
As the גמרא answered regarding that which was asked, and let the משנה say, האשה נקנית, instead of האיש קונה

תוספות offers one more answer:

ועוד דהתם אקרא קאי⁶ כי יקח איש אשה:
כי יקח איש of פסוק he is basing it on the האיש מקדש by And furthermore there
האיש מקדש; however the משנה also writes (which is written in the active form) אשה

¹ The active form of נושאין את הבתולה describes more accurately the נישואין process, which requires active participation of the husband who acquires his wife in marriage. The passive form of נשאת בתולה is seemingly inadequate. תוספות cites the משנה of האיש מקדש to prove that the תנא uses active language in the marriage process. [Alternately, תוספות is basing his question entirely on the משנה of מקדש האשה.]

² נשאת בתולה (two words) is more brief than נושאין את הבתולה (three words); however האיש מקדש is not more lengthy than האשה מתקדשת (it even has (two) less letters).

³ There is an advantage in teaching קצרה בלשון קצרה in a brief manner (see ג,ב,ג).

⁴ See 'Thinking it over' # 1.

⁵ The גמרא there explained the reason the משנה begins with האשה נקנית and not האיש קונה, because האיש קונה can imply that he can acquire her even against her will (which is not true), therefore the משנה writes האשה נקנית (which implies that it is dependent on her consent to become מקודשת). Similarly here, writing נשאת בתולה instead of הבתולה נושאין assures us that she can be married only with her consent.

⁶ דברים (תצא) כד,א. See previous בתולה [TIE footnote # 2].

here since there is no basis in the פסוק, the משנה chooses to write בתולה נשאת.⁷

SUMMARY

Three reasons why the משנה writes בתולה נשאת and not הבתולה את; it is briefer, it implies her consent, and there is no פסוק to require otherwise (as opposed to האיש מקדש).

THINKING IT OVER

1. בע"כ⁸ second answer is that הבתולה את would indicate that it may be done. Why indeed then does the משנה write האיש מקדש, which also seemingly implies that it can be done?!⁹

2. This seems to explain why the משנה there writes האיש מקדש; however it does not seem to explain why here the משנה writes בתולה נשאת instead of הבתולה את?!¹¹

⁷ See 'Thinking it over' # 2.

⁸ See footnote # 4.

⁹ See מהרש"א.

¹⁰ See footnote # 7.

¹¹ See footnote # 1.