

אדעתא דרבנן מקדש –

He is based on the approval of the *Rabonon*

OVERVIEW

The גמרא explains that notwithstanding the fact that יש אונס בגיטין, and therefore if the תנאי was fulfilled only because of an אונס, the גט should be invalid (and the woman remains an איש), nevertheless because of the concern of פרוצות וצנועות, we maintain אין אונס בגיטין and the גט is valid (and the woman is no longer an איש) and the רבנן uproot the דאורייתא קידושין; the רבנן have the power to do this since כל המקדש אדעתא דרבנן מקדש, and the husband leaves it up to the רבנן to either sustain or nullify his marriage as they choose. תוספות explains how we see that a person is מקדש אדעתא דרבנן.

לכן¹ אומרים בשעת קידושין כדת משה וישראל²:

Therefore the husbands say at the time of the קדושין that the קדושין are being performed according to the laws of משה and ישראל.

SUMMARY

We say ישראל וישראל by קדושין to explicitly acknowledge that we are מקדש אדעתא דרבנן.

THINKING IT OVER

What would be if one did not say כדת משה וישראל would the ruling of בגיטין apply to this marriage? What is if he said (at the time of קדושין or later) that he was not מקדש אדעתא דרבנן?³

¹ The word לכן implies that since המקדש אדעתא דרבנן מקדש, therefore we implement that he should say it, but (seemingly) it does not mean that since he says it therefore he is מקדש אדעתא דרבנן. See 'Thinking it over'.

² Seemingly the word 'ישראל', indicates that he is מקדש אדעתא דרבנן.

³ See סוכ"ד אות ה'.