

What is different here, מאי שנא הכא דתנן האשה נקנית – that he teaches; ‘The woman is acquired’

OVERVIEW

The גמרא asks why the משנה here uses the term קנין (האשה נקנית) instead of the term קידושין (which is used in the second פרק).¹ תוספות offers a possible alternate answer to this question and a rebuttal to his answer.

תוספות anticipates a difficulty:

הוה מצי למימר –

The גמרא **could have answered** that the reason the משנה states נקנית and not האשה is - האשה מתקדשת

אגב דבעי למיתני סיפא וקונה את עצמה דלא שייך התם לשון קדושין -
because the תנא intended to teach in the סיפא ‘and she is קונה herself’; in that case the term קידושין would be inappropriate there. It is preferable that the same expression is used for both the רישא and the סיפא. If we would use מתקדשת in the רישא, we would also prefer to use it in the סיפא. However, there is no way that we could use the term קידושין to express how a woman acquires herself. Only the term קנין lends itself to be used both in (the man) acquiring the woman and the woman acquiring herself. Therefore the משנה does not write מתקדשת in the רישא (for it cannot write קידושין in the סיפא), but instead writes נקנית in the רישא since it can (only) use קונה in the סיפא.

תוספות supports this contention that it is appropriate to alter an expression in the רישא in order that it should fit with a similar expression in the סיפא:

וכהאי גוונא משני בסמוך² –

For shortly the גמרא will answer in a similar manner.

תוספות offers a rebuttal to תוספות suggested answer:

מיהו אומר הרב רבינו מנוח דהוה מצי למיתני וניתרת בשני דרכים –

However ה"ר מנוח states that the question of the גמרא, that in the רישא they could have used an expression of קידושין, is valid, **for** in the סיפא too, **the תנא could have stated ‘and she is ניתרת (made permissible) in two ways’ -**

דגבי קדושין³ שייך לשון היתר:

¹ The גמרא should have stated האשה מתקדשת וכו' (which is the expression used continually in the גמרא).

² See in the עמוד ב' where the גמרא explains the reason the רישא states נקנית and not קונה because in the סיפא it is necessary to state וקונה את עצמה (making the אשה the subject), therefore in the רישא too, he states נקנית (making the אשה the subject). See ‘Thinking it over’ # 1.

³ The גמרא on the עמוד ב' explains that the קידושין-term alludes to the fact the he made the woman forbidden to everyone as if she were הקדש. Since the term קידושין alludes to איסור, the term היתר would be an appropriate complementary expression. See ‘Thinking it over’ # 2.

For the term היתר (permissibility) is appropriate as the complement of the term קידושין. The האשה מתקדשת בג' דרכים וניתרת בב' דרכים משנה should have stated.

SUMMARY

The משנה may use a term in one case in order that it matches a term in another part of the משנה. The term וניתרת is complementary to the term קידושין.

THINKING IT OVER

1. סיפא proves that one changes the רישא on account of the תוספות. We see this where the משנה states האשה נקנית instead of האיש קונה.⁴ However we can distinguish between the proof that תוספות brings and our case here. There the משנה changes האיש קונה to האשה נקנית, however here we are asking that it should say מתקדשת instead of נקנית. It would seem that the term נקנית is inappropriate for קידושי אשה (as opposed to מתקדשת) and indeed this is the question of the גמרא here⁵. How can we compare the change from האיש קונה to האשה נקנית (which is [seemingly] a minor change), to the change from האשה נקנית to האשה מתקדשת (which is a more significant change)?⁶

2. Seemingly תוספות disagrees with הר"ר מנוח. What constitutes the basis of their dispute?⁷

⁴ See footnote # 2.

⁵ See, however, following משום ד"ה תוספות where he states 'ולא היה תמוה על לשון קנין'.

⁶ תוספות הרא"ש. See footnote # 432. אמ"ה.

⁷ See בל"י (אות יח) and footnote # 433. אמ"ה.