

For it is effective by thought alone

שכן ישנה במחשבה –

OVERVIEW

The תרומה maintains that we cannot derive גירושין or קידושין from תרומה (concerning שליחות) because תרומה is different since it is effective even without תוספות. Our תוספות maintains that even if there would be no לימוד of ויצאה, we would still be able to derive שליחות by קידושין from תרומה and together גירושין.

ומיהו קידושין הוּא אֶתּוּ מִתְּרוּמָה וּמִגִּירוּשִׁין¹ –

However תרומה and from קידושין by שליחות could have been derived together even without the היקש of ויצאה והיתה –

דכי פרכת מה לגירושין שכן ישנן בעל כרחך תרומה תוכיח² –

For if you would challenge; 'there is שליחות by גירושין because it is בע"כ' as opposed to קידושין, we would reply that תרומה proves that בע"כ is not a requirement for שליחות. And if you will challenge that the reason –

מה לתרומה שכן ישנה במחשבה גירושין יוכיחו³ –

there is שליחות by תרומה is, since it is effective במחשבה (as opposed to גירושין), we can answer יוכיחו⁴.

תרומה responds to the anticipated question; since we can derive שליחות by קידושין from תרומה, then why is there a need for the היקש of ויצאה והיתה:

ומיהו מהיקישא דויצאה והיתה לא הוה מצי מפיק⁵ דאיצטריך לשאר דרשות:⁶

However תורה could not have refrained from teaching us the היקש of קידושין by שליחות (even though it is not necessary to teach us ויצאה והיתה, nevertheless) it is necessary for other דרשות.⁷

SUMMARY

¹ We begin by deriving קידושין from גירושין through a מצינו, and then even though we can reject it, the rejection can be refuted as תוספות continues.

² There is no בע"כ by תרומה as already mentioned in the previous מה תוספות ד"ה, and nevertheless שליחות is effective by תרומה..

³ גירושין obviously cannot be effective through מחשבה alone and nevertheless there is שליחות by גירושין; the same applies to קידושין.

⁴ We then have the regular follow through of a השוה, namely שביניהם, that is that they are effective through the principal and effective through a שליח; the same applies to קידושין.

⁵ This is amended to read שתיק.

⁶ We derive דרשות שטר from ויצאה והיתה and other דרשות.

⁷ Once the היקש is necessary for the other דרשות, we apply it to שליחות as well (since למחצה), and therefore the תרומה does not mention the השוה, only the היקש.

The individual חומרות of גירושין and תרומה (over קידושין) do not apply to each other, therefore קידושין can be derived from a מה הצד of the two of them.

THINKING IT OVER

תוספות maintains that we can derive שליחות by קידושין through a צד השוה from גירושין ותרומה. Seemingly we can refute this צד השוה; that by תרומה there is no assent needed from the affected party (the woman does not need to consent to the גירושין and obviously there is no consent from the produce which is tithed), however by קידושין we require assent from the woman who is becoming מקודשת!