

## היכא דיהבה לדידיה וקידשתו –

### Where she gave it to him and betrothed him

#### OVERVIEW

The גמרא states that if the תורה would have written only ויצאה חנם, we would have thought that in a case where she gave the כסף קידושין to him and she pronounced her intention of marrying him, that it would be a valid קידושין, therefore the תורה writes כי יקה to teach us that it is the man who performs the קידושין process and not the woman. תוספות explores what we initially would have thought if not for the יקה.

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פירש בקונטרס שאומרת הרי אתה מקודש לי<sup>1</sup> –

explained the meaning of 'וקידשתו', that she says to the man 'you are מקודש to me.'

תוספות asks:

וקשה שהרי באיש אינו נופל לשון קידושין שאין נאסר בכך לשאר נשים<sup>2</sup> –

And this interpretation is difficult; for when a woman is marrying a man the term קידושין does not apply to the man, for he is not forbidden to other woman through this marriage.<sup>3</sup>

תוספות offers his explanation of וקידשתו:

ויש לפרש שאומרת הרי אני מקודשת לך –

And the word וקידשתו can be explained to mean that she says I am מקודשת to you.<sup>4</sup>

תוספות now discusses the first part of the phrase:

וצריך לומר דיהבה לדידיה לאו דוקא שהרי אביה מקבל הקדושין<sup>5</sup> –

And it is necessary to say that the phrase 'that she gave the כסף קידושין to him', is not precise, for her father accepts the קידושין money -  
אלא רוצה לומר ואמרה:

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<sup>1</sup> (דאמרה ליה) התקדש לי actually states רש"י בד"ה היכא.

<sup>2</sup> The גמרא previously on ב, ב states concerning the (דרבנן) of לשון קידושין that כהקדש (which דאסר לה אכיל' ע כהקדש) applies only to the woman but not to the man). See also there דאסר ד"ה תוספות.

<sup>3</sup> A man may marry more than one wife.

<sup>4</sup> See 'Thinking it over' # 2.

<sup>5</sup> The גמרא is now discussing if the תורה would only write [אין כסף] ויצאה חנם. From ויצאה חנם we know that the כסף קידושין belongs to the father. How can we entertain that she gives the כסף קידושין to the husband.

**But rather** by the phrase לדידה, the גמרא means to say, ‘and she said’<sup>6</sup> (I am מקודשת to you).<sup>7</sup>

### **SUMMARY**

If not for כי יקה we would have thought if the woman said to the man ‘I am מקודשת to you’ (and the father received the money) she would be מקודשת. However there never was a thought that she should be מקודשת if she said, ‘you are מקודש to me’, for the one who is being מקודש is אסור for everyone else, and this applies only to the woman.

### **THINKING IT OVER**

1. According to this הו"א, who is giving the money; is it the man or the woman?
2. How does תוספות understand the word וקידשתו?

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<sup>6</sup> The words ויהבה לדידה do not refer to money, but rather to her statement; she gave (said to) him the statement of קידושין (by her saying לך מקודשת אני).

<sup>7</sup> According to תוספות that וקידשתו לך means that she only said אני מקודשת לך but did not give any money to her husband, this strengthens תוספות interpretation that she is not saying לי אתה מקודש [indicating that she is acquiring him], for she is only a מקנה not a קונה since she is not giving anything to the man; on the contrary he is giving (to her father).