

קאי בגירושין ממעט גירושין –

When **גירושין is discussed, it excludes**

OVERVIEW

There is the **היקש** of **ויצאה והיתה** which is inclusive, and there is **לה** which is exclusive. The **גמרא** explains that it is logical to assume that the **היקש** of **ויצאה והיתה** includes **קידושין בשטר** (as opposed to **בכסף**) and the **פסוק** of **לה** excludes **בכסף** (as opposed to excluding **בשטר**), because since the exclusion of **לה** is written concerning a divorce it is logical to assume that we are excluding something regarding a divorce (namely **בכסף**) as opposed to assuming that it excludes something regarding **קידושין** (namely **בשטר**). Our **תוספות** explains why we emphasize the **גירושין** aspect of **לה** as opposed to the writing aspect of **לה**.

anticipates and resolves an apparent difficulty:

ואין סברא לומר קאי בכתיבה וממעט בכתיבה¹ –

And it is not logical to say; when we discuss writing, we therefore exclude writing. **תוספות** explains why this is illogical.

דפשטא דקרא משמע שבא לומר דוקא בכתיבה –

For the simple meaning of the פסוק indicates that it is coming to teach that only through writing (א גט) can she be divorced -

דקאמר אם לא תמצא חן בעיניו וכתב לה משמע דוקא בזה הענין:

For the פסוק states; ‘if she will not find favor in his eyes, so he will write for her a bill of separation’. This **indicates that only in this manner** can he divorce her. Therefore it is logical to assume that the **תורה** is excluding all other types of divorces (besides writing א גט).

SUMMARY

The context of the **פסוק** of **לה** indicates that the **תורה** intends to limit the manner how he can divorce her.

THINKING IT OVER

¹ The question here is that **לה** (which is exclusive) is referring to writing (א גט), therefore it should exclude another **קנין** of writing (instead of excluding another type of **גירושין** [as the **גמרא** suggests]). We can argue that the **תורה** by stating **לה** is teaching that writing is only effective by **גט**; however writing is not effective by **קידושין**. A woman should therefore not be **בשטר**. The **היקש** of **ויצאה והיתה** should (by default) include **בכסף** **גירושין**.

1. How did תוספות originally understand the answer of קאי בגירושין ממעט, and how does תוספות ultimately understand it?
2. If the context of וכתב לה is concerning גירושין (and not קידושין), and (it seems that) therefore it is inappropriate to derive from it laws pertaining to קידושין, then how can we derive קנין שטר by קידושין from the פסוקים that are discussing גירושין?²

² See תוספות הרא"ש (במסוגר).