

**But this שטר is not similar, etc.      הא לא דמי האי שטרא וכולי –**

### **OVERVIEW**

The גמרא stated that the husband writes the שטר קידושין. The גמרא challenged this ruling for we find by a מכירה שטר that the מקנה (the seller, not the buyer) writes the שטר; how is it that by קידושין the acquirer writes the שטר. Our תוספות explains why the גמרא did not challenge this ruling from גט instead of from a מכירה שטר.

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resolves an anticipated difficulty:

**ומגט לא היה יכול להקשות<sup>1</sup> –**

**And the גמרא could not have asked from גט.** Seemingly instead of asking that שטר קידושין is not similar to שטר מכר the גמרא could have asked that שטר קידושין is not similar to a גט. By a גט the one who is מקנה writes the שטר, and by קידושין the one who is קונה writes the שטר.

The reason this question was not asked is because -

**דבצד אחד דמי שפיר לגט דמה גט הבעל כותבו<sup>2</sup> בבית דין<sup>3</sup>:**

**In a certain sense a שטר קידושין is indeed similar to a גט; for just as by a גט, the husband writes it (in בי"ד) [alone],** similarly a שטר קידושין is written by the husband [alone].

### **SUMMARY**

A שטר קידושין is similar to a גט since both are written by the husband (even though that by קידושין he is the קונה and by גירושין he is the מקנה).

### **THINKING IT OVER**

Why does the גמרא ask that שטר קידושין is not similar to שטר מכר (since by קידושין the קונה is writing it); it is not similar to שטר מכר because it is derived from גט, where the husband writes it, therefore by קידושין the husband also writes it.<sup>4</sup>

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<sup>1</sup> The advantage of asking from גט (over שטר מכירה) is that שטר קידושין is derived from גט. One would therefore expect the two שטרות to be similar.

<sup>2</sup> Therefore since שטר קידושין is derived from a גט it is understood why the husband should write the שטר קידושין. See 'Thinking it over'.

<sup>3</sup> The ב"ה deletes בי"ד and inserts לבדו.

<sup>4</sup> See footnote # 181. אמ"ה