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Greetings

Friends:

The in : " delineates the obligations a father has to his son and those a son has for his father. Early on in the Talmudic discussion the introduces a stating the following:

; , , , , : "
: "

“Our Rabbis taught: A father is obligated to circumcise his son, to redeem him (if a first born), teach him Torah, marry him off, teach him a trade; and some say to teach him to swim.”

It is interesting to note that each item a father is obligated to provide his son with can be understood as representative of a different aspect of a full and healthy life. “Circumcision” and “Redeeming a first born” – the first the child encounters - are paradigmatic of Jewish ritual and Halachic living, “Torah learning” represents the realm of the child’s intellectual life, “marriage” symbolizes the person’s emotional wellbeing, “learning a trade” signifies the person’s material wellbeing, and finally, according to some, “learning to swim” may be understood as ensuring the child has survival skills with which to navigate the world.

When a child is brought into the world they are completely dependent upon the parent. The overall obligation a parent has to the child is to move him from this state of dependence to independence. Nothing gives a parent more gratification than to witness their child become religiously, intellectually, emotionally, and materially able to stand on their own two feet and manage the world maturely making adult decisions. In an ironic way, as parents age, they often become the dependent ones. Their children, whom

they nurtured to independence are now able and in a position to care for them as required.

This Torah journal, with articles written by our students from our Beit Midrash Program (BMP) on _____ which they studied over the course of the year with their teachers - Rabbi Stein and Rabbi Nemes, represents their collective independent intellectual abilities gained over the course of the year. Enjoy their (novel conclusions) contained within and share with us the _____ we have from them and their contributions.

With Torah Blessings,

Rabbi Scot A. Berman
Head of School

Introduction

deals with defining many forms of relationships: husband-wife, master-servant, owner-property, sender-messenger, and teacher-student. The Mishnah states that a student can renounce his share in the Torah since he is not yet a "G-D" (' : '), the Torah is his, as it states, "for in the love of G-D is his desire, and in his love he will study day and night." When a person starts learning, he is studying "Torah". After the person has learned it thoroughly and mastered it, the teacher refers to it as "Torah", his own personal share in the Torah. Since this student has acquired and become one with the Torah, he has the option of declining honor, as his honor stems from his Torah learning, which has now become a part of him.

Similarly, in marriage, when learning Torah, one sees that marriage is more than just a legal transaction that creates a marriage; it is the first step in building a relationship. As a couple begins their life together, the wife starts out as an individual, separated to be for her husband but still not a part of her husband's household. Eventually, the couple completes the matrimonial process unites them as one. Just as a couple's bond grows and fuses them into one entity as their relationship progresses, so too one's identity blends with the Torah as one advances in one's Torah learning.

This work, the third volume of the Beit Midrash Program, is a compilation of articles written by students in our Beit Midrash Program on Torah in the past year. Through diligent learning, reviewing, and writing Torah, our students have mastered, and as a result, acquired a portion of 'Torah' and made it their own. Our hope to our dear students is that they should continue to grow in their Torah, both intellectually and spiritually, as a way of uncovering its eternal

lessons, nurturing their personal relationship with ' , and growing as .

We would like to thank R' Avi Cohen for his assistance in bringing this journal to publication by working with several students in preparing their by learning sources, comparing opinions and the approaches that arise from them, and developing ideas together.

Rabbi Asher Nemes

Rabbi Noam Stein

The Differences Between and (') Ari Ershler ('19)

I'm sure that we have all heard of the terms and , but do we really know the definition of them? What they are? How they are different? Before , when a man went to the marketplace and saw a girl that he liked, the " " explains that the man would take her and they would be married. But after , the man must first betroth her.

In ' the says, , " ."

" This is the main source for how is a separate stage in the marriage process. This states that first a man will take a woman and then he will have relations with her, the first part of this referring to and the second part being . The in ' of states that even after , she is still part of her father's house. So she is still forbidden to be intimate with her husband. This happens because they have not completed the whole marriage process yet.

The in on ' states that there are three ways that can be carried out. The first one is , which is acquiring a woman through a monetary exchange. The second way is , which is a document. The last way is through , sexual relations. When a man uses one of these three ways, there must be at least two witnesses watching. This shows that the betrothal is valid; one way of explaining it is that the witnesses show their actions are serious and need to be taken seriously. But for , there is no direct source of what creates . Many state various opinions. The in ' lists many of the various opinions. The " " says that when her new husband brings her

into his house to do *Shema*, that constitutes *Shema*. The *Shema* says that *Shema* is when she covers her head when they say *Shema*. The *Shema* says that *Shema* happens when the *Shema* covers the *Shema*'s face with a veil; we call this the *badekin*. The *Shema* says that *Shema* is completed via the *Shema*. The Halachic definition of *Shema* is when a cloth is spread over their heads at the time of the blessings, which is the wedding canopy in our ceremony. The *Shema* represents the couple's home. Standing under it represents building this house, which is what *Shema* is. The *Shema* says that *Shema* is what creates *Shema*. *Shema* is when the man and woman are alone together and with no one else around. This creates *Shema* because the man and woman are alone together, and similarly *Shema* represents their household.

Another difference between *Shema* and *Shema* is the *Shema* recited. The *Shema* for *Shema* is:

Shema, *Shema*. The *Shema* for *Shema* is called *Shema*, which is also referred to as *Shema*. The *Shema* for *Shema* is a *Shema* on the *Shema* of *Shema* or on praising *Shema* for creating the uniqueness of a Jewish marriage, while the *Shema* for *Shema* is praising *Shema* for marriage and bestowing the couple with happiness.

In *Shema* *Shema*, the *Shema* talks about what a father merits from his daughter while she is an *Shema*. An *Shema* is a woman during the time period between *Shema* and *Shema*. The father merits a few things, such as *Shema* -which is her salary and *Shema* -lost items which she finds. The *Shema* states that the husband merits these things after *Shema*. In addition, the *Shema* states that the husband merits additional things such as *Shema* -if she has a tree that grows fruit he can eat and profit from the fruit. After *Shema*, the new wife is not part of her new husband's household. But after *Shema*, she becomes part of her new husband's household. In *Shema* *Shema*, the *Shema* talks about the time gap between *Shema* and *Shema*. It states that the normal time period is 12 months. This time period is used

by both sides to prepare themselves for the new step in their lives. Nowadays we do not have this gap because as a result hardships of the exile, too many women would be left alone and not able to marry anyone else. It states that if at the end of the 12 months the husband and wife still have not had yet, she can eat his food. Even if he is a , she is allowed to eat his . The teaches that really, an can eat , but , they forbade her from eating ; since she still lives in her father's house, she may feed it to her family, or he may find something displeasing and not want to go through with completing the marriage. Since she can now eat , this shows that he is required to support her.

In conclusion, we see that and are two separate parts of the marriage process. is more like the engagement aspect, based on what you use to create it, the language of the , and how after the woman is not part of the man's household. After , the woman leaves her father's household to become part of her husband's household. During the 12 months between and , a woman is still part of her father's household. Both the man and woman would be preparing for their married life together. After preparing, she would become part of her husband's household and complete her marriage through .

Is there a Commandment to Get Married? () Yehudah Wrotslavsky ('19)

In Jewish Law, we know there is a significance to marriage. There are responsibilities ranging from fiscal to emotional that belong to each spouse. There is also sentimental value to marriage such as trying to find a special individual to spend the rest of your life with and raise a beautiful family. However, when we examine if one fulfills a specific commandment when performing , we will see that there is a range of opinions amongst the . Indeed, the goes into many details on , however the does not state directly if it is a or not.

The in " says that , having children, is a . He says the reason it is a is so that we can continue growing for more generations. In the next , " , the states the of . He quote the from the beginning of that one can perform in one of 3 ways: , a written document, , giving money to her, or , having relations with her. As a source to show that is a , the " quotes the following : " "- "A man takes a woman and has relations with her." The "taking" part of it is stating that you must do a formal acquisition, meaning , and then have relations. Based on these two sources, the seems to conclude that there are 2 separate , and .

The in the additionally emphasizes that is a . In ' , he says before the Jews received the , a man could go to a woman and if they want to get married, they have relations and then they're married. After the was given, we received this concept of which the formulated as a . He also states in ' that we recite the before

performing just like all other where we recite the before the action. Two points emerge from this statement: the " considers a , and he views the as a .

The idea of viewing as a could be understood in 2 ways. One is to say it is a , a positive commandment. There is also a concept of an " ", a negative commandment that is learned out from a positive statement in the . Perhaps the commandment is really that you're not allowed to get married without having , so it becomes a to perform because now you are avoiding violating an .

In , the on :' , discusses the topic of the recited for , which leads the " to present his approach regarding if is a or not. He says is not a ; the real is , and is just a . A is a preparatory action that you have to complete in order to get to the ultimate . His indication for not being a is because the for in not a "positively-worded" like all other . In the , we start by saying " ... , " discussing how ' has sanctified us by commanding us from certain illicit relations and forbidding girls after betrothal until marriage. Instead, he says the is , and we are praising Hashem for separating us from all of the negative illicit relations, as well as providing us from proper framework in order to create a beautiful Jewish marriage.

Furthermore, the " goes on and says that the reason is only a and not an actual is because the only considers as an independent and theoretically, is not the only way to fulfill . A person could potentially fulfill through a . A , colloquially referred to as a concubine, is a woman that a person is not married to and does not have require all the marital obligations, such as financially supporting her, but is designated for him. Any children born to them

would lead to fulfilling the _____ of _____. According to the _____, a king is the only one allowed to have a _____, a normal person is not. Therefore, the _____ would say that a _____ is not an option for a person to fulfill _____, it can only be fulfilled after _____, so _____ could be counted as a separate _____.

As we see, the _____ and the " _____" both have fair, yet different arguments on whether or not there is a _____ for _____. So what do we do nowadays? Do we consider _____ a _____? Whose opinion do we follow? These questions cannot be truly answered. No matter which opinion you go by, the husband and the wife are going to get married whether it's a _____ or a _____. However, a possible _____ between the two opinions is that when the Rabbi who is _____ recites the _____, on whose behalf is he reciting it? According to the _____ who considers _____ to be a _____, the Rabbi is saying it for the _____, and perhaps the _____, who are fulfilling the _____. According to the " _____" who considers _____ to be a _____ since _____ is not a _____, the Rabbi is perhaps saying it on behalf of everyone who is present and expressing _____ to' _____.

Making the Before the Marriage (') Chana Fischer ('19)

We learn from ' ' that , meaning when doing a we must say the before doing the action. There are two reasons for why we say the before doing the . One reason is so that we thank ' before receiving the spiritual benefit of the and the other reason is to make sure that we have intent of doing the and that we understand what we are doing.

" agrees with the first reason as we see in ' : ' he compares to . With regard to , we learn in that if one receives benefit from an object without making a then it is considered to be stealing from ' : . On the other hand, the is decided in ' : ' " that it is necessary to have intention, which is why we say the before doing the to make sure that we have intention. Either way, the has to come before, because it is playing an essential role in the , which needs to come before.

The of is a , according to " . We see this when he says in " : ' that , the must be said before doing the act of , just like all other . If the was not said before, then it shouldn't be said after the is already done, because then it would be a . The " disagrees with this and says that we should actually be saying the for after the act in case, if the was said before, the bride would refuse to get married after the is said but was not yet done, and it would be a . Clearly the " is agreeing with the "

about the **Shema** for being a **Shema**, nonetheless he says that the **Shema** should come after the **Shema** because of the concern of the bride backing out.

The **Shema** is relatively straightforward. However, it is more difficult to understand the opinion of the **Shema**.

First of all, why is the **Shema** so concerned about the bride backing out in the middle of the wedding that he changes the **Shema**? The **Shema** gives an example to show why it's unrealistic that the bride would back out and unnecessary to change the order of the **Shema** based on that concern. If someone is feeding another person food, then, certainly, the person eating can say the **Shema** before he or she eats the food and does not have to worry that the person feeding will decide not to actually feed them rendering the **Shema** a **Shema**. So too, concludes the **Shema** there is no reason to be concerned as the **Shema** is that the bride will back out.

Second of all, even if the **Shema** is concerned about her backing out, why is **Shema** ok with making the **Shema** after? There are other cases where saying the **Shema** before doing the **Shema** would not be possible, yet we try in different ways to do it before the **Shema** is absolutely complete. For example, in **Shema**: **Shema**, the **Shema** talks about the mitzvah of lighting candles and says that the **Shema** is made before lighting. The **Shema** comments that when we light candles for **Shema** we first light the candles, then we cover our eyes, say the **Shema**, and then uncover our eyes. We do that because once the **Shema** is said we aren't able to light the candles (because the **Shema** counts as accepting **Shema**) so we cover our eyes and say the **Shema** so that when we uncover our eyes it's as if we just lit the candles. Similarly, in **Shema**: **Shema**, the **Shema** says that when washing our hands we should say the **Shema** after we wash once but before the second time. The **Shema** then adds that we say the **Shema** after we wet the hands but before we dry them, because we can't say the **Shema** for washing our hands before we do the **Shema** because our hands are still dirty and we can't say the

after because the action is already done. In either event, we see that even when saying the before a is not possible, we try to say it before the is completely over.

One possible simple answer to this question is that when it comes to the " believes we cannot say the before and there is simply no suitable midpoint like in the cases of candle lighting and washing, and therefore, we are stuck with no possibility other than making the after the

The explains the " 's opinion differently. Another example of when we do not say the before the is when a goes to the for the first time. He or she has to say the after the because if he or she were to say the before, it would not apply at that point, because there has not yet been a conversion. By going into the the person's status changes, making him or her able to say the for the first time only then. This helps explain the " 's approach, because is not like other , it is a change of status, so it works differently than all other . If the man was to say the of before the woman is , then the wouldn't apply to her. He has to say the after he does so that she is an about whom he can say just like a can only say after becoming Jewish.

The Conclusion of a () Molly Yarbrough ('18)

An essay consists of multiple components designed to properly present a thesis statement. There is generally an introduction, a number of body paragraphs, and a conclusion. Without a conclusion, it is not always clear what the intention of the work was. A is the conclusion of a , the second ' at the end of a , and there is much debate over what is to be said in this conclusion, and what its true purpose is.

The ' : ' teaches that a is used for long . The contradicts this, teaching that there are three categories of and the need for a depends upon the category into which the falls. Each of these categories has a different purpose. are said before you benefit from something like a food or a scent, and the is said to ask permission from ' before taking. are said when fulfilling religious duties, before doing a . Sometimes they are said after doing the mitzvah, like with lighting candles and . Ultimately, the purpose of this type of is not only to ask permission from ' , but to have and keep the intention of what you are doing in your mind. The last category is which are not said before something happens; these stand alone and their purpose is solely to keep ' in mind. We need to be thinking of ' not just when we do or are benefiting from something physical, but all the time. According to the for and , there is no . But for , it is much more common for there to be a .

The ' ' describes the of whether or not there should be a for . " , trying to explain why there

would be a [redacted], says that the purpose of a [redacted] is to bring a long [redacted] which mentioned some non-essential ideas back to the original idea of that [redacted]. This is hard to apply to the [redacted] however, because this [redacted] begins by discussing forbidden sexual relations and concludes with [redacted] and [redacted], and the [redacted] is a recap of that last theme. It does not bring the discussion back to the original theme of the [redacted]. It is, therefore, hard to justify the [redacted] if it does not serve a [redacted]'s general function.

One alluring possibility is to suggest that the [redacted] in the [redacted] is based on a more fundamental [redacted] about what type of [redacted] this is. The [redacted] might be a [redacted] in which case, according to the [redacted]'s criterion, there should be no [redacted]. However, [redacted] might not be a [redacted] and this [redacted] might be a [redacted] in which case there should be a [redacted]. However, if this is the issue that underlies the [redacted], it does not appear that the [redacted] who debate the nature of this [redacted] noticed it, since they do not bring this [redacted] as a source in their discussions.

On the other hand, it is possible that the [redacted] here reflects the [redacted] in [redacted] between the [redacted] and [redacted]. According to the [redacted], a [redacted] should not get a [redacted]; therefore, this [redacted] which is a [redacted] does not get a [redacted]. According to the [redacted], the type of [redacted] is irrelevant. This [redacted] is clearly a [redacted] and, perhaps, that is why one opinion holds that it should have a [redacted] despite being a [redacted].

Is Using Money to Marry Biblical or Rabbinic? (') Ari Eizen ('18)

As Jews, we know that there are three ways to get married: with money (), a contract (), and through sexual relations (). To understand more about the option of money being used to acquire a woman, we should learn the 's source for . In ' , we learn the source from the : " . " This is taken from the story of when he buys with money to bury his wife. Since it says by marriage, " we learn that there is a between marriage and buying , which shows that money can be used to acquire a woman. Presumably, they all have to work , as a law from the , because if it were to be , a Rabbinic law, then the marriage would only be seen as Rabbinically valid and not Biblically. A in brings up uncertainty pertaining to this point in .

In ' , the discusses a case where a husband gives his wife a , a divorce document, on condition that he doesn't return in the next 30 days. The husband does not return on time because of something beyond his control. Really, , the is not valid since it was beyond his control. , they say the is valid and she is divorced since in other cases, it may not be valid, but she may think it is valid and remarry based on it. The , however, asks how can " come and take a that is really invalid and validate it? The answers that since a person gets married based on " 's consent, as we state at the time of : , based on the regulations of " , they can retroactively invalidate his , so it turns out the couple is not married. The says that makes sense for . " explains that money can obviously work because we learn that the Rabbis have the ability

to retroactively annul by making the money into a gift instead of it being given for marriage. " , however, quotes his teachers saying that this teaches that if " can undo the , only works for on a Rabbinic level. He then challenges and proves that is obviously from the for two reasons. First, since we learned the source of through a , such derivations have the status of a Biblical law. Furthermore, " points out that since we can give out the death penalty or obligate someone to bring a sacrifice for adultery based on , it must be from the .

Back to the question if works or , the states his opinion in ' , . In this section, the talks about marriage and the laws pertaining to marriage. The says: , , : " " interesting language for , " , " , which could be interpreted as referring to a or a that " explain. In the , written by the son of the , he says that in the original manuscript of , the wrote that is , based on understanding the in like " 's teachers. However, he claims, in later manuscripts, the " himself changed his opinion and stated " "-all 3 (, ,) are Biblical. He claims the " changed his opinion based on the conclusion of the there that whenever someone gets married, they do so based on the agreement of " , and the money is given as based on the conditions of " .

The on the " says that the phrase refers to something that is learned out by " utilizing the various methods of , which makes it a rule from the . This means these laws are not explicitly stated in the , but " learn them through the methods of elucidating the Torah. Even though the resulting rules were not explicitly stated in the , they retain a Biblical status. Even though the writes , he is still

saying it works because anything learned from the " is still ruled as . Since is learned through a , one of the 13 , it can be labeled as

The brings an example of using this terminology from the case of a . A is a person who rules against the ruling of the , which makes him liable for the death penalty. The in ' " says that he must have ruled against a rule which is from the , but its explanation is . Based on this, we learn that the phrase refers to rules that are expanded on by " through the , but retain Biblical status.

To conclude, the question of whether is or is a fundamental question when it comes to fully comprehending the and its details. But, at the end of the day, most opinions seem to indicate that we learn that is indeed , based on the " in that means that it is learned from the because even if the Rabbis derived it, what they derived is still viewed as a from the .

Using Objects of Monetary Value (') Elijah Wolfe ('18)

The union between man and woman in Judaism is a tremendously holy process and is appropriately entitled . In order to complete the process the man must acquire his wife in one of three ways: , , , money, a document, or relations. In the case of , the question arises as to what constitutes ; would a man who attempts through a ring complete the process or does he need to use physical money?

The on ' ' states a woman can be acquired through a according to or a according to . asks why must the state both / and / . If it states that a woman can be acquired through the equivalence () of a dollar amount, surely a woman can be acquired through the actual dollar. answers the question by stating that the had to first establish the definition of before saying one can use the equivalent of it. Before we can talk about using the equivalence of a monetary value, the must determine what that actual value is. After clarifies this apparent redundancy, they then goes on to ask why is allowed at all. views as a symbolic, ceremonial act, thus using anything but the physical money would not complete the act. It is the symbolic unification of the two parties and using a second rate version of , i.e. , for the ceremony would not work and not complete the unless there is textual proof otherwise.

answers the question by presenting two scenarios from the that teach the principle of . Scenario one is . is when a Jewish slave wishes to be relieved from his master's auspices, so he pays his owner to buy his freedom. In

" : " , the says that based on the numbers of years until the end of the slave's commitment " , " he shall return his redemption. The on ' " states that the word here means anything one can return, including , since the uses the word , return, instead of , pay, which would connote actual money. The second scenario is . In " : " when talking about , the states that a person who causes an animal to fall in a pit must pay the owner of the damaged animal and uses the phrase , he shall return to the owner. The in ' ' learns from that phrase once again that also works.

says the source that works in general is from this case of . Since the learns it explicitly in as well, must explain why each case is necessary so there is no issue of . This idea means one cannot learn out a general idea when it appears in two cases. Normally, if the states something once it can be applied everywhere as a generalization, but if it teaches it in multiple places it only applies in those cases; the reason behind this is if it was meant to be generalized, it would not have been mentioned in the other cases. The reason both are necessary in this case are as follows. If was only mentioned in regards to , one would think that the idea of would also carry over to and he would have to use to get out of slavery. in his situation could be money or the best of his land. Furthermore, if was only stated in , one would think that since in they are only allowed to use , when it comes to using movables for compensation, it would have to be specifically, which can be viewed as a form of , and not . Therefore, from these two scenarios we are able to learn out to everywhere that is an alternative option to .

The " , however, does not see as a symbolic act like does. The " believes the is a transactional act and not merely a ceremonial process. Thus, the " 's proof for why is allowed is drastically different than that of . The " uses

, logic, to prove why works and, accordingly, does not need as a proof. He states that since both parties agree to the and have the proper , knowledge, the form of money used by the man does not matter. As long as both parties are in full understanding and agreement of what is happening, the is acceptable, no matter what form of is used. The " explains that we need the textual proofs in the two cases of and because of specific details in each case.

The on ' ' discusses a scenario which further supports the idea that is a transactional process. It discusses a case where a man is a woman with a cloth. If the woman agrees to the proposition, no evaluation of the real value of the cloth must be done and they are married. However, if the woman does not know the value of the cloth, according to , they are not married.

believes the woman must know the value of the or equivalence thereof, in order for the to be valid. This emphasizes the idea that the is used as a transactional vehicle in and both parties require , rather than it simply being symbolic of building a marriage.

Rabbi Moshe Lichtenstein states, however, that everyone must agree to some degree that the is a symbolic action. A , according to , is not the amount the woman is worth; it is the minimal amount that can be used in the symbolic action of acquiring one's wife. He states that even if one does view the process as a transactional process, such as the " , the involved is not representative of its hard value, but is a symbolic representation of the joining of the two. He then suggests that this fact further emphasizes the idea that anything can be used as . We are not truly concerned with the value of the money, but the symbolic value.

Understanding the Language of (') Yehoshua Bass ('18)

We see throughout the that each individual is usually consistent with itself; it keeps the same and terms throughout. We will discuss why sometimes the consistency is broken between .

The in .' discusses the three ways to "acquire" a woman for marriage, those being through money, a document, or marital relations. The begins with the word " ," saying " -a woman can be acquired in three ways; later in the , in the beginning of the second , the change from using the of to the of . The there states, " -a man can sanctify a woman himself or through a messenger. The on .' asks: why would the start with the of " " and switch to the of " "? Why not just stick with one? The answers that the reason for the change in language is to teach us the difference between , the language the uses when discussing marriage, which refers to it as a , as in the : " ", and the , the language " use when discussing marriage; they refer to marriage through the concept of .

on :' further tries to clarify the language of the , by asking how does the language of fit when we are talking about . In what way does relate to marriage; is the husband trying to make the girl separate for ' . The husband in that case wouldn't be allowed to touch her. Rather, the of teaches that you are making her for you so she is to the rest of the world. says means that it is forbidden to everyone else. Then they state if I would say a is for me, the language

is not applicable because I can give it to someone to use. My usage does not prevent someone else from also being able to use it, as opposed to marriage, a man can't give her to another man without severing their relationship through a *get*. This is why the *Shema* incorporates the language of *Yah* and doesn't only use the language of acquiring. A person doesn't merely acquire his wife, but also makes her forbidden to everyone else.

Rabbi Shimon Shkop, the *Chofetz Chaim* of *Chofetz Chaim* in Grodno, Poland, adds on this explanation of *Yah* in *Chofetz Chaim*. He says that when you acquire an object, the object itself doesn't change, you just own it. However, when you acquire a woman, she herself is changing; by not being allowed to any man she is becoming more *Yah*. This is another explanation of why the *Shema* wants to incorporate the language of *Yah* and not only utilize the language of *Elohim*; not only is she forbidden to everyone else but she is also becoming more *Yah*.

The *Chofetz Chaim* by Rabbi Yisrael Hopstein, one of the Chassidic leaders of Poland during the 18th and 19th Centuries, adds a philosophical idea to this halachic discussion. At *Chofetz Chaim*, we were viewed as marrying ' *Elohim* ' and we became *Elohim* through becoming a *Elohim*. Applying this idea means that our dedication to ' *Elohim* ' is not an extension of our existence but is a change in our very identity. When a wife is categorized as being *Elohim*, she is only permitted to her husband, and if she commits adultery she would be abrogating her relationship with her husband. So too, the Jewish people are defined as being married to ' *Elohim* ' and any time spent serving other G-D's is viewed as an abrogation of their connection to ' *Elohim* '.

What if She Makes the Declaration? (’)

Yara Hyman (’18)

On ’ , the spells out that if a man gives his betrothed money and declares some version of, “with this money, you are betrothed to me,” the woman is betrothed to him. On the other hand, if she gave him the money and declares some version of, “with this money, I am betrothed to you,” the woman is *not* betrothed to him. The , however, does not spell out what will happen if *he* gives her the money and *she* makes the declaration. One conclusion the reaches about this case, called , is that , it is a doubt whether has taken place and we consider it to be a possible .

There are three explanations of as to why this case is in doubt which revolve around the question of, to begin with, how central is the declaration, the , to the process of .

The " says that the is essential and that the husband has to say it no matter what. However, when she says, it is possible there is a that maybe if she says the it counts, because it is as if he is using her language to count as if he is saying it. This is not a real since there is no real reason to think that her saying it should count as his saying it; it is just according to the Rabbis because they were all very cautious in cases of possible . The " claims that the language of the backs up this approach since the does not call this a , but rather the weaker .

The " says the opposite of the " . The " says that the is in no way fundamental to the process of . In theory, it would not matter at all whether he said it or she said it, since its

only function is to make sure that they both intend to engage in . However, there is still a because the witnesses are not able to know if he truly has intention they just see what he says on the outside. So, when she says it, the witnesses cannot clearly testify that a was done.

The does not take a firm position on the question of how fundamental the is to the process. Rather, he contends that this question is exactly the that the could not resolve. If the is fundamental, it does not work if she says it. However, if the is not a fundamental component of the it does work.

The quotes the " saying ; this means that if the husband simply answers her by saying yes, then the process of for sure works. Although we do not know the "'s reasoning, it is possible that this case is a between the " and " . According to " since it is essential that the is done by the man, his saying yes does not necessarily suffice. However, according to " who was only concerned with the witness' ability to testify that he had intention, if he said yes, there is no reason the would not work.

Can a Woman Give the Man the Ring? (') Dena Stein ('19)

In the , ' , it talks about the different cases of in which the man is not doing both the and but the woman is doing a part. One case that is *not* mentioned in this is the case of , she gives the object used for and he says . Since it is not talked about whether it is allowed or not there are different opinions about why it is not mentioned and what the is in that case. The " , as explained by the " , claims clearly will not work, bring an exception when it will work, the " , however, seems to claim that it is not so obvious that a regular case when the woman gives the money will not work as long as the husband says . This opinion of the " seems quite strange and needs some explanation that will lead us to reexamine some fundamental questions about the process of .

During the process the man has two responsibilities which can be found in the :

The first is , saying that the action they are doing is for , and the second is , giving the object to make the acquisition. The question is would a woman be allowed to do any of those steps instead of the man?

In the case of , the " holds like the opinion in the that the fact that the skipped the case indicates that the case is a . This view maintains that the did not want to mention any cases in which there was no clear conclusion. However, in the specific case which is not mentioned in the the " states that the answer is that a woman can never do . is also skipped by the , so why does he

not say that it is a *qiyas*? The *Shaykh* answers that this case is so ridiculous and will obviously not work because in *Shaykh*: " *Shaykh* the *Shaykh* says " *Shaykh* which means only a man can do it, so there is no way it can be a *qiyas* .

Shaykh say the reason the *Shaykh* skipped the case of *Shaykh* is because there is an exception, and the *Shaykh* did not want to talk about cases without a clear *qiyas* in all cases. The one exception is an *Shaykh* , an important man, if the woman gives him the money or an object it will count as *qiyas* . The reason is explained in ' *Shaykh* which says,

Shaykh . This means that just from the benefit the woman gets from the *Shaykh* accepting her gift, she is willing to give herself to him. It works as long as there is the benefit coming from him to her. Meaning, what the woman is giving does not count as the object used for *qiyas* but the benefit, which he is giving her, counts as the object he gives for *qiyas* . The *Shaykh* disagrees with this idea and says just having the benefit there does not work, the man actually has to say something to show that he is giving her benefit in order for the *qiyas* to work.

There are some opinions that do not find it so obvious that *Shaykh* is not allowed. The *Shaykh* says that *Shaykh* is a *qiyas* just like *Shaykh* . It could be that *Shaykh* agree with that opinion. *Shaykh* says that perhaps *Shaykh* only mean to say that *Shaykh* would not read a case without a clear *qiyas* into the *Shaykh* , but the *Shaykh* itself, since it skips the case of *Shaykh* must mean that the case is a *qiyas* .

Even if *Shaykh* agree with the *Shaykh* how can this make sense? The *Shaykh* makes a good point that the man is supposed to be doing the action, clearly according to the *Shaykh* . The *Shaykh* quoting *Shaykh* when explaining the *Shaykh* says that in the case of *Shaykh* there is no real buyer and seller, there is no real *qiyas* , what they are doing is creating the status of *Shaykh* . This status is created by their agreement and the *Shaykh* is there just to reinforce this agreement.

Therefore, it does not matter, like it does in regular _____, exactly what _____ is done and how, as long as he takes some part in the act, even by saying the _____, the " _____" suggests might count as _____.

This case shows that the most important part of _____ is doing the act to create the status of the relationship. So the act needs to be something that makes sense in creating the relationship, but whether a woman could do it instead of the man is the question. _____ does not seem to be a regular _____ because if it was this would not be a question. The main answer appears to be that _____ is not allowed, but it being a _____ is also a possibility.

When a Woman Gives an Important Man a Gift (’) Orly Jerusalem (’18)

The ' ' teaches us that if a woman gives an something that is for the purpose of being , the that she gets from the fact that he was willing to accept her gift is worth enough to her that it is like *he* is giving *her* something. Therefore, it is considered as if he has done a and she is .

This type of is very strange, because is explained in the Torah as which shows that the man must do the . With this concern in mind, the " comments, "

" When the woman is the one to give the object to the , the must declare when he accepts it, "I am being you with the that you are getting by virtue of my accepting your gift." This makes it seem like this type of transaction is just like any other type of , and the is serving as the . His declaration is serving to reframe the situation to focus on his transfer of to her rather than on his receiving of a gift from her.

On the other hand, seem to disagree with the " . On ' ' , the quotes a which discusses who must give the item and who must make the declaration, but neglects to mention if she is in a case of , if *she* gives him an item and *he* says . comment on this that the reason the does not mention it, is because usually does not work, but in the case of it does work; the only wanted to mention cases with a consistent result in all cases. This seems to indicate that believe that works exactly like a normal in which she is doing the entire action and he is not specifically designating his transfer of to her as the

. It seems that think that this is not functioning like a normal but somehow her receiving the allows her to be herself to him without him doing any kind of action.

This is not the only example we have of using the receipt of from someone accepting a gift to create a legal reality. In fact according to in the this type of is at the core of how a works. works when one party transfers a symbolic item to the other party and then automatically another item, which is not present, transfers ownership. According to the is the one who gives his or her own item as the symbolic item that causes the transfer of the item that is not present. This works, because, as explains, the benefit that the receives by virtue of the accepting the gift prompts the to also transfer the other item to the .

Several ask, why, according to , does the acceptance of a gift by any person, regardless of stature, count as enough benefit to effectuate , but only the acceptance of a gift by an suffices for ? The " responds that there is merely a technical difference between the two cases: "

" This means that when a regular person accepts a gift, that person's is worth less than a , which would work for (because unlike all other can be done with less than a), but less than is not enough for to work. In order for to work, it has to be the woman giving to an so that the she receives from his accepting the gift has enough value for her to be considered .

The " , however, responds differently. He says that in the case of , " is required. This seems to suggest that giving a regular person a gift does afford the giver with a worth of , but that is not enough for to work. For to work, a greater than normal amount of is required, an amount greater than a , the amount one gets from having an

accept one's gift. This seems strange, since, when a man gives a woman an item that is worth only a prutah , it does work for prutah , why when he "gives" her prutah worth a prutah does it not work?

Rabbi Moshe Taragin suggests that in fact this position of the prutah is not surprising. Prutah is a special type of prutah that is for the purpose of forming a relationship between two people. While it is possible to create that relationship through the unusual means of receiving the benefit of gift giving, in order to do so the amount of benefit that is received needs to be more than the minimum value for this type of prutah in order for this transaction to work, in order to show both of their intentions to actually embark on a relationship. Not surprisingly, the standards for run of the mill transactions are not so high.

Understanding 's Opinion of Using a (" ") Raffi Klausner ('19)

There are three different ways for a man to do , the first step of marriage: giving money (or something with monetary value), giving a document, or having intimate relations. When it comes to giving , there is a disagreement as to how much is needed. The first in brings up a between and . The opinion of is that it must be at least a . On other hand, the of is that it must be at least a , which is much smaller amount and the smallest recognized coinage.

The opinion of is revisited later in the on " " when the asks what is the reasoning behind 's opinion. answers that we assume a woman is self-respecting and because of that, she would not accept less the a . Therefore, according to , such a small sum of money cannot create .

The position of is challenged by by bringing up a case involving the daughters of . They had unusually high standards and would not accept less than a (a unit of volume equal to 144 eggs) of gold . According to 's logic, if one of them received and accepted one —which is a small coin between a and in value—it should not be valid . Nonetheless, because she accepted it, everyone agrees it is valid . The response of is that his reasoning only applies to that is done at night or through a messenger, which are both cases where she does not know what she is getting. However, if she knows what she is getting, her personal standards are nullified.

The debate exactly how to understand 's conclusion. 's opinion is that according to , if she sees her ,

she only needs a **minimum**, and if it is done at night or through a messenger, by default she needs a **minimum**, but a woman who has higher standards needs to have her standards met. An example would be the daughters of **Levi**, who would need a **minimum** of **minimum**. The **Levites** disagree because **Levi's** approach makes the minimum amount of **minimum** needed completely subjective. Instead, they offer an alternative opinion that if **minimum** is done through a messenger or at night, she only needs a **minimum**, no matter what her preferences are. The **Levites** is the assumed minimum because most women would not accept less; however, if a woman knowingly accepts less, as long as it is at least a **minimum**, the **Levites** works.

This disagreement between **Levi** and **Levites** comes down to how to understand **Levi's** response. When he says that he is not talking about a case where she stretches out her arm and accepts, he does not elaborate as to what the **minimum** is in that case. **Levites** reads it as going back to the discussion of the daughters of **Levi** and is therefore subjected to each woman's individual standards. On the other hand, **Levites** understands the discussion of the case where she accepts as referring back to earlier in the **Levites** where **Levites** says that a **minimum** is required because (generally) a woman would not accept less.

The **Levites** has a very different approach to **Levi's** opinion. The author agrees with **Levites's** reading that if **minimum** is done at night or through a messenger, we take into account the woman's personal preferences; therefore, if she desires more, she requires more. However, he disagrees with both **Levi** and **Levites** as to the minimum needed if she sees and accepts her **minimum**. This is because he interprets **Levi's** admission that he is only discussing a case where **minimum** is done at night or through a messenger as only applying to his explanation of **Levites's** opinion, but not the opinion itself. Therefore he says that in this case she needs a **minimum**, not a **minimum**, because most women would not accept less.

It is a Greater to Do it Yourself than Through a Messenger (") Seth Gross ('18)

The on ' " in states " ,"
which literally translates to, "the man sanctifies the woman through his own action and through a messenger ()." When analyzing this statement, a question is brought up in the . Why does the bother mentioning that it can be done by himself; obviously if you can do a through a you can do it by yourself? The responds that the is coming to each us the concept of -it is a greater to do it oneself than through a messenger. Even though a person can fulfill his obligation by having someone else do it, it is better to do it oneself.

" explains why we have a concept of . He stated that when one is involved in performing the , he receives more . An example the gives speaks of and performing the of preparing for . "Like roasted the head and salted the fish (in preparation for)." " further explains that they both did this in order to receive more reward for physically being a part of the . This helps us understand why it is better for someone to perform a such as on their own as opposed to doing so through a messenger.

According to the , is definitely a which he counts as one of the 613 of the . However, according to the " , it is only a . A is the act of doing something in preparation of another . An example of this would be building a . The in " " states: " " . " You shall make yourself the Festival of for seven days, when you gather in the produce from your

threshing floor and your vat. This directly tells us that one should make for himself a . However, we do not count building a as a ; only sitting in the is counted as one of the 613

The " in his commentary on the , ' : " writes that we apply to certain types of . He says that this applies to a that is written in the . The previous regarding the of mentions building a , but the elsewhere commands us to sit in a , as it is stated in " " : , " In you will live for seven days, every resident in Israel will live in . Since the states to build a , a person receives reward by performing the of building it oneself in addition to the of sitting in it. In contrast, by the of , the commands us to blow the but it does not tell us how to get the . Therefore, we presume that even though preparing a is a , it is not written in the , and we won't apply to preparing a .

Based on this, even according to the " who only counts as being a , we can still apply to it because the writes that one should get married, as the says it ' " : ... , if a man takes a woman and is with her, which is the source for . Separately, in , the commands the of . This implies that we apply to even though it is a that leads to the of , since it is a that the states.

The on ' : " holds that should be applied to all , regardless of whether or not the is a or a . The " only writes in " : ' about and ' : ' about preparing for . These are the two cases in which our

applied the concept. Based on this, the [Talmud](#) says that the [Shema](#) holds that [God](#) only applies to [Israel](#) and [Jerusalem](#), and not all [nations](#).

A question to explore is what is the connection between these two [concepts](#). The [Talmud](#) says that in all other [cases](#), the [action](#) needs to be done with the object of the sender and the messenger is viewed as an extension of the sender, so there is no benefit if the sender or messenger did it. In these two categories, even if the messenger does it and the effect is attributed to the sender, we don't view the sender as having a part in the action. In [marriage](#), the money technically doesn't need to belong to the man getting married (a topic for another discussion), so even if the [messenger](#) may use his own money, the sender is married, not him. When preparing for [marriage](#), the preparation is a [gift](#) itself. Even if the sender pays for it, he has a part in the [action](#), the “enjoyment of [marriage](#)” but not in the [preparation](#), the preparation for [marriage](#). When preparing for [marriage](#), the [action](#) is in the actual preparation and exertion, not the resulting outcome.

The connection between [God](#) and [Israel](#) lies deeper. [God](#) is referred to as a sign between [Himself](#) and the Jewish people, demonstrating that [God](#) separated us from the nations of the world and made us special for Him. Since [God](#) took us out of Egypt himself and not through a messenger, we learn that it is better to prepare by yourself for the day which symbolizes our connection. Through [marriage](#), you are making a woman special for you; by doing [marriage](#) on your own and not through a [messenger](#), you are following [God](#)'s example. Both categories create a special bond between two entities that cannot be broken. A husband and wife are united and their lives are interconnected, and our bond with [God](#) is eternal and interconnected.

Preparations for (") Eliana Tieke ('18)

Just as human beings need distinction, transition, and the ability to separate between holy and mundane, is what allows us to smoothly transition to the holiest day of the week. Besides for the basic preparations one can do for such as: cleaning up your room, washing your clothes, and showering, there are more far more complex tasks to be completed before welcoming in . But if you take a step even further the question then becomes: are our preparations simply a practical necessity or is the period of preparation in its own right religiously significant?

Most of us probably do prepare for in one form or another. However, the height of one's experiences and spiritual achievements on are dependent on the amount of preparation one does for it. This idea is explicitly found in the writings of , who explains that although the holiness of comes automatically since the date is already "programmed," still each person can choose how much he or she wants to put into the experience, and is rewarded accordingly. goes further to explain that the actual of the day comes from a person's respect and holiness he concentrates into his preparation and when no one invests in his actions, " , the actual of the day can be lessened.

We see an example of this from " also quoted in , where we learn about the who set aside their learning in order to personally involve themselves in the preparation for . " would roast the head of an animal to prepare it for Shabbat. salted a fish in deference to . kindled lamps in deference to . spun the

wicks for the lamp. cut the beets in preparation for .
From this the ' : " " rules that

...
, This means that each person should engage in the physical labor of preparing for no matter how aloof from such activities they consider themselves to be, because preparing for actually confers more honor upon a person.

The question still remains, on a Halachic level - is preparation for Shabbat an independent or just a for ?
The ' " applies the principal to both for the woman and the preparations for . This seems strange since, on the face of it, neither for a woman nor seem to be independent .

There are three explanations of this . The " is the first to discuss this issue and says that also applies to actions which are not , but rather are , practical necessities, in order to obtain the of both and . That being said, he concludes with saying that the two are not independent .

The brings in a similar idea as the the " and states that he does not believe there is an independent to do for a woman. He explains that just like there is no obligation for the woman to do , there is no obligation to prepare for ; however even though there is no , the believes that one does receive a , it is a when a woman is and when one prepares for .

The last explanation completely disagrees with both the " and the . The declares that is a in itself even for women because of the obligation for a woman , to populate the earth which she accomplishes through . So too, the of is its own and we derive this from " , when the Jews received a double portion of on

Friday in order to rightfully prepare for . believes this commandment to the Jews in the desert is also a commandment to the generations to prepare on Friday for .

Because transitioning from mundane weekdays to the holiest day of the week can be challenging, we are given the mitzvah of to help us integrate our bodies into the appropriate attitude. Just as set aside learning to engage their bodies into preparing for by cooking, so too we can learn from this the rightful significance in concentrating our preparation with .

The Prohibition to Marry Sight Unseen (") Estee Brown ('18)

There is a rule in the that in order for a man to be a woman he has to see her face-to-face first. This of not seeing her before comes from ' ". The says which means a man can betroth a woman himself or with a . The emphasis that he can do it himself suggests to the that if a man were to use a without seeing her it would be and doing it himself is better.

So why is this an ? The explains that if the man does not see the woman before he might grow to hate her and find her disgusting. If this happens the man will violate , loving your neighbor like you love yourself, if he grows to dislike her.

The " on the other hand gives a completely different answer than the . The " did not quote the 's reason about violating , and he gave two separate reasons that the did not mention. Why is that? A possible answer to this question is that the 's reasoning about is questionable. How can we say that simply disliking someone is a real ? Sometimes it is out of our control whether we like a person or not. The " wanted to give real consequences, because in order for something to be an it should lead to bad actions that the man might violate. In this regard, " says that marrying her without seeing her will lead to sleeping with his wife when he hates her or divorcing her too quickly rather than simply someone disliking their wife.

" :’ " says,

. A man may not marry a woman with the intent to divorce her, and he cannot remain married to her and sleep with her while he intends to divorce her. Additionally " says that a man may not divorce his first wife too quickly. We see that for " these actions are actual prohibitions, and it is these possible consequences that he thinks warrant a prohibition against marrying a woman without seeing her.

The " ’s reasons though still make it seem like a strange because all of the reasons that were given are situations that might happen. They will not necessarily happen with every case. So what type of is this? In " :’ the " calls it which means that it is not appropriate in this situation for the man to not see the woman before he marries her. " does not explicitly say that it is an , he just states that it is something inappropriate to do, and even if the man doesn’t see her before, they are still married. " describes the prohibition differently. He says that using a is prohibited *only* when you could have done it yourself, because it is a mitzvah to betroth her yourself without a because of the concern that if the man does not see her before he might see something he does not like and grow to hate her. So, according to " too, this does not seem to be a straightforward , but rather some combination of an and a .

The derives this from the that says . Is the intention to forbid all uses of a ? The " says that when the says it must mean that there are cases where a man is able to use a and those cases are when the man has seen her before. Despite the fact that the word indicates to us that there is a case when he must do it himself, the must still be read in the straightforward manner that a can be used.

According to , however, it seems that this is not the case. say that when the says it is telling us that a

works, but really in all cases even if the man has seen her he should not use a .

Who Can Appoint a Messenger? (") Eliezer Benjamin ('18)

The on ' " of says that a man can be a woman in two ways, either by himself or through a messenger. It then states that a woman can accept in those same two ways, herself or via her messenger. The concludes that this rule also applies to a man marrying off his daughter when she is a between the ages of 12 and 12½; the father can accept the himself or have his messenger accept it.

The on that same asks " , " from where do we know that works? The cites the case of divorce. In ' " the states: "" From the word " -and he will send her" instead of the word " -and he will divorce her," " explains that the learns the husband can send a to divorce his wife. The also learns from the word to mean the woman can send a to receive her . " points out that since without any vowels, the word is read to mean "and she sent," we learn that the woman can send a . In the , the word appears twice, which is used to teach that a is allowed to appoint another in his place. The subsequent states that after the woman is sent away, " , " she goes out of his house and goes to marry someone else. This between leaving her first husband and marrying a second husband allows us to learn between and , including that works for .

" asks why we need separate to teach that a man and a woman can each send a in their place. Why can't we have one statement which teaches that a person can send a ? He

answers that regarding _____, the man has to have knowledge he is giving the _____ and that he wants to give the _____. However, the woman is given the _____ even against her will. Since a woman can be forced to accept a _____, perhaps her involvement in the _____ process is weak and would not allow her to appoint a _____, since appointing someone in your place shows a level of ownership over the matter. The _____ of the _____ takes the place of the _____ of the sender, and we don't need the _____ of the wife since she can be forced to accept the _____. This idea of going against her will even applies if the _____ is being sent by a _____. Therefore, we need a separate source to teach that the wife can also appoint a _____. Once we've established the concept of _____ in _____, the _____ carries it over to _____, even though _____ does require her consent, since the derivation is textual and not based on reasoning.

The _____ adds an additional point to this idea by saying that since she is the recipient of the _____, she doesn't do anything to appoint her _____; her _____ is labeled a _____. In contrast, the husband's _____ is appointed with an action, i.e. he is given the _____ by the husband to give to the wife, and is called a _____. We might have thought that she can't appoint any _____ since she only appoints her _____ through words, _____, and we have a principle _____, words cannot be given over to appointing a messenger. The _____ concludes that our _____ is teaching that this principle only applies to a _____ appointing a second _____, but not when the "owner" is appointing his or her messenger.

How can the _____ state that a _____ can appoint a second _____; the woman's _____ is appointed through _____, and for that _____ to appoint another _____ would be a problem of _____? In fact, the "_____ on this _____ explicitly says that when the _____ learns a _____ can appoint a _____, it only applies to the husband's _____, not the wife's _____.

The " , deals with the issue of in a different way. He asks how can the woman's appoint a second if it is only appointed through words. His question seems to assume that when the learns that a can appoint a second , it applies to both the man's and the woman's messenger, unlike the 's approach. The " goes on to quote the who says that if a second was appointed with a , a legal transaction or exchange, that would be enough to strengthen the to proceed and appoint a second . This would work even if the 's role is passive, such as her who receives the or money.

The " himself is of the opinion that even if the sender, in this case the woman, verbally granted permission to the to appoint a second , it would be sufficient for her to do so. A can't independently appoint another , but if he received permission, the " assumes that the second is still considered a of the sender herself. If the became sick or an accident happened which caused the to not fulfill the , appointing a second would also be valid because if the sender knew this was going to happen, he would have allowed the to send someone else. This comes to teach us that the sender is not so concerned with who gets the job done; they only care about the result of the action.

There is a how to view the relationship between a sender and messenger. On the one hand, we can view the messenger as an extension of the sender, but the for the action is really the sender's . Alternatively, we could view the action as being the action of the messenger, with the result affecting the sender. If the " says the woman can allow her to appoint a second , perhaps he thinks that a is an extension of woman, and if she gives the permission to appoint a second , the second is really just another of the woman. The " , on the other hand, might view a as the one who has for the action. Since

the woman herself does not give over anything to create the _____ ,
her _____ is not really a _____ of the action to be able to appoint another
_____ .

You Cannot Appoint a Messenger to Commit a Sin (") Daniel Selesny ('18)

In the there is a concept of . This means a person who chooses not to do a specific action themselves can hire another person to do on their behalf. When someone else is performing the action for another, there are a lot of criteria that must be fulfilled to consider the messenger a proper messenger. For example, the must also be obligated in that , to exclude a non-Jew from being a for you. If the person is considered a , he is an extension of the sender and the resulting effect of the action applies to the sender.

Just like a sender can appoint one to do a on his behalf, he can also appoint a messenger to commit an on his behalf. There are two possible outcomes that can result of a messenger being sent to transgress a sin: or . If we were to say , we would say the messenger is considered an extension of the sender, and the sender would be guilty of the sin. If we say , we say the is not the person's messenger when it comes to performing a sin, so the is liable for the .

explains the rationale of based on a concept in the of: . If ' instructs us to do something, and "his student," a person tells us to do something else, who do we listen to? Obviously, we must follow the command of ' . From this concept, " explains that we see the messenger is the guilty one because he used his own judgment and did something wrong. He is no longer considered an extension of the messenger, rather he is viewed as doing it on his own.

The question we now have to answer based on _____'s point is that even if the _____ does do a prohibited deed, does the action still stand or does the action become nullified and not have any ramification? For example, if a person sent a messenger to be _____ someone prohibited, even if the _____ is guilty of the sin, is the sender married or not.

The _____, Rabbi Yechezkel Landau, addresses this issue and presents his point of view based on a case he was asked. The case the _____ brings is a situation of _____, divorce. A man wants to divorce his wife but chooses not to do so by himself so he hires a _____ who brings a group to scare this woman and force her to accept the _____ from the man. One of the _____, decrees, of _____ is that it is forbidden for a man to force a woman to accept a divorce. The question that follows is since it is an _____ to force her to accept the _____, does the divorce go through or is it nullified because of the _____, in which case the couple is still married.

The _____ in _____ on ' _____ ' presents two possible limitations as to when we apply _____ . _____ states that it's only if the _____ is also _____ in the _____ and _____ states we only apply the rule if the _____ had a choice to do the _____ or not. A _____ between these two cases, the _____ says, would be if the sender was a _____ and he told the messenger who is a _____ to go marry a divorced women for him. For a _____, there is no problem to marry a divorced women, but the sender, a _____, cannot marry a divorced woman. If we only apply it to cases where the messenger is _____, here he isn't, so we would say _____ and the messenger is not liable. If we apply it to cases where he has a choice, the _____ has a choice of listening to the sender or not, so we would say _____ and the messenger would be the one who violated the sin. _____ has a _____, meaning they are uncertain whether in a case of _____, is the _____ valid or not in this case. Based on this _____, the _____ claims that since the entire process

is done through an [agent](#), the entire process was invalid and the women and man are not divorced.

This brings us to an underlying question because the [responsibility](#) in this case is really on the [messenger](#) who committed the sin of forcing the women to accept a divorce and not the husband who sent him. The [Talmud](#), Rabbi Aryeh Leib Heller, in his commentary on [Gittin](#) in [Shu"t](#) says that in this case, we apply [Halakha](#) and the [messenger](#) committed the [sin](#), but the action is not cancelled out because he had the choice of committing the [sin](#) or not. The messenger was given the task of giving the sender's wife a [get](#), but was not told to do it against her will; he took it upon himself to commit an [act](#). He was just told to give her the [get](#), not how to actually complete the task. Therefore, because of this we invoke [Halakha](#) but the action is not cancelled and the couple is divorced. Even though [Halakha](#), the [messenger](#) remains an extension of the sender in this case since he could have completed the mission without performing the [act](#). To contrast this with the previous case in [Gittin](#) of the [messenger](#) sending a [get](#) to be [a](#) divorced woman, there the issue has only one possible outcome; by sending a [get](#) to be [a](#) divorced woman, the sender is telling him to sin. Therefore, the [messenger](#) would agree with the [Halakha](#) in that case that the action is cancelled and the [get](#) is not valid.

Although these cases are similar in the fact that they are both having the messenger do an [act](#), the end result is different. In the first case, the sender told the messenger to go and give her a [get](#) but did not tell him to sin. That was the messenger's own decision and was not influenced by the sender at all; therefore, perhaps the action is not nullified and the [get](#) may still be valid. In the case of the [messenger](#) and the [messenger](#), the sender is putting the messenger in a position where he will sin if he does the action for the sender; his choice is not how to fulfill the mission and if he should commit an [act](#) but whether to listen to the sender and commit the [act](#) or not. By him performing the task which the sender asked him to do is automatically an [act](#) ;

in this case the action is not viable and both the
agree the will not take effect.

and the

