

OVERVIEW of the Daf

1) One who does not study or practice ethical behavior (cont.)

Bar Kapara discusses one who is angry and someone who does not study or practice ethical behavior.

הדרן עלך האשה נקנית

2) **MISHNAH:** The Mishnah discusses the use of an agent for kiddushin.

3) **Performing kiddushin "personally"**

R' Yosef asserts that the Tanna added the word "personally - בו" to teach that it is better for a person to do kiddushin personally rather than through an agent.

According to a second version it is prohibited for a man to give kiddushin to a woman if he did not see her.

It is noted that according to the second version R' Yosef's teaching was said in reference to a woman sending an agent to accept kiddushin on her behalf.

The Gemara infers from the last case of the Mishnah that a father should not marry off his daughter until she is mature and can agree to the match.

4) **Agency**

A Baraisa is cited to identify the source for the concept of agency from the Torah.

A second teaching is necessary to teach that agency works for kiddushin as well as for divorce.

Another source is identified that teaches the principle of agency for terumah.

It is explained why the use of an agent for kiddushin and divorce cannot be derived from the case of terumah.

Another source is presented to teach the validity of an agent for the Korban Pesach.

It is explained why the use of an agent for a korban could not teach the principle of agency for the rest of the Torah.

The Gemara suggests that all the examples are not necessary and we should be able to derive one of the cases from two of the others.

It is concluded that the case of terumah could be derived from divorces and sacrifices and the Gemara offers another exposition to make with the words גם אתם.

The Gemara searches for another exposition for the words גם אתם to account for R' Shimon's opinion who rejects the previous exposition.

The Gemara asks for a source that one can appoint an agent for matters of korbanos for R' Yonason who maintains that the earlier-cited verse is used for a different exposition. ■

Distinctive INSIGHT

Performing a mitzvah personally

מצוה בו יותר מבשלוחו

Rav Yosef teaches that the lesson of the Mishnah illustrating a case of a man presenting kiddushin is that there is a greater mitzvah to perform an act personally rather than to delegate the mitzvah to be done via a messenger. Rashi explains that the person who does a mitzvah personally receives greater reward for his actions than he would had he assigned an agent to perform the mitzvah for him. Sefer לב ים notes that it seems from Rashi that the mitzvah itself is not a greater or lesser mitzvah either way, but it is rather the person who toils who earns greater reward for having exerted himself in the mitzvah observance. Therefore, if a person has an opportunity to perform a different mitzvah at the same time, and that mitzvah has a greater reward than the first (i.e., study of Torah, which is equal to all other mitzvos together—כנגד כולם), it is clear that the person should delegate performance of the first mitzvah to others, and he should toil in Torah study. The loss of reward for not having done the first mitzvah personally will be offset by the greater reward he will receive for studying Torah himself.

In our Mishnah, the Rishonim discuss the particular mitzvah the man performs for presenting kiddushin directly. Rambam (Sefer HaMitzvos, Positive #213; and Hilchos Ishus 1:2) writes that giving kiddushin is in and of itself a mitzvah, as someone who wishes to marry a woman must first present her with kiddushin. Rosh writes that presenting kiddushin is a prelude to the mitzvah of procreation (הכשר לפרו ורבו).

Our Gemara also tells us that Rav Safra personally prepared for Shabbos by roasting meat, and Rava salted fish. הגהות ר"א הורביץ (to Shabbos 119a) explains that each of these Amoraim prepared a food that was tasty for himself, in order to best fulfill the mitzvah of עונג שבת—enjoying Shabbos. The שער הציון asks that one is not allowed to be idle from the mitzvah of Torah study in order to perform a different mitzvah as long as he can delegate that other mitzvah to others. Why, then, did these Amoraim involve themselves in Shabbos preparations which other could have done for them? He answers that one may delegate only certain types of mitzvah, such as those that are not necessary to be done בגופו—with one's body. Preparing for Shabbos is not an obligation which is completed with one act, but it is incumbent upon each person to continue to work until everything is in place. This cannot be delegated to others.

Rambam (Hilchos Shabbos 30:6) writes that preparing for Shabbos is a form of honoring Shabbos, which everyone must do himself. ■

HALACHAH Highlight

Can a parent protest their child's choice of a spouse?

אסור לאדם שיקדש את בתו כשהיא קטנה עד שתגדל ותאמר בפלוגי אני רוצה

It is prohibited for a man to betroth his daughter while she is a minor until she reaches maturity and declares, "I want to marry So-and-so."

Maharik¹ was asked whether a father has the right to protest his son's choice of a wife. Maharik ruled that it is outside of a father's jurisdiction to protest his son's choice for a wife and offers a number of reasons to support his position. One reason is that Poskim follow the position that maintains that the child is not obligated to spend money in order to provide his parents with food or clothing. Kal v'chomer, argues Maharik, that a child is not obligated to undergo the pain (צערא דגופא) of not marrying the woman he yearns to marry. Another reason why the son is not obligated to listen to his father is based on the statement of our Gemara. The Gemara states that a man is not permitted to betroth a woman until he sees her. The reason is that Chazal wanted a person to marry the wife that finds favor in his eyes. Therefore, to marry a woman other than the one he wants to marry is akin to betrothing a woman without first seeing her since his heart will not be fully invested in the relationship. The last reason he offers is that honoring a parent is limited to the child's obligation to provide for the physical needs of his parent but requests or demands made by a parent that do not provide them with any sort of physical benefit are outside of the parameters of the mitzvah to honor a parent. Thus since the son's choice of a spouse has no bearing on the father's physical needs it remains outside of the scope of the mitzvah and the father has no right

REVIEW and Remember

1. Why is it better to perform a mitzvah personally rather than fulfill the mitzvah via an agent?
2. Explain טב למיתב טן דו מלמיתב ארמלו.
3. What is the source that one can appoint an agent to slaughter a Korban Pesach on his behalf?
4. What is the status of produce a non-Jew designated as terumah?

to protest his son's choice of a spouse. This ruling is codified by Rema².

Poskim³ discuss whether the same rationale that permits a son to ignore the protest of his parents to marry the wife of his choosing also applies to a daughter. The consensus seems to be that a daughter is also permitted to ignore her parents' protests even though she is not commanded in the Biblical mitzvah of pru u'rvu. Teshuvot Mishpat Tzedek⁴ brings proof to this from our Gemara. The Gemara declares that a father should not marry off his daughter when she is a minor; rather he should wait until she reaches the age of maturity and says, "I want to marry So-and-so." This indicates that the choice of a husband is her jurisdiction and her father does not even have the right to protest the matter. ■

1. שו"ת מהר"ק שרש קס"ו אות ג'.
2. רמ"א יו"ד סי' ר"מ סעי' כ"ה.
3. ע"י שו"ת יביע אומר ח"ח יו"ד סי' כ"ב אות א'.
4. שו"ת משפט צדק ח"א ס"ס כ"ג. ■

STORIES Off the Daf

Avoiding anger

"לא עלתה בידו אלא רגונותא..."

On today's daf we find that one who gets angry only damages himself. The gedolim were always very vigilant to avoid anger.

One time, a certain mashgiach approached the Alter of Kelm, zt"l, for advice: "After giving moral direction to a student several times, I feel angry if he disregards my advice—which he often does. What can I do about this failing of mine?"

The Alter replied, "The solution is to ask yourself: Why should I get angry at my student? Am I always successful at rectifying a weakness after two or three times of noticing my failing and applying moral correction? On the contrary, pay careful attention and you will realize that it surely takes you longer. If you yourself don't always respond after several promptings, why should you apply a double standard and be angry at your student?"

When the Chofetz Chaim, zt"l, felt that he was veering towards anger, he would use various strategies to rectify this ugly trait. One thing he would immediately do was talk in a lower tone of voice than was his wont. Since this was not that

often, his closest students realized that such unusual voice modulation was a strategy to prevent any possibility of anger.

Early one winter morning a certain student found the Chofetz Chaim flat on the ground and rebuking himself in a loud tone of voice regarding anger. This student realized that this was because the Chofetz Chaim had felt a slight push to get angry the day before. Although he had completely mastered his temper and did not act out, he still rebuked himself to prevent a possible slip into this terrible character trait in the future!¹ ■

1. משל אבות, חלק ב', עמוד ע"ג-ע"ד