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A "Better" Mitzvah

At the beginning of the second *perek* of *kiddushin*, the *Mishnah* rules that a man is able to betroth (*mekadesh*) a woman by himself or through an agent. The *Gemara* (41a) states:

Now that he is able to betroth a woman with an agent, is the case of betrothing 'by himself' needed? *Rav Yosef* answered – there is a greater *mitzvah* when he does it, as opposed to the agent.

Most *Rishonim* argue about exactly what *mitzvah* is being discussed by this passage of *Gemara*. The *Ran* (*Ketubos* 2a) states that the *mitzvah* that is referred to here is one of *p'ru urvu* (bearing offspring). He states that the whole reason marriage is instituted is to fulfill the *mitzvah* of *p'ru urvu* and that *kiddushin* is a *part* of that *mitzvah*. The *Rosh* (*Ketubos* 17) however disagrees with this opinion. He states that it is not necessary to marry in order to fulfill the *mitzvah* of *p'ru urvu*¹. Rather, his opinion is that *kiddushin* is only a *hechsher mitzvah* (preparation) to the actual *mitzvah* of *p'ru urvu*. The *Rambam* differs from these opinions as well, and states that there is a separate *mitzvah* of *kiddushin* that is based on *pesukim* from the *Torah*.²

The *Gemara* then continues to bring cases that highlight how certain Rabbis would prepare for the *Shabbos* themselves, rather than getting others to do work for them.³ The example which is brought in this context is puzzling according to the *Rambam's* opinion. This is because the example seems to be outlining cases of *hechsher mitzvah*. Now the *Rambam*, stated that the *mitzvah* of *kiddushin* is from the *Torah*, so why then does the *Gemara* bring cases of *hechsher mitzvah* to illustrate that point?

Most *Rishonim* hold that the preparing for the *Shabbat* is not a *mitzvah* in its own right. Rather it is a *hechsher mitzvah* to the *Shabbat* itself. However, the *Rambam* holds that preparing for *Shabbos*, is in itself part of the

mitzvah of *kavod shabbos* (which is a *mitzvah* from the *Torah*). Therefore, according to the *Rambam* both the statement and the illustrations refer to *mitzvot d'oraya*.

In the example given by the *Gemara* we see that each *Amora* would do one thing in order to prepare for *Shabbos*. Why did they only do one thing? Surely their dinner was going to be consist of more than just one fish, or animal? If we say that there is a greater *mitzvah* if a person does something himself as opposed to having an agent doing it for him, then why did these *Amoraim* not prepare the whole *Shabbos* meal?

The *Magen Avraham*, when referring to *bedikat chametz*, states that a person must only search one room, and then since he has begun the *mitzvah*, this concept of "a greater *mitzvah* done by himself, rather than an agent" has been fulfilled. Therefore, in the case of preparing for *Shabbos*, just by beginning the work, and preparing fish for *Shabbos* on one's own, is enough, and an agent can finish up the *Shabbos* preparations with no detriment to the original *mitzvah*. The *Shulchan Aruch HaRav* however, states that the case that the *Magen Avraham* was referring to with regards to *bedikdat chametz* was specific to a sick individual. In all the other cases, the *Shulach Aruch HaRav* states that one must complete the whole *mitzvah* in order to also fulfill the concept of "*mitzvah bo, yoter m'bshlucho*." Then why did these *Amoraim* only do one particular action in preparing for *Shabbos*? This is because they were searching for those things, that would give them a special *Oneg Shabbos* when they ate them. It was only these foods that would give them this *oneg*, and these that they had to prepare with regards to them having a greater *mitzvah* than anyone else. However, for all other preparations, an agent could have done them for him, because they did not impact on their *kavod shabbos* as much.

Yehuda Gottlieb

¹ In certain instances, one is able to fulfill the *mitzvah* by having a concubine (see *Sefer Bereishis*)

² Devarim 24:1.

³ The *Gemara* notes that *Rav Safra* would sever the heads of the animals that were to be eaten and *Rava* would salt his own fish.

Revision Questions

קידושין א' ב' – ב' ה'

- How is a Hebrew male slave acquired? How does he “acquire himself” (i.e. set himself free)? (א' ב')
- Is this the same for a female slave? What is extra? (א' ב')
- According to *Rabbi Meir* how is a Canaanite slave acquired? How does he acquire himself? (א' ג')
- According to the *Chachamim*, how is a Canaanite slave acquired? How does he acquire himself? (א' ג')
- How is a *beheima gasa* and a *beheima daka* acquired according to: (א' ד')
 - *Rabbi Meir* and *Rabbi Elazar*?
 - *Chachamim*?
- How is property that has *achrayus* acquired? How is property that does not have *achrayus* acquired? (א' ה')
- Is it ever possible to acquire property that has no *achrayus* with property that has *achrayus*? (א' ה')
- At what stage in the purchasing process does one have to go through with the deal? (א' ו')
- What types of *mitzvos* are noted in the *Mishnah* that men are *chayav*, but women are *patur* (two types)? What types of *mitzvos* do they both have a *chiyuv* (three types)? (א' ו')
- What eight things are customary for a man to do with *kodshim* that women are not? (א' ח')
- Which two *korbanot* do women do the waving service? (א' ח')
- What types of *mitzvot* are customary to fulfill in the Land of Israel? (א' ט')
- What three things are promised to those who perform one *mitzvah*? (א' י')
- What three things keep a person away from sin? (א' י')
- Complete the following phrase – “*Ha'ish Mekadesh ___ u'bshlucho*” (א' ב')
- If someone told a woman that he was betrothing her with a cup of wine and it was found to be honey, is the *kiddushin* valid? Would *Rabbi Shimon* agree? (א' ב')
- If someone told his slave to betroth someone in a certain place and he went and did it in another place, is the *kiddushin* valid? (א' ד')
- If someone told his slave to betroth someone who was currently in a certain place, and he went and did it in another place, is the *kiddushin* valid? (א' ד')

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6 th May י"ח אייר	7 th May י"ט אייר	8 th May כ' אייר	9 th May כ"א אייר	10 th May כ"ב אייר	11 th May כ"ג אייר	12 th May כ"ד אייר
Kidushin 2:6-7	Kidushin 2:8-9	Kidushin 2:10-3:1	Kidushin 3:2-3	Kidushin 3:4-5	Kidushin 3:6-7	Kidushin 3:8-9

