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First Comes Love?

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1.

THREE METHODS OF *KIDDUSHIN*

From the passage in our *parshah*,¹ “If a man takes a woman and is intimate with her... and she left {i.e., was divorced}... and married,” we learn that “a woman is acquired {i.e., becomes betrothed² to a man} by means of money, a document, or intimacy.”³ We learn that a woman can be betrothed by means of money from the phrase, “if a man marries a woman”; that she can be betrothed by means of intimacy from the phrase, “and is intimate with her”; and that she can be betrothed by means of a document from the phrase, “*and she left and married* — the Torah juxtaposes marriage to this new husband with divorce from her previous husband. Just as divorce from that husband is performed by means of a document, so, too, marriage to this husband {i.e., betrothal} can be performed by means of a document.”⁴

Although a woman can be betrothed by any of these “three ways,”⁵ “it is customary among Jews universally to betroth with money or with something of monetary value.”⁶ The priority given to betrothal with money aligns well with the fact that this method is the first of the three derived from the verse, “If a man marries.”

Everything in the Torah is absolutely precise, as we indeed see that the theme of marriage is depicted by betrothal with money (more so than by betrothal effected by a document or intimacy, as explained later).

¹ *Devarim* 24:1-2.

² {*Betrothal*, a term used interchangeably in this translation with *kiddushin*, is the first stage of the marriage ceremony; it is followed by *nisuin*.}

³ *Sifri* on *Devarim* 24:1; see *Kiddushin* 4b ff.; *Jerusalem Talmud*, beg. of *Kiddushin*.

⁴ {*Sifri* on *Devarim* 24:2 (sec. 268); *Kiddushin* 5a.}

⁵ {*Kiddushin* 2a.}

⁶ *Mishneh Torah*, “*Hilchos Ishus*,” ch. 3, par. 21. Rambam continues, loc. cit., “Similarly, if a person **wants** to betroth by means of a document, he is permitted to do so.” See *Yevamos* 31b: “The majority {of people perform betrothal} by means of money.”

2.

ANOTHER SOURCE FOR BETROTHAL

The Talmud⁷ brings another source that teaches us women can be betrothed with money:⁸ “She⁹ shall go out free, without {needing to pay} money.” The Talmud teaches that “there is no money paid to this master, but there is money paid to another master (when she leaves).¹⁰ And who is this? This is her father.” {Meaning, when she leaves her father by becoming betrothed, he receives her *kiddushin* money.}

Whether betrothal with money is derived from the verse, “If a man marries a woman” in our *parshah*, or from the verse, “She shall go out free, without payment,” impacts the parameters of this method.

To preface, the Rogatchover analyzes the conceptual mechanics of betrothal with money {considering what is the cause and what is the effect}:¹¹ “Is the acquisition of the monetary payment what causes the betrothal to take effect or is it the opposite? Is it the betrothal that causes the money to be acquired?” Meaning, does the betrothal happen by a woman acquiring the money or is it the opposite, i.e., by her becoming betrothed, the woman acquires the money?

The Rogatchover brings support for both perspectives:

The law is that “if a woman was standing in the public domain and her husband threw it {a *get*} close to her, she is divorced...¹² **and the same {principle} applies to betrothal.**”¹³ The Rogatchover says further that “according to the *Rishonim*,”¹⁴ the same would apply in the case of betrothal by means of **money**. Seemingly, since she hadn’t yet acquired the money (because

⁷ *Kiddushin* 3b.

⁸ *Shemos* 21:11.

⁹ {This refers to a Jewish maidservant. Once she reaches the stage of puberty, the Torah requires her master to free her without monetary reimbursement. This is the meaning of the verse as interpreted by our Sages and Rashi.}

¹⁰ Rashi on *Kiddushin* 3b, s.v., “*veyatzah*.”

¹¹ Responsa *Tzafnas Paneiach*, Dvinsk ed., vol. 1, sec. 9.

¹² {In order to divorce, a husband must deliver a *get* (bill of divorce) to his wife.}

¹³ *Mishnah*, *Gittin* 78a; *Mishneh Torah*, “*Hilchos Ishus*,” end of ch. 4; *Tur* and *Shulchan Aruch*, “*Even HaEzer*,” sec. 30, par. 5.

¹⁴ {The era of the *Rishonim*, the “early” Rabbis, extended from approx. 1000 C.E. to 1500 C.E.}

we are not [only] referring to a case when the money landed within four cubits¹⁵ of her),¹⁶ how could she be considered betrothed? This is proof that “it is the betrothal that causes the money to be acquired.” (She acquires the money because she is betrothed).

On the other hand, the Rogatchover also brings a proof for the first perspective (the acquisition of money causes the betrothal):

The Talmud¹⁷ says about betrothal that if a man retracts his words expeditiously,¹⁸ his retraction is invalid. His regret is inconsequential, and can't stop the betrothal from taking effect (even if he had retracted quickly). Rashbam explains:¹⁹ “If a man betrothed a woman in front of witnesses, and then retracts expeditiously, and says, ‘Let the money {that I gave you} be considered a gift and not payment for betrothal,’ his retraction is ignored. The woman is both betrothed and not betrothed.”²⁰

This explanation is unclear: Why does Rashbam describe a case where the man said, “Let it be considered as a **gift** (and not payment for betrothal)”? Why not **simply** say that the man completely regretted giving the money and demanded the money back from the woman?

This proves that, in **such** a case {i.e., where he demands return of the money}, his retraction would be valid {and the betrothal would not take effect}. Because, ordinarily, (with betrothal being an exemption) “the *halachah* is that if a person retracts expeditiously,²¹ it is considered a retraction.” Therefore, he can renege on a **gift and acquisition** of money if he retracts quickly. (Naturally,

¹⁵ {*Tosafos* on *Bava Metzia* 10a, s.v., “*arba amos*,” says that the Sages decreed that a person automatically acquires a lost object that is within four cubits of the place where he is standing.}

¹⁶ This is the opinion of Rabbi Yochanan in *Kiddushin* 78b: “Even {if it was} one hundred cubits {away from her}.”

¹⁷ *Bava Basra* 129b ff.

¹⁸ {In the Hebrew original, “תוך כדי דיבור”; without pausing longer than it would take to say the words “*Shalom aleicha Rabbi* (שלום עליך רבי), “Peace unto you, my teacher”). For most matters, a person can retract his verbal statement if he does so within this time limit.}

¹⁹ *Bava Basra* 130a.

²⁰ {I.e., Essentially, she is not betrothed, but לחומרא, we consider her betrothed. (Meaning, she would need to receive a *get*, in order to be married to someone else.)}

²¹ {See fn. 19.}

then, the betrothal does not take effect.) This is because with respect to the acquisition of money, a person may retract immediately.

Only when the retraction is not about the acquisition of money but about the betrothal alone (which does not affect the possession of the money, since the money belongs to the woman {regardless, only that now it is} as a gift), the *halachah* is that we don't listen to him {i.e., we don't consider his retraction valid} because one cannot retract from a **betrothal**, even if it was done expeditiously.

This supports the position that “**acquisition** of money causes the betrothal.” For if we were to say that “betrothal causes the money to be acquired,” we could explain the passage in the Talmud simply — that he also had wanted to retract from giving the money, but nevertheless, “we don't listen to him.” This is because the acquisition of the money takes effect because of the betrothal, and one can never retract from the betrothal, even if he does so quickly. Consequently, it turns out, he cannot retract from the acquisition of money either (which takes effect because of the betrothal).

Only from the perspective that “the cause is the acquisition,” meaning that the betrothal takes effect with the acquisition of money, could he retract from that acquisition of the money. That's why Rashbam learns that in this case, he is not retracting from the acquisition of money (and when he changed the terms from being money for betrothal to “money as a gift,” it wasn't a retraction of ownership of the money), but only from the betrothal itself (and the money should be a gift).

3.

EXPLAINING THE TWO SOURCES

This is the difference between the two ways that betrothal with money is derived, whether from the verse, “if a man marries,” or from the verse, “she shall go out free without money”:

In the verse, “if a man marries a woman,” the emphasis is on the action of the **man**. However, in the exegesis that “there is no money paid to this master, but there is money paid to another master,” the emphasis is on the “master” (the father who receives the money in place of [his daughter] the **woman**) who receives the money.

Therefore, if we learn that money can be used for betrothal from the verse, “if a **man** marries a woman,” it’s reasonable to say that the betrothal takes effect by means of the **husband giving** money, “if a **man** marries.” [This (betrothal) causes the woman to acquire the money.]

In contrast, according to the exegesis, “there is money to another master,” it is reasonable to say that (the husband **giving** the money does not suffice to effect the betrothal, and) the betrothal takes place only when there is money (legal possession of the money) — when the woman acquires (receives) the money.

4.

THE DEEPER PERSPECTIVE

Every idea in the revealed part of Torah evolves from its counterpart in the inner dimension of Torah, and likewise in our case.

As known,²² the deeper explanation of the mishnah, “A woman is acquired by her husband,”²³ refers to the *kiddushin*²⁴ and union of Hashem with the collective soul of Israel.²⁵ (Conceptually, this is achieved in three ways — {alluded to by} money, a document and intimacy).²⁶ Just as *kiddushin* in this

²² See *Likkutei Torah*, “*Beshalach*,” top of 1c; beg. of *Kesser Shem Tov*, ch. 10; et al.

²³ Rashi’s wording, *Kiddushin* 2a.

²⁴ {The first stage of the marriage ceremony, used interchangeably in this translation with betrothal.}

²⁵ {In the original Hebrew, “*Knesses Yisroel*.”}

²⁶ See *Likkutei Torah*, “*Beshalach*,” top of 1c; beg. of *Kesser Shem Tov*, ch. 10; *Or HaTorah*, “*Shavuot*,” pp. 199, 204; Tzemach Tzedek’s *Biurei HaZohar*, p. 92; *Likkutei Sichos*, vol. 6, p. 320 ff; *Likkutei Levi Yitzchak*, “*Igros*,” p. 204.

world, between a man and a woman, includes two aspects²⁷ — a woman is acquired by her husband and she becomes forbidden to all others — so, too, these two aspects are found in the *kiddushin* between Hashem and the Jewish people: Jews are attached to Hashem, and they are removed and separated from anything that contradicts and conceals {this relationship} — mundane matters. Jews are completely detached from earthly desires.

Just as with *kiddushin* between a man and woman, both aspects are interconnected, and cannot be split, the same applies to the *kiddushin* between the Jewish people and Hashem. Both aspects must exist. As *Chovos HaLevavos* says,²⁸ “It is impossible to implant the love of Hashem in our hearts if the love of this corporal world is growing there.”

5.

MONEY EQUALS LOVE

In light of the above, we can understand the deeper reason as to why the Jewish custom is specifically to perform *kiddushin* with (acquisition of) money. This is because the deeper concept of *kiddushin* — the union and attachment of the Jewish people and Hashem — is connected (primarily) with the idea of “money, כסף,” which is from the expression “I have been yearning, ונכסוף ונכספתי.”²⁹ This refers to serving Hashem with love,³⁰ and its primary function is to achieve a connection with, and attachment to, Hashem: “There is no *avodah*³¹ like the *avodah* of love.”³²

Now we can also understand the deeper meaning of the two perspectives regarding the use of money to effect *kiddushin*: Is “the acquisition {of the

²⁷ See *Tzafnas Paneach*, “*Hilchos Ishus*,” ch. 3, *halachah* 15; et al.

²⁸ *Chovos HaLevavos*, Introduction to “*Shaar Ahavas Hashem*.”

²⁹ {Liturgy of *Yedid Nefesh*. ונכסוף ונכספתי is from וידך נפש said — according to Chabad custom — before Mincha on Erev Shabbos. Other communities have other customs regarding its time of recital. Note that *Bereishis* 31:30 uses a similar but different expression: ונכסוף ונכספת — you have yearned.}

³⁰ *Or Hatorah*, “*Shavuot*,” p. 199; see *Kesser Shem Tov*, ch. 10, and *Likkutei Torah*, “*Beshalach*,” top of 1c.

³¹ {Divine service.}

³² See *Zohar*, vol. 2, 55b; *ibid.*, vol. 3, 267a.

money} the cause {for the betrothal}” or is “betrothal the cause {for acquisition of the money}”? “Both these and these are words of the Living G-d,”³³ because both {rationals} are true (at least) on a deeper level :

Acquiring **money** (connoting love) alludes to the union between Jews and Hashem and their cleaving with Him, as discussed. **Betrothal**, קידושין (connoting separation and differentiation),³⁴ hints at the idea of being removed from worldly matters. Now there are two aforementioned approaches to this. Which one is the cause, and comes first, is contingent on the manner and order of the *avodah*, whether it is “from below to Above” or “from Above to below”:³⁵

In the *avodah* “from below to Above,” *kiddushin* comes first. A Jew first has to remove from himself the desires of this world. By doing so, he will be inspired with a love and yearning for G-dliness (acquisition of the money).³⁶ First one “eludes evil” and (then)³⁷ he “does good.”³⁸

In the *avodah* “from Above to below,” however, things work the other way around: After he is inspired with a love to Hashem, acquires the **money**, כסף, the *kiddushin*, detachment from the world, is effectuated.

6.

BOTTOMS UP

The difference between these two methods (below to Above, or Above to below) is attributable to the fact that they constitute two categories of *avodah*: The first way of serving Hashem is organized and gradual, which is an *avodah* based on (holy) reason and understanding. Therefore, a person cannot develop a love for Hashem without first removing himself from loving and desiring material matters.

³³ *Eruvin* 13b. {In the Hebrew original, “*Elokim Chaim.*”}

³⁴ See *Toras Kohanim* and Rashi’s commentary on *Vayikra* 19:2; Rashi’s commentary on *Shemos* 22:30, *Vayikra* 20:7,26; et al.

³⁵ See *Maamar* “*VeHar Sinai Ashan 5709*,” ch. 8 ff.; et al.

³⁶ See *Tanya*, “*Likkutei Amarim*,” end of ch. 43.

³⁷ *Likkutei Torah*, “*Balak*,” 70c, et al.

³⁸ {In the Biblical Hebrew, “*sur merah ve’aseh tov*”; *Tehillim* 34:15; 37:27.}

The second method of serving Hashem is not organized or gradual, but it is superrational. Notwithstanding his current state of affairs,³⁹ he dedicates himself completely to becoming attached to Hashem, by accepting the yoke of Heaven, which is beyond intellect. In this way, he becomes detached and free from earthly desires and pleasures.

This is also the difference between the two ways of learning {that money can be used for *kiddushin*}: Deriving it from “if a man marries a woman,” which is written in the passage about *kiddushin*, or deriving it from “she shall go out free without payment,” which is written in the passage speaking about a maidservant:

In the passage about *kiddushin* — which reflects the idea of *kiddushin* as it relates to normal *avodah* — the sequence is that first a person needs to bring about a state of *kiddushin*, by separating himself from mundane matters. Only afterwards, comes the acquisition of “money” — loving and uniting with Hashem.

In contrast, the idea of *kiddushin*, which is spoken about in the passage of a maidservant, reflects the *avodah* of a **servant**, which, generally speaking, refers to *avodah* predicated on subservience⁴⁰ (beyond intellect). In **this** form of *kiddushin*, a person can achieve complete dedication to Hashem even prior to removing himself from mundane matters. So much so, because of the total devotion and dedication to Hashem, beyond rationale, a person afterwards, automatically, becomes detached from worldly matters.

³⁹ Note *Tanya*, “*Likkutei Amarim*,” end of ch. 43.

⁴⁰ {In the original, “קבלת עול”; lit., “acceptance of the yoke.”}

Furthermore, (on a more recondite level) the above idea shares a connection with a maidservant, specifically.

The two modes of *avodah* discussed are (also) commensurate with the different levels in the spiritual condition of the Jews engaged in the *avodah*: If a person is in a state in which he needs to concern himself with keeping his distance from actual materialistic desires in the simple sense, then the {required} (normal) order *avodah* {for such an individual, is as follows}: He won't be able to reach higher levels in serving Hashem — to become attached and unified with Hashem (through love) — unless he first nullifies his self-centered (worldly passions).⁴¹ Consequently, first, “*kiddushin*” (detachment and separation) is required. “Money, קֶדֶשׁ ” (becoming united with and attached to G-dliness) comes afterwards.

However, once someone is already divorced from the base desires of this world, then a loftier level of withdrawal {from worldliness} is expected from him. Namely, he ought to separate himself from “the nature of his emotions,” to serve Hashem beyond the limitations of his nature. Such a separation is achieved through *avodah* of “*mochin degadlus*” — by contemplating G-dliness with the depths of his heart. This will cause the nature of his character to become transformed. As a result, “{the essence of} his longing for G-dliness, will be different than the **essence** of his {former} longing for worldly pleasures, through the **transformation** of his emotions.”⁴²

Therefore, the use of money for *kiddushin* is derived specifically from the passage concerning a maidservant, because a maidservant alludes to someone

⁴¹ See also *Hemshech 5672*, vol. 2, p. 1048, et al.

⁴² *Derech Mitzvosecha*, “*Mitzvas Yiud Oh Pidyon Amah Ha'Ivriyah*” (84a); regarding the *avodah* of the Jewish maidservant, see also *Toras Chaim*, “*Shemos*,” s.v. “*Vechi yimkor*” (71b ff); *Or HaTorah*, “*Mishpatim*,” p. 1127 ff.

{The above sources explain that a person may develop a love for Hashem, but his essential character is not transformed. Meaning, that the same character traits that he had before remain, only that now they are invested in holy matters. For example, the same love that was involved before in physical matters is now directed towards G-d. However, the divine service of a Jewish maidservant represents a more novel accomplishment: the transformation of the very essence of one's character. E.g., if beforehand this person was haughty, he is now very humble, etc.}

who changes their character completely,⁴³ analogous to the service of a maidservant who takes (simple) produce and turns it into food, delicacies.

Since “every individual soul”⁴⁴ contains every level, every individual is given the ability to devote himself completely, with a love of Hashem and staunch attachment to Him. By doing so, he will automatically be separated from the pleasures and delights of this world until he completely converts the nature of his character.

In this way, a woman is acquired by her husband. This acquisition alludes to the union and cleaving of the Jews to Hashem, with a consummate union corresponding to the {final} stage of marriage called “*nisuin*.”⁴⁵ This union will transpire imminently (through our *avodah* of “*eirusin*”⁴⁶ in exile) with the coming of our righteous Moshach.

— Based a talk delivered on Shabbos, *parshas Ki Seitzei*, the 13th of Elul, 5714 (1954)

⁴³ {In the original, “*shinui ha’midos m’mehus l’mehus*”; lit., “a change of the emotive attributes from one essence to another.”}

⁴⁴ *Derech Mitzvosecha*, loc. cit.

⁴⁵ *Shemos Rabbah*, end of ch. 15.

⁴⁶ {A synonym for *kiddushin*.} Ibid.