

# The Makings of Marriage

**Excerpted and adapted from a *shiur* by Dayan Yosef Greenwald**

October 31, 2024

[http://baishavaad.org/wp-content/uploads/2020/10/BER81\\_002\\_Noach\\_Under\\_the\\_Chuppah\\_Laws\\_Concepts\\_of\\_Jewish\\_Marriage.mp3](http://baishavaad.org/wp-content/uploads/2020/10/BER81_002_Noach_Under_the_Chuppah_Laws_Concepts_of_Jewish_Marriage.mp3)

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And the earth became corrupt before G-d, and the earth became full of robbery.

Bereishis 6:11

“Became corrupt” is an expression of immorality and idolatry.

Rashi *ibid.*

In light of the violation of the standards of morality by the generation destroyed in the Flood as well as the lack of standards of modesty today, it behooves us to review the differences between a Jewish and a non-Jewish marriage. According to the Rambam (Ishus 1:1), *bnei No'ach* can meet in the marketplace and, simply through mutual consent, create a marital bond. The Rambam continues that following the giving of the Torah, a Jewish marriage, on the other hand, requires a tangible *kinyan* on the part of the husband, viewed by two witnesses, symbolizing a more serious commitment on the part of the parties that creates an existential bond between them. The Ran (Nedarim 29) explains further that the husband alone performs the *kinyan* because the woman is essentially releasing herself (“*mafkeres atzmah*”) to allow the man to make a *kinyan*.

Due to this bond, a halachic mechanism known as *geirushin* is required to terminate a Jewish marriage. A *ben No'ach* lacks this bond, and the *Yerushalmi* in *Kidushin* accordingly states that there is no notion of *geirushin* for *bnei No'ach*. According to the Rambam, this means that the husband and wife can divorce simply by expressing mutual consent, similar to the mechanism of their marriage. *Rabeinu Dovid*, though (quoted by the Ran to *Sanhedrin* 18b), argues that according to the *Yerushalmi*, there is no method by which the marriage of a *ben No'ach* can be dissolved.