

If Someone Gives a Gift Only Because He Promised to Do So, Is That a Valid Matanah?

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**Question:** A man told his new son-in-law that he would give him a silver menorah for Chanukah. As Chanukah approached, he no longer wanted to give the gift, but he gave it anyway because he had already given his word. Can he later claim that the gift was invalid because he was giving it under duress?

**Answer:** If he merely said that he would give the menorah, it would not be considered an oath that requires him to do so. At most, it would be what is called an “*unso d’nafshei*”, meaning that he pressured himself into giving it against his will so to speak. The Gemara says that “*unso d’nafshei*” is not sufficient grounds to be mevatel a matanah.

The Gemara talks about a case of a man who wanted to marry a woman, and she said that she would only marry him if he gifted her a certain item. Under duress, he agreed to give her that gift. When his children protested, he clandestinely gave the same item to them as a present as well. The Gemara says that his giving it to his children demonstrates that he only gave it to the woman because he felt pressured to do so. Since this is clear from his actions, the matanah is batul. Based on this Gemara, the Rishonim rule that a gift can be invalidated if it is clear from the circumstances that it was only given under duress. Otherwise, the gift is valid even if he was feeling pressured to give it.

If the father-in-law had made an oath to give the menorah, there might be grounds to annul the matanah. The halacha is that a *get* given after someone made a shavuah to give one is not valid. For this reason, we are *matir neder* before a get is given to ensure that it is not considered to have been given forcibly.

However, the Nesivos writes that this only applies to a *get*, and not to a matanah. The Rambam says that a person needs “*ratzon*” when giving a *get*, which means he has to give the get solely because he no longer wants to be married to this woman, and not for any other reason. If he is giving it in order to fulfill his oath, it is invalid. A gift, however, does not need specific *ratzon*. As long as it is not given as the result of an *oness*, it is valid.

Therefore, a matanah given to fulfill a oath is valid.

Other Acharonim disagree and say that a matanah also needs *ratzon*, just like a *get*, and if it is given in fulfillment of an oath, it too is not valid.