

Ring Bearer: Who Keeps the Gifts from a Broken Relationship?

Adapted from the writings of Dayan Yitzhak Grossman

November 14, 2024

The question of who keeps the ring after a broken engagement has been wending its way through the Massachusetts courts.

...On Friday—seven years after the couple’s breakup—the Massachusetts Supreme Judicial Court provided a final answer: “When the planned nuptial does not come to pass, the engagement gift must be returned to the donor,” regardless of which party might be responsible.

For decades, courts in Massachusetts had decided which party should keep a ring by determining which was to blame for the relationship’s demise. The ruling ended that practice, concluding that fault was too difficult to pinpoint...[1]

In this article, we discuss the halachic rules governing engagement gifts where a relationship ends in a broken engagement or in divorce.[2]

Broken engagement

While halacha makes various distinctions among different types of gifts, it is unequivocal that a gift of jewelry given by a man to a woman in anticipation of their marriage[3] reverts to the giver in the event that the marriage doesn’t happen, whether due to the death or reneging of either party.[4]

The Maharshach (R’ Shlomo Hakohein) asserts that it is obvious that this rule applies even if the man reneges on his commitment without any cause whatsoever.[5] The Aruch Hashulchan (R’ Yechiel Michel Epstein) maintains that gifts given *prior* to the engagement are assumed to be unconditional and do not revert to the giver if the relationship ends, barring an explicit stipulation to the contrary.[6]

The Shulchan Aruch rules that just as gifts given by a man to a woman in anticipation of marriage revert to him if the marriage does not take place, the same applies to such gifts given by the woman (or her father) to the man.[7] The Bach (R’ Yoel Sirkes), however, writes that other authorities maintain that such gifts do not revert, so he rules that *bais din* cannot compel the man to return them.[8]

Divorce

The Itur (R’ Yitzchak ben Abba Mari of Marseilles) writes:

They sent from the *mesivta*: “One who writes a document granting a gift to his wife at the time of the marriage and then divorces her, we do not[9] say: ‘He transferred it to her on the assumption that she would remain with him, but on the assumption that she would take it and leave, he did not transfer it to her.’” (Rather, we say the gift was unconditional.)...[10]

The Rivash (R’ Yitzchak bar Sheishess) endorses this ruling, but he qualifies that it does not apply to gifts of clothes or ornaments that are made to beautify oneself:

This applies only to one who gives real property (*karka*) or money or even personal property (*metaltelin*) that is neither clothing nor ornaments to wear and to beautify oneself...but a *chasan* who gives

nuptial gifts (*sivlonos*) of silver and gold ornaments to a *kallah* to beautify herself, whether he gave them at the time of the marriage or before this, while she was still his fiancée (*arusah*), this is not an absolute gift (and it therefore reverts to the husband in the event of divorce)...[11]

The Rama (R' Moshe Isserles) rules with the Rivash:

One who gives a gift to his wife...nevertheless his gift remains hers...as long as the gifts are not clothing or ornaments that are made to beautify oneself.[12]

The Bais Meir (R' Meir Posner) challenges the position of the Rivash and the Rama at length, but he concludes that while the actual halacha is uncertain, we nevertheless rule in accordance with their position based on established custom:

In these countries and in our time that the custom has been established based on the testimony of the Rivash and the ruling of the Rama, certainly anyone who sends and gives a gift, gives it in accordance with the custom, and we judge and rule like them without any misgivings.[13]

[1] Jenna Russell. A Massachusetts Couple Called Off Their Wedding. Who Keeps the \$70,000 Ring? The New York Times.
<https://www.nytimes.com/2024/11/08/us/massachusetts-engagement-ring.html>.

[2] The wedding ring is governed by its own rules, which we do not discuss here; see Shulchan Aruch E.H. 50:1 and here.

For an extensive discussion of our topic, see *Hachzaras Taba'as Shenitnah Kodem Hanisuin Vedin Tachshitei Nisuin*, Bais Din Ha'eizori Chaifah, #951689/2, 10 Nisan, 5775/March 30, 2015.

[3] This applies to gifts given before or after *eirusin*, as long as they were given before *nisuin*.

[4] Shulchan Aruch *ibid. se'if* 3. Cf. here and here.

[5] Shu"t Maharshach *cheilek* 2 beginning of *siman* 227. Cf. Otzar Haposkim *ibid. s.k.* 12 (*kerech* 15 p. 155).

[6] Aruch Hashulchan *ibid. se'if* 2. Cf. Otzar Haposkim *ibid. s.k.* 29 *os* 3 p. 174 (and here).

[7] Shulchan Aruch *ibid. se'if* 4.

[8] Shu"t HaBach (*yeshanos*) *siman* 49. Cf. Shu"t Sho'eil Umeishiv *tinyana cheilek* 4 *siman* 109; Otzar Haposkim *ibid. s.k.* 32 p. 174.

[9] This is the Rivash's text of the Itur (as opposed to the text in the printed edition of the Itur), as per his *teshuvah* cited below; see n. 12 α in the Machon Yerushalayim edition of the Rivash.

[10] Itur *cheilek* 1 *Os Kaf*: Ksubos 34b.

[11] Shu"t Rivash (Machon Yerushalayim edition) *siman* 301 p. 394 s.v. *Mah shematzasa* (link to Wikitext edition), cited in Bais Yosef E.H. *siman* 99.

[12] Hagahos HaRama to Shulchan Aruch *ibid. se'if* 2. Cf. Chelkas Mechokeik *ibid. s.k.* 7 and Bais Shmuel *ibid. s.k.* 6.

[13] Bais Meir *ibid.*, cited in Pis'chei Teshuvah *ibid. os* 8.