THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Kiddushin Lesson 1

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Hilchos Kiddushin Lesson 1

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Shiur

1

A Man's Obligation to Marry a Woman

Siman 1 (Seif 1)

1 It is the obligation of each and every man to marry a woman in order to "Be fruitful and multiply." Anyone who does not involve himself in [the *Mitzvah*] of "*piryah v'rivyah*" – fathering children – is considered as if he sheds blood, and he diminishes the Divine Image, and he causes the Divine Presence to depart from Israel.[1]

Rama[2]*: And anyone who does not have a wife remains without blessing, without Torah etc. and is not called a man. And once he takes a wife in marriage his sins are uprooted, as is written: "Whoever finds a wife finds a good thing, and obtains favor from Hashem." (Mishlei 18, 22) (Tur)*[3]

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[1] The dark text shown here, and in every Seif throughout these Shiurim, is the Shulchan Aruch written by Rabbi Yosef Karo. Here are some biographical notes. **R' Yosef Karo - Born:** Toledo, Spain, 1488.**Died:** Safed, Israel, 1575. **Notes:** Also known as **the Mechaber** (the Author). He is one of the most authoritative Talmudists and codifier of Halacha whose decisions have been accepted as binding in Jewish Law. Born in Spain just before the Expulsion, he was exiled with his family in 1492. He moved to Lisbon, Portugal, and then to Turkey, where he served as the Rav of Adrianopolis and Nicopolis for many year. He moved to Eretz Yisrael in 1536 where he settled in Safed. Here he got involved with the efforts to revive Semicha. Author of Kesef Mishneh, a commentary on the Rambam's Mishneh Torah, Beis Yosef, a commentary on the Tur, Bedek HaBayis, Rabbi Karo's own proofreading of Beis Yosef, Shulchan Aruch/Prepared Table, first published in 1569, contains the Halachic decisions derived from longer discussions in the Beis Yosef. His students include among others R' Moshe Cordovero and R' Moshe Alshich.

[2] The italic text is the glosses written by Rabbi Moshe Isserlis on the Shulchan Aruch. Here are some biographical notes. **The Rama – R' Moshe Isserlis - Born**: Cracow, Poland, 1525. **Died**: Cracow, Poland, 1572.**Notes**: Talmudic commentator and Halachist. Descendent of a wealthy and illustrious family from Cracow, he served as Rabbi of Cracow where in 1552 he founded a prestigious Yeshiva that he led until his death. Leader of Polish Jewry he

2 One may not sell a *Sefer Torah* except for the purpose of learning Torah or taking a wife.

Forward

In the coming Shiurim on the topic of "*Kiddushin* and *Nissuin*" we will, אי"ה,[4] delve into the many and varied topics relating to the wedding, issues before the wedding, and topics pertaining to after the *Nissuin* themselves.

The sources for these topics which will be discussed in the Shiurim will be based mainly on the Shulchan Aruch Even HaEzer and partly on the Shulchan Aruch Choshen Mishpat.

As mentioned above, the list of topics which will be discussed is extensive. These topics will cover, among others: The *Mitzvah* of "Be fruitful and multiply" with all its details, the *Cherem* (ban) of Rabbeinu Gershom and the issue of a permit issued by 100 Rabbis [*Heter Me'ah Rabbanim*], from which type of a family should one take a wife for marriage and from which lineage [*yichus*], those disqualified from a particular marriage and personal status, the prohibitions for a *Kohen*, the language of *Kiddushin* and all the relevant details relating thereto, the essence of *Kiddushei Kessef* [*Kiddushin* by means of money or its equivalent], the Blessings said under the *Chuppah* (wedding canopy), *Kiddushin* in the presence of one witness or where the couple did not see the witnesses, testimony as to *Kiddushin*, various types of disqualified witnesses (who bear witness to

is a major halachic authority for the Ashkenazic world. Author among others of Darchei Moshe, glosses on the Beis Yosef, Shaalos U'Teshuvos HaRama, a compendium of Responsa, Toras Chatos, a compendium on the dietary laws, Toras Ha-Olah, a work on the symbolic meaning of the sacrifices, as well as several works on Kabbalah, including a commentary on the Zohar. Arguably his most famous work is Mapah, Glosses on the Shulchan Aruch, where he brings the Ashkenazic views into what is otherwise mostly a Sephardic work thereby making it into a universal Code of Jewish Law. His tombstone bears the inscription "From Moshe to Moshe there was no one like Moshe," the first Moshe referring to the Rambam, Rabbi Moshe ben Maimon, and indeed sometimes he is referred to as the Rambam of the Polish Jewry.

[3] **Tur – Rabbi Yaakov ben Asher Born:** Cologne, Germany, c. 1275. **Died:** Toledo, Spain c. 1349. **Notes:** Torah commentator, Talmudist and Halachic codifier. The third son of the Rosh and a student of his father, his older brother Yechiel, and the Rashba. A pietist who refused to take a position as Rabbi and only became member of the Toledo Bet Din after his father's death. Author of Arba Turim/The Four Rows, Code of Jewish Law that bridged the gap between the French and Spanish schools and formed the basis for the Shulchan Aruch. Unlike the Rambam in Mishneh Torah he includes all sources. Also, he only deals with the laws that are still applicable in the post-Temple period. Introduces the division in four parts - Orach Chayim, on the laws of daily practise throughout the year, including Shabbat and Holidays, Yoreh Deah, on the laws of kashrus and purity, morning and Niddah, Choshen Mishpat, on civil and monetary issues, and Even HaEzer, on marriage and divorce. Author of two commentaries on the Torah, the Baal Haturim, a short commentary based on gematria as well as a longer commentary, of a commentary on Rambam's Mishneh Torah, and of Kitzur Piskei HaRosh, compiling halachic conclusions of the Rosh. His students include R' Abudraham.

[4] אם ירצה ה' – G-d Willing.

the marriage), *Chuppah* (and a *Chuppas Niddah*)[5], Dinim of *Sheva Brachos* (the Blessings and the days of festivity), some of the Dinim of the *Kesuba* – marriage contract, and many other topics.

As the Shiurim progress, we shall bring sources from the Gemara and Rishonim[6] on the various topics, the Halachic decisions of the Shulchan Aruch and the Rama on each topic as well as views of the Achronim.[7] The following sources will be quoted from among the Achronim which will be brought in the Shiurim: Beis Shmuel (the main commentary on the Shulchan Aruch Even HaEzer of HaRav HaGaon Shmuel, the Av Beis Din of the Piyurda Community) (commonly abbreviated to ב"ש), the Chelkas Mechokek (commentary on the Shulchan Aruch Even HaEzer of HaRav HaGaon Moshe, Av Beis Din of the Brisk community in Lithuania) (commonly abbreviated to ח"מ), the Taz (ט"ז) (the Sefer Turei Zahav of HaRav HaGaon Dovid Halevi zt"l), the Be'er Heiteiv (the explanations of the Rav and Dayan HaGaon Yehuda Ashkenazi of Tiktin), the Sefer Pischei Teshuva (a compilation of many Responsa from the Achronim by HaRav HaGaon Avraham Tzvi Hirsch Eisenstadt, Av Beis Din of the Eitian Community) (commonly abbreviated to פת"ש). We shall also bring the Halachic rulings of the later Rabbanim in our generations.

When we study the Simanim from Choshen Mishpat, we shall also bring the following commentaries: Sefer Meiras HaEinayim, the S'ma (סמ"ע) (a principal commentary on the Shulchan Aruch Choshen Mishpat by HaRav HaGaon Yoshe Wilk), Sefer Sifsei Kohen, the Shach (ש"ך) (main commentary on the Shulchan Aruch Choshen Mishpat by HaRav HaGaon Shabsai the son of HaGaon Meir HaKohen of Vilna), Sefer Be'er Heiteiv (this should not be confused with the author of the Be'er Heiteiv on Even HaEzer, bur rather this is the compilation of HaRav HaGaon Zechariah Mendel, Av Beis Din of the Belz community), and the Sefer Pischei Teshuva (which is also brought on the Shulchan Aruch Even HaEzer, as mentioned above). Likewise, we shall periodically bring the views of the Ketzos HaChoshen (of HaGaon HaRav Aryeh Leib) and the Sefer Nesivos HaMishpat (of the HaGaon HaRav Yaakov of Lisa).

Introduction

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[5] *Chuppas Niddah* is where the *Kallah* is a *Niddah* and therefore forbidden to be alone with her *Chassan* until she has immersed in the *Mikveh*.

[6] Rishonim - The earlier Rabbinic authorities who lived from around the middle of the 11th Century to around the middle of the 15th Century.

[7] The later Rabbinic Authorities who came immediately after the Rishonim.

Since the contents of this Siman deal with the obligation of a man to father children and to take a wife, we shall begin this topic with some verses from the Tanach, from which can be learned out the obligation of a man to father children and to settle the world.

Here are three verses relevant to this:

1. פרו ורבו ומילאו את הארץ וגו' (Be fruitful and multiply and fill up the earth) – Bereishis 9.

2. לא תהו בראה לשבת יצרה (He did not create it [the world] in vain; He formed it to be settled) - Yeshaya 45. The meaning of this verse is to settle the world and is described in the commentaries as the commandment of "*Sheves*" (settling), which will be explained later on.

3. בבוקר זרע זרעך, ולערב אל תנח ידך (In the morning sow your seed, and towards evening do not withhold your hand) – Koheles 11, 6. The intention of this verse is (according to the explanation of the Gemara) that even one who fathers children while young must continue to do so into old age.

Three Methods of Establishing a Relationship between Marriage Partners

We shall now discuss the various methods of establishing a relationship between marriage partners which were accepted in the time of Chazal,[8] and part of which continue to be used today. In the concepts of the Gemara we find three levels of establishing a relationship between marriage partners: *Shidduchin*, *Kiddushin* (*Eirusin*) and *Nissuin*.

Shidduchin

The concept of "*Shidduchin*" is mentioned many times, and its meaning implies the agreement of both sides to get married and as to the dealings between them (or of their

[8] Chazal – In Hebrew חז"ל which is an acronym for *Chachamim Zichronam Liv'racha* [the Sages, may their memory be for a Blessing].

families) regarding the matter (the issue of preparing the deed of *Tennaim* and the Halachic views involved will be discussed in the course of these Shiurim).

In the Gemara Kiddushin 12b it is brought that Rav used to punish (by hitting) anyone who betrothed a woman without *Shidduchin*. A wedding without previous *Shidduchin* appears as a *p'ritzus* [improper behavior] (according to Rashi), because the necessary preparations for marriage are missing, and for this behavior, which appears as a *p'ritzus*, Rav would hit the *Chassan*.

Eirusin

Not long after the *Shidduchin* the couple would be betrothed [*Mekuddashin*] to each other. The *Kiddushin* in their times (which is also called *Eirusin*) were like our *Kiddushin* which are done under the *Chuppah*, meaning the *Chassan* would acquire his wife with money or a ring etc. (usually), and from that moment on she is considered as belonging to him for all practical purposes. Although the *Chassan* cannot yet bring his *Kallah* into his home and to come upon her as in actual marriage, she was nonetheless already considered his wife in the fact that she was prohibited to any other man as an *eishis ish* [married woman].

Nissuin

After the *Kiddushin* Chazal gave the *Chassan* and *Kallah* the necessary time to prepare and organize for their wedding and then they would perform the *Nissuin* [the marriage itself]. The amount of time which was provided for them to make the necessary preparations was generally 12 months, as is brought in the Shulchan Aruch Even HaEzer, Siman 56. According to that which is brought there, this amount of time was given to a woman who was a virgin (not every virgin; see the details of the Din brought down there), and if she was already a *be'ulah*[9] then the amount of time which was provided for her was 30 days.

[9] One who was either a widow or divorcee.

What are Nissuin?

The Rishonim argue about the definition of *Nissuin* and, we will go into further detail when we reach this topic. In our times *Nissuin* is performed right after the *Kiddushin*, under the *Chuppah*, and most of the things done under the *Chuppah* in our times (such as the overhead wedding canopy itself, the face covering of the *Kallah*, and the *Cheder Yichud*[10] etc.) are actually approaches of the Poskim in their definition of the actual *Chuppah* ceremony.

After the *Nissuin* the couple is considered a husband and wife for all practical purposes. The *Chassan* brings his new wife into his home and remains alone with her (according these views) and he relates to her as his wife for all purposes.

Who is authorized to perform the Kiddushin?[11]

In the coming paragraphs we shall bring that which is brought in Halacha regarding the question of who is authorized to perform the *Kiddushin* and can be relied upon for this purpose.

The Gemara in Kiddushin 6a concludes: Rav Yehuda and Shmuel said, "Anyone who does not understand the nature of *Gittin* and *Kiddushin* should not involve himself in them."

The Rishonim argue as to the explanation of this statement (see the Tosefos[12] there; the comment which begins with the word "לא" (*no*).

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[10] The room in which the *Chassan* and *Kallah* are alone together immediately after the ceremony.

[11] The one who is *Mesader Kiddushin*. The one who conducts the ceremony (literally translated – makes order of the ceremony)

[12] Tosefos, one of the most important medieval commentaries on the Talmud, was composed by French and German Talmudists during the twelfth to fourteenth centuries C.E. This commentary, which augments and often disputes Rashi's commentary on the Talmud, is printed opposite that work in standard editions of the Talmud Bavli. Tosefos is formulated dialectically, as a series of questions and answers. The work often addresses the significance of parallel Talmudic passages for a proper understanding of the local *sugya* [topic under discussion]. Prominent among the authors of this work were Rabbeinu Jacob ben Meir Tam [Rashbam], Rashi's grandson, and his nephew Rabbi Isaac ben Shmuel (Ri). Tosefos is a collective work, composed by scholars from different schools and during different periods; hence we sometimes find contradictions between the Tosefos on different tractates. Tosefos concentrates more on Talmudic interpretation than on rendering Halachic decisions, although the interpretations in this work often exerted a significant influence on Halachic decision making.

1. Rashi explains that one should not serve as a *Dayan*[13] in these matters, for perhaps he will permit a prohibited relationship[14] (and the meaning of the verse "One should not involve himself in *them*" refers to these types of laws (*Dinim*).

2. R' Azriel in the Tosefos explains that one should not discuss matters of *Kiddushin* with the women, because perhaps a woman will become *Mekudeshes* (legally married) with what they say or give and they will be unaware of this (and that which is written "One should not involve himself in *them*" refers to women).

The Shulchan Aruch, Siman 49 (Seif 3) was posek likewise: Anyone who is not an expert in the nature of *Gittin* and *Kiddushin* should not involve himself in them to teach these matters because he may easily come to err, thereby permitting a prohibited relationship and causing the increase of *mamzerim*[15] in Israel.

The Shulchan Aruch was posek the above Gemara as the Halacha, according to the explanation of Rashi.

The Beis Shmuel there in Seif Katan 4 brings the opinion of the Taz who learns out from the wording of the Shulchan Aruch that only teaching is forbidden, but performing *Kiddushin* is permitted, even if he is not that expert in these matters. However, to arrange a *Get* (Jewish Divorce) is prohibited, because in a divorce there are many details in which the Rav must be knowledgeable.

However, see the Pischei Teshuva in Seif Katan 2 who brings the above opinion of the Taz, and as an opposing opinion he brings the Shevus Yitzchak who disagrees and holds that even performing *Kiddushin* is prohibited *Lechatchila* [in the first instance] by one who is not an expert in these matters. He adds, "And definitely not for nothing have these generations become used to the fact that *Kiddushin* are not performed without the permission of a Rav because there can be many obstacles." In the answer of the HaGaon etc. he writes that this matter was on the instruction of the French Rabbis at the time of Rabbeinu Tam who decreed that no one should perform any

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[13] A judge in a Rabbinical Court.

[14] איסור ערווה, that is a relationship (usually one by blood) which is prohibited by the Torah.

[15] A *Mamzer* (plural *mamzerim*) is someone who is born of a relationship that is forbidden by the Torah and where the punishment is *Kareis*, for example the child of a woman by another man where she is still legally married owing to the fact that she has not received a *Get* from her previous husband and he is still alive. If he had died prior to her subsequent relationship, then any children that she gives birth to under those circumstances are considered Jews without the status of *Mamzer* attached to them.

Kiddushin unless he has been chosen as a Rav or as a community Rabbinical Authority etc.

This is the precisely the purpose of our Lessons, to learn and understand the basic guidelines of *Hilchos Kiddushin* in order not to be considered as "those who are not expert in the nature of *Kiddushin* etc."

SIMAN 1: 1

The Obligation to Take a Wife and the Benefits Thereof

The source for this Seif is in the Gemara Yevamos 63b, where it is brought that every man has an obligation to marry in order to be fruitful and multiply, and one who does not busy himself with this *Mitzvah* of being fruitful and multiplying [*P'ru u'Revu*] is considered as if he is a spiller of blood etc.

As an introduction to this subject, it is interesting to take note of the clear words of the Tur, as this is what he writes at the beginning of this Siman: "May the Name of Hashem be praised that He desired good for His creations, that He knew that it is not good for a man to be alone and therefore He created a partner, a help mate [*ezer kennegdo*] for him. Furthermore, the purpose of man's creation is so that he will be fruitful and multiply and this is impossible to achieve without a partner, and so he was commanded to unite with the partner which was created for him. Therefore each man is obligated to marry a woman in order to be fruitful and multiply etc."

His words are indeed clear and concise, that the purpose of the creation is that man should be fruitful and multiply and, therefore, he requires an "*ezer kenegdo*", meaning his wife.

The Tur adds by bringing the words of the Gemara in Yevamos (ibid.): Anyone who does not busy himself with this *Mitzvah* of *P'ru u'Revu* is considered as if he sheds blood, as is written, "Whoever spills the blood of man," (Bereishis 9, 6) and immediately following this is written [in the very next verse], "And you, be fruitful and multiply;" it is as if he has diminished the Divine Image, as is written, "For in the Image of G-d He made man," (ibid.) and immediately following this is written, "And you, be fruitful and multiply;" and he causes the Divine Presence to depart from Israel. And anyone who remains without a wife remains without good, without blessing, without a dwelling, without Torah, without a protecting wall, without peace. And Rabbi Eliezer said, "Anyone who does not have a wife is not a man (as is written, "Male and female He created them, and He called their names Man." Man has a

connotation of importance, as our Sages have said, "You are called man"-- Beis Yosef and Prisha), and when one marries, his sins are uprooted (meaning closed-- Prisha), as is written, "Whoever finds a wife finds a good thing, and obtains favor from Hashem." (Mishlei 18, 22)"

It is interesting to note that the commentaries on the Tur expressed surprise at his words where he writes, "he remains without a dwelling;" where exactly did he get this text from, for in the Gemara there it is brought that "he remains without happiness" (the query of the Beis Yosef)? And there are those who have written that he ought to have said, "he remains without help," in accordance with the words of the Midrash (see the Prisha there).

Shulchan Aruch and Rama

The Shulchan Aruch in this Seif brings all the above as Halacha, that one is obligated to marry a woman in order to be fruitful and multiply. He brings the words of the Gemara as Halacha that anyone who does not busy himself with *P'ru u'Revu* is considered as if he sheds blood, and he diminishes the Divine Image, and he causes the Divine Presence to depart from Israel.

The Rama there adds by bringing the continuation of the Gemara's words, that anyone who does not have a wife remains without blessing, without Torah etc. and is not called a man. And once he takes a wife in marriage his sins are uprooted, as is written, "Whoever finds a wife finds a good thing, and obtains favor from Hashem."

One who has Already Fulfilled the Commandment to Father Children?

The Beis Shmuel in Seif Katan 1 deals with the following question – one who already has a son and a daughter (i.e. he has already fulfilled the *Mitzvah* of *P'ru u'Revu*),[16] does his wife's permission help in order to exempt him from his periodic obligation [of marital relations] to her?[17]

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[16] The details of what constitutes the *Mitzvah* of *P'ru u 'Revu will*, אי"ה, be dealt with in Shiur 3.

[17] See Rashi on Bereishis 32, 15.

At the beginning of his words he brings the words of the Rambam who writes that a man is obligated to have marital relations with his wife at every *Ona*[18] until he has children. The Beis Shmuel derives from the wording [of the Rambam] that it implies that once he already has children (meaning he has fulfilled the *Mitzvah* of *P'ru u'Revu*) then the permission of his wife can help to absolve him from his *Ona* obligation to her, even if he is still able to have more children.

The Beis Shmuel raises a difficulty on this; how can her absolving him help? Surely he is still obligated to fulfill the *Mitzvah* of, "and towards evening do not withhold your hand," (a verse which is brought in Koheles 11, 6 where is written "In the morning sow your seed, and towards evening do not withhold your hand," and the Gemara explains that even one who already fathered children in his younger years should continue to do so into old age too, and this Din will be explained in further detail later on). Although this Din is only from the Rabbis [*Mid'rabbanan*], how can her absolving her husband help to annul his obligation of continuing to father children?

Therefore, the Beis Shmuel agrees that the intention is that her absolving him does help, but not on account of fulfilling the *Mitzvah* of "and towards evening do not withhold your hand."

The Pischei Teshuva, Seif Katan 1, answers the query of the Beis Shmuel (quoting the Chida), that after one has already fulfilled the *Mitzvah* of *P'ru u'Revu* he is no longer obligated to have marital relations with his wife at every *Ona* (which is not the case before he fulfilled the *Mitzvah*), and in order to fulfill the *Mitzvah* of "and towards evening" it is sufficient that her *Ona* comes every so often, but so long as he does not leave her entirely. (And, if so, it is possible to say that this is the intention of the Rambam-- that absolving him can help with regard to her *Ona*, but only in conjunction with an *Ona* that comes every so often, and where he has already fulfilled the *Mitzvah* of *P'ru u'Revu*, in which case he is no longer obligated in each fixed *Ona*, but only every so often).

[18] *Ona* – literally "season." It refers to the times a husband is obligated to have marital relations with his wife. See footnote 17.

SIMAN 1: 2

Selling a Sefer Torah for the Sake of Marriage

The source for this Halacha is in Masechtas Megilla 27a, where it is brought that the *Mitzvah* of *P'ru u'Revu* is an extremely important *Mitzvah*, so much so that one may not sell a Sefer Torah except for the purposes of learning Torah and taking a wife.

Shulchan Aruch

The Shulchan Aruch in this Seif was posek the above exactly.

Beis Shmuel

See the Beis Shmuel, Seif Katan 2, who brings the words of the Chelkas Mechokek that only for the purpose of fulfilling *P'ru u'Revu* may one sell a Sefer Torah (or to marry off a boy who is an orphan), but not to marry off a girl who is an orphan, because she does not have the obligation of *P'ru u'Revu*.

The Beis Shmuel adds there that according to that which is later on concluded, that one may sell a Sefer Torah in order to fulfill the *Mitzvah* of "and towards evening do not withhold your hand" (this will be explained further in later Shiurim), then with a woman (orphan) also one could say that one may sell a Sefer Torah in order to fulfill the *Mitzvah* of "*Sheves*" (the second verse which we brought above, "He did not create it [the world] in vain; He formed it to be settled," the meaning of which is that one must settle the world) and which applies to a woman as well.

However, the Beis Shmuel adds there that from the Rama at the end of the Seif 13 below (the Din of the Shiltei Giborim) it can be inferred that for a woman there is no *Mitzvah* of "*Sheves*", because it is brought in the Rama that a woman should not remain without a husband so that no one should suspect her (meaning they should not suspect her of doing something inappropriate), which implies that for this reason alone must she be particular to get married, but not due to her obligation of "*Sheves*", because he holds that there is no obligation of "*Sheves*" for a woman.

Afterwards the Beis Shmuel brings the answer of the Radak[19] who holds that a woman is indeed obligated in the *Mitzvah* of "*Sheves*".

In the next Shiur we will deal with the question – what is the appropriate age for marriage, what is the earliest age at which a man should get married, and what is the latest age up to which one can delay getting married?

Summary: Questions and Answers

1. **In the forward we brought some of the topics which will be discussed in the coming Shiurim, and we also brought the names of Poskim Achronim on which most of the coming Shiurim in *Kiddushin* and *Nissuin* will be based.**

2. **See the Shiur for the three verses mentioned in Chazal regarding a man's obligation to procreate and settle the world.**

3. **What are the three methods of establishing a relationship between marriage partners?**

The three methods which were accepted in the times of Chazal are: *Shidduchin*, *Kiddushin* (*Eirusin*) and *Nissuin*. See the Shiur for an explanation of each one of these.

4. **May one who is not proficient in *Hilchos Kiddushin* perform *Kiddushin*?**

The Taz holds he may, but the Pischei Teshuva brings the view of those who disagree and say that anyone who is not proficient in the nature of *Kiddushin* should not perform *Kiddushin*.

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[19] Rabbi David ben Chaim HaKohen (Radak) was an early Acharon and a disciple of Mahari Mintz. He lived in the sixteenth century, studied in Padua, Italy, and served as Rabbi of the Jewish communities of Corfu and Partras. Radach wrote a book of responsa, and corresponded on Halachic matters with other great rabbis of his generation. He died in 1530.

5. **What are a man's obligations regarding marriage and having children?**

One is obligated to marry a woman in order to have children. Anyone who does not busy himself with having children is considered as if he sheds blood, diminishes the Divine Image, and causes the Divine Presence to depart from Israel.

6. **Is one obligated to have marital relations with his wife at every *Ona*? Is there a difference before or after he already has children?**

According to the Rambam, before he has children he is obligated at every *Ona*, but after he has children the permission of his wife absolving him from her *Ona* helps (Beis Shmuel).

7. **What is the view of the Beis Shmuel on this matter?**

That one must continue to have children in order to fulfill the *Mitzvah* of "And towards evening."

8. **What is another way of explaining the above?**

Some say that after he already fulfilled the *Mitzvah* of *P'ru u'Revu* he is no longer obligated to have marital relations with his wife at every *Ona*, and in order to fulfill the *Mitzvah* of "and towards evening" it is sufficient to fulfill his obligation to his wife every so often, so long as he does not leave her entirely.

9. **For what may a Sefer Torah be sold?**

Only to learn Torah or to take a wife.

10. **May one sell a Sefer Torah in order to marry off an orphan girl?**

Some say one may not, but some say one may, because a woman is also obligated in the *Mitzvah* of "*Sheves*".

11. **Is a woman indeed obligated in the *Mitzvah* of "*Sheves*"?**

The Poskim differ in opinion on this; see the Shiur for details.