

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Kiddushin Lesson 49

Mareh Makomos for this Shiur

Tur and Shulchan Aruch, section Even Ha-Ezer, chapter 64, paragraphs 1,2, 3.

The Commentary of the Rama (ibid.)

The Beis Yosef Commentary, ibid.

The Beis Shmuel Commentary, ibid.

Tractate Kesubos 7: a.

Rambam, Laws Pertaining to Marital Relations, chapter 10, law 12.

Ran, (Commentary on Kesubos, 2: a.

Pirkei D'Rabbi Eliezer, (chapter 16)

The Shevet Ha-Levi Responsa, part 9, chapter 274.

Aruch Ha-Shulchan, chapter 64, paragraph 3.

Rabbeinu Yerucham, path 22.

Tractate Kesubos, 5: a.

Rosh, (Commentary on Tractate Kesubos chapter 1, paragraph 1.

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Laws Pertaining to the Feast Days of a Besulah (virgin) and a Beulah (non-virgin), and on What Day One Gets Married.

Siman 64 Seif 1-3

Chapter Sixty-Four. The Proper Time For a *Besulah* (and a Widow) To Get Married, and the Law Pertaining to the Case When the *Chasan* Does Not Want to Prepare the *Seudah* (Festive Meal). (Containing 6 Paragraphs).

1 A person who marries a *Besulah* (virgin) must rejoice with her for seven days. [This means that] he must neither do any work, nor engage in trade negotiations at the marketplace. Rather, he must eat and drink and rejoice with her, irrespective of whether he is a *Bachur* (bachelor) or whether he is a widower.

Rama: And a bridegroom is forbidden to do work and forbidden to go out into a public area alone (The Ran's Commentary on the first chapter of Kesubos, and Pirkei D'Rabbi Eliezer).

2 A person who marries a *Beulah* (non-virgin woman) must rejoice with her for three days no matter if he is a *Bachur* (bachelor) or a widower. And there are those who say that a *Bachur* who marries a *Beulah* must rejoice with her for seven days.

Rama: And the woman (i. e. the bride) can give up her [right to have] Simcha [during the three or the seven days]. (Rabbeinu Yerucham, path 25).

3 There are those who say that women are not to be married on the eve of Shabbos or on Sundays. [The Sages enacted this] decree so that [the *Chasan*] not come to desecrate Shabbos while preparing the *Seudah*. However, there

are those who render it (i. e. marriage on the eve of Shabbos and on Sundays) permissible. And thus this custom has become widespread – to marry women on the eve of Shabbos, on condition that he (the Chasan) take the trouble to prepare the seudas Nissuin (wedding meal) three days before the Nissuin. In places where Beis Din (rabbinical court) is in session only on Mondays and on Thursdays, a Besulah gets married on a Wednesday. [The reason for it is that] if he (i. e. the Chasan) claims that he has not found her a virgin, he should be able to report this claim to Beis Din the following morning. The custom of wise men is that a person who marries a Beulah should marry her on a Thursday, so that he should rejoice with her for three days: on Thursday, on the eve of Shabbos (i. e. on Friday) and on Shabbos, and leave for work on Sunday.

Rama: It has become the custom to marry women exclusively at the beginning of the month, so long as the moon is still in its fullness. (The Ran's Commentary, end of chapter "Arba Misos". See also Yoreh Deah chapter 179).

The Seven Feast Days of the Bridegroom and the Bride.

The source of this law is Tractate **Kesubos**, 7: a. The *Gemara* says there that one must rejoice with a *Besulah* (virgin) for seven days.

From where did the Sages deduce the issue of these seven feast days? The **Perisha** (sub-paragraph 1) writes in the name of **Kesones Passim** that they deduced these seven feast days from what Lavan told Ya'akov:

"COMPLETE THE SEVEN DAYS [OF FEASTING] FOR THIS ONE, ETC"
 (BEREISHIS 29: 27).

That is to say, that after Ya'akov completes the seven feast days with Leah, he will give him Rachel for a wife.

The **Perisha** mentions another source of this law, to rejoice for seven days: **Shoftim** (14: 12), where the verse says:

"I WILL NOW PROPOUND A RIDDLE TO YOU. IF YOU CAN DECLARE IT TO ME WITHIN THE SEVEN DAYS OF THE FEAST, ETC."

- a) What do these seven days involve?
- b) The **Rambam** in the laws Pertaining to Marital Relations (chapter 10, law 12) writes that the *Chasan* must not do any work during these seven days.

The **Maggid Mishnah** comments on the above ruling of the **Rambam**,

- a) The **Toseftah** is of the same opinion.
- b) Also the **Ran** writes in his Commentary on **Kesubos** (2: a) that the Sages enacted a rule that the *Chasan* cease all work during these days, so that he should be able to rejoice with the *Kallah*.

The **Ran** quotes the **Pirkei D' Rabbi Eliezer** (chapter 16) as saying,

- a) A *Chasan* is compared to a King.
- b) So just as a King does not appear in a public place alone, neither does a *Chasan* appear in a public place alone. And just as a king does not do any work, neither does a *Chasan* do any work.

The **Tur** adds to this paragraph,

- a) This law pertaining to the seven feast days applies
- b) Both in the case when the *Chasan* is a *Bachur* and when he is widower.
- c) As long as the *Kallah* is a *Besulah*, the *Chasan* is obligated to 'complete the seven days of feasting' with her.

The **Shulchan Aruch** in this paragraph rules accordingly:

- 1) A person who marries a *Besulah* (virgin) must rejoice with her for seven days.
- 2) This means that he must neither do any work, nor engage in trade negotiations at the marketplace.
- 3) Rather, he must eat and drink and rejoice with her, irrespective of whether he is a *Bachur* (bachelor) or a widower.

The **Rama** adds the ruling of the **Ran** in the name of the **Pirkei D'Rabbi Eliezer**,

- 1) Since a *Chasan* is compared to a king, just as a king does not appear in a public place alone, neither is a *Chasan* permitted to appear in a public place alone.
- 2) Just as a king does not do any work, neither is the *Chasan* permitted to do any work.

Seven Blessings and Simcha (Joy, Feasting) for a Widow.

The **Beis Shmuel** (sub-paragraph 1) summarizes the laws of the feast days, during which the *Sheva Berachos* are recited, in relation to a *Besulah* and an a widow, mentioning the **Ran's** conclusion.

The **Beis Shmuel** (*ibid*) writes,

In the case when the *Kallah* is a widow, one must differentiate between *berachos* and festivity (*Simcha*).

- 1) The seven *berachos* are *berachos* of *Simcha* (joy, delight, jubilation), and they are recited upon the *Chasan's* personal joy.
- 2) Therefore, even when a widow marries a *Bachur* who has never yet experienced intimate relations, the *Sheva Berachos* are recited during all the seven days.
- 3) These *berachos* are due to the *Chasan's* delight and happiness upon experiencing the joys of married life.
- 4) However, the *Chasan's Simcha* due to *Bitul Melachah* (the prohibition to do work) is not his personal *Simcha*. *Bitul Melachah* was instituted by *Chazal* (our Sages, o.b.m.) for the woman's sake.

- 5) The *Chasan* was given free time (seven days) to make the *Kallah* happy, entertain her and encourage her to get used to marital relations with him if she is a *Besulah* and has never experienced such relations before.
- 6) Therefore, if the *Kallah* is a widow, the *Chasan* does not need seven feast days to entertain her and encourage her to get used to marital relations with him.
- 7) This is because, as the **Beis Shmuel** says, a widow needs much less time to adjust to marital relations with the *Chasan*. Therefore, three days off work for the *Chasan* are sufficient for a widow to be entertained by him.

The **Beis Shmuel** adds that according to the above,

- a) If a *Kallah* wants to be *Mochel* (give up) her feast days (i. e. she does not mind if her *Chasan* goes to work right away), she is entitled to do so.
- b) This is because all the feast days were instituted for her sake, therefore she has the full right to be *Mochel* them.

However, the **Beis Shmuel** notes,

- 1) According to the **Ran** who prohibits the *Chasan* to do any work, the *Kallah* cannot be *Mochel* her *Simcha* days.
- 2) The **Ran** rules this according to the opinions of the *poskim* mentioned in the following paragraph.
- 3) These *poskim* hold that the seven days of *Simcha* were instituted in accordance with the number of *berachos* for a *Beulah* (non-virgin woman) as well.
- 4) Therefore, it is not proper that other people should recite the *berachos* for them during these days, and the *Chasan* should go off to work as on regular days.

A Bridegroom Has To Be Guarded

In connection with what the **Rama** writes that a bridegroom is forbidden to go out into a public area alone, the **Beis Shmuel** quotes the **Perishah** as writing that this ruling brought about the custom according to which the *Chasan* does not go out to *shul* for the prayers, because there is no one to accompany him on the way to *shul*, and there is no one to accompany him on the way home from *shul*.

However, **Hagaon Rabbi Shlomo Auerbach**, זצ"ל wrote in his work **Halichos Shlomo**,

A CHASAN WHO CANNOT FIND ANYONE TO ACCOMPANY HIM, SHOULD NOT REFRAIN FROM GOING TO SHUL IN ORDER TO PRAY BE-TZIBBUR (IN THE PRESENCE OF A QUORUM OF AT LEAST TEN MEN) EVEN WITHOUT A 'GUARD', BECAUSE NOWADAYS THERE ARE MANY PEOPLE WALKING IN THE STREET.

From when and until when does the *Chasan* need guarding?

1. In **Bikurei Ya'akov** (quoted by **Yismach Lev**) its author writes that starting from the *Shabbos* that precedes the wedding the *Chasan* already has to be guarded, because already a week before the wedding he is called a *melech* (king).
2. However, **Hagaon Rabbi Shmuel ha-Levi Vosner** writes in his Responsa **Shevet Ha-Levi** (part 9, chapter 274) that the *Chasan* needs to be guarded only during the seven feast days, and he does not need to be guarded prior to that.

The **Yismach Lev** notes that also the **Chazon Ish** was of the opinion that the *Chasan* needs to be guarded only after the *Chupah*.

Does a *Chasan* also need to be guarded at home?

1. The **Aruch Ha-Shulchan** (chapter 64, paragraph 3) writes that a *Chasan* needs to be guarded even at home, and even in the daytime. (He was of the opinion that a *Chasan* needs to be guarded against the evil demons, called *mazikim*).

2. However, the **Yismach Lev** says that **Hagaon Rav Chaim Kaniesvsky שליט"א** holds the opinion that a *Chasan* does not need to be guarded in his own home.

Feast Days of a Beulah

The source of this law is in Tractate **Kesubos**, 7: a. The *Gemara* states there that if the *Kallah* is a *Beulah* (non-virgin) her days of feasting are three, irrespective of whether the bridegroom is a *Bachur* (bachelor) or whether he is a widower.

The **Shulchan Aruch** in this paragraph presents a difference of opinion among the early authorities (discussed by the **Tur** and the **Beis Yosef** in chapter 62). The early authorities differ in opinion regarding the implication of the *Gemara*, therefore the practical law pertaining to a *Bachur* who married a non-virgin woman is different depending on the interpretation.

This is what the **Shulchan Aruch** writes:

- 1) A person who marries a *Beulah* (non-virgin woman) must rejoice with her for three days no matter if he is a *Bachur* (bachelor) or a widower.
- 2) Actually, the **Beis Yosef** states that these are the approaches of the **Ramban** and of some other early authorities.

Then the **Shulchan Aruch** presents the view of those who disagree (i. e. the **Rashba** and the **Ran**):

"And there are those who say that a Bachur who marries a Beulah must rejoice with her for seven days".

The **Rama** quotes **Rabbeinu Yerucham**, (path 25) as stating,

THE BRIDE CAN GIVE UP HER RIGHT TO HAVE *SIMCHA* DURING THE
THREE OR THE SEVEN DAYS.

We have already stated that the **Beis Shmuel** writes that the bride's right to give up her *Simcha* days depends on the two opinions presented in this paragraph.

Therefore, the **Beis Shmuel** wonders,

- 1) Why the **Rama** presents only **Rabbeinu Yeruchem's** approach, which only suites the *first* opinion presented in the **Shulchan Aruch** and not the second one.
- 2) Does not the authority who holds the second opinion rule that a bride is not entitled to give up her *Simcha* days, as explained above?

Another interesting question:

- a) What is the law pertaining to the case when the bride is a widow but not a *Beulah*? (She is still a virgin, because she never had a chance to have intimate relations with her late husband).
- b) Is this question also dependent on the above difference of opinion?
- c) The **Beis Shmuel** quotes the **Bach (Bayis Chadash)** as stating that if the bride is a widow, but not a *Beulah*, the bridegroom must rejoice with her for seven days.

On Which Day Does a Widow Get Married?

The source of this law is in Tractate **Kesubos**, 5: a. **Bar Kappara** learns:

- 1) A *Besulah* (virgin) gets married on a Wednesday, and has intimate relations with her husband on Thursday,
- 2) This is because on that day of creation the fish were given a blessing to be fruitful and fill the water.]
- 3) A widow, though, gets married on a Thursday and has intimate relations with her husband on Friday.
- 4) The reason that she has intimate relations on Friday is because at the creation of the world man was given a blessing on Friday (i. e. "Be fruitful and multiply and fill the earth!").

The *Gemara* poses a question: why should we not rule that a widow should rather have intimate relations on Thursday, because on that day the fish were given a blessing? The *Gemara* offers two reasons:

1. Because the blessing given to man is preferable.
2. A widow gets married on a Thursday and has intimate relations with her husband on Friday because of what the *Gemara* terms as "*shakdu*". The *Gemara* explains:

Why do the Sages say that a widow gets married on a Thursday and has intimate relations on Friday?

- a) Because if one suggests that she should have intimate relations on Thursday, then the next morning after intimacy, the *Chasan* will already go and do his work.
- b) Therefore, the Sages *shakdu* (were diligent, persevered, took pains) for the benefit of the Daughters of Israel, and enacted a rule that they marry on Thursdays and have intimate relations on Fridays, so that the *Chasan* entertain his wife and feast with her for three days: on Thursday, on the eve of *Shabbos* (i. e. on Friday) and on *Shabbos* itself. ⁱ

The *Gemara* poses a question: what is the practical difference between these two reasons, i. e. because of the blessing or because of "*shakdu*"?

The *Gemara* presents two differences:

1. The second reason has to do with an unemployed man. The reason of "*shakdu*" does not affect an unemployed man, because, since he does not have any work to do, he is permitted to have intimate relations with her on Thursday, because there is no *dashash* (suspicion, fear) that he will go off to work the next day.
2. The reason of "*shakdu*" does not apply in the case when a Yom Tov (Festival) falls on the eve of *Shabbos*. In such a case, there is no *dashash* that he will go off to work the next day either, because Friday is Yom Tov.

What is the main reason why *Chazal* would not rule that a widow should have intimate relations specifically on a Thursday? Is the main reason because of "*shakdu*" or because of the blessing?

The **Rosh** in **Kesubos**, (chapter 1, paragraph 10) writes that he thinks that "*shakdu*" is the main reason, because it is obvious that *Chazal* did not set a certain day because of the blessing.

- 1) Therefore, if a man happens to be unemployed,
- 2) He can marry a woman on any day of the week, because there is no *chashash* that he will go off to work, as we stated above.
- 3) However, if he has a job, he must marry a widow specifically on a Thursday, and have intimate relations with her on Friday, as the *Genara* explains.

Until now the *Genara* has been discussing the day set for a widow to get married, as the *Genara* states there. We will explain later why the *Genara* discusses a widow in particular.

On Which Day Does a Besulah Get Married?

Now we have to find out on which day a *Besulah* (virgin) gets married.

In the case of a *Besulah* it does not seem to be important on which day she should get married, because there is no *chashash* that her husband will leave her and go to work. However, the Sages enacted a decree,

A *BESULAH* GET MARRIED ON A WEDNESDAY AND HAVE INTIMATE RELATIONS ON WEDNESDAY NIGHT, WHICH IS ACTUALLY THURSDAY.

The reason for this decree is that *Beis Din* is in session only on Mondays and on Thursdays, and if the *Chasan* claims that he has not found her a virgin, he should be able to report this claim to *Beis Din* the following morning.

If that is so, why did they not institute that a *Besulah* should get married on Sundays and have intimate relations on Sunday night, which is actually Monday?

They did not institute such a decree even though *Beis Din* is in session also on Mondays, because of "*shakdu*". That is to say, that the Sages took pains to benefit the Daughters of Israel, and enacted a rule that the *Chasan* take the trouble to prepare the *Seudah* (festive meal) for three days, and only then marry the *Besulah*. If they permitted him to marry her on a Sunday, he would not have three days at his disposal for the preparation of the *Seudah*, because Sunday is preceded by *Shabbos*.

The Gemara also says (3: a) that nowadays,

WHEN THERE IS NO FIXED DAY FOR *BEIS DIN*'S SESSIONS (IT IS IN SESSION WHENEVER NEED BE) A PERSON CAN MARRY A WOMAN ON ANY DAY OF THE WEEK, WHENEVER HE WANTS, AS LONG AS HE HAS EVERYTHING READY THAT IS NEEDED FOR THE *SEUDAH*, BECAUSE THEN HE DOES NOT NEED THREE DAYS TO PREPARE IT.

However, if he does not have everything that is needed for the *Seudah*, he must not marry the woman prior to Wednesday, so that he has enough time to prepare it.

The **Shulchan Aruch** in this paragraph rules accordingly:

- 1) There are those who say that women are not to be married on the eve of *Shabbos* or on Sundays. (The **Rambam's** approach).
- 2) The Sages enacted this decree so that the *Chasan* not come to desecrate *Shabbos* while preparing the *Seuda*.
- 3) However, there are those who render it (i. e. marriage on the eve of *Shabbos* and on Sundays) permissible. (**Tur** in the name of the **Rosh**).

The **Shulchan Aruch** concludes:

Thus this custom has become widespread – to marry women on the eve of *Shabbos*, on condition that the *Chasan* take the trouble to prepare the *seudas Nissuin* (wedding meal) three days before the *Nissuin*, as we have stated above.

The **Chelkas Mechokek** (sub-paragraph 5) writes concerning the preparation of the *Seudah* that nowadays the custom is not to be particular about spending specifically three days preparing it. The reason seems to be that the *Kallah* and her family do not mind (they are *mochel*).

The **Shulchan Aruch** adds,

- a) In places where *Beis Din* (rabbinical court) is in session only on Mondays and on Thursdays, a *Besulah* gets married on a Wednesday.
- b) As the *Gemara* originally says: The reason for it is that if the *Chasan* claims that he has not found her a virgin, he should be able to report this claim to *Beis Din* the following morning.

The **Shulchan Aruch** adds more:

.....
The custom of wise men is that a person who marries a *Beulah* should marry her on a Thursday, so that he should rejoice with her for three days: on Thursday, on the eve of *Shabbos* (i. e. on Friday) and on *Shabbos*, and leave for work on Sunday (The *Gemara's* ruling).
.....

Is It Proper to Get Married at the Beginning of the Month?

The **Rama** quotes the **Ran** as ruling that it has become the custom to marry women exclusively at the beginning of the month, so long as the moon is still in its fullness. (At the beginning of the month it keeps getting fuller, which is a sign of a blessing).

Which custom is to be observed *le-ma'aseh*?

The **Sdei Chemed** writes,

- a) One does not have to be particular about it.
- b) The **Yismach Lev** says the same in the name of the **Chazon Ish**: one does not have to be particular about it *le-ma'aseh*.

Apirion Li-Shlomo (quoted by Yismach Lev) writes the same in the name of Hagaon Rabbi Eliyashiv:

Rabbi Eliyashiv told me,

In Yerushalayim, the custom is **not to avoid** setting the date of the wedding specifically for the end of the month, and one gets married even **on the last day** of the month.

He also quotes Rabbi **Chayim Kaniesvsky** שליט"א as saying that one does not have to be particular about fulfilling the ruling of the **Rama**. In fact, Rabbi **Chayim Kaniesvsky** שליט"א said that, as far as this issue is concerned, we follow the custom of the **Vilna Gaon**, not to be particular about it.

Questions and Answers

1. How many days does a person rejoice when he marries a Besulah?

A person who marries a *Besulah* (virgin) must rejoice with her for seven days.

2. Are there any restrictions that the Chasan must observe?

The *Chasan* must neither do any work, nor engage in trade negotiations at the marketplace.

3. Does it make any difference if the Chasan is a bachelor or a widower as far as the days of Simcha are concerned?

This law pertaining to the seven feast days applies both in the case when the *Chasan* is a *Bachur* and when he is widower. As long as the *Kallah* is a *Besulah*, the *Chasan* is obligated to 'complete the seven days of feasting' with her.

4. What is the law in the case when the Chasan is a Bachur marrying a widow?

The seven *berachos* are *berachos* of *Simcha* (joy, delight, jubilation), and they are recited upon the *Chasan's* personal joy. Therefore, even when a widow marries a *Bachur* who has never yet experienced intimate relations, the *Sheva Berachos* are recited during all the seven days.

5. Does a widow have to be entertained for seven days?

If the *Kallah* is a widow, the *Chasan* does not need seven feast days to entertain her and encourage her to get used to marital relations with him. Therefore, three days off work for the *Chasan* are sufficient for a widow to be entertained by him.

6. What are the laws pertaining to guarding the Chasan?

In the past the bridegroom was forbidden to go out into a public area alone, and he did not go out to *shul* for the prayers, because there was no one to accompany him on the way to *shul*, and there was no one to accompany him on the way home from *shul*. However, *Hagaon Rabbi Shlomo Auerbach*, זצ"ל wrote in his work *Halichos Shlomo* that a *Chasan* who cannot find anyone to accompany him, should not refrain from going to *shul* in order to pray *betzibbur* (in the presence of a quorum of at least ten men) even without a 'guard', because nowadays there are many people walking in the street.

7. From when and till when does the Chasan have to be guarded?

The early authorities differ in opinion regarding this law: Some say that starting from the *Shabbos* that precedes the wedding the *Chasan* already has to be guarded. Others say that the *Chasan* needs to be guarded only during the seven feast days, and he does not need to be guarded prior to that. The **Aruch Ha-Shulchan** writes that a *Chasan* needs to be guarded even at home, and even in the daytime. However, **Hagaon Rabbi Chayim Kaniesvsky** שליט"א holds the opinion that a *Chasan* does not need to be guarded in his own home.

8. How many days does a Beulah have to be entertained?

The *Genara* states there that if the *Kallah* is a *Beulah* her days of feasting are three, irrespective of whether the bridegroom is a *Badur* or whether he is a widower.

9. Is it permissible to get married on the eve of Shabbos and on Sundays?

The opinions of the early authorities are divided regarding this issue. There are those who say that women are not to be married on the eve of *Shabbos* or on Sundays. (The **Rambam's** approach). The **Tur** (in the name of the **Rosh**) renders marriage on the eve of *Shabbos* and on Sundays permissible. The **Shulchan Aruch** concludes: And thus, this custom has become widespread – to marry women on the eve of *Shabbos*, on condition that the *Chasan* take the trouble to prepare the *seudas Nissuin* three days before the *Nissuin*, as we have stated above.

10. Which is considered a wise custom in relation to marrying a Beulah?

The custom of wise men is that a person who marries a *Beulah* should marry her on a Thursday, so that he should rejoice with her for three days: on Thursday, on the eve of *Shabbos* (i. e. on Friday) and on *Shabbos*, and leave for work on Sunday.

11. Is there any difference as to when exactly one should get married?

Although the **Rama** quotes the **Ran** as ruling that it has become the custom to marry women exclusively at the beginning of the month, so long as the moon is still in its fullness, the **Sdei Chemed** writes that one does not have to be particular about it. The **Chazon Ish** said that one does not have to be particular about it *le-m'aseh*. **Hagaon Rabbi Eliyashiv** ruled that in Yerushalayim, the custom is not to avoid setting the wedding date specifically for the end of the month, and one gets married even on the last day of the month. **Rabbi Chayim Kaniesvsky**

שליט"א said that we follow the custom of the **Vilna Gaon**, not to be particular about it.

12. Why is the Chasan forbidden to do work, etc?

The **Pirkei D' Rabbi Eliezer** says that a *Chasan* is compared to a king. Just as a king does not appear in a public place alone, neither does a *Chasan* appear in a public place alone. And just as a king does not do any work, neither does a *Chasan* do any work.

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