

Laws of Marriage Chapter 10 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Chapter 10 of Hilchos Ishus – Rambam

Halacha 1 – An Arusah is Forbidden to Her Husband MiDivrei Sofrim

The Rambam's Words: An arusah is forbidden to her husband miDivrei Sofrim as long as she is in her father's house, and one who is bo'el his arusah in his father-in-law's house receives makkas mardus. Even if he was mekadesh her through bi'ah – it is forbidden for him to have bi'ah with her a second time in her father's house, until he brings her into his house and is meyached with her and separates her for himself.

Explanation

An arusah (a woman after kiddushin but before nisuin) is forbidden to her husband miDerabanan as long as she is still in her father's house. One who is bo'el his arusah in his father-in-law's house receives makkas mardus. Even when one was mekadesh through bi'ah, she remains forbidden for a second bi'ah in her father's house. He must bring her into his house, be meyached with her, and separate her for himself.

Chiddushim and Explanations

1) The Structure of Kiddushin-Nisuin – Kiddushin Did Not Replace Nisuin:

Before Matan Torah there was only one stage – a man was machnis a woman into his house (hachnasah leveiso), and that made her his wife (as the Rambam writes in Chapter 1). The Torah **added** a stage – kiddushin – but **did not remove** the original stage of nisuin. Both stages remained. Kiddushin is the "added layer," and nisuin is the original. "The entire idea of

kiddushin is that it should be **before** nisuin." If kiddushin would replace nisuin, kiddushin would seemingly not accomplish anything.

2) Kiddushin as "Chumra" and "Kula" – A Dispute in Definition:

Rav Yitzchak calls kiddushin a "kula" in the sense that it **opens up** – it already makes a woman an eshes ish before nisuin, which previously (before Matan Torah) would not have been possible without hachnasah leveiso. Rav Yoel Asher disagrees and says it is only a **chumra** – because after kiddushin he is still forbidden with her (miDerabanan), but she is already called eshes ish regarding others. Rav Yitzchak concedes that one can call it whatever one wants, but the essential point is: kiddushin itself already makes her eshes ish – this is an "opening" that previously did not exist without hachnasah leveiso. And conversely: without kiddushin she is **not** eshes ish, no matter how long she lives in his house.

3) All Doubts of Kiddushin Only Relate to the Kinyan of Kiddushin:

All the doubts that were learned in the previous chapters (shaveh perutah, kavanah, etc.) are only relevant to the **kinyan** of kiddushin. Regarding nisuin, such doubts are not applicable – "either you are with her or not."

4) The Reason for the Rabbinic Prohibition – "In Her Father's House":

Even though from the Torah she is "theoretically" his wife, but **in practice** she still lives at her father's. To be bo'el a woman who lives at her father's is "an undignified thing" – the reality of nisuin is lacking. Rav Yoel Asher thinks that the issue is that the husband has not yet taken upon himself obligations (he is still "a stranger who comes visiting"). Rav Yitzchak disagrees that "bayis" means a physical dwelling – "bayis

doesn't mean a room, bayis means a household" – the husband must establish a household with obligations (mezonos, etc.).

5) The Prohibition of Arusah – Not the Prohibition of Kedeshah, Rather the Normal Order:

The prohibition of arusah to her husband is not the same as the prohibition of kedeshah (promiscuity). It is the prohibition of the normal order – a girl who lives at her father's, one does not sleep with her. Even after the father has agreed and she already has a kinyan, one must still bring her into his house.

6) The Historical Background of Erusin:

Originally (historically), erusin/kiddushin was like shidduchim – the father makes an agreement with the chasan (like "es biti nasati la'ish hazeh" – which Chazal expound regarding kiddushin). The girl still lives at her father's. The chasan has a kinyan, but he has not yet taken her. "Taking" means that he takes her out from the father's reshus and brings her into his house – that is nisuin. The word "nisuin" comes from "nosei/yisa" – which means "to carry" or "to take."

7) Chiddush Regarding Kiddushei Bi'ah:

By **kiddushei bi'ah** – where the man is mekadesh through bi'ah – it is difficult to separate between the kinyan (kiddushin) and the act (which is also part of nisuin). Rav Yitzchak answers: kiddushei bi'ah means that **she is not in his house** – that is the distinction. There was a **dispute in the Gemara** whether "bi'as arusah makes nisuin." It emerges that the first bi'ah that makes kiddushin – afterward she is only mekudeshes, not yet nesuah, and one must still make a chuppah.

8) Two Levels of Prohibition:

The Rambam works with two distinct prohibitions: (a) the prohibition of bi'ah with a penuyah/arusah in her father's house – this is the basic prohibition; (b) the prohibition of kiddushei bi'ah as "davar shelo k'hogen" – a weaker prohibition. By kiddushei bi'ah, the first bi'ah is "permitted" from the perspective of the

first prohibition (because it is an act of kiddushin), but it remains a transgression from the perspective of the second prohibition (davar shelo k'hogen). And for a second bi'ah it doesn't help at all – because knisah leveiso is still lacking.

9) Comparison to the Later Takanah Against Kiddushei Bi'ah:

The rabbinic prohibition of bo'el arusaso is compared to the later takanah against kiddushei bi'ah (where they also gave lashes). Both are only Derabanan with makkas mardus – "the same thing, the lashes and the lashes."

10) Precision in "Beis Aviha":

If one prepared a room for the chasan in the father-in-law's house, this is not called "bo'el in her father's house" – because it is already prepared for him, it is as if his place. [Digression: There is an issue that a chasan should not live at his father-in-law's, but that is a different matter.]

11) The Connection Between Kiddushin and Nisuin – "Yichud" and "Mekudeshes":

"Yichud" (from nisuin) is very similar to the concept "mekudeshes" – both mean exclusivity (meyuchedes lo, only for him). Kiddushin says "meyuchedes lo" spiritually/formally, and nisuin actualizes this in practice/physically. Kiddushin is the concept of exclusivity, and nisuin is its implementation.

Halacha 2 – Yichud, Chuppah, and Nisuin

The Rambam's Words: This yichud is what is called knisah lechuppah, and it is what is called nisuin everywhere.

Explanation

The yichud (when he takes her into his house and they are together privately) – this is what is called "knisah lechuppah" and this is what is called "nisuin" everywhere.

Chiddushim and Explanations

1) Three Names for One Thing:

The Rambam equates three concepts – yichud, chuppah, and nisuin – as one reality: the state of

knisah leveis ba'alalah.

2) What "Yichud" Means According to the Rambam – Not a Din of Yichud in a Room:

Rav Yitzchak disagrees with the approach that the Rambam means a formal yichud (locked in a room with witnesses, like our "yichud room"). "Yichud" according to the Rambam simply means that she now lives with him privately – he has taken her out from her father's house and brought her into his house. This is not an act of yichud in a room, but a reality of living together. Rav Yoel Asher agrees that the Rambam does not appear to be speaking of yichud with witnesses.

3) The "Yichud Room" at Our Weddings – A Mistake?:

The custom of a "yichud room" at weddings is built on the Rambam, but Rav Yitzchak holds that it is a mistake in understanding the Rambam. The true "yichud" of the Rambam is when he goes home after the wedding with his wife – that is the moment of knisah leveiso.

4) Chuppah is Not a Separate Kinyan – Rather the State of Knisah Leveis Ba'alalah:

The Rambam is not mechadesh a separate ceremony of chuppah. It is not that there is a "kinyan chuppah" through the hinuma or through the four poles. Chuppah is the state of knisah leveis ba'alalah – the entire parade, hinuma, etc. is all part of this state.

5) "Veyafreshena Lo" – Practically, Not Theoretically:

Rav Yoel Asher asks that "veyafreshena lo" he already did at kiddushin (because kiddushin already means that she is meyuchedes lo). Rav Yitzchak answers that "veyafreshena lo" here means practically/in practice – she now actually lives with him, not just theoretically/formally.

6) Practical Question About the Yichud Room:

Rav Yoel Asher asks: Why are people particular about how long one is in the yichud room? Rav Yitzchak answers: This is only according to the poskim who say that yichud is a kinyan – one must make a yichud, and this is a chiddush for that moment. The entire discussion about how

long yichud must last is only relevant for the yichud with witnesses (at the wedding), because when he goes home with her he will in any case have enough time for yichud.

7) Chumros of Acharonim Regarding Yichud:

In **Beis Shmuel** it says that yichud must be a shiur bi'ah, but this is not simple pschat in the sugya. The **Rema** only says that one takes a room and they eat there in a private place – he does not say that one must check that no one else is there. **All these shiurim and conditions are chumros of Acharonim**, not from the Rema himself.

8) Reason for Sheva Brachos Twice:

Why do we say sheva brachos twice (at chuppah and at the end of the wedding): Because according to the approach that nesi'ah happens already at the chuppah, we want to say the brachos together with the nesi'ah. The brachos at shivas yemei hamishte are not birchas nisuin – they are separate brachos for each seudah, and those halachos are in Hilchos Brachos, not here.

Halacha: Bi'ah Leshem Nisuin

The Rambam's Words: One who is ba on his arusah leshem nisuin after he was mekadesh her – this is nisuin.

Explanation

If one is bo'el his arusah leshem nisuin (after kiddushin), this becomes nisuin – even without knisah leveiso.

Chiddushim and Explanations

1) The Case: This speaks of a case where he is bo'el not in his house (for example in a hotel), because if it is in his house, nisuin has already occurred through knisah leveiso. The chiddush is that bi'ah leshem nisuin is an independent way of making nisuin.

2) Distinction Between Bi'as Kiddushin and Bi'as Nisuin:

By kiddushei bi'ah the kinyan is through hana'as bi'ah (like shaveh kesef), and requires gemar bi'ah. By bi'as nisuin it is **misheh arbah**

kavanah – from the moment he has kavanah, not from gemar bi'ah, because here there is not the mechanism of "being given."

3) The Ran's Logic:

Bi'ah with kavanah works on everything – both kiddushin and nisuin. Even the Chachamim could not say that bi'ah should not make a woman, because "harei hu dechshiv." If he does it with kavanah that through this she should become his wife, there is no way to take away from that. **It is not a way (lechatchilah), but it works (bedi'eved).**

4) Practical Nafka Minah:

He can make the first bi'ah leshem kiddushin, second bi'ah leshem nisuin, will receive makkas mardus twice, but it will become mekudeshes and nesuah. One may not do this, but if one did it, it works.

5) Reasoning Why Bi'ah Leshem Nisuin is Logical:

When one is bo'el a woman and he does not want it to be one bi'ah and finished, but rather he wants a long-term relationship – that itself is the meaning of nisuin.

Halacha: Knisah Lechuppah – Permitted to Her Husband / Nesuah Even Though She Was Not Bo'al

The Rambam's Words: Once the arusah has entered the chuppah, she is permitted to him to be ba on her whenever he wishes, and she is his complete wife for all matters. And from when she enters the chuppah she is called nesuah even though she was not bo'al.

Explanation

Once she has entered chuppah, she is permitted to him, he can be bo'el her when he wants, and she is called nesuah even without bi'ah.

Chiddushim and Explanations

1) The Logic:

Because she is meyuchedes lo in practice, and bi'ah he may – because it is permitted in bi'ah as he wishes – she is called completely nesuah even

without bi'ah. **The potential for bi'ah is enough.**

2) Question About Ra'uy Lebi'ah:

Rav Yoel Asher asks: If "even though she was not bo'al" means nesuah, why do people think that yichud must be ra'uy lebi'ah? We see that yichud has nothing to do with bi'ah! Rav Yitzchak answers: It is not a contradiction – it could be that "ra'uy lebi'ah" is a shiur in the yichud, but actual bi'ah is not necessary.

Halacha: She is Not Ra'uyah Lebi'ah – Chuppas Niddah

The Rambam's Words: If she was a niddah... even though she entered the chuppah and was meyached with her, the nisuin are not complete, and she is still like an arusah.

Explanation

If she is a niddah, even if one made chuppah and yichud, the nisuin are not complete, and she is still called an arusah.

Chiddushim and Explanations

1) The Rambam's Reasoning:

Because chuppah works through the fact that it permits bi'ah, if it is in fact not permitting (because there is another impediment – the prohibition of niddah), the chuppah did not work.

2) Sick vs. Niddah:

Sick does mean ra'uyah lebi'ah – "ra'uyah" means halachically ra'uyah, not physically. When halachah does not permit (niddah) she is not ra'uyah, but when she is only physically unable she is indeed ra'uyah.

3) The Rosh's Approach:

The **Rosh** thinks differently – that "einah ra'uyah lebi'ah" also means physically unable (for example less than three years old). The Rosh says: **"If it is not the time to have relations and she is not ra'uyah lavo – it creates a chuppah, she is not ra'uyah lavo."** This is brought in the **Rema**.

4) The Aruch HaShulchan's Distinction:

The **Aruch HaShulchan** makes a distinction in the Rosh: This is only when after the chuppas niddah they separated (he traveled his way, she her way). But if he moves into her house and from then on they always live together – this is indeed nisuin.

5) "Lo Gamru Hanisuin" – Bedi'eved, Not Lechatchilah:

The Rambam says "lo gamru hanisuin" – but he does not say that one must lechatchilah wait with chuppah until she is not a niddah. This is only a din bedi'eved – what happens if there was a chuppas niddah. Later the Rambam will clearly say that lechatchilah one should not make chuppah when she is a niddah.

6) Nafka Minah Lemaaseh:

If he dies afterward – whether she needs chalitzah or not, whether she has a kesuvah, and other halachos that depend on when nisuin took place.

Halacha 3 – Birchas Chasanim

The Rambam's Words: One must make birchas chasanim in the chasan's house before the nisuin... and they are six brachos.

Explanation

One must make birchas chasanim in the chasan's house, before the nisuin. It consists of six brachos.

Chiddushim and Explanations

1) What Type of Brachah:

It is not a birchas hamitzvos (because nisuin is not a mitzvah in that sense), and it is not a birchas hanehenin. It is **birchas shevach vehodaah**. The Beis Yosef and the Rambam have a dispute whether it is birchas hamitzvos or birchas hanehenin.

2) Proof That It is Birchas Hashevach:

If one made erusin and knisah lechuppah without birchas chasanim, she is a "nesuah gemurah" and "chozer umvarech even after several days." By a birchas hamitzvah one could

not make the brachah several days later – this proves that it is a birchas hashevach.

3) The Brachos Are Part of the Ma'amad Hachuppah:

Just as kiddushin comes with words (birchas erusin), so too the knisah leveiso comes with words. The brachos do not make any kinyan, they do not do anything "theoretically" – but they are still part of the seder hanisuin. The language is brought **"kallah belo brachah asurah leba'alah"** – which shows that the brachos are still part of what makes it permitted.

4) "Beveis Hachasan" – Precision:

This shows that the custom that the chuppah is "beiso" fits with the Rambam. The Beis Shmuel also brings this.

5) "Kodem Hanisuin" – Precision:

One must make the brachos before the nisuin, just like birchas hamitzvos which are made over la'asiyasan. This shows that it has a similarity to birchas hamitzvos, although it is not exactly birchas hamitzvos. The reasoning: nisuin means that it will become permitted to him, and the brachos are part of what makes it permitted – therefore one makes them beforehand.

6) Birchas Chasanim Does Not Make the Nisuin:

One who made kiddushin and birchas chasanim but "lo nisyached imah beveiso" is "still an arusah," because **"ein birchas chasanim osah hanisuin ela haknisah lechuppah."**

7) Who Makes the Brachos?

The Rambam does **not** say that the chasan makes birchas chasanim. By **kiddushin** it is implied from the Rambam's language that the chasan makes it (because it is a birchas hamitzvos). But by **nisuin** it is a **birchas hashevach** – it could be the chasan or someone else. There are approaches that the chasan should specifically **not** make it, because it is a brachah **for him**. The name "birchas chasanim" does **not** mean the brachah that **chasanim say**, but rather the brachah **for** the chasan (and kallah). The word "chasanim" can mean chasan

and kallah together, as we find "kol mitzhalos chasanim mimishtam."

Content of the Six Brachos

Brachah 1: "Shehakol Bara Lichvodo"

All of creation is for the honor of Hashem.

Brachah 2: "Yotzer Ha'adam"

Hashem created man.

Brachah 3: "Asher Yatzar Es Ha'adam Betzalmo"

"Asher yatzar es ha'adam betzalmo, betzelem dmus tavniso, vehiskin lo mimenu binyan adei ad"

Chiddushim:

- Hashem made man, and from that tzelem He took a rib and made a woman. "Zachar unekeivah bara osam" – this is "tzelem dmus tavniso," both were in one tzelem.

- "Vehiskin lo mimenu binyan adei ad" – from the man He took out the rib and built a structure that goes for generations. Every descendant of Adam and Chavah is a descendant of that act.

- "Binyan adei ad" as a blessing for the wedding: the woman should maintain herself as the built-out rib. Also when she gives birth to children it is similar – one takes away from her body a piece and makes new children.

Brachah 4: Birchas Tzion – "Sus Tasis Vetagel Ha'akarah"

Chiddushim:

- Knesses Yisrael is called "ha'akarah" – her children are not there (exile). We pray that when the children return to Tzion, Tzion should rejoice.

- This comes in at a wedding because people are besimchah, and we also pray for Klal Yisrael's geulah.

Brachah 5: "Sameach Tesamach Re'im Ha'ahuvim"

"Sameach tesamach re'im ha'ahuvim kesimchach yetzircha bagan eden mikedem"

Chiddushim:

- "Re'im ha'ahuvim" – the chasan and kallah are beloved to each other (not beloved by the entire world). If they do not love each other, one may not make the brachah.

- "Kesimchach" – as You (Hakadosh Baruch Hu) made Your creation (Adam Harishon) rejoice. The Rambam's version is "mikedem" (ancient times), not "bagan eden" like our nusach.

- Hashem made Adam Harishon rejoice through angels, and we are the angels who make the chasan and kallah rejoice – we go in the ways of Hakadosh Baruch Hu.

- Precision: "kesimchach" means "as You made rejoice," not "as You rejoiced."

Brachah 6: "Asher Bara Sason Vesimchah Chasan Vekallah"

Chiddushim:

- **According to the Rambam there are four expressions of simchah** (sason, simchah, gilah, rinah) **and four expressions of unity** (ahavah, achvah, shalom, re'us) – it is even. In our nusach we add "ditzah vechedvah," but for the Rambam it is four and four.

- "Chasan vekallah" comes in between the expressions of simchah – perhaps it means "sason vesimchah of chasan vekallah, gilah rinah of chasan vekallah."

- The nusach comes from the language of the pasuk "kol sason vekol simchah, kol chasan vekol kallah."

- Does "ahavah ve'achvah" mean the love between chasan and kallah, or the unity of all participants at the wedding? Rav Yoel Asher thinks that a wedding is a state of unity for everyone celebrating together.

"Meherah Hashem Elokeinu Yishama Be'arei Yehudah Uvechutzos Yerushalayim"

Chiddushim:

- Just as we blessed the specific chasan-kallah before, we now pray for all of Klal Yisrael.

- "Chasanim" in plural means that Yerushalayim should be full of simchos – not just one wedding, but many.

- In the structure of sheva brachos almost everything stands twice – twice "yotzer ha'adam," twice "mesameiach chasan" (once "chasan vekallah" and once "chasan im hakallah"), plus "shehakol bara lichvodo" and "mesameiach Tzion bevanehah."

- **Question:** May one still say the "meherah" brachah in Yerushalayim today, when the pasuk has already been fulfilled? **Answer:** We pray "shelo yafsik" – that the abundance of simchah should continue, and that there should be even more when all of Klal Yisrael will live there.

[Digression: A comment about the Eidah Hachareidis's decree not to play music at weddings in Yerushalayim – we pray that "ne'arim meniginosam" should be fulfilled.]

Halacha: Kos Shel Brachah by Nisuin

The Rambam's Words: If there was wine there, one brings a cup of wine, makes the brachah on wine first... and arranges all of them on the cup, and it turns out that he makes seven brachos.

Explanation

If there is wine, one brings a cup, first makes borei pri hagafen, and then says all six brachos on the cup – together seven brachos.

Chiddushim and Explanations

1) "If There Was Wine There" – Not an Obligation:

This shows that it is **not me'akev** – one does not need to go search for wine. According to the Rambam's teshuvah, without wine one does **not** do it on bread or anything else – it is only a matter of wine or nothing.

2) Why is it Called "Sheva Brachos"?

Six brachos plus borei pri hagafen = seven. The name "sheva brachos" has **no connection** to the seven days of simchah (shivas yemei hamishte).

3) Borei Pri Hagafen First:

Just like by kiddush (yaknehaz) – wine always comes first. **Question:** Why by birchas hamazon do we **not** make borei pri hagafen before birchas

hamazon, even though it is also a kos shel brachah? This is dealt with in Masseches Brachos.

Halacha: Hadas by Chuppah

The Rambam's Words: There are places where they were accustomed to bring hadas with the wine, and one makes a brachah on the hadas after the wine, and afterward makes the six.

Explanation

In some places the custom is to bring hadasim with the wine, one makes a brachah on hadas after borei pri hagafen, and then the six brachos.

Chiddushim

This fits with the Gemara where an Amora danced with "badei hahadasim" – this does **not** mean just part of dancing, but that **hadasim were brought at the brachah** – it has a connection to the seder habrachos. Presumably Sephardim still do this today.

Halacha: Birchas Chasanim Be'asarah

The Rambam's Words: One only makes birchas chasanim with ten gedolim and bnei chorin.

Explanation

One needs a minyan of ten great (gedolim) and free people (bnei chorin) for birchas chasanim.

Chiddushim and Explanations

1) "Bnei Chorin" – Not Slaves:

A slave **cannot** be counted for the minyan, even though a slave is obligated in mitzvos. This is **different** from a regular minyan for davat shebikdushah – here it is a special din that it must be ten "gedolim."

2) Chasan Min Haminyan:

The chasan is **indeed** counted as one of the ten, even though he is exempt from mitzvos (like krias shema). This is **different** from by birchas aveilim, where the avel is **not** min haminyan.

3) Nisuin Must Be Public:

The Rambam does not say explicitly that nisuin itself needs a minyan – he only says that

birchas chasanim needs a minyan. But it emerges that nisuin must be befarhesya. **Chiddush from Moreh Nevuchim (Part 3):** The Rambam in Moreh Nevuchim (brought by Rav Rabinovitch) says that the purpose of kiddushin is that it should not be just hidden – one should make a formal situation. That which they added birchas chasanim with a minyan by nisuin stems from the same yesod – that it should be **public**, similar to witnesses.

4) Distinction Between Erusin and Nisuin:

Erusin can be done privately, but nisuin must be public. This is supported by the Gemara that one throws nuts and roasted grain to make publicity for chasan kallah.

5) Minyan by Sheva Brachos After the Wedding:

According to the Rambam's reason in Moreh Nevuchim that minyan is for publicity, it emerges that the din of minyan is specifically by birchas chasanim as part of nisuin. But by the brachos that one makes when gathering in honor of chasan and kallah (sheva brachos after the wedding), there is seemingly no reason for a minyan. The Shulchan Aruch rules that one needs a minyan also by sheva brachos after the wedding – he holds that the din of minyan is because birchas chasanim is a "davar shebikdushah," not just publicity.

Halacha: Nisuin When She is a Niddah

The Rambam's Words: A niddah should not be married until she becomes pure. One does not make birchas chasanim for her until she becomes pure. And if he transgressed – he does not go back and make the brachah.

Explanation

Lechatchilah one should not make a wedding when she is a niddah. But bedi'eved, if one did make it, one does not need to make birchas chasanim again.

Chiddushim

- That "he does not go back and make the brachah" confirms again that birchas chasanim is

a birchas hashevach.

[Digression:

[Digression: Practical question about chuppas niddah – niddah is difficult to calculate long in advance. By certain Yerushalmi families who are stringent about "chovas niddei" (= chuppas niddah), they would not write wedding invitations long in advance – they would announce the wedding a week or two before, after the last period. The custom by certain rebbes to make a "kevi'as zman hachasunah" (separate from the lechaim) stems from this.]

[Digression: Question whether niddah DeRabanan (like kesamim) has the same din as niddah DeOraisa regarding chuppas niddah. Rav Yoel Asher suggests that perhaps only when she is actually a niddah DeOraisa is there the din of chuppas niddah. He brings a proof from dam chimud – if dam chemed would be like niddah DeOraisa, one could never make a wedding. Rav Yitzchak answers that dam chimud is not every time, and mentions a dispute of Rishonim (Rosh and others) whether "ra'uy" means only the spirit or also illnesses.]

Halacha: Kesuvah Before Knisah Lechuppah

The Rambam's Words: One must write a kesuvah before knisah lechuppah, and afterward he will be permitted with his wife.

Explanation

One must write a kesuvah before the knisah lechuppah. Only afterward does he become permitted with his wife. A kallah without a kesuvah is forbidden to her husband, just like a kallah without a brachah.

Chiddushim and Explanations

1) Kesuvah as Another Precondition for Nisuin:

The order: one must have (1) chuppah, (2) birchas nisuin, (3) kesuvah – all three before the knisah lechuppah. The kesuvah's purpose is that

the woman should feel secure – she should know that the husband cannot dismiss her easily.

2) What Does the Kesuvah Do?

The kesuvah is a document that establishes the husband's obligations to the wife. All the obligations that are in the kesuvah the husband is obligated in anyway (midina), but there is an additional din that he should write it and give it to the wife.

3) Who Pays for the Scribe?

The rule in hilchos shtaros: whoever has benefit from the transaction pays for the scribe. By kesuvah – even though the kesuvah is for the benefit of the wife – the din is that the chasan pays (nosen sechar hasofer), because through the kesuvah he becomes permitted with his wife.

4) Writing vs. Reading:

The signing/writing of the kesuvah is the essential din, and this is done before the chuppah. That which one reads the kesuvah at the chuppah is just a matter of publicity, but the reading itself does not accomplish anything halachically.

[Digression: Our custom at the chuppah – we write/sign the kesuvah before the chuppah, but at the chuppah we make kiddushin (erusin) first, and then we read the kesuvah, and then we make sheva brachos (nisuin). This means that the knisah lechuppah (which is the beginning of nisuin) comes before kiddushin – which is seemingly a problem. Rav Yoel Asher answers: knisah lechuppah before kiddushin means nothing – it is just a canopy; only after kiddushin does it become a "haba'im ke'echad" (both coming together).]

Halacha: Shiur Hakesuvah – Ikar Kesuvah

The Rambam's Words: How much does he write for her – if a besulah not less than two hundred dinar, and if a be'ulah not less than one hundred dinar, and this is called ikar kesuvah.

Explanation

The minimum amount of kesuvah – 200 dinar for a besulah, 100 dinar for a be'ulah. This is called "ikar kesuvah" – to distinguish from tosefes kesuvah.

Chiddushim

- When the Rambam speaks here of "kesuvah" he does not mean all the obligations that are in a kesuvah (mezonos, kesus, onah, etc.), but specifically the sum of money that the husband is obligated to pay if he divorces her or he dies. Kesuvah is only for two cases: get or death.

Halacha: Tosefes Kesuvah

The Rambam's Words: If he wanted to add for her even a talent of gold he may add. And the din of the tosefes and the din of the ikar are the same for most matters. Therefore, every place where kesuvah is mentioned without specification – it is the ikar and the tosefes.

Explanation

One can add to the minimum as much as one wants. Once one has undertaken tosefes, it receives the same din as ikar kesuvah. Consequently, when it says "kesuvah" without specification, it means both together.

Chiddushim

- One should not think that tosefes kesuvah is something of a "joke" – once one has undertaken it, it becomes a complete obligation like ikar kesuvah.

Halacha: Reason for Takanas Kesuvah

The Rambam's Words: The Chachamim are the ones who instituted kesuvah for a woman so that she should not be light in his eyes to divorce her.

Explanation

The reason for takanas kesuvah is that it should not be easy for the husband to dismiss his wife.

Chiddushim and Explanations

1) "Be'einav" – Not Just Psychological:

Rav Yitzchak argues that "be'einav" does not mean just a psychological effect (that he should "think twice"), but that it should be truly difficult – it should actually cost him money. It is not enough that the judge knows that he is obligated; both – the husband and the wife – need to know that he is obligated, and there must be a real financial significance.

2) Why Does One Need a Kesuvah if He is Obligated Anyway?

There must be a tangible thing that he (and she) see, not just a theoretical obligation.

[Digression: Rabbeinu Tam said that after the takanah of Rabbeinu Gershom (that one may not divorce a wife against her will), one would have needed to make a "kesuvah for the man," because most divorces are initiated by women. Once there is a prohibition to be motzi against his will, then automatically "lo kalah be'einav lehotzi'ah" – the original reason for kesuvah is already automatically achieved.]

Halacha: Shiur Hadinarim / Value of the Coins

The Rambam's Words: These dinarim they did not institute from pure silver, but from the coin that was in those days, which was seven parts copper and one part silver, so that in a sela there was half a zuz of silver. And it turns out that two hundred dinar of a besulah is twenty-five dinar of silver, and one hundred of a be'ulah is twelve and a half dinar.

Explanation

The dinarim of kesuvah are not from pure silver, but from the coin that was current in the time of Chazal – 7/8 copper and 1/8 silver. A sela (= 4 dinar) contained half a zuz of silver. Consequently 200 dinar = 25 pure silver dinar, and 100 = 12.5.

Chiddushim

1) The Rambam's Chiddush:

In the Gemara it says that it depends whether kesuvah is DeOraisa or DeRabanan. The

Rambam's chiddush is that the "dinar" of kesuvah is not the original silver dinar (pure silver), but a coin that was only one-eighth silver.

2) Nusach of Our Kesubos:

The nusach "masayim zuzei dechazu lich miDeOraisa" sounds like pure silver, but the Rambam says it is not so.

3) Weight of the Dinar:

The Rambam brings that each dinar weighs 96 se'oros (barley kernels), as he explains in Hilchos Eiruvim Techumin. "Vehadinar hu hanikra zuz bechol makom" – dinar and zuz are the same coin.

[Digression: Practical nafka minah today – there is a great dispute how much this comes out to today – from hundreds of dollars (smaller approaches) to tens of thousands (larger approaches). Since no one knows exactly how much it is worth, one can only collect in beis din according to the smallest approach (several hundred dollars), which makes the entire kesuvah practically ineffective. Rav Yoel Asher notes that perhaps specifically the fact that the price is unclear makes it more "shelo tehei kalah be'einav" – he does not know how much it will cost him.]

[Digression: Custom by get – the custom is that by a get the kesuvah is not actually "mochel," but by a get one comes to an agreement on money matters in general, and one says that the kesuvah is already included in that general agreement. Rav Yitzchak holds that one is still collecting kesuvah today, but the problem is the unclear shiur.]

Halacha: Beilas Zenus Without Kesuvah

The Rambam's Words: One may not reduce for a besulah from two hundred or for a be'ulah from one hundred, and anyone who reduces – his bi'ah is beilas zenus.

Explanation

Whoever gives less than the minimum, his bi'ah is considered as beilas zenus.

Chiddushim

- The Rambam writes "beilaso beilas zenus" **without** the word "ke-" (like), which means that the Rambam holds it is **actually** beilas zenus, not just "like" beilas zenus. This question has already been asked on the Rambam.

- It is certainly not beilas zenus in the sense that it is not kiddushin – the kiddushin are valid. But it is a language of the Chachamim to emphasize the prohibition. Just as the Chachamim prohibited bi'ah without nisuin, without chuppah, without brachah – so too without kesuvah.

Halacha: Ways One Can Fulfill the Obligation of Kesuvah

The Rambam's Words: Both one who writes the kesuvah in a document, and one whom witnesses testified about him and made a kinyan from him that he is obligated to her one hundred or two hundred... and similarly if he gave her movable property against her kesuvah... he is permitted to be bo'el until they have time to write.

Explanation

The obligation of kesuvah can be fulfilled in three ways: (1) writing a shtar kesuvah; (2) witnesses with kinyan that he is obligated; (3) giving movable property (metaltelin) against the value of kesuvah.

Chiddushim

1) Witnesses with Kinyan:

If witnesses hear such a kinyan, they themselves can write a shtar – the shtar works from the power of the kinyan. Consequently the kinyan with witnesses is a complete obligation, no less than a shtar.

2) Our Custom:

Our custom is to do both – we write a kesuvah and we also make a kinyan ("kabbalas kinyan"). This is "funny" (ironic), because technically the kinyan is the basis, and the shtar comes from it.

3) Distinction Between Lechatchilah and Bedi'eved:

According to the Rambam: a shtar kesuvah and witnesses with kinyan are both lechatchilah, but giving metaltelin is a bedi'eved – an emergency solution for when one does not have time to write. The Rambam's language "until they have time to write" shows that it is a temporary solution. He does not say specifically "until there is a scribe" because any Jew (chasan) can write himself. The **Shulchan Aruch** holds that even witnesses with kinyan (without a shtar) is only a bedi'eved – only writing a shtar is lechatchilah. This is a distinction between the Rambam and Shulchan Aruch.

Halacha: Kanas Ishah Velo Kasav Lah Kesuvah / Lost the Shtar Hakesuvah / Machla Kesuvasah

The Rambam's Words: One who married a woman and did not write a kesuvah for her, or even if he wrote a kesuvah for her and the shtar hakesuvah was lost, or she was mochel her kesuvah – it is forbidden to be bo'el... he goes back and writes for her an ikar kesuvah... and he should not remain with his wife even one hour without a kesuvah.

Explanation

In all cases where there is no kesuvah – whether one did not write, whether it was lost, whether she was mochel – one may not remain with her without a kesuvah. One must write a new ikar kesuvah. The tosefes one can be mochel, but the ikar kesuvah is a din DeRabanan that one must write.

Chiddushim

1) "Even One Hour Without Kesuvah":

This does not mean being bo'el, but even just remaining – to stay with her in a nisuin-situation. Even when she is a niddah he may not remain without a kesuvah.

2) Mocheles to Him vs. Mocheres to Others:

When she is mochel the kesuvah **to him himself** – this is a problem, because then he does not need to pay any kesuvah when he divorces, and "kalah be'einav lehotzi'ah." **But:** "Hamocheres kesuvah la'acheirim betovas hana'ah" – when she sells her kesuvah to a third party (like one sells a loan), he does not need to write a new kesuvah. **Why?** Because if he divorces her, he still must pay the kesuvah to the purchaser – the purpose of kesuvah (that there should be consequences for divorce) exists even when the money does not go to her herself.

Halacha: Arusah with Kesuvah / Without Kesuvah

The Rambam's Words: One who is me'areis a woman and wrote a kesuvah for her – she is still an arusah and not nesuah, for the kesuvah does not make nisuin. And if he died or divorced her – she collects ikar kesuvah from bnei chorin, and she does not collect tosefes at all, since she did not enter.

Explanation

Kesuvah itself does not make nisuin. If he wrote a kesuvah by erusin and then died or divorced, she receives only ikar kesuvah from bnei chorin (not from meshu'abadim), and not any tosefes.

Chiddushim

1) Why Not Tosefes?

Because the tosefes is "mishum chibas bi'ah" – he added it on the understanding that he would live with her. If he died before nisuin, "al daas zeh" he did not mean.

2) Why Only Bnei Chorin and Not Meshu'abadim?

It is not clear. One approach: because there was no publicity – one did not make a wedding with a minyan of Jews. But it is a question: the kesuvah itself is a shtar, and a shtar has publicity! The matter remains "not clear."

3) Without Kesuvah by Erusin:

Rambam: If he was me'areis and did not write a kesuvah and died or divorced her

while she is an arusah – she has nothing. For they did not institute ikar kesuvah for her until she is married or until he writes.

The obligation of kesuvah only comes when one makes a wedding (automatically) or when one writes (even by erusin). Every time one writes a kesuvah, even if he died a minute later, he is already obligated.

4) Kesuvah of a Ketanah:

When a father is me'areis his ketanah daughter, and the husband wrote a kesuvah, and he died/divorced when she is still a na'arah – "kesuvah le'aviha," like by kiddushin. Only by nisuin does the father no longer receive it.

Halacha: Shivas Yemei Hamishte – Simchas Chasan Vekallah

The Rambam's Words: Similarly the Chachamim instituted that anyone who marries a besulah should be happy with her for seven days. He does not engage in his work and does not conduct business in the marketplace, but rather eats and drinks and is happy, whether he was a bachelor or a widower.

Explanation

A chasan who takes a besulah must be happy with her for seven days – not work, not do business, but eat, drink, and be joyful. No difference whether he is a bachelor or widower.

Chiddushim

1) "Tiknu Chachamim" = Takanas Moshe Rabbeinu:

In Hilchos Aveilus the Rambam says that shivah for mourning and shivah for yemei hamishte is a takanah of Moshe Rabbeinu (midrash "malei shavua zos"). When the Rambam says "takanas Chachamim" he means "takanas Moshe Rabbeinu." It is interesting that something that Moshe Rabbeinu instituted (not from Sinai) is called "takanas Chachamim."

2) "Sameach Imah" – Not Just He Rejoices:

"Ochel veshoseh vesameach" means "imah" – he should not go rejoice with his friends, but with his wife.

3) Obligation on Him, Not on Her:

It is implied that it is an obligation on him – one of the things that the husband owes the wife, a part of the kesuvah-conditions. The **Rema** says that **she can be mochel** her simchah. There are opinions that on the work (that he may not work) she cannot be mochel.

4) Proof That Eating and Drinking is an Obligation:

If eating and drinking were not an obligation, one would say that he has an obligation to eat for kavod Shabbos – so Shabbos would already fulfill the obligation. That which we say "ein marbin simchah leShabbos" – Shabbos has no din of simchah – proves that the obligation of eating and drinking is specifically part of simchas chasan, not just regular eating.

Halacha: Be'ulah – Three Days of Simchah

The Rambam's Words: If she was a be'ulah – not less than three days. For it is the takanah of the Chachamim for the daughters of Israel that he should be happy with the be'ulah for three days, whether a bachelor or widower.

Explanation

By a be'ulah (second marriage) – minimum three days of simchah. Here too no difference whether he is a bachelor or widower.

Chiddushim

Both times (besulah and be'ulah) the Rambam says "bein bachur bein almon" – so one should not think that the distinction is by the man (bachelor = 7, widower = 3), but the distinction is only by the woman (besulah = 7, be'ulah = 3).

Halacha: Taking Multiple Wives at Once

The Rambam's Words: A man may marry many women at once on one day, and

makes birchas chasanim for each one together.

Explanation

A man may take multiple wives on one day. Birchas chasanim can be said once for all.

Chiddushim

1) "Yesh Lo" – A Right, Not a Mitzvah:

The Rambam says "yesh lo" – he has the right, not that it is a praiseworthy thing. Later in Hilchos Ishus the Rambam will limit this – one can only take as many wives as one can support ("she'eiroseihen ukesuseihen").

2) Brachah vs. Simchah:

Regarding brachah it is enough to have one birchas chasanim for all the wives. But regarding simchah – "simchah arya lah" – each wife has a right to her own seven days (or three days by a be'ulah). One cannot combine ten wives in one sheva brachos.

3) Ein Me'arvin Simchah BeSimchah:

This principle is applied: one cannot combine the simchah of one wife with the other. The same rule also comes up by Yom Tov – one may not have a wedding on Yom Tov because Yom Tov has its own simchah. By Yom Tov the problem is double – if the chasan thinks primarily of Yom Tov, he has not given the wife her simchah; if he thinks primarily of the wife, he has not fulfilled simchas Yom Tov. "Hashem will not enter into his head" – therefore one needs two separate simchos.

Halacha: When May One Make Erusin (Kiddushin)?

The Rambam's Words: It is permitted to be me'areis on any weekday, even on Tisha B'Av, whether by day or by night.

Explanation

Kiddushin may be given on any weekday, even Tisha B'Av.

Chiddushim

- The reason why even Tisha B'Av: because "shema yikdimenu acher" – one has found a

kallah who agrees, one should not miss the opportunity.

- **Shabbos:** Erusin may not be made on Shabbos. Kiddushin is a kinyan, and all kinyanim are forbidden on Shabbos – a gezeirah shema yichtov, as the Rambam already said in Hilchos Shabbos Chapter 23.

Halacha: When May One Make Nisuin?

The Rambam's Words: Nisuin — not on erev Shabbos and not on motzaei Shabbos (on the first day of the week). A gezeirah lest he come to desecrate Shabbos in preparing the meal, for the chasan is preoccupied with his meal.

Explanation

One may not have a wedding on erev Shabbos (because he will be drawn into meal preparations on Shabbos) or Sunday (because he will prepare on Shabbos for tomorrow's meal).

Chiddushim

- The chasan takes "pressure" that the meal should be nice – this is the foundation of the gezeirah.

- **Shabbos itself:** "Ve'ein tzarich lomar she'asur linassei beShabbos" – besides the fact that erusin is forbidden as a kinyan, also the part of nisuin (chuppah, simchah) is forbidden on Shabbos for the same reason of tirda.

Halacha: Chol HaMoed

The Rambam's Words: Even on chol hamoed one does not marry women, for one does not mix simchah with simchah, as it says malei shavua zos.

Explanation

Even chol hamoed one may not have a wedding – because one may not mix simchas nisuin with simchas Yom Tov.

Chiddushim

- The Rambam says "even" – because chol hamoed is a different reason than Shabbos/erev

Shabbos (there it is tirda, here it is mixing simchah).

- The pasuk "malei shavua zos venitna lecha gam es zos" (Bereishis 29) – by Yaakov with Rachel and Leah. The simple meaning of the verse: "shavua" there means seven years, but Chazal expound it on a week – the seven days of sheva brachos.

- By simchah there is no distinction between Yom Tov and chol hamoed – "usmachtem lifnei Hashem Elokeichem shivas yamim" – the mitzvah of simchah goes through all the days of Yom Tov including chol hamoed.

Halacha: Three Days Before Nisuin

The Rambam's Words: That he should exert himself in the wedding meal for three days before the day of nisuin.

Explanation

The chasan must dedicate three days to prepare the wedding meal.

Chiddushim

- The Chachamim wanted the meal to be nice – therefore one needs three days of preparation.

- This is also one of the reasons for the takanah that a besulah wedding is on Wednesday – so that he should have three days (Sunday, Monday, Tuesday) to prepare.

Halacha: Besulah Married on Wednesday

The Rambam's Words: In a place where beis din sits only on Monday and Thursday – a besulah is married on Wednesday, so that if he had a claim of besulim he can rise early to beis din.

Explanation

In a place where beis din sits only Monday and Thursday, a besulah should have a wedding on Wednesday, so that if there is a claim of besulim he can go Thursday to beis din.

Chiddushim

- In a place where there is always a beis din, one can have a wedding any day (that is permitted).
- After nisuin one immediately does bi'ah – therefore the claim of besulim is relevant immediately the next day.
- **Lemaaseh today:** Today it is not applicable for several reasons: (1) Today there is beis din not specifically on Monday and Thursday; (2) Today the claim of besulim is not applicable – it is assumed that many women do not have besulim anyway, and one does not go to litigate at beis din.

Halacha: Be'ulah (Widow) Married on Thursday

The Rambam's Words: The custom of the Chachamim is that one who marries a be'ulah should marry on Thursday.

Explanation

A be'ulah (widow/divorcee) should have a wedding on Thursday.

Chiddushim

- A be'ulah does not have the matter of a claim of besulim.
- The reason: a be'ulah has three days of sheva brachos – Thursday, Friday, Shabbos. Thus he has Shabbos as part of the simchah. "Veyatza limelachto beyom rishon" – Sunday he can already go to work.
- **Why specifically Thursday and not Tuesday?** Rav Yoel Asher suggests that the Chachamim wanted Shabbos to be part of the simchah. Also a practical matter: they prohibited the chasan from doing work, so the Chachamim said he should have the wedding Thursday, so that Shabbos (when he does not do work anyway) falls within his three days, and Sunday he can already go to work.

[Digression: The custom of the Chachamim that a talmid chacham's wedding should be on Wednesday (besulah) is perhaps connected to "onas talmid chacham beleil Shabbos" – that Shabbos should also be a joyful Shabbos in the context of simchas chasan.]

Halacha: Wedding with a Ketanah

The Rambam's Words: One who is me'areis a ketanah besulah, and the husband demanded nisuin – both she and her father can delay that she should not be married until she grows and becomes a na'arah. And if they wanted and he married her – it is not proper to do so.

Explanation

When a father accepted kiddushin for his ketanah daughter, and the husband wants nisuin already – either she or the father can delay until she becomes a na'arah. If both agree, one may technically be koness, but it is not proper.

Chiddushim

- The Rambam already said earlier that one should not be mekadesh a ketanah at all – "until she grows and says 'I want so-and-so.'" Here we speak in a case when one did not follow and one was indeed mekadesh – the kiddushin works, and now the question is about nisuin.
- There is the same problem with nisuin as with kiddushin – the same reason why one should not be mekadesh a ketanah (perhaps she will not want) is also applicable by nisuin.

Halacha: Twelve Months Time for Nisuin

The Rambam's Words: He was me'areis her and waited several years and demanded her for nisuin and she is a na'arah – they give her twelve months from the day of the demand to support herself and to prepare what she needs for him, and afterward she is married. He demanded her after she became a bogeres – they give her twelve months from the day of bagrus. And similarly if he was mekadesh her on the day of bagrus – they give her twelve months from the day of kiddushin which is the day of bagrus. He was mekadesh her after she became a bogeres – if twelve months passed in her bagrus and afterward she was

mekudeshes — only thirty days. And similarly one who is me'areis a be'ulah — they give her thirty days from the day of the demand.

Explanation

A na'arah receives 12 months from the demand. A bogeres — 12 months from when she became a bogeres. If it is already 12 months since she became a bogeres — she receives only 30 days. A be'ulah also receives only 30 days.

Chiddushim

1) Meaning of "Lefarneis Es Atzmah":

Rav Yitzchak holds that "parnasas atzmah" does not mean livelihood in the usual sense, but preparing what she needs for the wedding — "letzorech hanisuin." Rav Yoel Asher suggests that it means that before she goes to be taken care of by the husband, she should finish taking care of herself. Also: a person needs to be mature — she needs a chance to be herself as an adult.

2) The Distinction Between Na'arah and Bogeres:

By a na'arah one counts 12 months from the demand, because she has not yet had time. By a bogeres one counts from when she became a bogeres, because "an adult knows that she is going to have a wedding, she is a kallah girl, she needs to prepare" — she cannot say "I need a whole year" from the demand.

3) "Beyom Habagrus":

"Kidshah beyom habagrus" means that he waited for that second — "he is a pious Jew, he followed the Chachamim that one must be mekadash an adult."

4) Source of 12 Months:

There is a pasuk by Yitzchak's wedding — "teishev hana'arah itanu yamim o asor" — and the Gemara interprets that "yamim" means a year. Rav Yoel Asher notes that this was said by Lavan, and we learn all wedding laws from a "failed wedding" — Lavan deceived the na'arah (Rivkah). Rav Yitzchak notes humorously: "Since then, all weddings have some kind of failure."

Halacha: Time for the Man

The Rambam's Words: Just as they give time to the woman — so they give time to the man to prepare himself, and afterward she is married.

Explanation

The man can also demand time to prepare himself — the same as is given to the woman.

Chiddushim

- The Rambam's approach is that the man's time is "according to her" — that is, how much time she would receive in her situation, that much he receives. It depends on her status (besulah/be'ulah, na'arah/bogeres).

- There is a dispute: other opinions hold that the man's time is separate — a bachelor receives 12 months, a widower receives less (because he already has experience with having a wedding).

Halacha: The Time Arrived and He Did Not Marry Her — Obligation of Mezonos

**The Ramb

Halacha: The Time Arrived and He Did Not Marry Her — Obligation of Mezonos

The Rambam's Words: The time that was given to the man arrived and he did not marry her — he is obligated in her mezonos even though he did not enter. The time arrived on a day when one does not marry such as Sunday or erev Shabbos — he is exempt, because he cannot be koness. He became sick or she saw niddah when the time arrived — he does not provide her mezonos... until she becomes pure or until he becomes healthy.

Explanation

When the time has passed and he did not marry, he becomes obligated in mezonos (food and clothing) even without nisuin. But if it is an ones (illness, niddah, a day when one may not have a wedding) — he is exempt.

Chiddushim

1) Onah is Not Yet Applicable:

Onah is not yet applicable because it is forbidden without nisuin, but she'er ukesus (mezonos) he does indeed become obligated in.

2) Whether Mezonos is a Fine or a Practical Obligation:

Rav Yoel Asher proposed that mezonos can be understood as a **knas** – because the chasan undertook to be koness by a certain time, and he did not do it. Rav Yitzchak **strongly tried to reject** the knas explanation: "I don't want to think that it is a knas."

3) Rav Yitzchak's Reasoning – Mezonos is a Practical Obligation of Responsibility:

The obligation of mezonos by a nesuah does not stem from kiddushin itself, but from **living together** (nisuin). An arusah is an eshes ish, but one is not obligated in her mezonos because **she does not live with you** – it is a practical matter. But when the time has arrived, she is already **dependent on you** – she must live with you, you are already responsible for her. Therefore you are obligated in mezonos – not as a knas, but because **you are the one who must take care of her**, and if you do not go be koness, you must at least pay for her food and housing.

4) Question: What is the Difference Between Forcing Mezonos and Forcing Knisah Lechuppah?

Indeed – the same beis din that forces mezonos will also force him to be koness. But the obligation of mezonos has a practical nafka minah: **If the chasan has a legitimate reason why he cannot yet be koness** (or even a "half-good excuse"), one cannot force him to be koness immediately, but **mezonos he can send** – he can pay from a distance.

5) Practical Application:

Even if the chasan says "in a month there should be the wedding," beis din will demand mezonos **retroactively** for the entire time, and meanwhile he must pay mezonos.

6) Note About the Obligation of Onah:

The same logic that obligates mezonos should also obligate **onah** – because from when he undertook, he must already do it. But **one cannot say he is obligated in onah because he has not yet done the nisuin** – mezonos one can send, but not onah.

Until here Chapter 10 of Hilchos Ishus.

| Full Transcript

Kiddushin and Nisuin – Hilchos Ishut Chapter 10

Introduction

R' Yitzchak: Good morning.

R' Yoel Asher: Yes, good morning. We are learning Rambam, Hilchos, Sefer Nashim, Hilchos Ishut, Chapter 10. We have already learned many laws about kiddushin. I think we have already finished more or less with kiddushin. Now we are going into what is called nisuin. And before we go further into the shiur, we want to thank the sponsors, and especially our main sponsor, the parnas hashiur HaRav Rabbi Yoel Wertzberger, may the merit of the shiur and the merit of the Torah stand by him.

The Transition from Kiddushin to Nisuin

R' Yoel Asher: So, kiddushin doesn't yet finish the story. There's still nisuin. What does nisuin mean?

R' Yitzchak: It's a bit backwards, right? Initially there was in the Torah, not in the Torah, in reality, initially there was only such a thing which is more or less what we call nisuin now. That is, as the Rambam said in Chapter 1, that a person met a woman, and... if you look at what it says in Chapter 1 exactly, you'll see that it says there, a person brought a woman into his house, and he designated her to be his wife.

Then came the Torah and said that before that one must still do something called kiddushin. And we learned that with this was also created

something like a kula, you could call it, or a chumra, however you want to say it. That is, it turns out that not only must one do kiddushin, but she already becomes completely an eshet ish, she becomes his wife at the time...

R' Yoel Asher: No, it's not a kula, it's only a chumra, because he is still forbidden to her. The chumra is that she is already called an eshet ish.

R' Yitzchak: Whatever, let's... you can call it however you want. No,

R' Yoel Asher: There's a big difference what you call a kula.

Discussion: Is Kiddushin a Kula or a Chumra

R' Yitzchak: You're jumping, you're holding on to the... It's called a kula because previously one had to make a woman, it didn't help,

R' Yoel Asher: It's something like a chiddush.

R' Yitzchak: It's not only that, it's plainer to say, making kiddushin already made her an eshet ish, it does something, you can call it a kula, I don't know what I mean to say kula, it means it does something, right? It's not just like an obligation that one must do in addition to that. And this is what we call kiddushin, which one must do, and with that she becomes an eshet ish already. Okay?

And if not, this is also the same kula, if not she is not an eshet ish, no matter how long she lives in his house and so on.

R' Yoel Asher: The hachnasah leveito doesn't make

R' Yitzchak: Her an eshet ish. This is certainly a kula.

The Relationship Between Kiddushin and Nisuin

R' Yitzchak: Now, after we've learned all the details of how kiddushin works, three ways, and thousands of other inquiries about how kiddushin works, you must understand that all the inquiries that we've learned until now, the last few chapters we learned about doubts, whether it's worth a perutah, whether he intended, whether he didn't intend. All these

doubts only make sense after there is such a thing as kiddushin.

Regarding nisuin these doubts aren't relevant, either you're with her or not. All the doubts are in the kinyan of kiddushin. So now, you would have thought that the kula goes so far that she already becomes completely his wife. The answer is, she is completely his wife, nevertheless, the old system still remained. That's my point. The old system still remained which is called hachnasah leveito, and what we call in current times nisuin.

The Etymology of "Nisuin"

R' Yitzchak: By the way, nisuin also means taken, right? Yisa, nose. Yisa like carrying, carrying, taken,

R' Yoel Asher: That's right. So the explanation is that we want to say that kiddushin didn't replace the hachnasah leveito, rather it's a stage before it. Another stage was added that you should only bring a woman into your house after you have acquired her. You added something, a stage of kinyan.

R' Yitzchak: I think so. But it remained, the original thing remained. And about that...

R' Yoel Asher: For example, usually in kinyan there is such a thing as bringing something into the house, kinyan chatzer. Okay, there must be an intention of kinyan.

R' Yitzchak: Okay,

R' Yoel Asher: One must have an extra kinyan before that.

R' Yitzchak: No matter, but it didn't replace the nisuin, and one must still do the nisuin.

Discussion: Kiddushei Biah – A Special Case

R' Yoel Asher: Biah is indeed a bit of a strange thing, because biah is hard to say the same thing, because kiddushei biah... because hachnasah leveito uvelah, if when one does the biah one has in mind kiddushin...

R' Yitzchak: No, kiddushei biah means that she's not in his house, that's the meaning. When she's in his house, then it's perhaps also nisuin. The truth is, there was a dispute in the Gemara

whether biat arusah makes nisuin or nisuin makes. There's a big issue for the inquiry you have. But what we understand is that biah is still a way of

R' Yoel Asher: As if you give her a shtar,

R' Yitzchak: Instead of money. Let's say,

R' Yoel Asher: It's not exactly like instead of money, but I'm saying in reality and in actuality, that's how one did it the old-fashioned way. But when during beilah he says you are mekudeshet with this, then a stage doesn't continue. I'm saying if one goes

R' Yitzchak: With that is yes, because there is, you'll already see because a law comes out. There is the first beilah that makes kiddushin, and she is only mekudeshet, she is not yet nesuah. You must now additionally make a chuppah, whatever that is.

In any case, this is the basic structure. So now we're going to learn the chapter, it tells us about the old way, and the old way also has a Jewish way. I mean one can add here, the old way would have been gentile, would have simply been hachnasah leveito. The Jewish way adds something, one must understand what exactly it adds. There is something like a, as if a kinyan, I don't know if it's a kinyan, but something called nisuin, which indeed has something like a din nisuin,

R' Yoel Asher: It's not just a reality. Right?

R' Yitzchak: Yes. Very good.

Halacha 1 – An Arusah is Forbidden to Her Husband by Rabbinic Law

R' Yitzchak: Says the Rambam,

R' Yoel Asher: The arusah is forbidden, yes, nice word play. Arusah is assurah.

R' Yitzchak: An arusah is betrothed to her husband and forbidden to all the world, that's the main thing. But an arusah is also,

R' Yoel Asher: She is however still forbidden to her husband by rabbinic law. That is, the husband cannot yet be bo'el her. I imagine he wants to say the word to her husband, to be bo'el her. Yes, forbidden to her husband, he

cannot yet conduct himself with her in the manner of men and women. And this is a law by rabbinic law, it's a law miderabanan, **as long as she is in her father's house.**

As long as she is still an arusah and she is still in her father's house, that is, he has not yet brought her into his house, which is called nisuin, she is still only an arusah, she is forbidden to her husband. That is, the man cannot be bo'el her, and be bo'el his arusah in his father-in-law's house or anywhere else. He can only begin to live with her as a wife once he has done nisuin, once he has brought her into his house. Who,

R' Yitzchak: Says the Rambam,

R' Yoel Asher: Just as the Sages made the prohibition very strong, and they added to it a punishment,

R' Yitzchak: Just as with many rabbinic prohibitions, according to the Rambam, they have makat mardut.

R' Yoel Asher: Many, because there are laws that don't have any name of prohibition.

R' Yitzchak: I don't know. Okay.

R' Yoel Asher: A rabbinic prohibition comes with makat mardut. **And one who has relations with his arusah in his father-in-law's house, we strike him with makat mardut.**

The Reason for the Prohibition – "In Her Father's House"

R' Yitzchak: Very good. So according to what I explained, it's actually very simple, because the woman actually from the Torah, as if, in learning is his wife, but in practice, where does she live? Does she live at his home or at her father's? She still lives at her father's. So to go be bo'el a woman who lives at her father's is an undignified thing. I'm only explaining the logic of the Rabbis. That is, the commentators bring proofs, whether it's only rabbinic, whether it's rabbinic. The idea is very simple, the idea is that she is still in her father's house.

R' Yoel Asher: I mean one can't say in a practical way that the Torah wanted it to be the least random, that it's not just being bo'el a

woman. So they added that it must be really designated, even before Matan Torah, after you should acquire. Even after acquiring it should also be with something more than just giving a quarter, and the next day you already sleep with her in her father's house. I mean on the contrary, the more official...

R' Yitzchak: It's the opposite, that's an arusah. An arusah is not a quarter that was given. One who goes to Yaakov Joe and he gives her money and he says it's kiddushin is not transgressing the prohibition of arusah. He is transgressing another prohibition of ir kadosh, the prohibition of nisuin, one doesn't need to come to the Rabbis for that.

What one needs to come to the Rabbis for is, even if she is already his kallah, but she doesn't live in his house. So she is only in learning, halachically his kallah, not actually.

R' Yoel Asher: You're saying more layers of making it more, that it should be less random, more serious,

R' Yitzchak: More. I don't agree,

R' Yoel Asher: It's one hundred percent serious.

R' Yitzchak: Only the reality is missing, it's very serious. I'm not talking here... It's very serious, but there's still one more step missing. It's not a step, the reality is missing, what was missing before the status was added. It's as if, we didn't wait, we said that if one started with this, we said that kiddushin is a chumra and a kula. It's a chumra that one must do kiddushin is a kula, but the Sages don't rely on the kula. Understand? The kula says that this is already called eshet ish, when you've made a kinyan,

R' Yoel Asher: The Sages say, you can't be bo'el yet. What is really the matter? The simple explanation is that a very great thing comes out here, that every person must have his own apartment, right? It can't be that one took a groom and he lives at the in-laws'.

R' Yitzchak: No, I don't agree. That looks like you know she lives there. He can have an apartment with a room there. Bayit doesn't mean

a room. Bayit doesn't mean a room at all. Bayit means a household.

R' Yoel Asher: He takes responsibility. Like he's just a stranger who comes visiting and the girl has where she lives.

R' Yitzchak: He saw immediately that he becomes obligated in mezonot. Means that she is his wife. It doesn't have to be,

R' Yoel Asher: I don't agree. That it's added more layers of taking it very seriously.

R' Yitzchak: Not more layers,

R' Yoel Asher: I don't know that you hold that.

Kiddushin is the Added Layer, Not Nisuin

R' Yitzchak: This was a normal eshet ish before kiddushin this was. It's not a new thing, nisuin gentiles also make.

R' Yoel Asher: So kiddushin however is added, and after adding kiddushin nothing was taken away. We still left the thing. It must be very official. It's not that you now have the right to be bo'el a woman and you can go to her father's house and grab a beilah. It must be a whole... I mean it's still a layer. It's not that the first is still a layer,

R' Yitzchak: This is the original layer that we haven't yet said that the kiddushin doesn't help.

R' Yoel Asher: But kiddushin didn't replace the layer, that's what I mean to say. So after we've learned so much about kiddushin, in our heads it's still a layer, and after the kiddushin it still didn't help.

R' Yitzchak: Kiddushin is the added layer, it's the opposite. Kiddushin is the added layer. From the Torah it would perhaps help for that too. But it's understood that the Rabbis mean essentially that it's not a normal order. That kiddushin was added. The whole idea of kiddushin is that it should be before the nisuin. If the kiddushin will replace the nisuin, the kiddushin as if didn't accomplish. It's similar to that of kiddushei biah, I think. Understand? The later Sages who said that one makes kiddushei biah is also similar to this.

R' Yoel Asher: They gave a whipping, not makat mardut, another kind of whipping,

R' Yitzchak: But basically it's the same thing. What does makat mardut mean? Makat mardut just means a whipping. There's no difference what it does. By the way, it's exactly the same. It's only rabbinic and the whipping. The same thing, the whipping and the whipping.

Chiddush: Kiddushei Biah and Nisuin

R' Yitzchak: Okay, the Rambam says a chiddush.

R' Yoel Asher: To teach simply. What happens in such a case? When we have learned that there is such a thing as kiddushei biah, one will think that if you have already been mekadesh with biah, you have already as if gone through.

Kiddushin and Nisuin: The Rambam's Position on the Prohibition of Arusah, Kiddushei Biah, and the Nature of Chuppah

Halacha 1 (Continued) — The Prohibition of Arusah to Her Husband and Kiddushei Biah

Kiddushin as an Added Layer

R' Yoel Asher: Kiddushin.

R' Yitzchak: Is the added layer. It's the opposite. Kiddushin is the added layer, from the Torah it would perhaps help for that too. But it's understood that the Rabbis mean essentially that it's not a normal order. That kiddushin was added, the whole idea of kiddushin is that it should be before the nisuin. If the kiddushin will replace, the kiddushin as if didn't accomplish. It's similar to the matter of kiddushei biah, I think. That's another thing, but later the Sages who said that one makes kiddushei biah is also similar to the Rabbinic whipping.

R' Yoel Asher: They gave a whipping, not makat mardut, another kind of whipping.

R' Yitzchak: But basically it's the same thing. What does makat mardut mean? Makat mardut just means a whipping. There's no great difference. By the way, it's exactly the same. It's only a rabbinic whipping. The same thing, the

whipping and the whipping. Okay, the Rambam says a chiddush.

The Rambam's Chiddush: Kiddushei Biah Doesn't Help for Nisuin

R' Yoel Asher: The Rambam, what happens in such a case? When we have learned that there is only such a thing as kiddushei biah. One will think that if he has already been mekadesh with biah, he has already as if broken through, or one no longer needs to protect her from biah in her father's house. So the Rambam says not so, as if kiddushei biah was indeed a valid kiddushin, but it changed nothing regarding nisuin. So further, **it is forbidden for him to come to her a second biah in her father's house.** It means, when the Sages said one can be mekadesh with biah, they meant to say biah in her father's house, because we're not yet at nisuin.

R' Yitzchak: Right, you would have thought that if—

R' Yoel Asher: So the whole thing of hachnasah leveito has already fallen away. In practice it's forbidden for a second biah in her father's house, because there's still the mitzvah of nisuin. Okay.

R' Yitzchak: The first was as kiddushin.

Two Levels of Prohibition

R' Yoel Asher: It wasn't truly permitted. The same rabbinic law forbade it. But not the same level. The language of how the Rambam said it wasn't like forbidden by rabbinic law. How did he say it?

R' Yitzchak: One may not.

R' Yoel Asher: I don't know, perhaps it's a matter of obligation. This is something more a law in the whole wedding.

R' Yitzchak: I would truly have thought that kiddushei biah is forbidden from a kal vachomer from the prohibition of arusah. That is, even after she is forbidden, I would have thought, let's not that the same idea is.

R' Yoel Asher: There's a right.

R' Yitzchak: There's a kind of historical span between two types of the prohibition of this.

Discussion: The Difference Between Kiddushei Biah and the Prohibition of Arusah

R' Yoel Asher: One can hear that it's a bit different. Kiddushei biah is something of an issue of licentiousness, something of an issue that the first thing he does with her is biah. Here we're talking about when she's already called your wife, by rabbinic law.

R' Yitzchak: Yes, but I'm saying, if an arusah is forbidden to her husband, all the more so that the non-arusah is forbidden. Eh, you make kiddushei biah?

R' Yoel Asher: You really don't. When you make kiddushei biah, I'm now doing a biah, I'm now doing kiddushin, I made a blessing on it. What does it mean? The Sages said that it doesn't work, and they give you a whipping anyway. It works, but it's still called a biah, it's still something improper.

R' Yitzchak: But yes, sorry—

R' Yoel Asher: I mean. In short, even kiddushei biah doesn't help.

R' Yitzchak: The Rambam makes it this way: the first one is permitted from the perspective of the prohibition, it is indeed a transgression from the perspective of the other prohibition, but a weaker prohibition, let's say, it's permitted from the perspective of the prohibition, but regarding the second prohibition it doesn't help.

R' Yoel Asher: And the prohibition doesn't help, because it must be specifically letoch beiso. And here the Rambam says clearly, **yavi osah letoch beiso veyisyached imah**. I mean the **veyisyached imah veyafrihenah lo** is important, it's not only about kiddushei bi'ah, he is more explaining the matter of beveis aviha, and what is not beis aviha? The answer is letoch beiso, veyisyached imah, there must be yichud.

R' Yitzchak: Veyafrihenah lo. Yes, I mean that...

R' Yoel Asher: I mean the words veyafrihenah lo, veyafrihenah lo he already did essentially by kiddushin.

Halacha 2 — Yichud, Chuppah, and Nisuin

The Rambam's Language: "Veyichud zeh hu hanikra kenisah lechuppah"

R' Yitzchak: I mean, no. Again, the veyafrihenah lo means actually, not in learning. That's the translation. I mean, there is, as is known, most people and learners don't know exactly what nisuin and chuppah is. Nisuin is very simple, chuppah is what they used to do before matan Torah. These are all names that are needed for the same thing.

The Historical Background of Erusin and Nisuin

When she now lives with him, she doesn't live by the father, a girl lives by the father, you must remember, as one can also see later in the halacha, the normal order of being engaged, like avi mekadash es bito even, or even if he's a bit older, she still lives by the father. So the real engagement, as it says es biti nasati la'ish hazeh. Erusin which we learn that this means kiddushin, right, doesn't mean complete union. There is such a thing, nimsrah lechuppah, the father was also there.

But erusin is originally, as if the father makes an agreement with the groom that he's going to have a wedding, he's going to in the future, let's say it already becomes eshes ish, he's going to have a wedding with the woman, with the girl. But that doesn't yet mean that he has taken her. Taking means that he takes her out from the father, the reshus on her, or if she's herself reshus atzma, but the original picture is this, and she brings him into his house.

R' Yoel Asher: Lafukei from yavo'u lo talmu haderech.

The Issur Arusah — Not the Issur of Kedeshah

R' Yitzchak: No, the lafukei from yes. Lo asah beveis aviha. Let's drop the one mehalech. One mehalech has to do with kiddushin. Now we're

talking even beveis aviha. We're talking now about a normal one. The issur arusah is not the issur of kedeshah. It's the issur of the normal order that a normal girl who lives by the father, one doesn't sleep with a girl who lives by the father. That's the issur arusah. Even though she already has... the father promised, the father promised that he's going to have a wedding with you. She already has a kinyan. Very good, kinyan has taken effect. But now you still need to bring her into your house. That's the translation of what nisuin means here.

The Rambam says:

R' Yoel Asher: "Veyichud zeh hu hanikra kenisah lechuppah, vehu hanikra nisuin bechol makom". He says here that the word chuppah, the word nisuin, and the word yichud, all three mean the same thing.

Discussion: What Does "Yichud" Mean by the Rambam?

R' Yitzchak: It's as if reversed, in the Gemara it says that there is a thing called chuppah, usually in the Gemara it's called chuppah. The Rambam says, chuppah means that which he is misyached imah besoch beiso. It's not so clear. I mean, there are those who say that from the Rambam we see that it's literally a yichud. I don't agree that in the Rambam it says here the topic of yichud. That is, by us is chuppah, we make later a yichud, because...

R' Yoel Asher: A yichud with witnesses? The Rambam doesn't look like that.

R' Yitzchak: Certainly it doesn't say that we need witnesses.

R' Yoel Asher: But also it doesn't say in the Rambam that there is such a thing as yichud.

R' Yitzchak: That one should be locked in a room.

R' Yoel Asher: If she brings along a child, will it be a defect in the yichud, or such a thing.

Chuppah Is the Ma'amad Kenisah Leveis Ba'alalah

R' Yitzchak: Whatever. It doesn't say that in the Rambam. A chuppah, let's say finally, it's clear that chuppah means... whatever, chuppah means

the decorations that one makes poles, I don't know, but the translation of chuppah is a certain ceremony that they used to make at that time. The Rambam is not being mechadesh that one makes the ceremony. The Rambam is only explaining what is the lomdus of the chuppah. The chuppah is the ma'amad kenisah leveis ba'alalah. Yes, the whole parade that they used to make before matan Torah, they go with hinuma, whatever it is, it's the ma'amad kenisah leveis ba'alalah.

The Rambam is explaining, it's not that there is some kinyan chuppah which comes out with the hinuma or with the chuppah or with the whatever. The chuppah is a ma'amad kenisah leveis ba'alalah, which he calls yichud. But I'm not sure that it says here that there is a din yichud.

Discussion: Our Weddings and the "Yichud Shtibel"

R' Yoel Asher: Our weddings do, the yichud shtibel sounds more like chuppah than the actual canopy, whatever the four poles that one sets up with the cloth. But also not, because it's not beiso. Rather you say that this is a special place that he rented, it's like beiso.

R' Yitzchak: As if there are grooms who rent the yichud? Yes.

R' Yoel Asher: But chuppah also means, as if it's his house and he takes her in. But he takes her in lifnei chol hakahal, so it's not taken into his house. Let's say that the chuppah means his house temporarily, because he rents it from the hall.

R' Yitzchak: That's not what is meant.

R' Yoel Asher: Temporarily isn't true, because no groom thinks this is my house, and it's not private, it's just a ceremony. From this I say that the taking in afterwards into the chuppah, into the yichud room, perhaps yes, one needs to know. Also not. He goes home with her afterwards anyway.

R' Yitzchak: He says that the Ran says that it must be yichud gamur. Various Acharonim have been medayek this diyuk. It doesn't seem right to me. I mean that the yichud of the wedding is only

going home after the wedding, that's when the yichud of the Rambam is. Then he'll ask, did he rent it himself? I'm not talking about that, I'm talking about the privacy. The yichud means private, it doesn't mean that he owns the house, that's not the topic. He can go to a hotel also, I agree. By the way, one can be medayek, perhaps the hotel is more like the... In short, he rented the house. Yes, but nonsense.

Diyuk in "Beis Aviha"

R' Yoel Asher: He rented for today, for tonight and not for tonight. It's certainly one level. Just as I was medayek the word beis aviha, if they prepared for him a room in the father-in-law's house, which happens a lot, they haven't yet found an apartment, I don't know what, it doesn't mean he was bo'el beveis aviha. It's... yes.

R' Yitzchak: There is such a thing that a groom shouldn't live beveis chamiv, whatever, which... no.

R' Yoel Asher: The matter of living with the in-laws, yes. A different thing from it.

R' Yitzchak: Yes. But not about that, it didn't do anything at all.

R' Yoel Asher: No, it's a different matter, yes.

R' Yitzchak: Yes, yes. Okay, that's our pshat in yichud, when the other poskim have many simple ones, but that's what we are.

The Rambam's Language Is Not So Clear

R' Yoel Asher: I would already be a bit like the Rambam struggles, and usually here in Kiddushin he was very clear with his words. When he comes to explain the positive what one does yes, he says it somewhat not so clearly, like he says one may not. Ad sheyavo eleha, he also says like even kidshah bebi'ah. Ah, make a new line, ad sheyavo eleha doesn't go up on kidshah bebi'ah, rather it goes up on asurah leba'alah. Asurah leba'alah until when? Ad sheyavo eleha, right? Such a... yes. Because if not it would be a bit of an essential missing from the book. No, but here, **"veyichud zeh hu hanikra kenisah lechuppah vehu hanikra nisuin"**. A bit of stammering.

R' Yitzchak: I agree with that. One can make that this is like two statements that go in afterwards.

R' Yoel Asher: But apparently you're right. But what the Rambam meant to say is that many times it's called nisuin, many times it's called chuppah, and perhaps sometimes it's called yichud. Is it called somewhere yichud?

R' Yitzchak: Do you remember that making a wedding nisuin yichud? That is, what we make a yichud shtibel, I think, I mean that this is built on this Rambam, but I mean that it's a mistake altogether.

R' Yoel Asher: Because as it's part of it, he means that he—

R' Yitzchak: Takes in to his house. Yichud, leveiso, yafrishenu lo, these are all terms from perek alef. That's what I mean.

The Connection Between Kiddushin and Nisuin

R' Yoel Asher: And it's also a bit interesting, because yichud is very similar to the word mekudeshes. One also means mekudeshes only li, only to me. Yichud means exclusive. And kiddushin itself already says the word exclusive. Now you do it, now you act it out. What you say when there's a connection to me—

R' Yitzchak: Makes the same thing. The ideal of kiddushin is the same ideal of nisuin.

R' Yoel Asher: It's only one who can say, nisuin acts out what you made formally by the kinyan of kiddushin. The kiddushin was that you're going to be meyuchad for me, and now you do it.

R' Yitzchak: I agree, very good. Kiddushin is more like heavenly—

R' Yoel Asher: You can the contract of what one is going to do afterwards yichud.

R' Yitzchak: No, it's not a contract, because... That's what I want to be mechadesh there. That is, the wedding, runs as the Rambam understands that it is, I said that originally, completely historically, is kiddushin which we call shidduchim, like they claim to us, that it's a promise. But the halacha says that kiddushin is not a promise, kiddushin is the kinyan itself.

R' Yoel Asher: Not only the kinyan—

R' Yitzchak: I'll finish. So he says very well, the nisuin means meyuchedes lo, and kiddushin says that meyuchedes lo spiritually, even not yet physically. Some such concept.

Discussion in Yichud Room, Chuppah, and Bi'as Nisuin

Practical Question: Why Are People Particular About the Length of Yichud?

R' Yoel Asher: I just want to ask for example, people are particular how long one is in the yichud room. What is the nafka minah at which moment? Let's say that the nisuin only ends at night after they're already in their own house. What's the problem? That one may not hold each other at the mitzvah tanz? One may not hold each other at the mitzvah tanz? What should be the issue yes? They want to know which moment it happened?

R' Yitzchak: Because that's according to the poskim who say that yichud is some new kinyan, one must make a yichud, and that's a chiddush for the moment.

R' Yoel Asher: And one must have witnesses. I mean, the whole thing with talking about how long yichud must last is only for the yichud with witnesses, because he's going to go home with her anyway and he's going to have enough a long yichud. Yes, a bit too early, he's going to arrive at shul, there will be enough time for however long yichud lasts.

R' Yitzchak: Yes, I hope so. No, we're not talking about that. Yes, certainly, but it's built on the idea that there is some such kinyan of the yichud. And it says in the Beis Shmuel that it must be a shiur bi'ah, but it doesn't look like simple pshat in the topic. It looks lenient in the matter.

Discussion: Chumros of Acharonim Regarding Yichud

R' Yoel Asher: It can be such a chumra like this, let's say in a heichi timtza that he's not going to be machnis liveiso afterwards, I don't know, he hasn't yet settled, he's going to travel now with her on a... in a manner when he's not going to

take home that night, he should already have become nisuin at the wedding itself. Like we wanted, at the wedding everything should already be finished. Or perhaps that the simchas hanisuin, the simcha should be after one has already been mekayem—

R' Yitzchak: Been the whole mitzvah.

R' Yoel Asher: Because if I say that the hisyachadus means mainly the going home, then pshat is that the simcha we make in the middle, somewhere between kiddushin and nisuin. If one says that everything was finished in the cheder yichud—

R' Yitzchak: We make the simcha afterwards. I say this, this is all because there is such a thing that one must make a kinyan. And we take, the poskim take on, not like I say that nisuin is literally the actual thing, rather nisuin is something like a chalus that becomes at some moment, and we make nisuin then, because you must make nisuin.

But indeed, that the yichud must be literally yichud in all the measurements, is chumros of Acharonim. And the Rema doesn't say that, the Rema says that one takes a room and they eat there bemakom tzanua. It doesn't say that one must check that there's no one else, all these things are chumros.

R' Yoel Asher: Can check is the raglayim ladavar, when has anyone ever caught someone hiding in the yichud? It became customs.

Why We Say Sheva Brachos Twice

And also, this for example that one should say sheva brachos twice, and one should say sheva brachos at the chuppah, and one should say it again at the end of the wedding. No, I said—

R' Yitzchak: It only makes sense because at the chuppah nisuin already happens. Therefore one wants to do erusin and the brachos, erusin and the nisuin together. But if we would have said that the nisuin happens at the going home, one would apparently have said one should make only once all the brachos. The brachos of the chuppah is a bracha that one makes for the nisuin. So at the wedding it's the same—

R' Yoel Asher: Like every seudah in the sheva brachos.

R' Yitzchak: It has nothing to do with the brachos. As if it's not the birchas nisuin, it's the same brachos, it makes again. I mean that those halachos yes it says in hilchos brachos if I remember. It doesn't say here at all those halachos.

R' Yoel Asher: Right? That's what in the sheva brachos one says brachos—

R' Yitzchak: Yes.

R' Yoel Asher: That's what one makes for now. Okay, we're getting ourselves worked up.

Continuation of Halacha 10: Bi'ah Leshem Nisuin

R' Yitzchak: The Rambam says further. **Veyichud zeh**, the yichud which we just explained—

R' Yoel Asher: He called it kenisah lechuppah.

R' Yitzchak: You know, did he find in the Gemara some such term kenisah lechuppah? It talks about this.

R' Yoel Asher: Interesting, when it always says kenasah, kenasah means this kenisah lechuppah or kenasah leveiso? Whatever it is? Kenasah, there is such a... I mean that one of the terms there was harei machneses or what whatever? Kenisah. Yes, okay. As it's called nisuin bechol makom.

R' Yitzchak: Another term. This is like a continuation of the Rambam's dictionary. Kenisah lechuppah, nisuin, everything means this.

Rambam: Vehaba'ah al arusaso leshem nisuin

R' Yoel Asher: The Rambam says, **vehaba'ah al arusaso leshem nisuin achar shekidshah**. One is bo'el his arusah leshem nisuin achar shekidshah. It means he hasn't yet had what is called here kenisah lechuppah. But he is bo'el leshem nisuin, he wants that the bi'ah that I do now should be... That is, let's say even if it's not beveiso, because if it's beveiso then nisuin already happened when he brought her into his

house. Rather as you say, I know that he did it in a hotel, he did it somewhere which doesn't mean beiso. But this is also a way of making nisuin. Bo'el leshem nisuin achar kiddushin.

And when does it happen? This is **misheyarbeh kenisah** from the beginning, different from kiddushei bi'ah which is from gemar bi'ah, because there it's as if I'm giving you something of value, I'm giving you the hana'as bi'ah. Here there isn't this thing.

R' Yitzchak: Not value it's the hana'ah, it's da'ato, it's da'ato a gemar bi'ah, here there isn't this. Okay, misheyarbeh kenisah.

R' Yoel Asher: Veharei asisah nisuin veharah ishto lechol davar.

Discussion: Bi'ah Leshem Nisuin — The Sevara

R' Yitzchak: Not clear what this...

R' Yoel Asher: Very interesting. But one must talk here that when he is bo'el without yachnisenah leveiso. But it's hard to say, because he is bo'el bitznius, he is bo'el bemakom...

R' Yitzchak: No difference, it's not tznus as you say, also lo gamru nisuin, it's not clear that this means at all that it's permitted. One may not do this. This is the exact what one may not do. The chiddush is only that it becomes nisuin. For example, there are halachos that nisuin one must give a kesubah—

R' Yoel Asher: And we'll see later. It can be that he'll catch malkas mardus if it's beveis chamiv, but it's called nisuin. He'll catch only once malkas mardus. He won't catch malkas mardus every time he's bo'el.

R' Yitzchak: The second time. Ah, the first kiddushin he made, let's say, bekesef. But now he makes nisuin shel be'ilah. Yes, it's a new type of kinyan.

R' Yoel Asher: It's not just that one can receive many lashes, but nevertheless carry out as if he can do the first intercourse for the sake of kiddushin, the second intercourse for the sake of nisuin, he will receive malkos mardus

twice, but she will become mekudeshes and nesua. The Rambam says these words.

R' Yitzchak: But it seems clear to me that one may not actually do this, this is only a halacha that it works, but one should not do it.

Chiddush: Biah with Intention Works for Everything

R' Yoel Asher: Because the Rambam tells us that there is a chiddush that he hasn't yet told us. You see that we learned that yichud and being separated is knisah lechupah. He says that another way of making nisuin is to be bo'el for the sake of nisuin.

R' Yitzchak: Yes, I think the logic of this is, as he brings from the Ran. Certainly a good thing. You must remember, this means biah with intention. I think one must go back to the matter, as we have learned all along. There are all these things of yichud and so on, but for example kedushas biah. Kedushas biah is somewhat paradoxical in the entire concept of kedusha as we learn it. Nevertheless, even the Chachamim could not say that biah should not make her your wife. Biah, after all, is written as making her a wife.

So if he does it without intention of kinyan, and likewise stam biah is for zenus, but if he does it with intention that through this she is a wife, there is no way to take away from this, whether nisuin or kiddushin, biah works for everything. It's not the proper way, but it works. That's what I think—

R' Yoel Asher: It's somewhat the concept. Yes, it's paradoxical as you say, because it means that when someone is bo'el a woman in her father's house and he doesn't want it to be one biah and finished, but rather he wants with her a long-term relationship as they say, yes? So that itself—

R' Yitzchak: That means nisuin.

R' Yoel Asher: Bias nisuin.

Continuation of Halacha 10: Once the Arusah Enters the Chupah

So, the Rambam continues, **"Once the arusah enters the chupah"**.

R' Yitzchak: Now, until now we learned what one must do. He tells you what happens after one has done it.

R' Yoel Asher: Once one has done the chupah with the arusah, after the kiddushin one did chupah, **"she is permitted to him to come upon her whenever he wishes"**, then she is permitted to him, he can always be bo'el her. Perhaps afterward there will also no longer be the restrictions in which... There is no such thing that all bios a man may only do in his house, only the first nisuin. But once this has happened, **"permitted to come upon her whenever he wishes and she is his complete wife for everything"**.

Chiddush: Nesua Even Though She Was Not Bo'el

R' Yitzchak: This is the chiddush, that's what he means.

R' Yoel Asher: The Rambam wants to explain, **"and once she enters the chupah she is called nesua even though she was not bo'el"**. We learned that biah can be called nisuin, but you should not think that what we said "the entry into his house" means nisuin means because afterward he is bo'el her. Rather, the very chupah itself is nisuin **"even though she was not bo'el"**.

R' Yitzchak: Very good. You have something called nisuin which also, somewhat theoretically, means she is meyuchedes to him actually, but there was no biah. Biah he may, perhaps this is the point, since she is nesua she is permitted in biah as much as he wants, therefore she is called completely nesua even if there has not yet been any biah.

Discussion: Chupah and Biah — The Connection

R' Yoel Asher: But if so, it's somewhat interesting why people think that yichud must be something ra'ui lebiah. Here we see that yichud has nothing to do with biah, because it can even be officially we make it not yet biah.

R' Yitzchak: No contradiction, it could be that this is—

R' Yoel Asher: Like a—

R' Yitzchak: A measure in the yichud. But the woman who—

R' Yoel Asher: We say that even shelo nivela it's already called nesua, but it must be "ra'uyah leveilah". It means that halachically there should be no impediment to biah.

R' Yitzchak: No, that fits with what we just said, that the reason, as we learned, since the reason why "once she enters chupah even though shelo nivela" is called because he may, it's like potential biah, if there is no potential biah it's not good.

R' Yoel Asher: So you're saying yes that chupah has to do with biah.

R' Yitzchak: Certainly, it permits the beilah.

R' Yoel Asher: It permits the beilah, but it must also be...

R' Yitzchak: It must actually permit. If it's actually not matir, if there is still another impediment, it hasn't yet done, it hasn't yet prepared the beilah.

Chupas Niddah: She Is Not Ra'uyah Leveilah

R' Yoel Asher: Although from the perspective, you could say from the perspective of hilchos nisuin she is permitted, but from the perspective of niddah that in a minute she is not, she is still a problem. Therefore the Rambam says, she is not ra'uyah leviah, because there is an issur on her. **"Even though she entered the chupah and was secluded with him, the nisuin are not complete"**. The nisuin has therefore not been completed, because she is not yet kosher for biah. **"The nisuin are not complete, and she is still like an arusah"**. She is still called, what is she called? She is called like an arusah. Because the chupah didn't work because she is einah ra'uyah.

Discussion: What Does "Ra'uyah Leveilah" Mean?

The Rambam tells us one version of einah ra'uyah leviah, that there is an issur. What happens when there are other reasons why she cannot yet be bo'el? She is sick.

R' Yitzchak: No, there's no difference.

R' Yoel Asher: That's called ra'uyah leviah?

R' Yitzchak: That's called yes ra'uyah. On the contrary, ra'uyah means truly ra'uyah.

R' Yoel Asher: So, that's exactly opposite. Halacha doesn't permit, but she is ra'uyah. But on the other hand, when she is truly not ra'uyah, she is sick, or she doesn't yet know what biah means. I don't know what, whatever.

R' Yitzchak: She's less than three years old, one truly cannot. No, there actually is someone who says this, there actually is a Rosh who thinks like you, that lo zayich lenanos, v'ein ra'aya levo, leaves it a question, ein ra'aya levo. And it's brought in the Rema who says this. Interesting. I wouldn't have thought so, but the Rosh thinks so...

R' Yoel Asher: This brings from the Aruch HaShulchan.

R' Yitzchak: That the Rosh says—

R' Yoel Asher: That this is only when there was for example a chupas niddah, and afterward they separated. Yes, he went on his way, and she went on her way. Then there was no nisuin. But if he moves into her house, and from then on they always live together—

R' Yitzchak: Yes? Again, what do you mean? Ask a question first, what is the meaning? The Rambam says "lo gamru hanisuin". The Rambam doesn't say that one must wait for every nisuin for the chupah until she is a niddah. It doesn't say in the Rambam on this halacha.

Hilchos Ishus Chapter 10 – Birkas Chasanim and Content of the Berachos

Halacha 3 (Continuation) – Chupas Niddah: "Lo Gamru Hanisuin"

R' Yoel Asher: The Shulchan Aruch brings it.

R' Yitzchak: The Shulchan Aruch says

R' Yoel Asher: That this is only when there was for example a chupas niddah, and afterward they separated. He went on his way, and she went on her way. Then there was not yet any nisuin. But if he moves into her house, and from then on they always live together, yes?

R' Yitzchak: Again, what do you mean he says? Ask a question first. What is the meaning? **The Rambam says "lo gamru hanisuin"**. The Rambam doesn't say, first of all, he doesn't say that one must wait for every nisuin for the chupah until she is a niddah. This halacha doesn't appear in the Rambam. Second, it also doesn't say that one must make the berachos again. I think that he

R' Yoel Asher: Is going to speak about the berachos, yes, about chupas niddah regarding berachos.

R' Yitzchak: Later the Rambam will say this. But the Rambam later clearly, it says explicitly that if one did make the berachos, the Rambam says lechatchilah one should not, but it works. So "lo gamru hanisuin", the halacha here means that nesua she will become only after she goes to the mikveh, after she will be tehorah.

R' Yoel Asher: It's very weakly relevant practically. It will be relevant, I don't know, regarding kesuvah or I don't know what, but when he will actually be bo'el her,

R' Yitzchak: Then there will be nisuin. First of all, it's relevant, because according to the Rambam lechatchilah

R' Yoel Asher: One already wanted it to be nisuin.

R' Yitzchak: The Rambam says that lechatchilah one should do it later.

R' Yoel Asher: Ah, meaning that one should calculate the chupah when it is indeed ra'ui leviah.

R' Yitzchak: Second, as you say, kesubos becomes very relevant. It's not irrelevant. All these halachos that speak here when nisuin occurs is relevant to this.

R' Yoel Asher: Right. So one must add here something that the lechatchilah way is that it

should be a very clear nisuin. It should be clear when the nisuin happened, and we can leave the couple, and we know that everything is in order. Because if not, what do we care? For example, he falls, she becomes niddah. So, they will become nisuin three days later.

R' Yitzchak: It matters to us. He tells you a halacha. If she dies, you need to rule on the halacha. What do you mean it doesn't matter to you? You need to rule on the halacha.

R' Yoel Asher: If he died today,

R' Yitzchak: Whether he needs to do chalitzah or not. Understand?

R' Yoel Asher: Chalitzah begins with nisuin.

R' Yitzchak: For example, and other things.

Halacha 3 (Continuation) – Birkas Chasanim: Nature of the Berachos

R' Yitzchak: Now we're going to learn. It learned that one must do one thing, one must make a knisah leveiso, knisah lechupah. Can one learn that there is also like a din, another halacha, that when one does this, one makes berachos. I think that the berachos... One must understand what kind of berachos these are. Is it some kind of birkas hamitzvos? It's not birkas hamitzvos

R' Yoel Asher: Like the mitzvah of kiddushin. It's weak on the matter of the content of the berachos, and we will be told what the berachos are. It's birkas shevach vehodaah.

R' Yitzchak: Right, and what do we see?

R' Yoel Asher: One makes a berachah on... Some on the creation of the world and some on the redemption.

R' Yitzchak: What is the idea of the berachah? The idea of the berachah is something that this is the maamad hachupah, the maamad haknisah leveiso comes with words somewhat. Just as the entire idea of kiddushin is to add words, is to add words to this as well.

R' Yoel Asher: It doesn't do anything.

R' Yitzchak: Say, the berachos don't make any kinyan, they don't do anything halachically.

R' Yoel Asher: Perhaps it's not then a din in the chupah, perhaps it's similar to birkas hanehenin, it's something a berachah that Chazal established.

R' Yitzchak: It doesn't look like that, I say. It looks like,

R' Yoel Asher: You know that the same berachos that one says after bentching in the entire sheva berachos.

R' Yitzchak: Now we're not speaking of that. There is such a language as "kallah belo berachah asurah levalah". It looks like there is such a thing that part of the ceremony, the seder hanisuin, correctly, perhaps it's not me'akev, I know, but part of it is to make berachos with this. That's how it looks.

R' Yoel Asher: Perhaps just as kiddushin which is a mitzvah d'oraisa comes with a berachah of birkas hamitzvos, is this a kind of birkas hamitzvos for the mitzvah derabbanan on nisuin?

R' Yitzchak: It's not a mitzvah, the nisuin is not a mitzvah. Giving is a d'oraisa matter. Being secluded is d'oraisa derabbanan.

R' Yoel Asher: Good, but I will say after kiddushin, what we do after giving is a derabbanan matter. No,

R' Yitzchak: It's not. It falls in. Giving was always. It can always be.

R' Yoel Asher: The essence, giving is its nature is the deeper matter of kiddushin. Okay, I hear.

Language of the Rambam: "In the Chasan's House Before the Nisuin"

R' Yoel Asher: "One must bless birkas chasanim in the chasan's house before the nisuin". You also have here a diyuk "in the chasan's house". It's interesting. This means that one doesn't do it before, one doesn't do it when one is already...

R' Yitzchak: Because that's the meaning, the chasan's house, that's the meaning of knisah leveiso.

R' Yoel Asher: So from here you see that our custom is indeed the idea that the chupah is his

house.

R' Yitzchak: So it says in the Beis Shmuel.

R' Yoel Asher: "Before the nisuin" you must do beforehand, like every mitzvah. Ah, one must know, if it's a birkas hanehenin, why must it be beforehand? There's a similarity to birkas hamitzvos.

R' Yitzchak: Because nisuin means that it will be permitted to him, and the berachos are part of what makes it permitted. It's not a berachah that one makes afterward. It's the entire idea of the berachah,

R' Yoel Asher: Because the... Yes,

R' Yitzchak: It's part of the... It's part of the...

R' Yoel Asher: Nisuin as if, part of the...

R' Yitzchak: Chupah. That's how it looks. And the Rambam says, what are the berachos?

R' Yoel Asher: "And they are?" Yes, I see that he brings a dispute between the Beis Yosef and the Rambam, whether it's a birkas hamitzvos or it's a birkas hanehenin.

R' Yitzchak: Yes. We can know the dispute ourselves, we don't need to wait for someone to have it in the margins of the Rambam.

Content of the Berachos: "And They Are Six Berachos"

R' Yoel Asher: "And they are six berachos" - the berachos that I say, the berachah is actually six berachos. It's interesting, he begins with singular language, he says it's called "birkas chasanim", but it's composed of six berachos.

R' Yitzchak: Ah,

R' Yoel Asher: He made a vav. Okay. "And they are six berachos and these are they".

R' Yitzchak: What are the six berachos?

R' Yoel Asher: It's a berachah that consists of six berachos.

R' Yitzchak: "And these are they".

R' Yoel Asher: There are those who don't divide it. It could be that one has a diyuk that it's called "birkas chasanim". No, because it's practical politics, because if you give to six

people, you give to the seventh, to the eighth, to the other uncle. So, further.

First Berachah: "Shehakol Bara Lichvodo"

R' Yoel Asher: What are the six berachos? The Rambam says thus, **"And these are they: Blessed are You, Hashem our God, King of the universe, who created everything for His glory"**. The entire world the Almighty created for His glory, as it says "All that is called by My name, for My glory I created it, I formed it, I even made it".

R' Yitzchak: The Rambam doesn't say the explanation, if someone wants to hear the explanation, let him come to a sheva berachos, I don't want to take the nerves to say the explanation.

Second Berachah: "Yotzer Ha'adam"

R' Yoel Asher: "Shehakol bara lichvodo". Another berachah: **"Blessed are You, Hashem our God, King of the universe, Creator of man"**.

Third Berachah: "Asher Yatzar Es Ha'adam Betzalmo"

R' Yoel Asher: And the next berachah, more details, that in the Creator of man there is already something of a matter of nisuin, that the Almighty already made for Adam and Chava nisuin. The next berachah, R' Shimon: **"Blessed are You, Hashem our God"**

R' Yitzchak: King of the universe, who created man in His image, in the image of His likeness structure, and prepared for him from himself a building forever".

R' Yoel Asher: Creator of man the Almighty made a man, and from the man He made a woman. "Who created man in His image" - from the image He took a rib, and from the rib He made a woman. It was male and female He created them, this is the image likeness structure, it was both. And "prepared for him from himself a building forever" - from the man He took out the rib and made from it a building. He built the rib forever, that this will be for generations. Every one who is a descendant of Adam and Chava is a descendant of that incident,

R' Yitzchak: Of that event. The one who blesses at the wedding that it should be a building forever, means to say that the woman should hold as the built rib.

R' Yoel Asher: Also when she afterward gives birth to children, it's also very similar, that one takes down from her body something a piece and makes new children. Blessed forever Hashem Creator of man. The conclusion is the same as the previous berachah.

Fourth Berachah: "Sos Tasis Vetagel Ha'akarah"

R' Yoel Asher: And afterward we request, people are happy, what about Klal Yisrael? We request for the redemption. Sos tasis vetagel ha'akarah. Knesses Yisrael is called ha'akarah. You should rejoice. Bekibutz baneha lesochah besimchah, when her children will return home to Tzion, Tzion yes, what is the language of the verse? Ha'akarah.

R' Yitzchak: We learned this week in the haftarah,

R' Yoel Asher: Aranah ha'akarah bilaldeki raban benei shamayim verabim. See like ha'akarah, her children are not there,

R' Yitzchak: Yerushalayim is like an orphan.

R' Yoel Asher: Bekibutz baneha lesochah besimchah, when the children will come home besimchah. Blessed is Hashem who gladdens Tzion with her children.

Fifth Berachah: "Sameach Tesamach Re'im Ha'ahuvim"

R' Yitzchak: Afterward one gives a berachah for the chasan.

R' Yoel Asher: Sameach ki sameach re'im ha'ahuvim, a berachah in honor of the re'im ha'ahuvim. The chasan and kallah are already re'im ha'ahuvim. Ki simchach yetzirach. Beloved between themselves or beloved by the entire world?

R' Yitzchak: No, beloved between themselves. If not, one may not make the berachah. The chasan and kallah now love each other, we request that the Almighty should make them happy, just as...

Diyuk: "Kesimchach Yetzircha Bagan Eden Mikedem"

R' Yoel Asher: Kesimchach, very interesting. Kesimchach means a present tense language to whom.

R' Yitzchak: Like you have? No, the Almighty. Speaking to the Almighty.

R' Yoel Asher: Kesimchach k'Moshe simachat. Yes. Kesimchach is a difficult word to say like Moshe simachat.

R' Yitzchak: Kesimchach means like you have not k'Moshe simachat.

R' Yoel Asher: No, in lashon kodesh it would be k'simchach is not the exact exact word from Moshe simachat.

R' Yitzchak: Since we don't know any dikduk, it's better not to ask questions on the siddur that he did know.

R' Yoel Asher: Chomach to introduce? K'simchach, like he made you happy?

R' Yitzchak: No, k'simchach, like you translate k'Moshe simachat.

R' Yoel Asher: That's the translation. Okay, a bit that's the translation here, but k'simchach b'yitzrach.

R' Yitzchak: You didn't know, now you know.

R' Yoel Asher: Like you made your creation happy, like the Almighty made Adam and Chava happy, mikedem, like it says there that the Almighty expelled Adam mikedem to Gan, or earlier, b'kedem earlier,

R' Yitzchak: In the earlier times, former times. And the verse says that the Gan is b'kedem, but the Rambam's girsa, al yedion,

R' Yoel Asher: Our girsa says differently b'Gan Eden, mikedem is that correct, like the Rambam

R' Yitzchak: Was in Kritz. Apparently it means, like once,

R' Yoel Asher: Like in former times, do again like you made Adam happy.

How Did the Almighty Make Adam HaRishon Happy?

R' Yitzchak: In short, how does one know that the

R' Yoel Asher: Almighty made Adam happy? The Almighty actually does this, the Almighty doesn't do it. Because by Adam He used angels, and how does He do it with people? With all these mitzvos, that people are mesame'ach chasan v'kallah. We are all the angels who rejoice at weddings, we are mesame'ach.

R' Yitzchak: But how does one see that the Almighty was mesame'ach Adam HaRishon?

R' Yoel Asher: It says malachim tzavu l'avosav. Well, the brachos are also a midrash, the brachos are based on one of the midrashim.

R' Yitzchak: I think it says explicitly somewhere. One needs to think about longer verses, one will understand better. Okay. And one makes a blessing that indeed the Almighty is mesame'ach the chasan v'kallah. Yes.

R' Yoel Asher: Baruch Atah Hashem mesame'ach chasan v'kallah. And... yes, that when we are mesame'ach, we go in the ways of the Holy One, Blessed be He, as it were. We are mesame'ach chasan v'kallah through people, those who do His will.

Sixth Blessing: "Asher Bara Sason V'Simcha Chasan V'Kallah"

R' Yoel Asher: The last blessing is, **Baruch Atah Hashem Elokeinu Melech HaOlam asher bara**, the Almighty created many good qualities, good creations. We're talking about the sason v'simcha, chasan v'kallah.

R' Yitzchak: What? The same thing is stated again.

R' Yoel Asher: Chasan v'kallah doesn't mean that He created the two people, He created a state of being a chasan v'kallah, a connection of chasan v'kallah. Because we're talking about everything, as if the Almighty created states, emotions, or situations in life. Sason v'simcha, chasan v'kallah, gila rina. More expressions of joy. In our version we add here also ditza v'chedva, but for the Rambam four expressions of joy were enough. Four of joy and four of unity. Very good, according to the Rambam it's even.

Four expressions of joy, four expressions of unity. It's interesting that chasan v'kallah comes in between talking about simcha. It would have been very good, chasan v'kallah, and they received the four and four.

R' Yitzchak: Perhaps it means to say sason

R' Yoel Asher: V'simcha of chasan v'kallah, and gila rina of chasan v'kallah. It would have been better placed.

R' Yitzchak: Okay. Again, we now understand better the grammar of how you made it.

Sheva Brachos: Analysis of the Text, Laws of the Cup of Blessing, and the Requirement of a Minyan

Analysis of the Text of Sheva Brachos (Continued)

Four Expressions of Joy and Four Expressions of Unity

R' Yoel Asher: Four of joy and four of unity. Very good, according to the Rambam it's "even," four expressions of joy, four expressions of unity. I don't know that "chasan v'kallah" comes in between talking about simcha. It would have been very good "chasan v'kallah," and they received the four and four. Perhaps he means to say "sason v'simcha" of chasan v'kallah,

R' Yitzchak: And "gila v'rina" of chasan v'kallah.

R' Yoel Asher: It would have been a bit better placed. Perhaps it is indeed so.

R' Yitzchak: Okay. Again, we now understand better the grammar of the one who made the siddur, who simply prayed better than us. See that it does work out,

R' Yoel Asher: I don't know. But one must think, he does say that it's the language of the verse, "kol sason v'kol simcha, kol chasan v'kol kallah". So he first wanted to stay as close to the language of the verse.

R' Yitzchak: He's going to bring it,

R' Yoel Asher: But where did he add? Alright, he adds it right away.

R' Yitzchak: I'm saying,

R' Yoel Asher: It's correct, "sason v'simcha" and "chasan v'kallah" is the language of Scripture, and afterwards he adds four more, he wanted to add.

R' Yitzchak: Okay. What is here "gila rina"?

R' Yoel Asher: I think that "ahava v'achva, shalom v'rei'us" is similar to the "kol mitzhalos chasanim mimishtehem un'arim minginasam". It is the language of the verse, yes?

R' Yitzchak: I don't know. "Ahava v'achva, shalom v'rei'us".

R' Yoel Asher: It says in the same verse?

R' Yitzchak: No. Yes, that, but what does that have to do with "ahava v'achva, shalom v'rei'us"?

Discussion: What Does "Ahava V'Achva" Mean — The Chasan-Kallah or the Entire World?

R' Yoel Asher: No, the ne'arim, the ne'arim are in achva and they drink together and they have fun together.

R' Yitzchak: I thought that the "ahava v'achva" means the ahava v'achva between the chasan and the kallah. You're saying it means the shoshvinim, the friends.

R' Yoel Asher: I don't know. A wedding is a state of simcha and achva. Everyone who celebrates together at a wedding has some closeness, some certain... One can get angry, one should still go out, but when one is there, everyone dances together. Okay. Let's go further.

"Mehera Hashem Elokeinu Yishama B'arei Yehuda U'vchutzos Yerushalayim"

R' Yoel Asher: A question arises. "Mehera Hashem Elokeinu yishama b'arei Yehuda u'vchutzos Yerushalayim". It's similar to "same'ach tesamach", like He created for the couple, but we want for all of Klal Yisrael. "Mehera Hashem Elokeinu yishama b'arei Yehuda". It's interesting, it means that if someone sits in a house somewhere near Yehuda,

R' Yitzchak: He should hear a song from the cities of Yehuda. And we say "b'arei Yehuda". "Mehera Hashem Elokeinu yishama b'arei

Yehuda u'vchutzos Yerushalayim". The same thing,

R' Yoel Asher: There are two verses, in Yirmiyahu the same thing appears, once it says "me'arei" and once it says "b'arei". Simply, why doesn't one have "me'arei Yehuda u'vchutzos Yerushalayim"? Kol sason v'kol simcha kol chasan v'kol kallah". It's very similar to the akara. Now Yerushalayim is like a barren woman, one doesn't hear any sound of singing. One should quickly hear there again "kol sason v'kol simcha kol chasan v'kol kallah". Again, "b'kibbutz baneha l'socha b'simcha", it's exactly the same thing. And one should hear "kol mitzhalos chasanim mimishtehem", how grooms rejoice at their feast, "un'arim minginasam", and how young children, whom they haven't yet allowed to drink, yes, they're still under-age, they sing, "minginasam". But what is this "chasanim"? I mean, by you, in Yiddish, chasan is only one chasan. I'm going to learn "ein me'arvin simcha b'simcha". He's talking about all simchas, that Yerushalayim should be full of simchas. "Un'arim minginasam, Baruch Atah Hashem mesame'ach chasan im hakallah".

R' Yitzchak: A bit different. Earlier it says "v'kallah",

R' Yoel Asher: Here it says "im hakallah". There are two times where it says "yotzer ha'adam", and two times where it says "mesame'ach chasan v'kallah" or "im hakallah". And then there's an extra "shehakol bara lichvodo" and "mesame'ach Tzion b'vaneha".

R' Yitzchak: I think one is so happy that one makes many brachos. The same thing appears three times. Twice, basically. Everything appears twice.

Discussion: May One Still Say "Mehera" in Yerushalayim Today?

R' Yitzchak: Yes. It's a big question whether one may still say this "mehera", because I was in Yerushalayim, there were many weddings every night, and the verse has long been fulfilled.

R' Yoel Asher: One continues to pray, "shelo yafsik", that the abundance of simcha should continue.

R' Yitzchak: "Shelo yafsik". The world only fights about the text of "nachem", but the verse also, it's already long.

R' Yoel Asher: I don't understand. Now it's desolate, here one doesn't say it? One says it this way, one can pray that there should be more. Imagine,

R' Yitzchak: Now half of Klal Yisrael lives there,

R' Yoel Asher: Imagine when all of Klal Yisrael lives there. It would be that one would need to build another three hundred halls and more.

R' Yitzchak: The Eidah HaChareidis, I don't know who, doesn't allow making music at weddings in Yerushalayim. One prays that they should stop with this foolish decree, and one should allow the "ne'arim minginasam".

R' Yoel Asher: No, I would say differently, they're going to come down from the decree won't be so quick. So one must bring Mashiach, because otherwise the decree won't go down.

R' Yitzchak: Well, well.

Law: The Cup of Blessing at Nisu'in

R' Yitzchak: So, the Rambam says further. So this, until here we've learned what the blessing is. Let's learn that the blessing comes with a cup.

"V'im Haya Sham Yayin" — The Law of the Cup

R' Yoel Asher: The Rambam says, "**v'im haya sham yayin**", if there is wine, "**mevi'in kos shel yayin**", and one makes the blessings together with a cup of wine, like always "kos shel bracha", like we learned regarding birkas kiddushin, birkas eirusin. And how does one do it? The Rambam says, "**mevarech al hayayin techila**". And there he also said "im haya sham yayin", but there it wasn't such an obligation that one should have to go search. There he also said that it's only a custom,

R' Yitzchak: And here it appears that it's an obligation. But he says,

R' Yoel Asher: It can't be an obligation if it's "im haya sham yayin".

R' Yitzchak: If it's an obligation, one should bring wine. But he says that it's not me'akev, if

not it's also fine. And the Rambam means here to say mainly, as one learned in his teshuvos haRambam there, that there's no such thing that without wine one does it on bread or something. There is a concept of wine,

R' Yoel Asher: Only wine. That means, "im haya sham yayin", one does it this way. **Mevarech al hayayin techila, and afterwards one is mesader es kulan al hakos**, one says all the brachos over the cup. **V'nimtza**, it comes out that it's not six brachos, but **sheva brachos** together with the borei pri hagafen.

Discussion: Why Is It Called "Sheva Brachos"?

R' Yitzchak: Why is it called sheva brachos? Is that including the borei pri hagafen?

R' Yoel Asher: Yes, it's correct, because the Rambam is going to say soon that there's a mitzvah of seven days of rejoicing, so there are sheva brachos for the seven days. It has no connection. And one usually calls it sheva brachos as the

R' Yitzchak: Days or as the seven brachos? Shivas yemei hamishte, the second thing. So,

R' Yoel Asher: The Rambam says further.

Discussion: Why Does One Make Borei Pri Hagafen First?

R' Yitzchak: I just want to say, one makes the blessing on the wine, as everyone understands, and one is mesader es kulan al hakos,

R' Yoel Asher: One makes on the wine first. Like we rule regarding kiddush, yaknehaz, yes, wine is always first.

R' Yitzchak: Why by birkas hamazon doesn't one do this way?

R' Yoel Asher: Ah. That one should make borei pri hagafen before one begins the...

R' Yitzchak: So? Yes, it says in Maseches Brachos about this,

R' Yoel Asher: True. Okay, I don't know. A good question.

The Custom to Bring Hadas

R' Yoel Asher: Further, **"mevarech al hayayin techila... v'nimtza mevarech sheva brachos"**. The Rambam says, **"v'yesh mekomos"**, one wants to make even more fun, not just wine, but one adds more things. **"V'yesh mekomos shenohagu l'havi hadas im hayayin, u'mevarech al hahadas achar hayayin"**,

R' Yitzchak: One adds a borei minei besamim,

R' Yoel Asher: Or atzei besamim, yes. **"V'achar kach mevarech hashesh"**, and afterwards one blesses the six brachos.

R' Yitzchak: I think,

R' Yoel Asher: There is the Gemara, yes, that he danced with branches of hadas, one of the Amoraim. Apparently, the hadasim, it's not simply like we think that it's part of the dancing, but it simply means that they brought hadasim at the blessing, and it has a connection.

R' Yitzchak: Okay. Probably the Sephardim still do this way, bring hadasim to a chuppah. Yes, by the way, this is an explanation in a Mishna in Brachos. It says that Beis Hillel says that one makes by birkas hamazon first the blessing on the food, because they hold that birkas hamazon is one makes on a cup.

Law: Birkas Chasanim With Ten

R' Yitzchak: Now we're going to learn more laws of birkas chasanim. Yes?

The Requirement of Ten Adults and Free Men

R' Yoel Asher: The Rambam says further, **"v'ein mevarchin birkas chasanim ela b'asara gedolim u'vnei chorin"**. There must be a minyan of ten adults, and not just people who are kosher for a minyan, but who are also kosher, who are part of those who marry. Many times one does use, yes, a slave one can sometimes use for a minyan.

R' Yitzchak: No, never.

R' Yoel Asher: He is obligated in mitzvos. I can't use a slave, I freed his maidservant,

R' Yitzchak: His slave. Called a minyan is not a davar shebikdusha, it's a matter of marriage,

there must be ten adults.

R' Yoel Asher: It doesn't have to be besides the chasan, a chasan is part of the minyan.

R' Yitzchak: Very good. It's different than...

R' Yoel Asher: Although the chasan is exempt from mitzvos now, yes, the chasan is exempt from krias Shema.

R' Yitzchak: Because he's doing this mitzvah? Yes. In the Gemara it says that there's a difference from mourners. Birkas aveilim is the mourner is part of the minyan, but chasanim are indeed part of the minyan.

The Order of the Law: Nisu'in, Brachos, Cup, Minyan

R' Yitzchak: But anyway, it doesn't say clearly in the Rambam he said that one must make birkas chasanim, and afterwards he says that one must have birkas chasanim with ten. It comes out that the nisu'in must be with ten. The Rambam doesn't say it clearly. That is, they said earlier that the nisu'in is essentially the fact that they are nichnas l'veiso, and now we learn that it comes with an order. You learned that they need brachos, perhaps with a cup also? Now you learn that they need to gather a crowd also. That is,

R' Yoel Asher: Different than how the birkas chasanim serves.

Nisu'in Must Be Public

R' Yitzchak: Yes, it should be so, but birkas chasanim should serve the same thing. It comes out, eirusin can be done with two, they learned, avud innermost corners. But nisu'in must be public. Now, it appears, the Rambam says explicitly so in Moreh Nevuchim, third test, as he brings here Rav Rabinowitz, that part of the... Like the Rambam understood that the idea of kiddushin is that it shouldn't be just private, one should make a situation out of it, so the Rambam learns that what by the nisu'in, this is already rabbinic, but that the nisu'in they added birkas chasanim with a minyan, is part of the same thing,

R' Yoel Asher: That it should be public. This is the source of...

R' Yitzchak: No, this is the source of... The Gemara brings the source. The Gemara brings the source that they enacted that birkas chasanim needs a minyan. But one sees here that the concept is like witnesses.

R' Yoel Asher: Witnesses is in short a small answer to this. There weren't any witnesses standing that they are secluded, or witnesses that she is nichnesess l'veiso. But here we have that there's something public about this. There is the Gemara that one throws roasted grain and nuts to make publicity for chasan kallah.

R' Yitzchak: The one the second thing is not a law.

R' Yoel Asher: No, I think all these things, like I began that we want it to be as little random and as more...

R' Yitzchak: That's the brachos, not the nisu'in itself.

R' Yoel Asher: Perhaps this is a way of...

R' Yitzchak: This the Rambam says, that one must add to the entire situation. So, let's learn.

Who Makes the Brachos?

R' Yoel Asher: Also, the Rambam didn't say that the chasan makes the brachos. I mean, by kiddushin it was indeed implied from the language of the Rambam

R' Yitzchak: That the chasan

R' Yoel Asher: Makes the brachos at kiddushin.

R' Yitzchak: The Rambam says that the chasan is a birkas hamitzvos,

R' Yoel Asher: The chasan must make it. Here there is a birkas hashevach. It can be the chasan or someone else, he doesn't say who.

R' Yitzchak: There are places where it says that specifically the chasan should not make it, because it's a blessing for him. But this is also not the Rambam. One does say a blessing, same'ach tesamach rei'im ha'ahuvim.

R' Yoel Asher: But let's say the last one,

R' Yitzchak: When one prays for redemption. I remember that later it says that there are those who say that it makes no sense that the chasan

should himself make the brachos. The Rambam indeed doesn't say who makes it. Yes.

The Name "Birkas Chasanim"

R' Yoel Asher: No, the term **birkat chatanim** doesn't mean the blessing that the grooms say, but rather **birkat hanisuin**. It could have been called **birkat chatan v'kallah**. I'm saying, the term **birkat chatanim**, as the Rambam calls it, doesn't mean the blessing that the grooms say, but rather **birkat nisuin**, because the blessing is for the **chatan kallah**. But it's not **chatanim**, it's **chatan** and **kallah**. I'm saying, if the **chatan** makes it, it would fit "**chatanim**". By the way,

R' Yitzchak: You know that only he is a **chatan**.

Birkat Chatanim, Chupat Niddah, and Ketubah

Halachah: Birkat Chatanim Doesn't Make the Nisuin

R' Yitzchak: The Rambam indeed doesn't say who makes it. Yes.

R' Yoel Asher: No, the term "**birkat chatanim**" doesn't mean the blessing that the grooms say, but rather **birkat hanisuin**. It could have been called "**birkat chatan v'kallah**". I'm saying, the term "**birkat chatanim**" as the Rambam calls it, doesn't mean the blessing that the grooms say, but rather **birkat nisuin**, because the blessing is for the **chatan kallah**.

R' Yitzchak: But it's not **chatanim**,

R' Yoel Asher: It's **chatan** and **kallah**. I'm saying, if the **chatan** makes it, it would fit very well "**chatanim**". By the way,

R' Yitzchak: Do you know that only he is called a **chatan** and she isn't called a **chatan**? Perhaps they're both **chatanim**? **Chatan Torah**,

R' Yoel Asher: **Chatan Bereishit**. "**Kol mitzhalot chatanim mimishtam**" means the **chatan** and the **kallah**. "**Asher bara... chatan v'kallah**". Okay, is there **chatan** and **kallah**, is there **chatanim**?

R' Yitzchak: True,

R' Yoel Asher: There is, when one calls a mother-in-law "**chamot**", there's also "**chotaneta**", yes? So she can be the daughter-in-law of the **mechutenet**.

R' Yitzchak: Okay.

R' Yoel Asher: One can also call him a **kallah** from the same **kallah**. Anyway,

R' Yitzchak: Okay. The Rambam says further.

R' Yoel Asher: By the way, it's not clear, I want to explain a **chiddush** now.

R' Yitzchak: So, we've now learned that the reason why one needs a **minyan** for **birkat chatanim**, according to what the Rambam says in the **Moreh**, is a matter of **pirsumei**, that it should be a part of the formality of the wedding, it shouldn't be snatched away. If so, it comes out, and this is a **din** in the **birkat chatanim** that one makes as part of the **nisuin**.

That which there is a **din**, we learned in **Hilchot Berachot**, it's not stated there, that one makes **berachot** when people gather together **lichvod chatan v'kallah**, one makes the **berachot**. Apparently, this has nothing to do with a **minyan**, there's no reason at all why one should need a **minyan**. One should have been able to make those **berachot** also without a **minyan**. Those who rule, in **Shulchan Aruch** it says that one needs a **minyan** then too,

R' Yoel Asher: It's because the **Shulchan Aruch** held differently. The **Shulchan Aruch** held that

R' Yitzchak: It's a **davar shebekedushah**.

R' Yoel Asher: So it seems. In the **berachah** itself there is, "**Meherah... yishama b'arei Yehudah uvechutzot Yerushalayim**",

R' Yitzchak: One hears that it's happening, that there are people. So **birkat chatanim** fits with something that there are people. Again, what is at the wedding,

R' Yoel Asher: Not at the **sheva berachot**?

R' Yitzchak: Now one has seen that one must make **birkat chatanim**, would you have thought that this is lacking for the **nisuin**,

R' Yoel Asher: Or that this is a type of **nisuin**?

The Rambam's Ruling: Birkat Chatanim Is Not Me'akev

R' Yitzchak: The Rambam says thus:

R' Yoel Asher: One who made kiddushin, and he also made birkat chatanim, but he hasn't yet made the yichud, "lo nityached imah beveito" she is "adayin arusah". Because that means before, yes? She's still an arusah. Why? **Because birkat chatanim doesn't do anything. Birkat chatanim is an extra birkat hashevach. "She'ein birkat chatanim oseh hanisuin ela hakhnisah lachupah"**, the yichud, the knisah lachupah,

R' Yitzchak: That's what makes the nisuin.

R' Yoel Asher: What does one do in such a case? **"Eirus, v'khanas lachupah, v'lo beirach birkat chatanim"**, one did eirusin and one also did knisah lachupah, and one didn't make birkat chatanim. So birkat chatanim is not me'akev at all, because **"harei zo nesuah gemurah"**, and the mitzvah of birkat nisuin he hasn't yet done. **"V'chozer umvarech afilu achar kamah yamim"**, one can make the berachot even several days later.

From here he sees very clearly that it's birkat hashevach, if it were birkat hamitzvah,

R' Yitzchak: That one can't make birkat hamitzvah several days later.

R' Yoel Asher: Certainly the Rambam knows, it's me'akev. The Rambam says, just as it was already stated earlier,

R' Yitzchak: The matter wasn't stated earlier. Earlier it was stated that it doesn't complete the nisuin.

R' Yoel Asher: Now he says, it doesn't complete the nisuin, and one can still afterward make a knisah lachupah.

Halachah: Chupat Niddah

R' Yoel Asher: But the Rambam says by way of recommendation what one should indeed do. He says, one shouldn't. **"V'lo tinase niddah ad shetithar"**. He shouldn't have a wedding when she's a niddah until she becomes pure. And the same thing, **"Ein mevarchin lah birkat chatanim ad shetithar"**. **"V'im avar"**, if he

transgressed and he indeed made nisuin because she was a niddah and he made the berachah, **"eino chozer umvarech"**, one must again make knisah leveitah when she is indeed tahor.

I mean this is automatic, because lastly one must know. But the Rambam wasn't at all. But **"eino chozer umvarech"**, because the berachot were good berachot, perhaps not the best lechatchilah. The berachah should be on the nisuin which is the good nisuin, but...

R' Yitzchak: Ah, because the berachah must anyway be whenever, it's not a halachah that it must be the minute.

Discussion: Practical Questions About Chupat Niddah

R' Yoel Asher: It's very interesting to me, because niddah is something that one can't calculate too long beforehand when one will be a niddah. It's simple that one couldn't calculate too long beforehand exactly when the wedding will be. We today, in honor of this we play around with pills. What are you going to say that all the years until one could play around with pills? No, the Chovat Niddah,

R' Yitzchak: Or the Chovat Niddah says that one doesn't conduct oneself that way. And the people who are indeed from him...

R' Yoel Asher: But one does indeed.

R' Yitzchak: Chovat Niddah? No, the Yerushalmi ones, for example, those who are very stringent about Chovat Niddah, didn't used to write any wedding invitations. One used to announce a week or two before the wedding when the wedding will be. And in those times there wasn't the craziness of halls that one must reserve four years in advance. Indeed, the Jews who conducted themselves...

R' Yoel Asher: They had to make smaller weddings.

R' Yitzchak: Or smaller, or no such great...

R' Yoel Asher: If we'll have a hundred people, it doesn't take two weeks to prepare it, it takes more time.

R' Yitzchak: No, the preparation, again, the preparation, always until a week before one can

know, right? Since the last period of hers, then one fixes the wedding. If you've seen sometimes, there is by certain rebbes, they make like a keviat zman hachaturah, they l'chaim. The custom comes from this. And so one said.

R' Yoel Asher: Yes, but it seems to me, I would have thought that perhaps the niddah is only when she's actually a niddah like she got her period. If for example there are ketamim or such things, it's only niddah d'rabbanan, perhaps it won't be called chupat niddah.

R' Yitzchak: One must think. Again, it happens a lot. There's a difference,

R' Yoel Asher: It's not ra'ui the action. Yes, but it's not ra'ui. It's not ra'ui d'rabbanan, it doesn't make any issur cheftza.

R' Yitzchak: The machloket that they learned, between the Rosh and the other, if it's at all the ra'ui is only the spirit, or if chalitzah is the same thing, is further the problem. But he can't, he must also follow the rabbanan, true? Yes. The custom is however, anyway, to do so, to do something not if he must, it's lacking. Okay. I don't know if the pill is just for the pleasure. It's not made because of being because of the Rambam. It's standing,

R' Yoel Asher: It's just everything. Yes. There is the halachah that the kallah becomes tamei right before the wedding because of dam chimud. Okay, one must know.

R' Yitzchak: Can you go into the old order and not make such a fancy wedding that one must reserve a hall several years in advance?

R' Yoel Asher: I indeed have a proof that when she's niddah d'rabbanan it's not the same thing regarding dam chimud. It can be about the same as dam chimud.

R' Yitzchak: It's a certain thing, it's not every time that there's a wedding there's dam chimud.

R' Yoel Asher: No, good.

R' Yitzchak: But it's not every time. Okay. We're learning ketubah.

R' Yoel Asher: I don't know if we

R' Yitzchak: Made a break before this. Yes, ketubah.

Halachah: Ketubah Before Knisah Lachupah

R' Yitzchak: The ketubah is stated in the ketubah and in the Rambam. So, we learned about the two main things that one must do:

R' Yoel Asher: A chupah with a berachah. Birkat nisuin. Yes, birkat nisuin.

Now we're going to learn another... that is, another thing that the chachamim v'rabbanan one must do so that the nisuin should... This is another part of the nisuin. So, it's going to be according to the Rambam the next beautiful four simanim will speak about ketubah.

Ketubah is a great thing. Ketubah has two things. Ketubah has what is relevant for a whole life. Everything that is the obligations between a man and a woman is also called ketubah. But we have here a part of it, that ketubah one must begin to do even before the wedding. That one may not have a wedding before ketubah. Just as we learned, one may not have a wedding before nisuin, one may not have a wedding before berachot. Just as a kallah without berachah is forbidden to her husband, also a kallah without ketubah is forbidden to her husband. It's another something that's lacking for making the chupah.

Let's now learn. The Rambam says: **"Tzarich lichtov ketubah kodem knisah lachupah"**.

R' Yitzchak: One must write a ketubah. Ah, the obligations, everything that's stated in the ketubah,

R' Yoel Asher: One is anyway obligated. But there's an extra din that the man should write it and give it before the woman. The reason, as it states in the Gemara, that the woman should feel safe, should know that the man can't divorce her easily, he can't simply decide to throw her out.

So, it seems all these dinim are that before one has a wedding there should already be the fixedness and the safety that the woman feels, and the publicity that one brings. Indeed, it could be ketubah has it for its own reasons, the Rambam will go say, but... The Rambam says:

"Tzarich lichtov ketubah kodem knisah lachupah". He doesn't say before bi'ah. He makes here an order when things must be. Berachah must be... berachah he also said "kodem hanisuin". Okay, it's not entirely clear.

R' Yitzchak: We do it in the chupah, but we do kiddushin also. No, we write... What we do is very weird, because if one says that the

R' Yoel Asher: Chupah has a din chupah, we do nisuin, begin nisuin before kiddushin. Why? Yes, yes. It could be that it's not relevant, because knisah lachupah before kiddushin means nothing, it's just a roof. After the roof it becomes such a coming together. But writing the ketubah is even before that.

R' Yitzchak: One reads it at the chupah, but the reading doesn't do anything. The writing is the... the signature,

R' Yoel Asher: That has the chatan signature center, and the reading is just a matter of publicity. It makes sense that the matter is that she should know that she can't be driven away at such a time. Yes. **V'tzarich lichtov ketubah kodem knisah lachupah, v'achar kach yihyeh mutar b'ishto.**

R' Yitzchak: That is, before not. One must go make the ketubah clearer.

Who Pays for the Scribe?

R' Yoel Asher: Who is the one who gives the ketubah? It's not simple that it's indeed a contract where it states there both what the man gives for the woman and what the woman gives for the man.

R' Yitzchak: No,

R' Yoel Asher: It's mainly what the man gives for the woman, but it's not that the kallah or the chatan can pay it, rather **the din is that the chatan noten sechar hasofer.**

R' Yitzchak: That is, this has to do with a rule in Hilchot Shtarot. No, usually the rule is that whoever has benefit from the transaction, he must pay for the scribe. If I borrow money, let's say the scribe. Scribe today one would say a lawyer, a notary, I know, one needs someone,

yes, scribe, not just the technical, someone who knows how to write.

So usually the rule is that whoever is obligated, not whoever is obligated, whoever has benefit, a borrower, borrows money, the borrower should pay for the shtar, for the scribe. There's a special halachah, for example, there's a special halachah

R' Yoel Asher: By a get it states that the woman pays the get, right?

R' Yitzchak: No, although essentially she wouldn't have been harmed.

R' Yoel Asher: Because she becomes permitted, because this is benefit for her that she becomes permitted.

R' Yitzchak: He gives it another takanah, so that he shouldn't say that he doesn't have money, he can't get. The kiddushin, essentially the ketubah is the benefit of the woman.

R' Yoel Asher: Benefit of the woman. But since the ketubah is not clear, that one can't make nisuin without it, the chachamim said that afterward he's permitted b'ishto. Because it's a way that he should become permitted b'ishto.

R' Yitzchak: So the Mishnah says. I mean that this is a conspiracy. Presumably that one has a wedding, apart from the chupah, ketivah means, it says that the man will take care of the woman. Don't be such a wise guy who says, I take care of you, but the document that says that, you must pay.

R' Yoel Asher: In truth is that we didn't have the question, but I mean that the way how to look at everything, it looks like the chatan sets up a party for the kallah. So the whole wedding, it's not a din that the chatan must pay it. By us it's like both make it, the chatan's side and the kallah's side.

Rambam Hilchot Ishut Chapter 10 – Amount of Ketubah, Tosefet Ketubah, and Reason for Takkanat Ketubah

Halachah 2 (Continued) – How Much Does He Write for Her / Amount of Ketubah

R' Yitzchak: I mean that this is a conspiracy. Presumably that one has a wedding, apart from the ketubah means that the man will take care of the woman. There's not such a wise guy who says, I take care of you, but the document says that, you must pay.

R' Yoel Asher: In truth is that we didn't have the question, but I mean that the way how to look at everything, it looks like the chatan sets up a party for the kallah. So the whole wedding, it's not a din that the chatan must pay it. Like both make it, the tzaddik and the tzaddik hakallah make a wedding. But the truth is that the chatan makes a meal that he merits to receive a kallah. So it also fits that the ketubah should be the same way.

Okay, the Rambam says, "**V'chamah yichtov lah**". How much must he give for the ketubah? So it seems when the Rambam speaks here ketubah, one doesn't mean all obligations, because all obligations are also dependent on the ketubah. What one speaks here is that there's a certain sum of money, that if the man breaks his deal, he divorces, he gives her a get, or he misbehaves. Or he's a mored,

R' Yitzchak: Whatever it is? No. The ketubah is only for two things.

R' Yoel Asher: No, also that if he gives and he dies, but also that if he doesn't do his things, one demands from him the ketubah.

R' Yitzchak: No, not such a thing.

R' Yoel Asher: How does such a thing come up? Tove'a ketubatah. Okay,

R' Yitzchak: Let's call a cut. A ketubah is for a get or he died,

R' Yoel Asher: And it's a sum of money. That if he's going to divorce her, or if he's not going to behave and die, she should receive money. How much money? "**V'chamah yichtov lah**". How much money does one write in the ketubah? "**Im hayah betulah**". We don't say the max, max can be however much they agree, but the chachamim made a minimum.

R' Yitzchak: What I want to say here is simply how much one must give so that he can have a

wedding. He may not be permitted b'ishto without a ketubah, how much must he give from this?

R' Yoel Asher: And we also learned that it's worthwhile she should know that it's not easy to divorce her, so there must be a certain sum, a significant sum. So "**betulah is not less than two hundred dinar, and be'ulah, that she was already once with a man, is not less than one hundred dinar**". The Rambam says, "**V'zeh hanikra ikkar ketubah**". This is called ikkar ketubah, because later the Rambam will learn other things that are called under the name ketubah.

R' Yitzchak: He means lehafki tosefet. Ketubah means the hundred two hundred that

Halachah 2 (Continued) – Tosefet Ketubah

R' Yoel Asher: One hundred or two hundred is the basic ketubah. The Rambam says, "**If he wishes to add to it,**" he stated the minimum, what about the maximum? "**Even a kikar of gold,**" even a piece of gold he can add.

R' Yitzchak: Yes, kikar is an amount, I don't know what it is.

R' Yoel Asher: The Rambam says, "**The law of the addition and the law of the basic amount are the same for most matters.**" This means, if one has undertaken tosefet (additions), it also receives a status that he is truly obligated regarding the laws that will be learned later. There is no difference. Once one has undertaken it, it becomes a complete obligation.

R' Yitzchak: And therefore, the Rambam says,

R' Yoel Asher: "**Therefore, wherever ketubah is mentioned without specification,**" when it says ketubah, you shouldn't think that it means only... I already said the basic ketubah, now you'll think that the tosefet is something of a joke, it's not a real thing. No, when it says ketubah, it means when one has also undertaken the tosefet, the tosefet is also included.

Halacha 2 (Continued) – The Reason for the Enactment of the Ketubah

The Rambam says, now he tells us the secret, what is the matter of the ketubah? **"The Sages are the ones who enacted the ketubah for a woman so that it should not be easy in his eyes to divorce her."** It should not be easy in his eyes to divorce her.

R' Yitzchak: He should think twice before giving a get, because it will cost him.

Discussion: What Does "In His Eyes" Mean – Psychological or Practical?

R' Yoel Asher: However, what he means to say is, that it's not enough that the judge knows that when he divorces her he must pay,

R' Yitzchak: And he should know the whole time what it costs him. **"So that it should not be,"** I'm saying the word **"in his eyes."**

R' Yoel Asher: He shouldn't view it as a degraded thing. It's another way of giving her strong importance.

R' Yitzchak: I'm just saying,

R' Yoel Asher: I'm not saying it for the importance. No, no,

R' Yitzchak: I'm saying, **"in his eyes"** means that it shouldn't be easy. It doesn't mean that he shouldn't think it's easy.

R' Yoel Asher: No, I'm saying, that he is anyway obligated, why isn't that enough? There must be a ketubah so that he should know,

R' Yitzchak: That they should both know that he is obligated. Because the woman doesn't rely on the fact that the judge knows. But it says that

R' Yoel Asher: The main enactment of the ketubah is not

R' Yitzchak: That she should know that he can [divorce] her. It shouldn't be easy for him to throw her out. Easy means it should cost him something, not that he shouldn't think. **"In his eyes"** doesn't mean what she thinks, it means that it should be truly [costly].

Now we've learned that

R' Yoel Asher: There is a minimum, there is a measure.

R' Yitzchak: The Rambam goes on to say,

Halacha 3 – The Measure of the Dinarim / Value of the Coins

R' Yoel Asher: As always, when he states a measure, he says what the measure is. The Rambam says, here there is a dispute, the Rambam says his position. The Rambam says, **"These dinarim were not enacted from pure silver."** We say yes, refined silver? What do we say in the text? **"Which are two hundred zuz that are due to you from the Torah, and your food and your clothing and your needs and to come to you according to the custom of the entire land."** I say in the language of the ketubah it sounds like silver. The Rambam says that **"these dinarim were not enacted from pure silver, but from the currency that was in those days."** Whatever currency was considered valuable money at the time when the couple got married. But no, in those days, when the Sages enacted it.

R' Yitzchak: Again, there is, a dinar usually is a coin of silver. But the Rambam says a novelty, that is, in the Gemara it says whether it's from the Torah or Rabbinic etc. The Rambam says a novelty, that the dinar that one must give, one hundred or two hundred, is not the original, a real dinar which is a silver dinar, but in the time of the Sages there was a certain currency, which had a name, I don't know what it's called, which the coin was only one-eighth silver.

R' Yoel Asher: **"Which was seven parts copper, and one part silver. So that in a sela there was half a zuz of silver."**

R' Yitzchak: So that it comes out that in a sela there are four dinarim, it comes out to half a zuz. A sela is four zuz,

R' Yoel Asher: Or four dinarim. **"And it comes out"** that **"two hundred dinarim for a virgin is twenty-five dinarim of silver."** Of silver it is twenty-five dinarim, it's a quarter. An eighth. An eighth. Yes. **"And one hundred for a non-virgin is twelve and a half dinarim."**

R' Yitzchak: Yes? One has an eighth of that. An eighth of the silver.

R' Yoel Asher: Very good. "**The Rebbe weighs each dinar,**" how much is the weight of each dinar, not the value, but the weight. "**Ninety-six barleycorns, as we explained at the beginning of [the laws of] eruvin.**" The Rambam says this regarding the laws of eruv techumin.

R' Yitzchak: Of the...

R' Yoel Asher: How much money. Yes. The Rambam says, "**And the dinar is what is called a zuz everywhere.**" When it says in the Gemara zuz, it means dinar. "**Whether it was from pure silver, or whether it was from the currency of those days.**"

R' Yitzchak: Right. But there are two types, two different types of dinar.

Digression: Practical Application Today – How Much Is a Ketubah Worth?

Therefore our custom is to write in the ketubah, as you say, silver from the Torah, that means pure gold, eight times as much, you know, it doesn't help at all, because when one comes to beit din the man will say

R' Yoel Asher: That it's a great dispute from all times how much it comes out to. The large measures come out to tens of thousands, and the small measures come out to hundreds of dollars.

R' Yitzchak: Right, but since anyway

R' Yoel Asher: There is the custom that one is mochel (forgives) at a get. It's so interesting, we've remained with the formal ketubah.

R' Yitzchak: It occurs to you, one is mochel after one has paid. One is not mochel.

R' Yoel Asher: No, the custom is that at a get one comes to an agreement on money matters more generally, because there are gifts, and especially if there is a child. Therefore one says that whatever was in the ketubah is already included in the deal that was made.

R' Yitzchak: There is a ketubah, one must be able to calculate. There is such a formal thing that one says that one is no longer claiming the

ketubah, but actually it's still part of... It's a proper claim. One is always collecting ketubah today. I'm telling you, the problem is...

R' Yoel Asher: One is indeed collecting ketubah. Let's say if a case occurs, it happens many times that the husband wants

R' Yitzchak: A lot of money so that he should give a get.

R' Yoel Asher: For example when the wife requests a get, then he doesn't pay any ketubah either, they've nullified the entire ketubah.

R' Yitzchak: It's called having been mochel. I don't agree,

R' Yoel Asher: One must indeed pay ketubah. It's no money.

R' Yitzchak: However the custom is, as you say the word. No, I had the same custom as you. One can indeed collect a ketubah. I'm telling you, the main problem of collecting a ketubah is that if there is a document that no one knows how much it's worth, he will always only have to pay the lowest level, the lowest opinion, because it doesn't help that there are opinions. So even if you are indeed collecting, you can at most collect a few hundred dollars. So therefore it doesn't help much the whole

R' Yoel Asher: Investigation whether it's worth [anything]. But this is already practical. It could be that the fact that they left the actual price open, makes it even harder so that it should not be easy in his eyes to divorce her.

R' Yitzchak: He doesn't know how much the ketubah will come out to. It doesn't matter. In modern times in general, as Rabbeinu Tam said that after Rabbeinu Gershom made an enactment, one should have made a ketubah for the husband, because most divorces are made by women.

R' Yoel Asher: It must be so that it should not be easy in his eyes to divorce her. Once there is a prohibition to divorce against his will,

R' Yitzchak: It's already anyway not easy in his eyes to divorce her.

Halacha 4 – Beilat Zenut Without a Ketubah

R' Yoel Asher: The Rambam says, the Rambam said that there is a minimum of maneh and two hundred. The Rambam says, one may not go less than that. **"One may not reduce for a virgin from two hundred or for a non-virgin from one hundred."** But he wants to add here, **"And anyone who reduces, his relations..."** I would have added the word "as if." But the Rambam doesn't say that. The Rambam says **"his relations are relations of zenut."** The Sages say that it is beilat zenut. That is, it goes against the principle that "a person

R' Yitzchak: does not make his relations relations of zenut." This question has already been asked of the Rambam. The question was asked before the Rambam. Now, certainly,

R' Yoel Asher: It's not beilat zenut in the

R' Yitzchak: sense that there is no kiddushin if

R' Yoel Asher: We'll need to come to that. Beilat zenut is not beilat zenut. I don't mean beilat zenut. It's just words that they forbade. Another way of saying the Sages forbade. The Sages forbade without marriage, without chuppah, without a blessing. The Rambam says,

Halacha 4 (Continued) – Ways One Can Fulfill the Obligation of Ketubah

R' Yitzchak: But what does one need for the ketubah? Does it mean one must have a document?

R' Yoel Asher: The Rambam says, the fact that it's been called a document is because that's what it's called. But **"whether one writes the ketubah in a document,"** whether one writes it as a document, **"or witnesses testified about him and made a kinyan from him that he is obligated to her one hundred or two hundred,"** or one made a kinyan, he took witnesses and he obligated himself with a kinyan that he is already from now obligating himself, he is designating money for her in case there will be a get or death, this is also permitted. This is more than an obligation, it's not enough that he

obligates himself, there must be either a ketubah, if not a ketubah

R' Yitzchak: There must be a kinyan. **"And likewise,"** another solution – we do both,

R' Yoel Asher: That's the custom, at the ketubah one also makes a

R' Yitzchak: Acceptance of kinyan for the ketubah. One makes a kinyan on the ketubah, but this is funny, technically it's the opposite. The reason why one can make the kinyan with witnesses is because if the witnesses hear such a kinyan, they themselves can write the document. It's a basis for a document. The document itself works by virtue of such a kinyan.

R' Yoel Asher: The Rambam says, **"And likewise,"** another solution, **"if he gave her movable property equivalent to her ketubah,"** he gave her money or the value of money like the value of the ketubah, and he said that she can

R' Yitzchak: Hold it if she, not as collateral,

R' Yoel Asher: If she, so that if he dies or he divorces her, **"it is permitted to have relations until they have time to write."** The Rambam says, this is not exactly ideal. It sounds like right when one has a wedding one grabs, there's already a rush, or I don't know, some other reason why it's not ideal. But he already said that one may not have relations without a ketubah, so there is a solution that a man realizes that he hasn't made a ketubah, he doesn't need to now separate until he gets a scribe, but he can have relations until there will be

R' Yitzchak: time to write.

Discussion: What Is Lechatchila and What Is Bedieved?

R' Yoel Asher: The witnesses and kinyan is lechatchila, it is permitted. The movable property is bedieved.

R' Yitzchak: So says the Rambam. The Shulchan Aruch says that even the witnesses is bedieved.

The Seven Days of Feasting, Ketubah at the Time of Erusin, and Selling the Ketubah

Halacha: Having Relations Without a Ketubah – The Solution with Movable Property

R' Yoel Asher: But he said that one may not have relations without a ketubah, so there is a solution that a man hasn't made a ketubah, he doesn't need to now separate until he gets a scribe, but he can have relations until there will be time to write. It sounds like the witnesses and kinyan is lechatchila, it is permitted. The movable property is bedieved.

R' Yitzchak: So says the Rambam. The Shulchan Aruch says that even the witnesses is bedieved. Yes.

R' Yoel Asher: Here it also looks a bit like the witnesses, because the Rambam says until they have time to write. He doesn't say until they have time to write or to testify before witnesses.

R' Yitzchak: I told you, because witnesses can write themselves. Therefore, it's included in that.

R' Yoel Asher: Okay.

Halacha: Married a Woman and Didn't Write Her a Ketubah / Lost the Ketubah Document / Forgave Her Ketubah

R' Yitzchak: The Rambam says further. Now, they learned that one must write a ketubah.

R' Yoel Asher: And we learned that without a ketubah his relations are beilat zenut with a weaker ketubah. The Rebbe says,

R' Yitzchak: What they learned is before the wedding, before the ketubah it must be in place. Go and learn that actually the same thing is afterward if the ketubah becomes lost. But it must be understood first, this is learned in the next [halacha].

R' Yoel Asher: One who married a woman, someone takes a wife **and didn't write her a ketubah**, or even if he wrote a ketubah, but **and the ketubah document was lost**, it's not there. Or, **she forgave her ketubah, it is forbidden to have relations**, he went and he

said before the wedding, the Rebbe is mochel the ketubah. If it wasn't before him himself, it doesn't help. All these things don't help. Because this is like going against the ketubah,

R' Yitzchak: Or the ketubah is missing.

R' Yoel Asher: It helps, but now she doesn't have a ketubah. Right, she doesn't have a ketubah. But we learned that one may not be with a wife without a ketubah. So **he must go back and write her a basic ketubah**. The basic ketubah, the tosefet one can indeed be mochel but the basic ketubah is a Rabbinic law, so if he wishes to them, one must write it anew, **and he may not remain with his wife even one hour without a ketubah**, even when there is no relations, just so. When she is a niddah for example for the two weeks, if he wants to be with her in the manner of marriage, yichud perhaps should be in the future, I don't know what, one may not be even one hour and feast without a ketubah, what is there the solution that she can take movable property, yes,

R' Yitzchak: Until... whatever, I don't mean perhaps... To remain means yichud.

R' Yoel Asher: To remain means to have relations, it's further the beilat nes.

R' Yitzchak: To stay. To remain means he is there to stay. He means here to... He gives from the case...

R' Yoel Asher: He can't be with her... He's talking about

R' Yitzchak: The case where she already... Because he's talking about the case where she already was mochel. He says, "Okay, but I already had a ketubah before." He says, "No, you may not continue, you may not remain even one hour." That's the meaning of one hour,

R' Yoel Asher: That's what he means.

R' Yitzchak: But that's when

R' Yoel Asher: You sell it to him himself. And what is the problem when you sell it to him himself?

R' Yitzchak: Because then he doesn't have to pay any ketubah when he divorces you.

R' Yoel Asher: Ah, it becomes so easy in his eyes. **But one who sells her ketubah to others for the benefit,**

R' Yitzchak: If someone sells the ketubah to

R' Yoel Asher: A second party - it's a business, like people sell their loan, "Give me now one hundred dollars, and when my husband divorces me you'll make ten thousand dollars." It's a business. **One who sells her ketubah to others for the benefit, he doesn't need to write her another ketubah.** He doesn't need to write a new ketubah. Why? **Because they only enacted the ketubah so that it should not be easy in his eyes to divorce her,** so that he shouldn't be able to easily divorce without any consequences. But regarding the wife, she is indeed protected. Why? Because **if he divorces this one,** if he goes to divorce her, he will indeed have to pay the ketubah. He won't give it to her, he'll give it to the other person who bought it, the purchaser, **in the same way that he would have paid her if she hadn't sold it.**

R' Yitzchak: Very good. But the problem of "he shouldn't divorce her" is not that money must come to her. Even if no money comes to her,

R' Yoel Asher: There's no problem.

R' Yitzchak: Not so much money. Anyway,

R' Yoel Asher: You only have an option,

R' Yitzchak: It was worth [something]. A ketubah when one hasn't yet had a wedding is worth much less than the ketubah itself, that can't be.

Halacha: From When Does One Become Obligated in the Ketubah? – An Arusah with a Ketubah / Without a Ketubah

R' Yitzchak: Now one can learn it, from when does a new category of laws begin? From when does one become obligated in the ketubah?

R' Yoel Asher: The Rambam says, **One who betroths a woman and writes her a ketubah,** someone makes erusin and he writes her a ketubah,

R' Yitzchak: But no chuppah has yet occurred,

R' Yoel Asher: You shouldn't think that the ketubah itself is a chuppah. A ketubah is not a chuppah. A ketubah is a law that besides the chuppah there must be a ketubah. **She is still an arusah,** she is still called an arusah, **and she is not married,**

R' Yitzchak: Because the ketubah does not make a marriage.

R' Yoel Asher: And therefore, **if he died or divorced her,**

R' Yitzchak: But she has a ketubah. In practice, the ketubah is a document,

R' Yoel Asher: He wrote her an obligation. So **if he died or divorced her** she is an arusah who has a ketubah. An arusah who has a ketubah can also collect the ketubah, **she collects the basic amount of her ketubah from unencumbered property.**

R' Yitzchak: But only the law like this,

R' Yoel Asher: Normally a creditor can collect even from properties that have been sold. If the borrower went and sold all his properties, what remains are free properties (bnei chorin). The man who died after he made a ketuva from erusin can collect the basic ketuba from bnei chorin, only from bnei chorin, not from encumbered properties (nichsei meshubadim). And the second thing, **"v'eina gova tosfet klal"**, what he added that he's going to give ten thousand dinar, that no, only the basic, the minimum. Why? **"Hoil v'lo kansa"**. The simple meaning is, we say that what he added was because of the affection of relations (chibat bi'ah), that he's going to live with her, he's going to be with her. But if he died, there was a... on this condition (al da'at zeh) he didn't mean. And why only from bnei chorin and not from encumbered properties? Because perhaps there's no publicity, they didn't make an announcement (lud'a), because there wasn't yet any nisu'in, they didn't make the minyan of Jews.

R' Yitzchak: There is that when there's a document (shtar),

R' Yoel Asher: Then one can collect from encumbered properties,

R' Yitzchak: Because it has publicity. Here there wasn't any publicity. I don't know, perhaps that's the matter of publicity. Perhaps it's because the ketuba itself is a document. I don't know why.

R' Yoel Asher: It's not clear to me.

If He Betrothed and Didn't Write a Ketuba

R' Yitzchak: But "**im eres v'lo katav ketuba**",

R' Yoel Asher: He made erusin and didn't write a ketuba, "**u'met o geirsha v'hi arusa**", and he died when she's an arusa, "**ein la klum**", she gets nothing. She doesn't even have the basic ketuba. Why? "**Shelo tiknu la ikar ketuba ad shetnase o ad sheyichtov**". One only becomes obligated either when one has a wedding, even without writing one becomes obligated automatically, or if one writes one becomes obligated even by erusin, as we just said now.

R' Yitzchak: Every time one writes a ketuba, even if he died a minute later,

R' Yoel Asher: He's already obligated.

The Ketuba of a Minor – Her Ketuba Belongs to Her Father

When a father marries off the daughter because she's still a minor (ketana), "**v'chatav la ketuba**", and the man wrote a ketuba, "**u'met o geirsha k'shehi na'ara**", and she died when she's still a na'ara, it's like the kiddushin, everything that a ketana receives belongs to the father, also the ketuba, "**ketubata l'aviha, k'mo shebeiarnu**", as I already said, like when he spoke about the law of one who acquires his daughter's ketuba (zachai b'ketubot bito), it was stated at the beginning when it stated the laws of a bogeret,

R' Yitzchak: The laws of a ketana. Only by erusin, nisu'in the father no longer receives,

R' Yoel Asher: Right? Already.

Law: The Seven Days of Feasting – The Joy of Groom and Bride

Now, once one has already arranged the chupa, here is time for the big party, for the simcha.

Let's learn the laws of a man's joy with his wife. Not the... there is a mitzva of simcha from the first year, but here we're talking about the simcha from the beginning, from right after the wedding.

The Rambam says further: "**V'chen tiknu chachamim shekol hanose betula yehei same'ach ima shivat yamim**". When someone marries a virgin (betula), he must rejoice with her seven days. What does "same'ach ima" mean? As the Rishonim say, not that he rejoices, but he rejoices with her. What does that mean? "**Eino osek b'melachto v'lo nose v'noten bashuk**". One doesn't do any work, for example, I know, a plumber doesn't do plumbing, and a merchant doesn't go do business. But what then does one do? A very delicious thing one does, listen: "**Ochel v'shote v'same'ach**". One does three important things: one eats, one drinks, and one is joyful. "**Bein shehaya bachur bein shehaya almon**". No difference. She's a betula, but the man isn't any

R' Yitzchak: Difference whether a bachelor or widower,

R' Yoel Asher: He's obligated to rejoice with his wife for seven days. And this law is a law... The Rambam says "tiknu chachamim", and in the laws of mourning the Rambam says that seven for mourning and seven for the days of feasting is an enactment of Moshe Rabbeinu. In the verse, how does it say? "Male shavua zot". In any case, there the Rambam says that when he says "takkanat chachamim", he means "takkanat Moshe Rabbeinu". It's interesting, something that Moshe Rabbeinu didn't receive at Sinai, but he enacted it, is called in a different way "takkanat chachamim". Many times the Rambam says "takkanat nevi'im" or "chachamim rishonim". Here he says plainly "takkanat chachamim".

R' Yitzchak: Okay. That's a betula.

A Non-Virgin – Three Days

R' Yoel Asher: "**V'im hayta be'ula**", if she was already a be'ula, she's a second marriage, "**ein pachot mishelosha yamim**". One doesn't need to be seven days, but three days. "**Shetakkanat chachamim hi**" –

R' Yitzchak: Here the Rambam says

R' Yoel Asher: The words "shetakkanat chachamim hi", it's an enactment of the Sages, as he says "takkanat Moshe Rabbeinu" – **"livnot Yisrael sheyehei same'ach im habe'ula shelosha yamim, bein bachur bein almon"**. Interesting that he says both times about the bachelor and widower.

R' Yitzchak: The main thing is, it's very good, because it's for his benefit.

R' Yoel Asher: Both is an enactment of the Sages, yes. So he needs to reckon with her. She's automatically happy that the man is in a good mood.

R' Yitzchak: No, "ochel v'shote" means "ima", certainly. What then? He's going to rejoice with his friends?

R' Yoel Asher: No, that he sits at home with her, and he needs to be in a good mood,

R' Yitzchak: To make her happy. To make her happy doesn't mean that she's sad and he needs to make her happy.

R' Yoel Asher: It means to rejoice together. That's the meaning. A long party, a seven-day party. But it's interesting, it would have said "ochlim v'shotim u'smechim" for both.

R' Yitzchak: And that's what it means, "yismach ima" - "ela ochel v'shote v'same'ach". I understand myself that it means "ima".

Discussion: Is This Also an Obligation on Her?

R' Yoel Asher: Is the question also on her the prohibition, that she can't go work?

R' Yitzchak: No, perhaps she can waive it. It says that it's for her benefit, perhaps if she wants

R' Yoel Asher: To go work she can waive it.

R' Yitzchak: I don't know. It doesn't say that it's not an obligation on him, it's an obligation on her. That means,

R' Yoel Asher: It's a part of the ketuba,

R' Yitzchak: One of the things that the man owes the woman, so it seems. He brings that the Rema says that she can waive it.

R' Yoel Asher: So? She can waive her simcha?

R' Yitzchak: Yes. There are those who say that on the work she can't, but so it seems, that it's an enactment for her benefit.

R' Yoel Asher: So she can't waive if she doesn't enjoy parties now and she enjoys rest?

R' Yitzchak: She doesn't need to waive. No, rest means to say that there is indeed a law he's not allowed to go to work. That's the main practical difference (nefka mina l'halacha).

R' Yoel Asher: No, I mean to say, she wants to sleep during the day, and that should be their fun. That's certainly allowed.

R' Yitzchak: Simcha means to say, the nefka mina of simcha is he's not allowed to go work. Consequently, what will he do? They're at home. They're at home together.

R' Yoel Asher: I heard from a sage that less eating and more sleeping.

R' Yitzchak: That's not talking about a groom, that's talking about a whole year.

Law: Taking Multiple Wives at Once

R' Yoel Asher: The Rambam says further, what happens if a person has a wedding with more than one woman? The Rambam says, **"Yesh lo l'adam"** - a person has the right, not that he should or it's an important thing, he may, he can take **"nashim rabot k'achat b'yom echad"** - he can take multiple women at once. Later in the laws of marriage the Rambam will tell us more about this, that one can only take as many wives as one can provide for all of them.

R' Yitzchak: She'erot u'tvonim.

R' Yoel Asher: She'erot u'tvonim, it needs to be with a calculation. But regarding the laws of marriage one can take multiple in one day. He wants to bring this out. **"U'mevarech birkat chatanim l'chol achat k'echad"**. One blessing is enough for all the women. If for each woman there's an enactment of birkat chatanim, at the wedding there's a birkat chatanim. The Rambam says, that's regarding the blessing. But **"l'simcha"**, the mitzva that one must rejoice for seven days, is a law like a right that the woman has, a privilege that the woman has. Consequently you can't take ten women and

make one sheva brachot, it doesn't work that way. **"Tzarich lismo'ach mikol achat v'achat. Simcha arya la"**, she deserves seven days, so if a betula seven.

R' Yitzchak: Arya la means to say according to what's due to her.

R' Yoel Asher: For her alone. And a betula seven, and if a be'ula three. There's a law, **"Ein mearvin simcha b'simcha"**. You can't say, okay, I'll be much more, I'll take the same time, I'll be much more joyful. It's not so, one can't mix simcha with simcha. Each one has their own seven days of simcha.

Discussion: Ein Mearvin Simcha B'simcha – By Women and By Yom Tov

R' Yitzchak: No, the language, ein mearvin simcha b'simcha we also saw by yom tov, that one is not allowed to make yom tov.

R' Yoel Asher: He's going to say it later, we're going to say it later. Here is the next section. Yes. Each woman has a law in simcha. One can't combine Esther's simcha with Rachel's simcha. The next one is that one can't combine the chol hamoed simcha with the...

R' Yitzchak: Good, but I'm saying it for another reason. It also says in the laws of yom tov, I remember, it's in honor of yom tov, because yom tov deserves its own simcha. But here the simple meaning is that it's an obligation to the woman. Just as you can't pay for both women one ketuba.

R' Yoel Asher: You can't give one simcha. It could be by yom tov it's also both. She'll also claim that I didn't get mine, because the seven days is indeed a simcha of yom tov.

R' Yitzchak: Both ways. They learned the laws of yom tov that it's also a topic of yom tov. Okay. Now we're going to learn when...

R' Yoel Asher: What I mean to say is, if when yom tov with the woman, if he thinks mainly of the yom tov, he hasn't given for the wife. If he thinks mainly of the wife, he hasn't given for the yom tov. Because the Almighty won't go into his head. So we say that one must have two separate ones. Yes.

Law: When May One Make Erusin (Kiddushin)?

R' Yoel Asher: The Rambam says, **"Mutar l'ares b'chol yom chol"**. Any time it's a weekday, one may, one may give kiddushin. **"Afilu b'tisha b'Av, bein bayom bein balayla"**, because the Gemara says that the wedding is very important, because you've found a bride who agrees. Do it now, lest another will snatch her up, shema yikdimenu acher. But when not? No.

R' Yitzchak: When not? Erusin one may make whenever one wants.

R' Yoel Asher: B'chol yom chol, Shabbat one can't, right? Shabbat one can't, why? Because it's a kinyan?

R' Yitzchak: B'chol yom chol. Ah, he doesn't say anything, Rebbe, why not? Where does it say? Does it say a gift on Shabbat? It says that b'chol yom chol one may.

R' Yoel Asher: B'chol yom chol? Okay, yom tov one is not allowed because... one needs the joy of yom tov.

R' Yitzchak: No, simcha is not a contradiction. Even when a person... It doesn't say that the seven days of simcha must be exclusively, because you see that he may marry multiple women at once. Afterwards he'll make for each one a separate sheva brachot. Yes. But it doesn't say here... I think that the Rambam did say in the laws of Shabbat, that one doesn't make any kiddushin on Shabbat. Remember? Afterwards in Shabbat it was already stated that one is not allowed to make kiddushin on Shabbat. One of the things there about kinyanim...

R' Yoel Asher: Ah, there it was stated other things that one is not allowed, yes.

R' Yitzchak: It says, yes. One must believe. B'chol yom b'chol... In the laws of Shabbat chapter 23 it was stated, it's a decree lest he write, yes. I write from the...

R' Yoel Asher: I write from the...

R' Yitzchak: No, like all kinyanim. All kinyanim one is not allowed to do on Shabbat.

Law: When May One Make Nisu'in?

R' Yoel Asher: When doesn't one? The Rambam says, making erusin one may do b'chol yom chol, but nisu'in one doesn't do on every weekday. There are weekdays when one doesn't make nisu'in. When? **"Erev Shabbat, o b'echad b'Shabbat"**. Why? **"Gezeira shema yavo lidei chilul Shabbat b'tikun haseuda. Shehachatan tarud b'seudato"**. The groom is indeed busy with the meal, because he wants to find favor, he wants to make a nice meal, it's very important to him, he takes pressure from it that it should be a nice meal. I'm afraid that if he'll have a wedding on erev Shabbat, he'll get involved with the meal, it will be a desecration of Shabbat. And the same thing,

R' Yitzchak: Erev Shabbat he's going completely...

R' Yoel Asher: On Shabbat worry about the wedding meal for tomorrow, he'll already start to slaughter the animal.

R' Yitzchak: It's indeed slaughtering on Shabbat.

R' Yoel Asher: Not just that he won't focus on the Shabbat. The Rambam says, that's erev Shabbat, but Shabbat itself, **"v'ein tzarich lomar she'asur linase b'Shabbat"**. There is besides that one is not allowed to make erusin as a kinyan, also the part of nisu'in, the simcha, the chupa, that one also doesn't do on Shabbat for the same reason, because he's busy with his meal, one will come to desecration of Shabbat.

Law: Chol Hamoed

R' Yoel Asher: The Rambam says, **"Afilu b'cholo shel moed"**... It's interesting the language "even", because it's for a completely different reason. The Rambam,

R' Yitzchak: Cholo shel moed there's also a prohibition that one is not allowed to have a wedding. Simply Shabbat and yom tov one is not allowed, because of the topic. Perhaps yom tov one needs to understand,

R' Yoel Asher: Because yom tov is indeed not a topic of being busy. Perhaps simply because yom tov will also be the problem with... Even on chol

hamoed, it means yom tov itself one is not allowed. "Even" means yom tov...

R' Yitzchak: Even on chol hamoed.

R' Yoel Asher: The Rambam is speaking, there is yom tov.

R' Yitzchak: Like **"she'ein mearvin simcha b'simcha"**.

R' Yoel Asher: Again. Even on chol hamoed means to say not only yom tov, but even chol hamoed of yom tov, which is a weekday time of yom tov, **"ein nos'in nashim k'mo shebeiarnu"**. Why?

R' Yitzchak: What does "k'mo shebeiarnu" mean?

R' Yoel Asher: Ah, like **"she'ein mearvin simcha b'simcha, shene'emar male shavua zot"**, fill out the entire... As it says by Rachel and Leah, it's a drash, because shavua zot there means seven years. But **"male shavua zot v'nitna lach gam et zot"**,

R' Yitzchak: Yes? Not sure. No, he indeed... **"ba'avoda sheta'avod imadi"**, no.

R' Yoel Asher: Male shavua zot means...

R' Yitzchak: Perhaps yes a week. It doesn't say there that he undertook that he's going to work seven years from that verse. **"Ba'avoda sheta'avod imadi od sheva shanim acherot"**,

R' Yoel Asher: But shavua can mean a week. Male shavua zot that's the week of sheva brachot. So since there's a prohibition of ein mearvin the joy of yom tov with the joy of nisu'in. So one is not allowed yom tov by itself not, but also chol hamoed. Chol hamoed there's also something a bit of a mitzva of simcha.

R' Yitzchak: All the mitzvot of simcha on yom tov there's also chol hamoed.

R' Yoel Asher: Yes, but only rabbinically. All of Israel, not like on a weekday. No,

R' Yitzchak: It's work. But on the contrary, here there's work with rabbinic perhaps, since one must rejoice.

R' Yoel Asher: Ah, perhaps one makes **"u'smachtem lifnei Hashem Elokeichem"**

shivat yamim",

R' Yitzchak: Yes, that's lulav. But simcha on yom tov is chol hamoed. Whenever the mitzva is simcha, there's no difference between yom tov and chol hamoed.

Law: Three Days Before the Nisu'in

R' Yoel Asher: The Rambam says, "**U'she'ar hayamim**", all other days, except erev Shabbat, and so on, "**mutar linase b'chol yom sheyirtze**". But, the Rambam says, "**v'hu sheyitrach b'seudat nisu'in shelosha yamim kodem yom hanisu'in**". There's also a decree that one should invest in the wedding meal, it seems. I know that the Sages wanted it to be a nice meal. And the groom should devote three days. What does he mean to say that one can't make it right after... Does one need to make it Tuesday? He can prepare Thursday Friday, yes.

R' Yitzchak: **The point is, if it turns out that he doesn't have three days, then he can't. But I think this is also one of the reasons of the Gemara for the next halacha, that they make it on Wednesday.**

Halacha: A Virgin Marries on Wednesday

R' Yoel Asher: That normally he should have like the Sages, it's interesting, they already had several reasons about when one can make erusin and the nisuin. There is when one may not, there is when one may not because of mixing joy with joy. And here there is a new thing: when is a good time to make nisuin? When one will be able to go to beis din. The Rambam says thus: **In a place where the beis din sits only on Monday and Thursday**, places where there is only a beis din twice a week, then the custom is that **a virgin marries there on Wednesday**. In the city, wherever, says the Rambam, in that city one should make the virgin's wedding on Wednesday, why? **So that if he has a claim of virginity he can go early to beis din**. If there is a claim of virginity, one should be able to come to beis din as quickly as possible.

R' Yitzchak: It means,

R' Yoel Asher: A place where there is always beis din, one can always marry because one will be able to go to beis din. But if there is only a beis din...

R' Yitzchak: The two times a week,

R' Yoel Asher: On Sunday one cannot, because we discussed that one cannot on Sunday. So when there remains one day before Thursday, one should do it on Wednesday **so that if he has a claim of virginity**. It seems that after nisuin one goes to do intercourse immediately. Yes. The Rambam says, **it is the custom of the Sages that one who marries a virgin...**

Discussion: Is This a Binding Enactment?

R' Yitzchak: This is an enactment, this is not an obligation. Whoever makes a wedding on another day of the week, according to what it says, is he transgressing an enactment of the Sages.

R' Yoel Asher: Not exactly.

R' Yitzchak: What do you mean not exactly?

R' Yoel Asher: Because today there is beis din not specifically on Monday and Thursday. That's one thing. And secondly, one can have a wedding and one makes the intercourse when...

R' Yitzchak: That's also not. Okay. But anyway, today there is no beis din,

R' Yoel Asher: And I also don't have any claim of virginity. Okay. Is it the custom of the Sages? No. Why not? Because today they say that many women don't have virginity anyway. So, that's another Gemara. But today one doesn't need to fight in beis din about this. It's accepted that if one doesn't find virginity one moves on. It's not a question.

R' Yitzchak: It's very good that way. Nu nu,

Halacha: A Non-Virgin Marries on Thursday

R' Yoel Asher: The Rambam says, **it is the custom of the Sages that one who marries a non-virgin should marry on Thursday**. Here is a custom of the Sages, that not in a place where beis din doesn't sit, but just like that one should do it on Thursday. A non-virgin, excuse

me, a non-virgin doesn't have the matter of a claim of virginity. So when someone has a wedding with a widow or a divorcee, a non-virgin, he should have the wedding on Thursday. Why? Because we discussed earlier that a non-virgin has three days of sheva brachos. They wanted, on Shabbos there is no mitzvah of joy on Shabbos. On Yom Tov there is a mitzvah of joy, there is a prohibition of mixing joy with joy, but on Shabbos there is no mitzvah of joy. He will fulfill the mitzvah of joy, it will be Thursday, Friday, and Shabbos. One can say **lecha dodi likras kallah** on the third day of sheva brachos. **And he goes out to his work**, the third day of the three days of sheva brachos.

Discussion: What Is the Reason for Thursday?

R' Yitzchak: What is the difference if he makes it Thursday or Tuesday? Tuesday he will also need to be free for three days.

R' Yoel Asher: Good, but Shabbos should be a part of the joy. It seems that there should be a Shabbos sheva brachos, Shabbos shlosha brachos.

R' Yitzchak: What is the matter?

R' Yoel Asher: I don't know what is the matter of this custom of the Sages. Let's see what the commentaries say.

R' Yitzchak: He doesn't explain. **And he goes out to his work on the first day.**

R' Yoel Asher: It's not clear. Let's not take away from him. Perhaps it's a practical thing. We have forbidden him to do work. The Sages said that it's a good custom.

Laws of Marriage: Times, Support, and Obligations of the Husband

Halacha 1: Betrothal to a Minor and the Law of Marriage

R' Yoel Asher: The Rambam says, thus, **One who betroths a virgin minor, and the husband demands the marriage** — a father accepts kiddushin for his daughter who is a minor, and the husband demands the marriage, the husband is claiming that he wants to marry

her already. Now we have already learned, and the Rambam has already said earlier that it's not proper to have intercourse with a minor. No,

R' Yitzchak: To betroth a minor is not proper.

R' Yoel Asher: To have intercourse certainly not. Okay, so **either she or her father** — ah, you mean the Rambam shouldn't betroth a minor at all until she grows up and says to so-and-so I want, yes? But here we're talking about a case when they didn't follow, they did betroth, and the erusin works, I mean the kiddushin is valid kiddushin. And now he wants to marry her. So either she, either the girl herself, or her father, **can delay**, they can say I'm not ready, **that she not be married until she grows up and becomes a na'arah**. She can demand time until when

R' Yitzchak: She is a na'arah.

R' Yoel Asher: **And if they wanted**, if they both agreed to the nisuin, **and he married her**, and he took her before she became an adult,

R' Yitzchak: He marries,

R' Yoel Asher: He can...

R' Yitzchak: Perhaps she didn't agree? Who didn't agree? Someone didn't agree.

R' Yoel Asher: Ah, they wanted? Perhaps the father not?

R' Yitzchak: Ah, no, he says both. Even if they both agreed to everything,

R' Yoel Asher: He marries, then one can. But, but, the Rambam says, it means from their side, from the rights that a person has, from... I don't know how to call it, from their perspective, from decency, humanity between the two, one may, but **it is not proper to do so**, the Sages don't allow one to have intercourse with a minor.

R' Yitzchak: No, because it's not right, because the same reasons,

R' Yoel Asher: Because she will perhaps not want, **until she grows up and says**,

R' Yitzchak: There is the same problem with nisuin as with kiddushin,

R' Yoel Asher: Apparently.

Halacha 2: The Time of Twelve Months for a Na'arah and an Adult

R' Yoel Asher: The Rambam says further such a halacha. **He betrothed her**, a man betrothed a woman, gave kiddushin, **and waited several years**, he waited several years until the... **and he demanded her for marriage**, he demanded her. No, here it's specifically a minor.

R' Yitzchak: Not immediately, but the point is now,

R' Yoel Asher: **And he demanded her for marriage**, he is demanding her that he wants to have a wedding already.

R' Yitzchak: Ah, he demanded her. With a mappik hei. He demanded her. And he demanded her for marriage,

R' Yoel Asher: **And she is a na'arah**, she is still a na'arah. So he still hasn't... He still can't demand that he wants to have a wedding with her already, rather **we give her twelve months from the day of the demand**, from when he demands we give her another twelve months, another year, **to provide for herself**, to take care of herself, to make provisions for herself, **and to prepare what she needs for him**, to prepare what she needs. **And after that she marries**. The Sages gave something that... that a girl who has now become a na'arah, she may demand a little time. It's a big deal to have a wedding. She wants "to provide for herself",

R' Yitzchak: She wants to be with herself alone. "To provide" doesn't mean livelihood. It means to say what she needs to have.

R' Yoel Asher: She's going to take care of herself. Before she goes to take care of the husband, let her finish taking care of herself.

R' Yitzchak: She says what she needs to have for the wedding. "To provide for herself" means for the needs of the marriage?

R' Yoel Asher: For the needs of the marriage? Or she can demand a year when she is already grown to be alone.

R' Yitzchak: Wait, wait, wait. I'll see the other halacha.

Law of an Adult Woman

R' Yoel Asher: The Rambam says, what happens **if he demanded her after she became an adult**? After she has already become grown,

R' Yitzchak: An adult,

R' Yoel Asher: Not just a na'arah, then we don't give from when the demand, but **we give her twelve months from the day she became an adult**.

R' Yitzchak: Because she already knows that she's going to need to have a wedding with him, or perhaps even not betrothed, we'll see the next halacha. The point is, an adult knows already that she's going to have a wedding, she's a bride, she needs to prepare. You can't say I need a whole year. From when? She became grown, from then she needs a year.

R' Yoel Asher: **And likewise if he betrothed her on the day she became an adult**, the same thing,

R' Yitzchak: She was betrothed the day when she became a na'arah.

R' Yoel Asher: He's a righteous Jew, he followed the Sages that one must betroth an adult,

R' Yitzchak: He waited for that second. **We give her twelve months from the day of the kiddushin which is the day she became an adult**.

R' Yoel Asher: That's what it means, that's what I think.

R' Yitzchak: Perhaps "becoming adult" is becoming mature.

R' Yoel Asher: "Becoming adult" from becoming grown. An adult he also says. Okay. **He betrothed her after she became an adult**, simply the kiddushin was also already not that day and not before but after, so **if there passed over her**

R' Yitzchak: **Twelve months in her adulthood and then she was betrothed** — it was already twelve months after she was already grown, and does she get twelve months at all? No,

R' Yoel Asher: It's only **thirty days**,

R' Yitzchak: Then she already had time to prepare,

R' Yoel Asher: Because she's already a grown girl,

R' Yitzchak: And she knows that the wedding is going to come.

R' Yoel Asher: He needs to be only thirty days from the demand. **And likewise one who betroths a non-virgin also we give her thirty days from the day of the demand.** So in short, the minimum is thirty days. There is no... less than thirty days one can never, because it seems that it takes time,

R' Yitzchak: One needs to arrange. But when one is young one gets twelve months, because... Okay, you say perhaps just how much time does one need to allow? I don't know. On some matters I thought that it seems that one needs...

R' Yoel Asher: No, that's why it's herself, because she hasn't yet had a chance. A person needs to be mature to prepare for the wedding, to buy things and so forth.

Source of the Law from the Torah

R' Yitzchak: He says that there's a verse by Yitzchak also, "Let the girl stay with us days or ten". And it means in the commentaries, the Gemara is that days means a year. It says in the Gemara.

R' Yoel Asher: Basically Lavan said it,

R' Yitzchak: Okay. Yes, it's an old question, we learn simple weddings from that Lavan. Because look, there's no time for a wedding that's written in the Torah. So what should one do?

R' Yoel Asher: Not only do we learn it out, but we learn it out from a failed wedding, he deceived the girl. From the failed wedding we learn out all weddings. So, the Rambam says further.

R' Yitzchak: Since then, all weddings have something of a failure.

Halacha 3: Time for the Man

R' Yoel Asher: There's no writing, yes. So, the Rambam says. **Just as we give time to the woman.** The law that we give a person time to

prepare for the wedding, is not only a law on the woman that she needs time. And the man would everyone push, ah, the man needs, go, have a wedding. No, the man also needs to have time to prepare.

R' Yitzchak: So we give.

R' Yoel Asher: Just as we give time for the woman after the husband has demanded, we give her time **to prepare himself after she demands him.** The same thing is also for the man. The man can also demand that he's not yet ready. From when the woman says, well, we discussed something, and she requests marriage, he still has time, he can demand a year. To prepare himself, after she demands him. **And how much do we give him?** Also. Twelve months, twelve months, twelve months, and thirty days.

Discussion: Dependent on Her or on Him?

R' Yitzchak: So there's a dispute here. The Rambam apparently, according to how the commentator learns, the Rambam understood that it means dependent on her. That is, because he... we're talking in the same case as before, he has already betrothed her. So he knows that he can be the one who is delaying, he says, I know that you're still a girl, I haven't yet prepared.

R' Yoel Asher: He's certainly an adult, because a minor cannot betroth. But she's a girl, and she deserves twelve months. But she waives it. She says, I'm already ready. But can he say,

R' Yitzchak: I do want the twelve months. He says that it also depends on him. If he's a bachelor, he gets twelve months.

R' Yoel Asher: If he's a widower, if he has experience with having a wedding.

R' Yitzchak: It's so interesting. But the Rambam implies that as they do for her, that is according to her.

R' Yoel Asher: According to her time, aha.

Halacha 4: Obligation of Support When the Time Has Come

R' Yoel Asher: Now comes an interesting halacha. **The time that was given to the man**

arrived and he didn't marry her. The time has come, we gave the man, let's say, twelve months or thirty, and he didn't do his duty. There's an interesting halacha, **he is obligated in her support even though he didn't marry.** When a man has obligations of food, clothing and conjugal rights, so conjugal rights is not yet relevant because it's forbidden without marriage, but the obligation of support, that is the food and the clothing, he does become obligated, even though he didn't marry.

The Rambam says, more in the details of this is thus, when **the time arrives**, the twelve months has ended, **on a day when one may not have a wedding**, which is Sunday or Friday, **that day he is exempt, because he cannot marry**, we only count from when he is already obligated and he can.

R' Yitzchak: When you don't hold by it,

R' Yoel Asher: It's such a fine, but when it's not relevant,

R' Yitzchak: It's simple that...

Exemption in Case of Duress

R' Yoel Asher: I don't need anything from your dragging around. However, **if he became ill**, he became sick. Or he, **or she became a niddah**, she became a niddah **when the time arrived**. And because of niddah they push you off.

R' Yitzchak: The trumpeter said.

R' Yoel Asher: **He is not obligated in the support.** Then he is not. Normally he would have become obligated in support because the time has already been given. But if it's because of illness. His or hers, one is all support, **because it's not proper to pressure her until she becomes pure, or they wait until she becomes healthy or until she becomes pure? And likewise he cannot travel until he recovers**, he is also, as long as he is sick they don't obligate him.

R' Yitzchak: This is also an answer, even though he himself is sick. The laws of marriage basically.

Discussion: Match Without Betrothal

R' Yoel Asher: The Beis Shmuel discusses, what happens if a time for marriage was agreed upon like in our time, that kiddushin hasn't yet been made, but a match? He also says a similar halacha that if it's a law of a fine, I can understand, because once you've committed yourself.

R' Yitzchak: It's more that it's a matter that support... I mean that one needs to learn later.

R' Yoel Asher: Support doesn't have to do with kiddushin, support doesn't have to do with living together,

R' Yitzchak: With marriage. It comes to living together. Look, look, look,

R' Yoel Asher: You're going to gain nothing now, you shouldn't gain

Earlier Discussion: Shabbos, Joy, and Custom of the Sages

(Note: This discussion was earlier in the lecture, and it relates to other halachos)

R' Yitzchak: What is Thursday or Tuesday? Tuesday he will also need to be a part of the joy.

R' Yoel Asher: Good, but Shabbos should be a Shabbos sheva brachos.

R' Yitzchak: What is the difference?

R' Yoel Asher: Shabbos shlosa brachos.

R' Yitzchak: What is the matter?

R' Yoel Asher: I don't know what is the matter of this custom of the Sages. Let's see what the commentaries say.

R' Yitzchak: He doesn't explain. And he goes out to work on the first day.

R' Yoel Asher: It's not clear. Let's not take away from him.

R' Yitzchak: Perhaps it's a practical thing.

R' Yoel Asher: We have forbidden him to do work. It's such, the Sages said that it's a good custom, one prevents people from working. Yes, things won't get done, the grocery will now be closed. There's no problem of Shabbos, because there's no law of joy, we increase joy for Shabbos,

regarding Shabbos. Can Shabbos fulfill the mitzvah of...

R' Yitzchak: What do you mean, perhaps the Sages don't like to cancel work?

R' Yoel Asher: That's the thing? Yes, yes, that's what I think. Or perhaps it's something like it says that the conjugal rights of a Torah scholar is on Friday night? There's something of a matter of Shabbos, a pleasure of Shabbos, that on Shabbos there should also be joy, there's no prohibition, there should be a joyous Shabbos.

R' Yitzchak: I hear. Perhaps that's the secret, a scholar doesn't have extra time. You put in either Shabbos, it is mixing. What do you say that Shabbos doesn't have the matter of joy?

R' Yoel Asher: No, Shabbos doesn't have a mitzvah of joy.

R' Yitzchak: Okay, until now we've learned when one may or should...

Proof from Eating and Drinking

R' Yoel Asher: So from here I have a proof that eating and drinking is an obligation, you should find it in simcha (joy), because if not, one would say that he has an obligation to eat in honor of Shabbos (the Sabbath), now he's going to eat in honor. So in that case we mix, I don't want to just mix on this.

R' Yitzchak: Okay, so now we've learned about when one must have a wedding, that is to say not when one must, when is the right time and

R' Yoel Asher: The calendar and so on. A person can say, I want to have a wedding already, or so forth.

R' Yitzchak: Not time in the day of the week or of the years, but more time.

R' Yoel Asher: How long can one delay the other? One has given kiddushin (betrothal) to someone, and he drags around in the nesi'us (marriage) and the like.

Continuation of Discussion in Law 10 — Obligation of Support When the Time Has Arrived and They Haven't Married: Penalty or Practical Responsibility?

Is Support a Penalty or a Practical Obligation?

R' Yoel Asher: He also says a similar law. If it's a law of penalty I can understand, because once you've undertaken.

R' Yitzchak: It's more that it's a topic that support... I mean that one needs to learn later.

R' Yoel Asher: Support doesn't have to do with kiddushin, support has to do with living together.

R' Yitzchak: With nisu'in (marriage). You're supposed to live together. The time should have already arrived.

R' Yoel Asher: You won't gain anything from your dragging around.

R' Yitzchak's Reasoning: Support is a Practical Responsibility, Not a Penalty

R' Yitzchak: That sounds like a negative penalty for that. I don't want to think that it's a penalty for that.

R' Yoel Asher: Rabbi Yitzchak is an ohev Yisrael (lover of Israel), he doesn't want to penalize Jews.

R' Yitzchak: And I feel that... for just a giant I feel that it's not... It seems to me, because there is such... the arusah (betrothed woman) is also the eshes ish (married woman), yes? Why isn't one obligated in support for an arusah? Because she doesn't live with you, yes? Practically.

Here, when she lives with you, you're obligated. She should live with you. You're already obligated to take care of her. Ah, you're a wise man, you have an excuse, I don't know why you're not going to be koness (marry) now, but you're responsible, so do for her that she should have where to live, to eat. Something like that is how I look at it.

The Distinction Between Compelling Support and Compelling Entry to the Chuppah

R' Yitzchak: But likewise, the same beis din (rabbinical court) that compels support will compel to marry. I don't know exactly what distinction it is.

R' Yoel Asher: It's just... ah, you're right, because the same obligation of support, he also has an obligation of onah (conjugal rights), and from when he's undertaken, it would seem he should already do it. But one can't say that he's already obligated because he hasn't yet done the nisu'in.

Practical Difference: When the Groom Has an Excuse

R' Yitzchak: But the point of support will be that if he has some good excuse—

R' Yoel Asher: Or a half-good excuse, for support one can say that he sends the money.

R' Yitzchak: Right, and the beis din will claim for everything retroactively, even if he'll say you know what? I don't know. In a month or so the wedding should be. Okay, in the meantime he should pay support. Something like that.

R' Yoel Asher: So, until here chapter 10.