**17a - A Deceased Person, A Bride, and a King**

Summary: The baraita deals with the orders of precedence with respect to a king, a deceased person and a bride. Why is a bride given preference over a deceased person? Does this apply even to the deceased person's relatives who are mourning over him?

Why can't a king waive the honor to which he is entitled? The *Rishonim* suggest several approaches to the issue, which touch upon the foundations of kingdom in Israel. How is the king's waiver of his honor for the sake of a *mitzva* understood? Is there a difference between the king's waiver in favor of a bride and his waiver in favor of ordinary people?

**A Deceased Person and a Bride**

We make [the funeral procession of] a dead person give way before a bride. (*Ketubot* 17a)

This baraita also appears in tractate *Semachot*, together with an explanation:

If a deceased person and a bride were being honored one opposite the other, we make [the procession of] the dead person give way before the bride, because honor to the living is given precedence over honor to the dead.

The Ritva (on our passage) writes:

We make [the funeral procession of] a dead person give way before a bride – Our great master, the Ramban, *z"l*,[[1]](%22%20%5Cl%20%22_ftn1%22%20%5Co%20%22) explained that regarding all matters, the affairs of a bride are given precedence over the affairs of a deceased person, to take him out and for all his needs, or to be supported from the charity chest. As it is stated in tractate *Semachot*: "A deceased person and a bride, a bride is given precedence; a deceased person and circumcision, circumcision is given precedence. For this is honor to the dead and this is honor to the living”. From this we learn that regarding the mourner himself, the mourner is given precedence…. (*Ketubot* 17a)

That is to say, wedding ceremonies are given precedence over funeral rites, but comforting a mourner and providing the *se'udat havra'a* (the meal of comfort) are given precedence over the *mitzva* of rejoicing with a bride and groom during the days of the wedding feast. For in such cases we are not dealing with honor to the living versus honor to the dead, for all the parties are among the living.

The *Tosafot* (ad loc.), however, disagree on this point:

We make [the funeral procession of] a dead person give way before a bride – This implies that when there is a mourner and a bridegroom in the synagogue, the bridegroom and his groomsmen exit first, and then the mourner and his comforters exit. Relatives of both the bridegroom and the mourner may eat in the house of the bridegroom if they desire, for his honor is given precedence… Ra'avya.

"This implies…" – Not only do the *Tosafot* maintain that a bridegroom is given precedence over a mourner, but they also argue that this may be inferred from the rule that a bride is given precedence over a deceased person. How do they deal with the fact that there the law is based on the fact that "honor to the living is given precedence over honor to the dead"? It may be suggested that they understand that the law is based on a different rationale – namely, that matters relating to a wedding are given precedence to matters relating to mourning. But if we wish to reconcile the words of the *Tosafot* with the rationale found in tractate *Semachot*, we must examine another possibility. It is possible that the *Tosafot* and the Ramban disagree about the status of the mourner. It is clear to the Ramban that in the case of a mourner, we are dealing with honor to the living – to the mourner himself, but the *Tosafot* may disagree and say that we are dealing with honor to the dead – by comforting the mourner, one pays tribute to the deceased. It would seem that Mahari Weil in his responsa was in doubt about this point, the practical ramification being whether or not a dying person can waive the honor due him after his death and instruct his relatives not to observe mourning rites for him:[[2]](%22%20%5Cl%20%22_ftn2%22%20%5Co%20%22)

It is not clear to me whether this is honor to the living, and so [the deceased] cannot waive it, or honor to the dead, and so he can waive it. (no. 14)

The Rema rules that a dying person cannot issue such a waiver:

If he commanded not to observe the rites of *shiva* and *sheloshim*, we do not listen to him. (*Yoreh De'a* 344:10)

From here it follows that mourning is indeed honor to the living, and that the deceased cannot waive this honor. Halakha demands that a person conduct himself in a certain manner when calamity strikes and he loses s close relative, and the community is commanded to relate to him accordingly and to comfort him. This understanding accords with the words of the Ramban, though as we already noted, the Mahari Weil was in doubt about the matter. *Responsa Shevut* Yaakov concludes that we are in fact dealing with honor to the dead:

All the mourning rites of *shiva* and *sheloshim* are certainly honor to the dead, for it is for this reason that in a case of suicide or the like, there is no mourning or rending of garments, since it is honor to the dead.[[3]](%22%20%5Cl%20%22_ftn3%22%20%5Co%20%22) (pt. II, no. 102)

According to this understanding, the obligation of mourning is based on honoring the deceased, and if this is also the *Tosafot's* position, then it is clear that the principle that honor to the living is given precedence over honor to the dead applies also to a mourner vis-a-vis a bridegroom.

To conclude this issue, it should be noted that the Rambam has a different view regarding a deceased person and a bride:

If before a person there was a deceased person and a bride, he should leave the bride and occupy himself with the deceased person. And so too it says: "The heart of the wise is in the house of mourning" (*Kohelet* 7:4). If a funeral procession and a wedding procession met along the way [and impede each other's progress], we make the funeral procession give way before the bride.

The *Lechem Mishneh* explains that the Rambam means to say that occupation with the deceased takes precedence over occupation with the bride. Our passage deals exclusively with an encounter between the two on the road, which is merely an issue of honor, and here honor to the living is given precedence over honor to the dead, and the funeral procession is made to give way to the bride.

**Honor of a King**

Our Rabbis taught: We make [the funeral procession of] a dead person give way before a bride, and this and that before the king of Israel. They said of King Agripas that he made way for a bride and the Sages praised him.

"They praised him." [This proves] by implication that he acted correctly. But surely Rav Ashi said: Even according to the one who says [that if] a Nasi waived his honor, his honor is waived, [if] a king waived his honor, his honor is not waived. For the master said: "You shall surely set a king over you" – that his fear shall be upon you!

It was a crossroads.

This passage sets before us several missions. First, we shall clarify the matter of a king who waives his honor; then we shall try to understand the Gemara's answer; and finally we shall deal with the alternative answers that the Gemara might have given, and the discussion among the *Rishonim* regarding these answers.

**A King Who Waives his Honor**

**Why is it that if a king waives his honor, his honor is not waived? Let us examine the Gemara dealing with a Torah scholar's ability to waive his honor:**

Rav Yitzchak bar Sheila said in the name of Rav Matana who said in the name of Rav Chisda: [If] a father waives his honor, his honor is waived. [If] a Torah scholar waives his honor, his honor is not waived. And Rav Yosef said: Even [if] a Torah scholar waives his honor, his honor is waived. As it is stated: "And the Lord goes before them by day." Rava said: Is this the same? There the Holy One, blessed be He – the world is His, and the Torah is His, [and so] He can waive His honor. Here, is the Torah his? Rava later said: Yes, the Torah is his, as it is stated: "And in his [own] Law does he meditate day and night" (*Tehilim* 1:2). (*Kiddushin* 32a-32b)

At first Rava thought that a Torah scholar cannot waive his honor, for we are dealing with honor due to the Torah, and the Torah is not his, and so he cannot waive its honor. Later he changed his position, accepting the view that indeed the Torah belongs to those who study it. His position is more fully explained in *Avoda Zara* (19a):

Raba also said: At the beginning, the Torah is called by the name of the Holy One, blessed be He, but at the end it is called by the name of him [who studies it]. As it is said: "[Whose desire is in the Law of the Lord] and in **his own** Law does he meditate day and night" (*Tehilim* 1:2).

In light of this, it may be suggested that the reason that a king cannot waive his honor is that we are not dealing with his personal honor, but rather with the honor of the kingdom, and this is not his.[[4]](%22%20%5Cl%20%22_ftn4%22%20%5Co%20%22) This seems to be the way the matter was understood by Maharam of Rotenburg in his responsa:

If a priest says: I waive my honor – his honor is waived; this is like a [Torah] scholar who waives his honor, and his honor is waived, because the Torah is his. All the more so, a priest, for the priesthood was given to him and to his seed for ever. As it is written: "And he shall have it, and his seed after him, the covenant of an everlasting priesthood" (*Bamidbar* 25:13). And similarly in *Parashat Korach*, it says several times: "your priesthood," implying that the priesthood is theirs. It is not the same as a king, whose honor cannot be waived. For it is written: "For the kingdom is the Lord's" (*Tehilim* 22:29), who crowns kings and the kingdom is His. (vol. IV, no. 107)

Another variation on this idea follows from the words of Rabbenu Yona in his novellae to *Sanhedrin* (19a). He too maintains that we are not dealing here with the king's personal honor, but he focuses on a different and fascinating point:

When we say that [if] a king waived his honor, his honor is not waived, this is because **his honor is the honor of all of Israel**, for their king is recognizable, and therefore he cannot waive the honor of Israel… But a [Torah] scholar can waive his honor, for others are not slighted when he waives [his honor].[[5]](%22%20%5Cl%20%22_ftn5%22%20%5Co%20%22)

The difference between Rabbenu Yona and the Maraham stems from a more fundamental question regarding the foundation of kingship and its honor – is it the honor of heaven or the honor of the nation? But the common denominator between them is that a king cannot waive his honor, because that honor is not his to waive.

The *Geonim* cited in the *Shita Mekubetzet*, however, suggest a different direction:

His honor is not waived – The Geonim explain: We do not rely on his waiving of his honor, but rather we treat him with the honor that is due him.

That is to say, a king may indeed be capable of waiving his honor, but from the perspective of his subjects, his waiver has no meaning. For their duty to treat him with honor is a personal duty falling upon each of them, which doesn't stem from his right to honor, and therefore his waiver does not exempt them. This is the meaning of the derivation found in the Gemara: "His honor is not waived. For the master said: 'You shall surely set a king over you' – that his fear shall be upon you!" You are bound by an obligation that the king's fear be upon you.

A slightly different formulation of this idea is found in Rashi:

"You shall surely set (*som tasim*) a king over you" - Israel was admonished that that they must set [the king] upon themselves many times, that is to say, that His fear be upon them. Therefore his honor is not waived, because for this reason Scripture added many settings.

The *Shita Mekubetzet* explains the words of Rashi as follows:

Rashi, *z"l*, wrote that for this reason Scripture added many settings, because His honor is not waived. What he means is that every time [the king] waives his honor, it is as if he removes himself from the kingship, and you are obligated to set him over you as king anew.

In other words, a king is capable of removing his fear from his subjects, but then it is "as if he removed himself from the kingship," for fear and honor are part of the essence of the institution of kingdom, and then we become once again obligated to set upon ourselves a king.

The last two understandings focus the matter of honor on the obligation that is cast upon the community. It is, however, important to emphasize that even the king himself is bound by this duty, for our Gemara raises an objection against what it says that he made way for a bride: "[This proves] by implication that he acted correctly." We see then that since the honor due to a king cannot lapse, even the king himself is forbidden to infringe upon his own honor. It stands to reason that we are dealing here with an additional factor – the honor of the kingdom, as formulated by the Maharam,[[6]](%22%20%5Cl%20%22_ftn6%22%20%5Co%20%22) or the honor of Israel, as suggested by Rabbenu Yona, but in any event not merely the community’s obligation to honor the king. If so, then even if the reason that a king's honor cannot be waived is different than that offered by the Maharam or Rabbenu Yona, the principle that underlies their position is proven from our talmudic passage.[[7]](%22%20%5Cl%20%22_ftn7%22%20%5Co%20%22)

**The Gemara's Answer**

The Gemara explains Agripas' act and the praise heaped upon him by the Sages by saying that "it was a crossroads." Rashi explains this as follows:

It was a crossroads – And it was not evident that he made way for her, but rather it seemed as if he wanted to turn to that road.

That is to say, Agripas did in fact give way to the bride, but his waiver was not evident, and therefore it was not regarded as an insult to his dignity. Although it would seem that the king enjoys an objective right of precedence, it is possible that this right of precedence is given to waiver. This is especially true in light of the words of Rabbenu Yona cited above, that the reason that a king cannot waive his honor is that this would be regarded as an insult to the honor of Israel. Obviously, in a situation in which the matter is not evident, there is no insult to the honor of Israel.

It is also possible that in the case of an ordinary king, both levels apply, but in the case of Agripas, only one level is in force. The *Rishonim* on our passage relate to Agripas' problematic standing.[[8]](%22%20%5Cl%20%22_ftn8%22%20%5Co%20%22) The Ritva, for example, writes:

Even though he was not a legal king, as is stated in tractate *Sota*, since he ruled as a king, they treated him in an honorable manner like a king.

Agripas did not ascend to the throne in a legal manner, but in practice he ruled as king. It is possible that this obligated displays of honor, but there was no problem not to give him precedence when the matter was not evident.

Let us now examine two alternative answers that the Gemara could have answered: The first answer appears in other passages, and the *Rishonim* ask why was it not applied here as well. The second answer appears in a baraita in tractate *Semachot*.

**"A Mitzva is Different"**

**A story regarding a king who waived his honor appears also in two other passages, where a different answer is given. The mishna in *Sota* 41a relates in connection with the *mitzva* of *hakhel*:**

The portion read by the king, how so?… They erect a wooden dais in the Temple courtyard, upon which he sits… And the king stands and receives [the Torah], but reads sitting. King Agripas stood and received and read standing, for which [the Sages] praised him.

The Gemara there (41b) states:

Since they praised him, it follows that he acted rightly.

But surely Rav Ashi said: Even according to him who maintains that if a Nasi waives the honor due him, his honor is waived, [if] a king waives his honor, his honor is not waived. As it says: "You shall surely set a king over you," that his fear shall be upon you!

And similarly we learn in *Sanhedrin* (19a):

The king… may not perform *chalitza* nor may it be performed for his wife. He may not perform *yibbum*, nor may it be performed for his wife. Rabbi Yehuda said: If he wishes to perform *chalitza* or *yibbum*, he shall be remembered for good… But [the Rabbis] said to him: We do not listen to him.

Regarding the view of Rabbi Yehuda, the Gemara states:

But is this really so?  Did not Rav Ashi say: Even according to the view that [if] a Nasi waives his honor, his honor is waived, [if] a king waives his honor, his honor is not waived. For it is stated: "You shall surely set a king over you" – that his fear shall be upon you!

The *Rishonim* ask, why in our passage is the answer not given that "a *mitzva* is different"? Let us open with the words of the Ritva in our passage:

We may infer from here that even for a *mitzva* like this [a king] may not waive [his honor]. And that which they said (*Sota* 41b): A *mitzva* is different, there it is in honor of the Torah, for even a king is obligated to display honor to it. This is not the case here, for his honor is given precedence over the honor of all of them.

The Ritva understands that giving precedence to a bride in a case such as ours is regarded as a *mitzva* for all people, including a king, and therefore it follows from our passage that a king cannot waive his honor even for a *mitzva*. As for Agripas' stringency to stand during the reading of *Parashat Hakhel*, the Ritva explains that it is not the *mitzva* that made his waiver possible. Waiver in order to honor the Torah does not impair the king's honor, for the Torah stands above the king, and therefore even the king is obligated to show it honor. Even if he goes beyond his duty, this does not constitute waiver of his honor. Honor is relative, and a show of honor to someone who is above you is not considered an insult to your own honor.

Of course, we may raise an objection against the Ritva from the passage in *Sanhedrin*, which invokes the argument, "a *mitzva* is different," also to explain the king's ability to decide on his own to perform *yibbum*, thus proving that it is the *mitzva* that permits the king to waive his honor. It stands to reason that the Ritva understood our passage in light of the view of the Sages who disagree with Rabbi Yehuda, and say that in such a case we do not listen to the king.

The *Tosafot* (ad loc.) adopt a different approach:

Here you cannot answer: "A *mitzva* is different," as they answer in *Elu ne'emarim* regarding reading standing, because there it is a *mitzva* that the king should show honor to the Torah which is more important than him. But here there is no *mitzva*, for his honor is given precedence over the honor of the bride.

The *Tosafot* disagree with the Ritva on two points. First of all, they understand that a *mitzva* allows the waiver of honor, and therefore there is no question from the passage in *Sanhedrin*. Second, they argue that in the case of the bride, there would be no fulfillment of a *mitzva* were the king to honor her, for his honor takes precedence over her honor. The Ritva maintains that the definition of the *mitzva* is objective – to clear the way for the bride, whereas the *Tosafot* maintain that it is relative – to show honor to one who is more elevated than you are. The *Tosafot's* approach is clarified in the *Tosafot* to tractate *Sota*:

Only here is it pertinent to say "a *mitzva* is different," for [the king] waives his honor due to honor shown to the Torah which is honor for the *Shekhina.* And similarly in chapter *Kohen gadol*, that [a king] who wishes to perform *chalitza* or *yibbum* can waive his honor in order to fulfill the commandment of the King of kings, and demonstrate that the fear of the *Shekhina* is upon him. But there in *Ketubot* and in the first chapter of *Kiddushin*, where he waives his honor to show honor to flesh and blood, e.g., a bride, or a Torah scholar – there is a scriptural decree that he cannot waive his honor, even in the case of a *mitzva*, for the *mitzva* of honoring that they must perform with respect to him is greater than the *mitzva* of honoring that the king must perform with respect to them. For it was to them as well that the Torah said: "You shall surely set a king over you," that his fear shall be upon you, and not your fear on him. It turns out then that that which the king does to honor him is not a *mitzva*.

Fundamentally, a *mitzva* allows for a waiver of honor. This is not because we are dealing here with a value that supercedes the value of honoring the king. But rather that by way of the *mitzva*, the king demonstrates that the fear of the *Shekhina* is upon him and that he does not stand at the top of the ladder. But regarding *mitzvot* that involve showing respect to people of flesh and blood, the Torah has determined that the honor that must be shown to a king is above the respect that must be shown to them. If the king waives his honor there will be no fulfillment of a *mitzva*, and thus there are no grounds for allowance.

To conclude this issue, note should be taken of the interesting position of Rabbenu David, cited in the Ran's novellae to the passage in *Sanhedrin* (19b), regarding the view of the Sages who do not invoke the rule that "a *mitzva* is different" regarding *yibbum* and *chalitza*, but do not disagree with its invocation with respect to standing at the *hakhel* ceremony:

They didn't say that if a king waived his honor, his honor is not waived [even] in the case of a *mitzva*, but rather that others are not permitted to treat him in a belittling manner even after he has waived his honor. E.g., in the case of *chalitza* and *yibbum*, they did not give women permission to treat [the king] in a humiliating manner, even if he has waived [his honor]. But when the king accepts upon himself to read [the Torah] standing, nobody treats him in a humiliating manner.

It is clear from what he says that there are two levels of honoring a king, neither of which can be waived. The first, the honor that others are obligated to show him, and that cannot be changed even for a *mitzva*, for the king's waiver has no force with respect to others. The second, the honor that the king must show himself. The king cannot waive this honor, because this is the honor of the kingdom, but in the case of a *mitzva* he is permitted to waive it.

**The Unique Status of a Bride**

The story about Agripas and the bride is also brought in tractate *Semachot* (11:6), and there we find a different answer regarding Agripas' ability to waive his honor:

It once happened that King Agripas made way for a bride, and the Sages praised him. They said to him: What did you see [to act in this manner]? He said to them: I take my crown every day; let this one take her crown one hour.

In other words, if a king waives the honor to which he is entitled, his honor is not waived, but he can waive his honor before a bride, who has a temporary status similar to that of a queen.

As we know, a bridegroom has a status slightly similar to that of a king. The source for this is *Pirkei de-Rabbi Eliezer*:

A bridegroom is similar to a king. Just as a king, everybody praises him during the seven feast days, so too a bridegroom, everybody praises him during the seven feast days. Just as a king wears dignified clothing, so too a bridegroom wears dignified clothing. Just as a king has joy and feasting before him all the days, so too a bridegroom has joy and feasting before him all seven days. Just as a king does not go out on the street alone, so too a bridegroom does not go out on the street alone. Just as a king's face shines like the light of the sun, so too a bridegroom' face shines like the light of the sun. as it says, "He is like a bridegroom coming out of his chamber."

The reference here is exclusively to the bridegroom. Regarding the bridegroom's crown, however, we find a parallel with respect to the bride, as is stated in the mishna at the end of tractate *Sota* (49a): "During the war with Vespasian they [the Rabbis] decreed against the [use of] crowns worn by bridegrooms and against [the use of] the drum. During the war of Titus they decreed against [the use of] crowns worn by brides." The Rema (*Even ha-Ezer* 64:1) rules that a bridegroom is forbidden to engage in work during the week of his wedding feast. Rabbi Meir Arik, in his commentary *Minchat Pittim* (there), is inclined to infer that there is no parallel prohibition for the bride. He explains that the prohibition on the bridegroom stems from his status as king, and the bride has no such status. In light of what we have said, it is possible that on this point there is a disagreement between the baraita in *Semachot*, which assigns to the bride the status of a queen, and the passage in the *Bavli*, which does not accept this explanation.

(Translated by David Strauss)

[[1]](%22%20%5Cl%20%22_ftnref1%22%20%5Co%20%22) See further the words of the Ramban himself in *Torat ha-Adam*, *Sha'ar ha-Sof* – *Inyan ha-Hotza'a.*

[[2]](%22%20%5Cl%20%22_ftnref2%22%20%5Co%20%22) A similar question is discussed in *Sanhedrin* 46b regarding a eulogy.

[[3]](%22%20%5Cl%20%22_ftnref3%22%20%5Co%20%22) *Responsa Teshuva mei-Ahava* rejects this proof from suicide: "Suicide is different, for he acted improperly, bringing shame upon his entire family, and so we too do not show honor to his entire family, and there is no room to speak here of honor to the living. But mourning in general is to honor the living and he [the deceased] cannot waive it" (vol. I, no. 207).

[[4]](%22%20%5Cl%20%22_ftnref4%22%20%5Co%20%22) A slightly different formulation of this idea is found in the *Tosafot* in *Sanhedrin* (19a, s.v. *Yannai*). The *Tosafot* ask why when a king offers testimony, he must stand, while in the case of a Torah scholar, the *mitzva* of showing honor to the Torah exempts him from standing. They answer as follows: "The positive commandment to honor the Torah is certainly greater, and therefore even though a Torah scholar is not required to stand, Yannai had to stand. The fact that a Torah scholar can waive his honor, while a king cannot, is because of the verse, "You shall surely set," that his fear shall be upon you. Because the honor shown to him comes to him because that is God's commandment, and he cannot cancel God's commandment. But in the case of a Torah scholar, his Torah is his, and he can waive his honor, because it is his." The honor due to a Torah scholar is greater than that of a king, but it belongs to him, and therefore he can waive it, which is not the case regarding a king, where the honor stems from a Divine command.

[[5]](%22%20%5Cl%20%22_ftnref5%22%20%5Co%20%22) Based on this, Rabbenu Yona gives a different answer to *Tosafot*'s question cited in the previous note, that on the one hand, the honor due to a king is greater than the honor due to a Torah scholar, for if a king waives his honor, it is not waived, but on the other hand, we exempt a Torah scholar from standing while giving testimony in a court, but a king is not given such an exemption. According to Rabbenu Yona, we are dealing with two sides of the same coin: "When we say that [if] a king waives his honor, his honor is not waived, this is because his honor is the honor of all of Israel, for their king is recognizable, and therefore he cannot waive the honor of Israel… **But when he is court with them, and he is made to stand, they have greater honor when a king is judged [in equal manner].** But a [Torah] scholar can waive his honor, for others are not slighted when he waives [his honor]. But when he is in court with others, we must honor him out of respect for his Torah." A Torah scholar's honor is his, and this suffices to exempt him from the obligation to stand, but he is entitled to waive it. A king's honor, on the other hand, is the honor of Israel, and therefore he cannot waive it; but Israel's honor is even greater when even the king is judged in equal manner. This idea has acute contemporary significance, but this is not the forum in which to expand upon the matter.

[[6]](%22%20%5Cl%20%22_ftnref6%22%20%5Co%20%22) The *Kovetz Shiurim* writes (no. 47): "'[This proves] by implication that he acted correctly.' This implies that a king is forbidden to waive his honor since his honor is not waived. But even if the people are obligated to honor him even after his waiver, what prohibition is there on the king himself? For the commandment to fear the king falls upon the people, and not on the king! You must say then that the *mitzva* is because of the honor due to the kingdom, and even the king himself is commanded to show honor to the kingdom."

[[7]](%22%20%5Cl%20%22_ftnref7%22%20%5Co%20%22) With respect to our passage, however, Rabbenu David writes as follows (brought in *Chiddushei ha-Ran*, *Sanhedrin* 19b): "Regarding King Agripas who gave way to a bride, and the Sages said it was at a crossroads – this implies that were this not the case, **we would not have agreed to pass before him, treating him in a humiliating fashion."**

[[8]](%22%20%5Cl%20%22_ftnref8%22%20%5Co%20%22) As is discussed in *Sota* 41a, for reasons that are not presently of our concern.