**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**LIFECYCLES – HILKHOT ISHUT**

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**Shiur #10: Laws of the Wedding (1)**

**Setting the Date for the Wedding**

**Introduction**

Over the past few weeks, we have discussed the major components of a halakhic marriage – the *kiddushin*, *nisu’in* and *ketuba* – from a somewhat abstract perspective. We will dedicate the next few weeks to studying the laws of the wedding ceremony itself, including the preparations for the wedding, customs of the Shabbat, week, and day of the wedding, the signing of the *ketuba* (and *tena’im*), the *badeken*, the procession to the *chuppa*, the role of the *mesader kiddushin*, the *kiddushin* ceremony itself, the reading of the *ketuba*, the *sheva berakhot*, breaking of the glass, and seclusion (*yichud*).

This week we will discuss picking a date for the wedding.

**The Proper Time for a Wedding**

As we mentioned in previous *shiurim*, in the times of the Mishna and Talmud, the *kiddushin* and *nisu’in* were performed separately, often very far apart (*Ketubot* 7b, 57a etc.). Since at least the Middle Ages, it has been customary to perform both ceremonies on the same day (*Tur*, EH 62; *Beit Yosef* and *Darkhei Moshe*, EH 34:5). A number of early *Acharonim* record communal *takanot* mandating this practice (*Tashbetz* 1:133; *Radbaz* 1:382, etc.), and even discuss whether *kiddushin* performed separately from *nisu’in* should be deemed invalid.

There are certain days upon which it is prohibited or improper to perform a wedding.

The Rishonim discuss whether it is improper to hold a wedding on *Erev Shabbat* or *Erev Yom Tov*, lest the wedding preparations and festivities lead to *chillul Shabbat*. While some discourage this practice (see Rambam, *Hilkhot Ishut* 10:14), others permit performing a wedding on Friday. Indeed, it was apparently common in many communities to hold weddings on Friday afternoons and to merge the Friday night meal with the wedding meal (see *Shulchan Arukh*, EH 64:3), for the sake of those who were unable to afford a separate wedding meal (see *Ra’avia* cited in *Hagahot Maimoniot*, *Hilkhot Ishut* 10:40; *Darkhei Moshe* EH 64:4). Later authorities discouraged holding weddings on Friday, and certainly on Friday afternoon, in order to prevent *chillul Shabbat* (see *Mishna Berura* 339:19 and *Arukh Ha-Shulchan*, EH 64:11). This concern would seem to apply on *Motzaei Shabbat* as well (see *Arukh Ha-Shulchan*, EH 64:11).

The Talmud prohibits performing *kiddushin* on Shabbat (*Beitza* 36b; see also *Shulchan Arukh*, OC 339:4, 524:1, EH 64:5; *Magen Avraham* 339:4.). Interestingly, R. Moshe Isserlis discusses possible exceptions to this law, and relates how he personally officiated at such a ceremony (*Shu”t Rema* 125; *Rema*, OC 339:4; see also *Taz* 64:1).

The Talmud (*Moed Katan* 8b) prohibits performing weddings during *Chol Ha-Moed.* The Talmud mentions a number of reasons for this prohibition:

R. Yehuda said that Shmuel said, and R. Elazar said that R. Oshaya said, and some say that R. Elazar said that R. Chanina said: The reason that one may not get married on the intermediate days of a Festival is because one may not mix one joy with another joy (*ein me’arvin simcha be-simcha*).

Rabba bar R. Huna said: The reason is because he forsakes the rejoicing of the Festival and occupies himself with rejoicing with his wife. Abaye said to R. Yosef: This statement of Rabba bar R. Huna is actually a statement of Rav, as R. Daniel bar Ketina said that Rav said: From where is it derived that one may not marry a woman on the intermediate days of a Festival? As it is stated: “And you shall rejoice in your Festival” (*Devarim* 16:14). This verse emphasizes that you must rejoice in your Festival and not in your wife.

Ulla said: The reason one may not marry on the intermediate days of a Festival is due to the excessive exertion [that the wedding preparations demand, which is prohibited during the Festival].

R. Yitzchak Napcha said: The reason is due to the neglect of the *mitzva* to be fruitful and multiply. [If it were permissible to get married during the intermediate days of a Festival, people would delay getting married until then in order to save money by avoiding the necessity of preparing separate feasts for the Festival and for the wedding. In the meantime they would neglect the *mitzva* of procreation.]

Regarding the reason of *ein me’arvin simcha be-simcha*, the Talmud teaches:

With regard to the principle that one may not mix one joy with another joy, from where do we derive it? As it is written [with regard to the dedication of the Temple]: “So Solomon held the feast at that time, and all Israel with him, a great congregation, from the entrance of Chamat to the Brook of Egypt, before the Lord our God, seven days and seven days, fourteen days” (*Melakhim I* 8:65). And if it is so that one may in fact mix one joy with another joy, he should have waited until the festival [of Sukkot], and made a feast of seven days for this and for that [i.e., for the dedication of the Temple and for the festival of *Sukkot* together].

The *Shulchan Arukh* (OC 546:1 and EH 64:6) rules accordingly.

However, one may hold a wedding on other festive days, such as Rosh Chodesh (*Rema* OC 573:1), Chanuka (ibid.), and Purim (*Shulchan Arukh* 696:8; see *Magen Avraham* 18), and on the day after Pesach, Shavuot, or Sukkot, known as *issru chag* (*Mishna Berura* 573:7).

Weddings are not performed during part of the period of the *Omer*. The *Geonim* (*Sha’arei Teshuva* 278) cite an ancient custom of observing certain mourning customs during the period of the *Omer*:

You should know that this does not stem from a prohibition, but from a mourning custom, for so said our Sages: R. Akiva had 12,000 pairs of disciples and they all died between Pesach and Atzeret [Shavuot] because they did not treat each other with respect; and they further taught: And they all died a cruel death from diphtheria (*Yevamot* 62b). And from that time forward, the early Sages had the custom not to marry during these days, but he who “jumps forward” and marries, we do not punish him by punishment or lashes, but if he comes to ask before the fact, we do not instruct him to marry.

In the Middle Ages, the *Rishonim* attributed other reasons to these mourning practices. Some ascribe the mourning practices to the precarious state of the Jewish People during this period, as they pray that God judges the world favorably (see *Avudraham*; *Rabbeinu Yerucham*, *Toledot Adam Ve-Chava* 1:5). Thus, these practices are intended to arouse *teshuva*, and not necessarily as an expression of mourning. Others relate these *minhagei aveilut* to the destruction of the flourishing Jewish communities of France and Germany during the Crusades (11th and 12th centuries). The *Sefer Assufot* (13th century Germany), for example, records that “people do not marry between Pesach and Atzeret; this is because of the pain of the decrees, that the communities were killed in this entire kingdom.” The *Taz* (493:2) and the *Arukh Ha-Shulchan* (493) cite this reason as well. Similarly, R. Yaakov Emden (1697-1776) writes in his *Siddur Beit Yaakov*: “R. Akiva's students died and, due to our many sins, a number of communities were destroyed at the same time of year during the Crusades in Ashkenaz and in 5408 in Poland." The latter refers to the Chmielnicki massacres, which took place in the spring of 1648.

There are different customs regarding when to observe the mourning practices, when weddings are not held. We will mention the most customs.

Some observe the mourning practices for the entire period of the *Omer*. The *Sha’arei Teshuva* (493:8) reports that the Ari *z”l* would not take a haircut for the entire period of the *Omer*, until *Erev Shavuot*. This is based on the simple understanding of the Talmud’s description of the death of the students of R. Akiva, “from Pesach until Atzeret.” Similarly, the *Mishna Berura* (15) relates that some observe these *minhagei aveilut* for the entire period of the *Omer*, excluding Rosh Chodesh Iyar, Lag Ba-Omer, and from Rosh Chodesh Sivanuntil Shavuot.

Others observe the mourning practices from Pesach until Lag Ba-Omer. There are, however, different variations of this practice. Sephardic practice is generally to refrain from performing weddings until the 34th day of the *Omer*, while Ashkenazic practice is to end the mourning practices on the morning of the 33rd day, Lag Ba-Omer itself (*Shulchan Arukh*, OC 493:1-2).

Regarding the night of Lag Ba-Omer, *Eliya Rabba* (493:7) writes that although one may act leniently regarding haircuts on the night of Lag Ba-Omer, he has not seen that people permit holding a wedding on the evening of Lag Ba-Omer. He concludes that on *Erev Shabbat*, in extenuating circumstances, one would be permitted to be married at night of Lag Ba-Omer (i.e. Thursday night). R. Moshe Feinstein (*Iggerot Moshe*, *Orach Chaim* 1:159) argues the opposite: while one should be stringent and not apply the principle of *miktzat ha-yom ke-kulo* at night regarding shaving, one may apply it for a marriage, as marriage is a *mitzva*. Some *Acharonim* endorse relying upon this view. Furthermore, the *Shulchan Arukh Ha-Rav* (493:5) claims that those who do not recite *tachanun* at *Mincha* before Lag Ba-Omer clearly believe that the entire day of Lag Ba-Omer is celebratory, and therefore one may get married at night without invoking the principle of *miktzat ha-yom kekulo*!

Some communities, especially German communities, observe mourning practices during the “second half” of the *Omer*, as the Crusades occurred during the months of Iyar and Sivan. Some observe them from the second day of Rosh Chodesh Iyar until *Erev Shavuot*. Others begin from the first day of *Rosh Chodesh* (the 30th of Nisan) and observe until the 3rd of Sivan, leaving out the three days before *Shavuot*, known as the “*shaloshet yemei hagbala.*”

May one who observes the second part of the *Omer*, from Rosh Chodesh until Shavuot(excluding Lag Ba-Omer), attend a wedding held by one who observes the first part of the *Omer*? Although the *Chatam Sofer* (*Orach Chaim* 142) prohibits this, as by participating one has not fully observed either part of the *Omer*, R. Moshe Feinstein (*Iggerot Moshe*, *Orach Chaim* 1:159) and R. Soloveitchik (see *Nefesh Ha-Rav*, p. 192) permit it.

Marriages are also not held during the days of mourning for the *Beit Ha-Mikdash*. The Talmud (*Yevamot* 43a) teaches:

We learned: During the week in which the Ninth of Av occurs, it is forbidden to cut the hair and to wash clothes… And [in connection with this *mishna*] it was taught: Before this time, the public must restrict their activities in commerce, building, and plantings, but it is permissible to betroth, although not to marry, nor may any betrothal feast be held. That was taught in respect to the period before that time…

According to this *gemara*, it is prohibited to marry during the “period before that time,” that is, during the entire period of the Nine Days beginning with Rosh Chodesh A*v*, and not just during the week within which Tisha Be-Av falls. R. Yosef Karo (*Shulchan Arukh* 561:2) cites this *gemara*, and Sephardi Jews are therefore accustomed not to hold weddings during the Nine Days.

R. Isaac Tyrnau (14th–15th century, Austria), in his *Sefer Ha-Minhagim*, records the custom to refrain from marrying during the entire Three Weeks. The Rema (ibid.) cites this custom, and Ashkenazim follow this ruling. Some permit holding the wedding on the night before the seventeenth of Tamuz, since the fast only begins in the morning, while others assume that the three week period of mourning begins at night of *Shiva Asar Be-Tamuz* (see *Iggerot Moshe*, OC 1:168).

Another important consideration in planning the wedding date is ensuring that the bride will have already been to the *mikve*. It is not ideal to hold a wedding when the *kalla* is menstruating or before she immerses in the *mikve*, both for halakhic concerns (as the *Rishonim* question the validity of a *chuppat* *nida*), and personal reasons (it is disappointing for a couple to be married yet be unable to touch). Therefore, the wedding should take place at least seven days after the conclusion of her menses, allowing a full seven days for the *shiva neki’im*, after which she immerses in the *mikve*.

This can be achieved either through precise planning, if the bride has a predicable cycle, and/or through the use of hormones which will prevent the onset of her menstrual cycle until after the wedding. Of course, this should only be done with the guidance of a doctor.

Next week, we will discuss the customs of the Shabbat, week before, and day of the wedding.