**YESHIVAT HAR ETZION**

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

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**LIFECYCLES – HILKHOT ISHUT**

**Rav David Brofsky**

**Shiur #13: Laws of the Wedding (4)**

**Customs and Laws of the Wedding**

**Introduction**

Last week, we began discussing the halakhic components of the wedding ceremony, focusing on the *ketuba*. We noted that the *ketuba*, discussed in a [previous shiur](http://etzion.org.il/en/laws-wedding-3-customs-and-laws-wedding), is generally signed before or during the wedding. The Talmud (*Ketubot* 56b) teaches that it is prohibited to live with one’s wife without a *ketuba*, even if it is lost (see Rambam, *Hilkhot* *Ishut* 10:9-10; *Shulchan Arukh*, EH 66:3). If a couple loses their *ketuba* or if it is destroyed, they should replace their *ketuba* with a special text, known as a “*ketuba de-irkasa*.” We related to an interesting debate regarding whether it is urgent and imperative for the wife to receive a new *ketuba* nowadays.

 We discussed a number of practical issues relating to the *ketuba*, including the importance of writing the proper date and performing a *kinyan*. If the *ketuba* was written and dated before the day of the wedding ceremony, and the *kinyan* and signing of the *ketuba* happened at a later date, the *ketuba* is deemed a *shetar mukdam*, which is invalid (see *Gittin* 18a; *Shulchan Arukh*, CM 43:7). If the *ketuba* was written and the groom was involved in wedding matters (*asukin be-oto ha-inyan*) and the *kinyan* and signing of the *ketuba* did not happen until evening, some *Acharonim* validate the *ketuba* after the fact (see *Shulchan Arukh*, CM 43:16; *Ha-Nisu’in Ke-Hilkhata* 11:28). It is very common, especially during the summer months, that the ceremony is held during *bein ha-shemashot* or slightly after nightfall. In this case, when is the *ketuba* to be signed? Some suggest that that as long as the groom performed the *kinyan* before sunset, the *ketuba* should be valid (see *Shulchan Arukh*, CM 43:16). R. Moshe Feinstein (*Iggerot Moshe*, EH 4:100) and R. Shlomo Zalman Auerbach (*Minchat Shlomo* 2:128) object to this practice, although for different reasons. R. Asher Weiss (*Techumin* 36) disagrees and upholds the common practice of performing the *kinyan* before nightfall and the ceremony afterwards. Alternatively, some suggest writing the date of the ceremony on the *ketuba* and performing the *kinyan* and signing the *ketuba* the day before. Although this is generally deemed a “*shetar me’uchar*,” according to some authorities, this may be preferable to other options.

This week, we will continue our study of the wedding ceremony.

***Badeken***

 It is customary for the bride’s face to be covered before the formal ceremony under the wedding canopy begins. This custom is known among Ashkenazim by its Yiddish name, *badeken*. In some communities, this was performed on the morning of the wedding; in most communities, it is performed immediately before the ceremony. The *chatan* approaches and lowers the veil over the face of the *kalla*.

 This custom is very ancient. Some trace its origins to the *mishna* (*Ketubot* 2:1), which rules that if there are witnesses who describe the bride being wed with a *hinuma* (veil, see *Ketubot* 17b) then she is considered to have been married as a *betula* (virgin).

 Broadly speaking, there are two approaches to understanding this practice.

Some explain that covering the face of the bride with the wedding veil (*hinuma*) is the halakhic act of *nisu’in*. As we discussed in a previous *shiur*, the Talmud teaches that only after the “*chuppa*” is the couple considered to be fully married. At that point, a husband may annul his wife’s vows, he inherits her estate, and if he is a *Kohen*, he must become impure for his wife’s burial ([*Kiddushin* 10a](https://www.sefaria.org/Kiddushin.10a?lang=he-en)). The Talmud does not define the term “*chuppa*” or explain how it affects the couple’s marital status. Some *Rishonim* appear to maintain that an act or situation that reflects the most intimate aspect of marriage – sexual relations – functions as the beginning of *nisu’in* (see, for example, Rambam *Hilkhot Ishut* 10:1), most likely based upon the verse “when a man takes a wife and is intimate with her” (*[Devarim](https://www.sefaria.org/Deuteronomy.24.1?lang=he-en" \t "_blank)* [24:1](https://www.sefaria.org/Deuteronomy.24.1?lang=he-en)). Others suggest that *nisu’in* is achieved not by an act of (or a situation which enables) marital intimacy, but in a more formal manner that reflects their marital relationship (see, for example, Ran, [*Ketubot* 2a](https://www.sefaria.org/Ketubot.1a?lang=he-en), s.v. *oh,* who cites a view that describes *nisu’in* as the bride entering the husbands “domain”). In this context, some *Rishonim* (see Tosafot, [*Yoma* 3b](https://www.sefaria.org/Yoma.3b?lang=he-en), s.v. *le-chada*) maintain that *nisu’in* is marked by the bride going out with her special head covering (*hinuma*). This view is somewhat perplexing, as according to our custom, the *nisu’in* would thus be performed at the *badeken* (when the *chatan* lowers the veil over the bride’s face), which is performed before the *kiddushin*.

Others do not view the *badeken* is not an integral part of the wedding ceremony, instead attributing other reasons to this ancient custom.

As noted above, the *mishna* (*Ketubot* 2:1) appears to cite this practice. Furthermore, some (*Maharil* 64b) trace this custom to the Torah, as the Bible relates that Rivka “took a veil and covered herself” (*Bereishit* 24:65; see also *Rut* 3:9). Some explain that covering the bride’s face is a sign of modesty or a negation of the centrality of beauty. Others write that the bride is not meant to be able to discern the value of the ring used for the *kiddushin* (see Rema, EH 31:2).

 As for the final halakhic ruling, the *Shulchan Arukh* ([EH 55:1](https://www.sefaria.org/Shulchan_Arukh%2C_Even_HaEzer.55.1?lang=he-en)) cites a number of views regarding the definition of *nisu’in*/*chuppa*:

This seclusion (*yichud*) is known as entering into the *chuppa,* and it is called marriage in all places.

R. Moshe Isserles (Rema) adds:

There are those who say that the *chuppa* is not considered seclusion. Rather, the groom must bring her into his house for the purposes of marriage (*Ran* at the beginning of *Ketubot*).

And there are those who say that the *chuppa* is when they spread a cloth over her head at the time of the blessing, and there are those who say that a virgin's *chuppa* is when she goes out in a headdress, and for a widow when they become secluded.

The Rema concludes:

The simple custom nowadays is to call the *chuppa* a place where they place a cloth on poles and bring the groom and bride underneath in public, and he betroths her there and they say the blessings of betrothal and marriage, and then they walk them to their house and they eat together in a secluded place. This is how the *chuppa* is done now.

 As the Rema apparently believes that our practice is to be concerned with all of the opinions cited above, some *Acharonim* insist that that *badeken* is indeed a possible component of the marriage ceremony. Therefore, for example, R. Yoel Sirkis (Bach, EH 61) records that it is customary for the *chatan* to be escorted to the *kalla* and to cover her before the ceremony. This report is confirmed by later authorities, including R. Yechezkel Landau (*Dagul Me-Revava*, YD 342) and R. Yechiel Mikhel Epstein (*Arukh Ha-Shulchan*, EH 55:15). The *Derisha* (EH 65:1; see also YD 342:1) explains that the *badeken* is indeed part of the *chuppa*, and therefore the *birkat ha-erusin* concludes, “He who sanctifies the people of Israel through the *chuppa* and *kiddushin*,” as the *chuppa* precedes the *kiddushin*. Other *Acharonim*, such as the Taz (EH 65:1 and YD 342) and *Kitzur Shulchan Arukh* (147:3), disagree, and relate that the *chatan* himself does not perform the act of covering the *kalla*.

A possible practice outcome of viewing the *badeken* as the *chuppa* is that according to those opinions that require witnesses for the *chuppa*, the *eidim* should witness the *badeken* as well. This stringency is addressed by some *Acharonim* (see *Teshuvot Ve-Hanhagot*, EH 4:286:7, and *Shevivei Eish*, *Hilkhot* *Chuppa Ve-Sheva Berakhot* 1), and some authorities insist that the *eidim* view the *badeken*. However, it is generally accepted that *be-di’avad*, we do not view the *badeken* as a component of the marriage ceremony.

It is customary to bless the *kalla* following the *badeken*. Some bless her with the blessing given to Rivka (see *Kitzur Shulchan Arukh* 147:3):

Our sister, may you become thousands of myriads. May your descendants inherit the gates of your foes. (*Bereishit* 24:60)

Others add (or only say) the blessing given to one’s daughters on the Sabbath eve: “May God make you like Sarah, Rivka, Rachel and Leah.”

 Next week, we will continue our discussion of the wedding ceremony itself.