**YESHIVAT HAR ETZION**

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

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**LIFECYCLES – HILKHOT ISHUT**

**Rav David Brofsky**

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Dedicated by Steven Weiner and Lisa Wise with prayers

for *refua* *shelema* for all who require healing, comfort and peace –

those battling illnesses visibly and invisibly, publicly and privately.

May Hashem mercifully grant us strength, courage, and compassion.

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**Shiur #16: Laws of the Wedding (6)**

**Customs and Laws of the Wedding**

**Introduction**

 **The first part of the wedding ceremony, during which the *chatan* gives his bride a ring, used to be performed before the *nissu’in*. In this case, the bride and groom were not permitted to live together until after the *nisu’in*.**

 **The *Rishonim* report that as early as over one thousand years ago, it became customary to perform both parts of the wedding together. Some suggest that this innovation was intended to save the family the cost of two lavish festive meals (see Sefer Ha-Orah 2:10; Maaseh Ha-Geonim p. 73). Others explain that it was simply too difficult to keep the bride and groom apart after the *eirusin*, and it therefore became customary to perform the entire wedding ceremony in one day.**

 This week we will begin our study of the practical elements of the *kiddushin*, the first part of the wedding ceremony, and focus on the *birkat ha-eirusin*.

***Minyan* – Does the *Kiddushin* Require a *Minyan*?**

The Talmud (see [Ketubot 7b](https://www.sefaria.org/Ketubot.7b?lang=he-en)) teaches that the sheva berakhot must be said in the presence of a minyan (ten men). The gemara cites two sources:

R. Nachman said: Huna bar Natan said to me that it was taught: From where is it derived that the benediction of the grooms is recited in a quorum of ten men? It is as it is stated: “And he took ten men of the elders of the city and said, ‘Sit you here,’ and they sat” ([Rut](https://www.sefaria.org/Ruth.4.2?lang=he-en) [4:2](https://www.sefaria.org/Ruth.4.2?lang=he-en)). And R. Abbahu said that the source is from here: “In assemblies [mak’helot], bless God, the Lord, from the source of Israel” ([Tehillim 68:27](https://www.sefaria.org/Psalms.68.27?lang=he-en)).

The Talmud ([Megilla 23b](https://www.sefaria.org/Megillah.23b?lang=he-en)) lists these blessings, the birkat chatanim, among those rituals that must be performed in the presence of a minyan.

The Tur ([EH 34](https://www.sefaria.org/Shulchan_Arukh%2C_Even_HaEzer.34?lang=he-en)) cites a debate regarding the first part of the wedding ceremony, the kiddushin. According to R. Shmuel Ha-Nagid, the birkat ha-eirusin may be performed without a minyan. However, R. Hai Gaon and the Rosh disagree and maintain that just as the sheva berakhot must be recited in the presence of a minyan, so too must the birkat ha-eirusin. The Shulchan Arukh ([EH 34:4](https://www.sefaria.org/Shulchan_Arukh%2C_Even_HaEzer.34.4?lang=he-en)) rules that it is preferable (lechatkhila) that the birkat ha-eirusin be said with a minyan. Some (see, for example, Rosh 35:4) write that the wedding is meant to be performed publically.

Although technically the *birkat ha-eirusin* may be said without a *minyan*, the sheva berakhot are not recited under such circumstances. The Acharonim discuss whether they may be recited in the presence of a minyan during the first seven days after the wedding (Ritva, [Ketubot 7b](https://www.sefaria.org/Ketubot.7b?lang=he-en)), or even later (Arukh Ha-Shulchan 62:12).

***Birkat Ha-Eirusin* – Source and Nature of the Blessing**

The Talmud (*Ketubot* 78) teaches that a blessing is reciting over the act of *kiddushin*:

It is taught in another *baraita*: One recites … the benediction of the betrothal in the house of the betrothal. With regard to the benediction of the betrothal, what formula does one recite? Ravin bar Rav Adda and Rabba bar R. Adda both said in the name of R. Yehuda: “Blessed are You, Lord our God, King of the universe, Who sanctified us through His *mitzvot*, and commanded us concerning the forbidden relatives, and prohibited to us those women who are betrothed, and permitted to us those women who are married by means of the wedding canopy and betrothal.” R. Acha b. Rava concludes the blessing in the name of R. Yehuda: “Blessed are You, Lord, Who sanctifies Israel by means of the wedding canopy and betrothal.”

*Masekhet Kalla* (1:2; see also Tosafot, *Ketubot* 7b, s.v. *shene’emar)* derives this obligation from the verse, “And they blessed Rivka and said unto her: 'Our sister, be you the mother of thousands of ten thousands, and let your seed possess the gate of those that hate them'” (*Bereishit* 24:60). Most *Rishonim* understand this derivation as an *asmakhta*, and that the law is therefore of rabbinic origin.

 In a previous *shiur*, we discussed the nature of this blessing. The Rosh (*Ketubot* 1:12) and other *Rishonim* note that the text of the blessing does not match the pattern of other *birkot ha-mitzvot*. He explains that since marriage is not an inherent part of the central *mitzva* of *periya u-reviya*, this blessing is not a *birkat ha-mitzva*, but rather a *birkat ha-shevach*, which "was instituted to give praise to God who has sanctified us and separated us from the other nations and commanded us to betroth permitted women and not those who are prohibited to us.” Similarly, Ramban (*Ketubot* 7b), who explains that the full *mitzva* of marriage is only fulfilled after the *kiddushin* and *nisu’in*, explains that the blessing recited at the *kiddushin* is a *birkat ha-shevach*, and not a *birkat ha-mitzva*.

Sefer Ha-Chinukh (552) and other *Rishonim* disagree. He writes:

And the Sages obligated us to recite a blessing upon this commandment – the man betrothing (see Mishneh Torah, Hilkhot Ishut 3:3; Sefer Mitzvot Ha-Gadol, pos. comm. 41) or someone else on his behalf and he answers, Amen – in the way that we recite a blessing on all commandments. For we hold that with blessings over commandments, “Even though he has [already] fulfilled [it], he may fulfill [it] for another.”

The Chinukh clearly believes that the blessing is a *birkat ha-mitzva*, as *kiddushin* is considered to be a positive commandment. Interestingly, he adds that it was customary to say the blessing after the *kiddushin*, despite the fact that a *birkat ha-mitzva* is usually said before the performance of a *mitzva*. He explains that it would be improper to say the blessing before the man betroths the woman, as she may refuse. The Rambam also maintains that *kiddushin* is a positive commandment (Sefer Ha-Mitzvot, pos. comm. 213; introduction to Hilkhot Ishut; Hilkhot Ishut 1:2, 3:23), and therefore the blessing is a *birkat ha-mitzva*.

 As we shall see, aside from pointing towards different understandings of the commandment to marry, this debate has a number of practical ramifications.

**When and by Who is the Blessing Recited**

 When is the *birkat ha-eirusin* blessing recited? According to those *Rishonim* who view the blessing as a *birkat ha-mitzva* (see, for example, Rambam, *Hilkhot Ishut* 3:23), it seems that the blessing should be said before the *kiddushin*, in accordance with the principle “*kol* *ha-berakhot mevarekh aleihen oveir le-asiyyatan*.” Other *Rishonim* maintain that the blessing is a *birkat ha-shevach*, and therefore it should be recite after performing the *mitzva* (see Rosh, *Ketubot* 1:12). Some *Rishonim* explain that even if the blessing is a *birkat ha-mitzva*, since the *mitzva* depends upon the intention of the betrothed woman, it should be said after the *kiddushin*. It is customary to recite the blessing before the *kiddushin*.

 Many early sources indicate that the *chatan* should recite the *birkat eirusin*, especially if the blessing is considered to be a *birkat ha-mitzva*. In practice, however, the *birkat ha-eirusin* is recited by the *mesader kiddushin*, and not by the *chatan* (see Rema, EA 34:1). Numerous reasons are given for this practice. Some suggest that this is out of concern for those grooms who do not know how to recite the blessing, lest they be embarrassed (see Derisha 34:1). Others maintain that the *chatan* saying the blessing himself may be perceived as haughtiness (see Mordekhai, *Ketubot* 131, quoting R. Sar Shalom Geon). Furthermore, since the *chatan* may be overwhelmed by the wedding ceremony, he may be too distracted to properly recite the blessing (Sefer HaManhig 110).

Although the *mesader kiddushin* recites the blessings, it is proper for the *chatan* and *kalla* to have in mind that the person reciting the blessings is fulfilling their obligation.

Some *Acharonim* insist that the *chatan*, *kalla*, and nine other people should hear the blessings. Furthermore, some insist that the *mesader kiddushin* should not use a microphone, or that he ensure that the *chatan*, *kalla*, and nine others heard the blessing without the microphone (R. Shlomo Zalman Auerbach, *Sinai* 22). It does not appear to be customary to follow this view.

**The Cup of Wine**

 It is customary to say the *birkat ha-eirsusin* over a cup of wine, preceded by the *borei peri ha-gafen* blessing (see Rambam, ibid. 3:23; see also Shulchan Arukh, EA 34:2). Although this custom is not mentioned by many late Geonic sources (see She’iltot 16 and Siddur R. Amram Geon p. 181), it is mentioned by R. Saadia Geon (Siddur R. Saadia Geon, p. 96), and later by the *Rishonim*.

Some suggest that it may be preferable to use red wine for the *birkat* *ha-eirusin*; others insist on using white wine, in order not to risk staining the bride’s white dress.

Since the *mesader kiddushin* says the *borei peri ha-gafen* blessing before the *birkat eirusin*, some maintain that he should taste the wine (Machzor Vitri 470; Rokeach 351). This was the practice of numerous *Acharonim* (see, for example, Afikei Yam 2:2, who reports that R. Chaim Soloveitchik would taste a bit of wine that spilled from the cup). However, it is customary that the *mesader kiddushin* does not to taste the wine, but rather offers the wine to both the *chatan* and *kalla* (see Maharsham 5:8 and Arukh Ha-Shulchan 34:9; see also Nefesh Ha-Rav, p. 260).

There is no obligation to drink a cheek-full (*melo lugmav*) of wine. Rather, the *chatan* and *kalla* should merely taste from the *kos shel berakha*. In fact, some *Acharonim* suggest that they should be careful not to drink more than a bit of wine, so that the *chatan* and *kalla* will not be even slightly intoxicated during the wedding ceremony.

The *kiddushin* should be performed immediate after reciting the *birkat ha-eirusin*. Seemingly, while this is not crucial according the those who view the *birkat ha-eirusin* as a *brikat ha-shevach*, those who understand the *birkat ha-eirusin* to be a *birkat ha-mitzva* may be concerned that speaking after the blessing constitute a *hefsek* (interruption).

There are a number of preparations before the *eirusin*, including asking the *chatan* for the ring, confirming that it belongs to the *chatan*, and that it is worth the value of a *peruta*. Some insist that these preparations be performed before reciting the *birkat eirusin*, in order that there should be no interruption between the blessing and the *eirsuin*. However, it is customary to ask these questions after the blessing, while ensuring that the *mesader kiddushin* and the couple do not speak about matters that do not pertain to the *kiddushin*.