

Wedding

Published in honor of the wedding celebration of **Sholom Ber & Chaya Liberow**



Wedding Guide

A collection of laws & customs relating to

Shidduchim // Wedding Preparations // The Wedding Day

in Q&A format

Dear Family and Friends,

The celebration of a wedding is an occasion for increased joy—and what greater joy can there be but the marriage of the Jewish people with Hashem through the study of His Torah.

We hereby present a compendium of halachos on the topic of shidduchim and marriage culled from the work of the editorial team at **Halacha2go.com** and **Asktherav.com**, under the auspices of the Kallah's father, Horav Yosef Yeshaya Braun, shlita, member of the Beis Din of Crown Heights.

It is important to note that this publication isn't a comprehensive guide; it is a collection of questions generated by real people with real-life scenarios, many of which relate to current events and situations being addressed from a halachic perspective for the first time.

Please note that, for the ease of reading, sources are not cited in the Q&A section of this guide. An index of related subject matter references the halachos on the website, and full notes and sources are available there.

We would like to thank Rabbi Levi and Mrs. Pessi Stolik for their editorial assistance and Hatomim Levi Braun, brother of the Kallah, for cross-referencing the material.

Mazal tov! May we merit the coming of Moshiach speedily, when we will celebrate the true and everlasting marriage of Hashem and the Jewish people.

Yossi Liberow, Editor AsktheRav Publishing Department 28 Teves, 5781

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Shidduchim

Q1: I feel like I should get involved in helping what is termed the "shidduch crisis", but I find it hard to reach out to strangers and even harder to find the time. Are there words of encouragement to help me get over myself?

It is a big mitzvah to get involved in doing Hashem's work to bring about *shidduchim*. The reward for doing this is great. Many special things are written about someone who does Shidduchim for the sake of Heaven without intending to receive money – good kids, atonement of sins etc.

Q2: Is it permissible for first cousins to marry?

According to halacha, cousins may marry. However, in countries and states where such marriages are unsanctioned, it would not be acceptable halachically either. The genetic issues that might result from such a union should be considered as well.¹

Q3: A wonderful girl has been suggested for our son, but her family is not frum. Should I consider the shidduch?

If a *shidduch* (proposed match) is suggested with a good girl who has *yiras Shamayim* (fear of G-d) and is a *ba'alas midos tovos* (possesses good character traits), but her parents were *mechalelei Shabbos*

^{1.} See Q13 below

(desecrated Shabbos), or weren't generally frum (religious), some people may mistakenly consider it grounds for rejecting the shidduch. This may be due to the concern that her parents' marriage might not have been halachically in order, or that taharas hamishpachah (family purity) may not have been observed. However, marrying such a girl is actually preferable to marrying a girl from a frum family who does not have those same qualities. In fact, Sefer Chassidim implies that it's often better to marry a giyores (convert) than someone from a Jewish family; a baalas teshuvah (a girl who became frum) is likewise on a higher plane than tzadikim gemurim (those who have always been on the highest level). Therefore, the order of priority is: a giyores, then a ba'alas teshuvah—provided they both have yiras Shamayim and are of upstanding character, and then a girl from a frum family who does not possess such sterling qualities. (It should be noted that a birur yuchasin (establishing proper lineage) is always necessary, to alleviate any concerns about halachic eligibility for marriage.)²

Q4: What are the limitations of shidduchim for Kohanim?

It is a Biblical prohibition for a Kohen to marry a woman who lived previously with a *goy* or had any other relationship with someone she is expressly forbidden to marry (she is called a *zonah* in the Torah), or who is the progeny of a Kohen in a

^{2.} See also Halachatogo #647: "Of course I'm Jewish—my grandmother spoke Yiddish!"

forbidden relationship (called *chalalah*). A Kohen also may not marry a divorcee, a widow who performed *chalitzah*, a *giyores*, or a daughter born to *geirim*.

Q5: What other possible concerns arise when pursuing a shidduch with a ger or giyores?

When pursuing a *shidduch* with a child of *geirim* it is important to be in touch with a Rav (who has specific expertise in such matters) that there are no concerns regarding their status as a Jew. Such matters can never be "self-assessed".

Q6: A friend suggested a girl for me who shares my mother's name. Should I categorically reject this shidduch?

Rabbi Yehudah HaChassid writes in his *tzavaah* (will) that a father-in-law and a son-in-law, as well as a mother-in-law and a daughter-in-law, should not have the same names. Potentially good *shidduchim* with people who are *yerei'ei Shomayim* (G-d fearing) that have been suggested are often bypassed due to this issue. One suggestion is to add a name to either of them. According to numerous *poskim* (halachic decisors), there is no problem as long as one of them has an additional name that is not shared.³

^{3.} The Tzemach Tzedek writes that there is no *chashash klal uklal* (absolutely no problem) in such a case because if one of them has a name that is not shared, then their names are completely different names.

Q7: May I ask for a graphologist's assistance in vetting a shidduch?

A graphologist "reads" a person's personality through analyzing their handwriting. Submitting a writing sample to a graphologist without the writer's permission—perhaps for *shidduch* or employment purposes—is considered *geneivah* (stealing).

Q8: As a newly married bride, I receive many requests for information about my single friends. Is it ever allowed to withhold information from a shadchan (marriage broker) or family member?

As a general rule, it is forbidden to hide information for the sake of a *shidduch*, unless one is certain that when it will be revealed to the other party, they would be *sovar vekibel* (accept it and not mind).⁴

As to **how** the name should be added, guidance of a Rav should be sought to ensure that the new name will be a name that is *muchzak* (established). From the time that a person receives a new name, they should use it regularly, either together with their old name or by itself, so that the new name does not become a *shem shenishtaka* (name that has fallen into disuse). See also Halachatogo #809

^{4.} There are serious halachic ramifications if either party to a *shidduch* withholds pertinent information— whether aspects of their past life, medical issues, or other relevant facts—fearing that disclosure might be embarrassing or impede the potential shidduch. One of the issues is the *issur* of *ona'ah* (deception) or *gneivas daas*. Just as in business matters one may not deceive another, likewise in a *shidduch*, which is halachically a transaction, withholding information is considered *ona'ah*. At times, there could also be the possibility of *mekach ta'us* (meaning, a marriage under false pretenses): Just as a purchase based on fraudulent information is not binding, a *shidduch* based on misinformation—in certain extreme cases—

In our times, numerous *poskim* advise against withholding information that would be considered important. Even to save a *shidduch*, one should avoid embellishing the facts, and certainly one may not lie outright.⁵

Discussion with a Rav is important to decide at what stage to disclose and how to go about it. Likewise, if a person knows information about another individual who is interested in engaging in a shidduch, they should discuss with a Rav at what stage to disclose it and how to say it in the appropriate fashion.

Q9: May a younger sibling marry before an older one?

The younger sibling should ask the older for *mechila* (forgiveness), and they should forgive with a full heart, that itself will serve as a *segulah* (good omen) for them to find their *shidduch* speedily.

could potentially render the marriage halachically null and void, which is a very grave matter. While the annulment of a marriage is rarely practiced, this principle serves to highlight the potential severity of withholding information.

^{5.} Additionally, in the case of a woman who has previously had a relationship with a man, it could have bearing on whom she may marry and the validity of the kesubah. She should speak with a Rav for advice on how to pass on that information to the prospective *Chosson* in a discreet and sensitive manner. While it doesn't bear the same halachic significance, obviously, a man who has had a prior relationship must be equally forthcoming to his prospective *Kallah*.

Q10: I am new to the concept of shidduchim, having only "dated" in the secular sense in the past. What should I be aware of concerning the process?

The purpose of meeting a prospective *shidduch* isn't to get know them better⁶, rather to abide by the Torah adage of *ad she'yirena* (a man should not agree to marry a woman until he lays eyes on her), which is to say, they are deemed to be compatible, but are meeting to see whether they appeal to each other.

Q11: A shidduch has been suggested for me, but I have nothing to wear! Do I have to wait until after Shavuos to say "yes"?

A girl who is in *shidduchim* may buy and wear new clothing during *Sefira* (the period of light mourning between Pesach and Shavuos), as well as trim her hair if needed. There is room for leniency for a girl who is in *shidduchim* to shave legs during the Three Weeks, as well.

Q12: I've just broken off a shidduch with a girl. There are many reasons it didn't work out, but one aspect I did enjoy

^{6.} There is also no solid evidence that getting to know someone better, or for more time before marriage has bearing on the success rate of the marriage. Even if it does have bearing, as some argue, it's obvious that serious commitment and shared goals are the ultimate influences on the durability of the marriage.

It should be noted that in many other circles they hardly see each other before marriage and they have a high success rate of lasting marriages. Historically, our ancestors who hardly dated also have a history of longer-lasting marriages.

is that we spent time learning together. When I was discussing the whole sugya (chapter) with someone I respect, he told me that this was inappropriate. What are the parameters of discourse for daters?

As a general rule, it is inappropriate to learn together during a *shidduch* meeting, as it brings to too much closeness. However, to discuss a point on *hashkafa* (like sharing opinions in the education of children), is not wrong.

Q13: While in shidduchim, what practices are advised to avoid yichud (prohibited seclusion with a member of the opposite gender)?

While on a shidduch date, take care to meet only in public places. Travel only during hours when there is still a flow of traffic in the streets and plan the route through main thoroughfares not side streets.⁷

Q14: On the subject of yichud, is it a problem to speak to a shidduch date over the phone in a private, locked room?

No, there is no such prohibition.

Q13: Is genetic testing like **Dor Yeshorim** sanctioned?

It has become accepted in virtually all sectors of *Klal Yisroel* to utilize genetic screening for *shidduchim* purposes—it is absolutely legitimate (and recommended) halachically, as well as from a *hashkafa* perspective.

^{7.} See also AsktheRay #2143

Q15: What are our financial obligations to the shadchan? When is payment due? Actually, which people involved in making the shidduch are in the category of "shadchan"?

What: A *shadchan* who arranges a *shidduch* should be paid a brokerage fee for their work, as any other type of broker. The amount to be paid is determined by *minhag hamokom* (local custom), according to the going rate in that community. Moreover, when one asks a *shadchan* to arrange a *shidduch*, the *shadchan* acquires the halachic status of an employee and should be paid the rate of a similarly-employed worker.

Who: The requirement to pay a *shadchan* applies to anyone who makes a *shidduch*, not only a professional *shadchan*, but even a friend, a colleague, or the like. In fact, if a suggested *shidduch* works out, the *shadchan* is entitled to *shadchanus gelt* even if neither party approached them for help nor offered payment in advance.⁸

When: It is customary to pay the shadachan after the *shidduch* has been concluded. (Even if, *chas vesholom*, the engagement is subsequently broken, the *shadchan* does not have to reimburse the parties; if the parties have not paid the *shadchan* previously, they should pay now, as they have been the recipients of the *shadchan's* services, despite the fact that the *shidduch* later fell apart.)

^{8.} See also Halachatogo #294

More: If more than one person was involved in making a *shidduch*, the custom is to divide the *shadchanus gelt* (money) equally among them. For example, if three people were involved, the one who initiated the *shidduch*, the one who helped the couple during the meeting process, and the one who helped conclude the *shidduch*, each of them should receive a third. However, only someone who actually did work to bring the couple together should be paid, not someone who simply made a suggestion. Nonetheless, a person who came up with an idea for a *shidduch* that was concluded should receive something in appreciation.

Q16: Due to travel restrictions, my parents were unable to attend my L'chaim. Who should break the plate?

1. If a parent is not present, another relative should break the plate. They do not need to be married.

Q17: What item is best to use for making a kinyan (object sealing the engagement contract) at the L'chaim (engagement party)?

A *gartel* (woven prayer belt of silk or similar material) may be used for a *kinyan*. Indeed, this is the common custom. However, some are particular to use an item which is at least 3x3 *etzbaos* (fingers) in dimension.

Wedding Preparations

Q1: Are there general guidelines when choosing a date for the wedding?

The Rebbe urges couples to make the wedding as soon as possible, and not let any side reasons to delay, thus minimizing the engagement period as much as possible.⁹

Q2: What halachic (and other considerations) should be taken when deciding when to get married. Are there any "blackout" dates?

Cheshvan: Halachically, there is no prohibition in getting married during this month. Although *Sefer HaMinhagim* records a *minhag Chabad* (Chabad custom) to avoid weddings in Cheshvan, in the later years (5740's), the Rebbe made it clear that it is far more preferable to make a wedding as soon as possible, even if it will occur in Cheshvan.

Adar: A wedding may not be held on Purim day, however the *Chuppah* may be on *Ta'anis Esther* (the day preceding Purim), and the wedding meal and celebration can be held on the eve of Purim.

Iyar: It is permissible to marry on Lag B'omer, with some restrictions as to the music if the celebration runs into the preceding day or following night.

^{9.} See also *Igros Kodesh* vol. 6, pg. 171 & vol. 15 pg. 202

Tammuz/Av: Weddings are prohibited during the three-week period when we mourn the destruction of the *Beis HaMikdash*—from the 17th of Tammuz until the 9th of Menachem-Av (may these days will turn into joyous ones with the coming of Moshiach). One may marry right before the Three Weeks. There is no problem at all to make *sheva brachos* meals during this time.

Q3: I've heard over and over how even small interactions of a Chosson (groom) and Kallah (bride) during their engagement impacts their future. What halachic issues must I be aware of during this very hectic, emotional time?

Generally, it is permitted to give each other gifts. Many are particular not to give directly to each other or ensure there are no kosher witnesses present at the time. Alternatively, one can specify clearly this is purely done for the purpose of a present and make sure not to use any expressions associated with *kiddushin* (halachic marriage). The *Chosson* may pass an item to his *Kallah*, if not done with the intention of gazing at her beauty.

However, a *Chosson* may not give his *Kallah Mishloach Manos* on Purim; rather, he may send to the *Kallah*'s family, or the *Chosson*'s family may send to the *Kallah* directly.

A *Chosson* may send his *Kallah*, via a sister, a letter that she will read on their wedding day. Of course, one must be certain that the letter is indeed suitable

to be read on such a holy day, which is likened to Yom Kippur. 10

Q4: I am a foreigner who is marrying an American bochur (yeshiva boy). Must I wait until after our wedding (chuppah) to get married civilly and then apply for my green card?

It is permitted to marry civilly before one is halachically married, provided there are no kosher witnesses present.

Q5: At what point before the wedding must Chosson and Kallah refrain from seeing each other?

From the afternoon of the day exactly one week before the wedding (i.e., the same day of the week), the *Chosson* and *Kallah* may no longer meet.

Q6: Has anyone noticed how wedding expectations, and therefore expenses, have exploded in the last decade or so? Now, with the pandemic and its related restrictions, we've been forced to scale back, but since soon, G-d willing, this nightmare will be over...will we go back to the "splurge urge" state? What is the Torah way, in normal times?

We find, in Chumash, that many people were invited to a wedding celebration, as *simcha* (joy) is greater when there are lots of people in attendance. At the same time, it is important to ensure that weddings are done properly and modestly, in a sensible manner, and in a way that does not

^{10.} See more about interactions: AsktheRay #12557

squander unwarranted funds. Any extra money should instead be given to *tzedakah* (charity) in the *zechus* (merit) of *Chosson* and *Kallah*.

Q7: May we use ma'aser (charity/tithe) money to marry off our own children?

One may use *ma'aser* money to marry off one's children, but only under the following conditions:

- a. if they don't have sufficient funds of *chulin* (non-ma'aser) money
- b. if, when they made the commitment to the *mechutanim* (in-laws) to pay for the wedding expenses they had in mind to use *ma'aser* money
- c. if the *ma'aser* money is used only for non-luxury items, things that are not frivolous and unnecessary, but for expenses needed to make a wedding in a kosher and beautiful—but reasonable—manner.

Q8: My future in-laws commissioned a Ketubah. It contains the correct Hebrew nusach (liturgy), but also an English translation. Is this a kosher kesubah?

It is permissible to use a Kesubah that has an English version **after** the signatures of the witnesses, and the witnesses should be careful not to sign the English part of the contract.¹¹

^{11.}In such a case, it would be preferable to write a disclaimer and make it clear that it is not a literal translation, so any discrepancies between the two do not matter.

Q9: A cousin of mine who is close to my Kallah let me know that she would prefer a rose gold wedding ring. Is this in line with Chahad custom?

The custom is to use a gold ring for the *Kiddushin*. This is based on Kabbalah. Rumor has it in the name of the Rebbe to use yellow gold only. ¹² If the Kallah wishes to use a different type of gold, such as white or rose gold, you can buy a yellow gold ring and have it dipped after the Chuppah.

Q10: One of the upsides of getting engaged in these crazy times is that our wedding date is very, very close. But I've been so overwhelmed with purchasing items for our new home on time, that I forgot about myself! What are the requirements for outfitting myself under the Chuppah?

A *Chosson* should wear new clothing by the Chuppah. It's unlikely that this would apply to a coat or glasses, though they certainly should look presentable.

Q11: I've heard that a Chosson and Kallah require supervision before their wedding. What type of shmira (guarding) is needed—and for how long?

In the days prior to the wedding, the *Chosson* and *Kallah* need to be watched by a *shomer* (guard) for protection from evil forces. Some are accustomed to have *shmira* from a week before the wedding,

^{12.} As testified by Rabbi Leibel Groner. Also, Reb Yonah Avtzon a"h received an answer like this from the Rebbe through Rabbi Binyomin Klein.

however, one may be lenient and start from three days before, or, according to some opinions, from Shabbos before the wedding.

A non-Jew (such as an Uber driver) does not qualify as a guard. A Jewish child, however, may be used as a *shomer*

The Wedding Day

Q1: May I brush my teeth on my wedding day, even though I am fasting?

On the wedding day, being that it is a *ta'anis yachid* (private fast day) and not a *ta'anis tzibur* (communal fast), nor is it a fast of the strictest order, the *Chosson* and *Kallah* may brush their teeth/wash their mouth.

Q2: I have an antique, hand-stitched lace handkerchief from my great-great-grandmother, who was a very righteous woman back in the shtetl. May I give it to my Chosson to use for our badeken (face-covering ceremony prior to the Chuppah)?

The veil that the *Chosson* puts on the *Kallah* must not be see-through. With an opaque lining stitched to the lace piece, it may be used. ¹³

Q3: How do we properly set up the chuppah for the ceremony?

Ideally, a *chuppah* should be *tachas kipas hashomayim* (literally under the sky), i.e., outdoors,

^{13.} The two reasons implied in *Shulchan Aruch* (Even Hoezer 31:2) for the veil are (1) for the sake of *tznius*.(2) to indicate that the Kallah consents to the marriage irrespective of the true value of the ring, to the point that she doesn't even need to see it. These two aspects are achieved only with an opaque veil.

since that is considered a sign of blessing.¹⁴ However, it is okay to have a chuppah indoors with an opening above the *chuppah* as is standard in many halls.¹⁵

Preferably, the *chuppah* corners should not be directly held by human hands, but attached to four poles; the poles may be held by people, but should rest on the ground. If this is not possible, the *chuppah* poles may be held up by people. There are *poskim* who specify that the *chuppah* be attached to the tops of the poles, not to their sides, similar to the halachos of *tzuras hapesach* (a door frame), as described in *Eiruvin*. However, many *poskim* disagree with this requirement. Some stipulate that the *chuppah* corners should drape a bit over the tops of the poles, and most *chuppos* are indeed made in this fashion.

There is a debate among *poskim* whether a *chuppah* may be made from a *paroches* (the covering of the Torah Ark), but there is no clear consensus on this matter

^{14.} *Ashkenazim* are very particular to keep this *minhag* so as not to emulate *chukos ha'goyim*, the behavior of non-Jews, who hold their wedding ceremonies indoors in their places of worship.

^{15.}See Igros Kodesh vol. 12 pg. 116 and vol. 19, pg. 412

Q4: Getting married in the days of COVID-19 is like living in an alternate universe. Halachic questions, too, abound. For instance: Can we wear gloves to our winter-wedding outdoor chuppah?

The *Chosson* and *Kallah* may not wear a glove on the hand that is placing and receiving the ring, as it is a disgrace to the *mitzvah* (and in the *Kallah*'s case, may bring the validity of the marriage into question).

Likewise, one who is holding a *kos shel bracha*, the cup of wine being used while reciting the *brachos* (blessings) under the *chuppah*, should not wear gloves, if possible.

Q5: Also related to the spread of the virus...how close to the wedding party must the witnesses stand?

In order to ensure that the kiddushin is valid, the *Chosson* must say the words "*Harei At...*" loudly and each word must be clearly enunciated, so that the two witnesses and the *Kallah* hear him. It's crucial that the witnesses actually hear the *Chosson* say those words, even though they are aware of what he is saying; if they do not hear him clearly, the very fact that he said words that they couldn't hear might create a halachic problem. (The witnesses must obviously be close enough to see the *Chosson* place the ring on the *Kallah*'s finger, and also see each other.)

Since the witnesses have to hear the *Chosson's* own voice, not its electrical amplification, he should not speak into the microphone, which is halachically not considered a human voice. In case he did speak into the microphone, as long as the witnesses were close enough to hear his actual voice, and made a point of listening closely to his voice, and not to the electronically generated version transmitted through the microphone, it's acceptable. As an aside, *Chassanim* should practice saying those words in advance—to themselves, of course, not to their *Kallah*—so that they not only know how to say the words clearly and properly, but also understand their meaning.

Q6: I am left-handed. On which index finger should my Chosson place the ring?

A *Chosson* whose *Kallah* is left-handed should place the ring on her left hand, unless she always places her ring on her right hand.

Q7: My older brother is getting married (!) and I'm in charge of handling the wine under the chuppah. What do I need to know about my job?

First, fill it up and then some.

There is a custom to fill the *havdalah* cup all the way until it is overflowing as that is considered a *siman bracha* (a sign of blessing). It is not an issue of *bal tashchis* (being wasteful) or *bizui ochlin* (treating food disrespectfully), as it is only a small

amount that is being spilled out, especially these days, when virtually everyone has a plate underneath the cup and the spilled wine is not wasted anyway. Some authorities suggest that this should also be done with any *kos shel bracha* (cup of wine used for a mitzvah) and, indeed, the Rebbe, as well as some Sefardi *poskim*, suggested it should be done every single time we make *Kiddush*. In this way, the overflowing of the wine which symbolizes an overflowing of *brachos*, will bring a *siman bracha* not only in the beginning of the week on *motzoei Shabbos*, but every time we make kiddush and do other mitzvos which require a *kos* of wine, such as a *bris*, *chuppah*, or *sheva brochos*.

There are various customs regarding the wine that is drunk under the chuppah: The common custom is that subsequent to the first time wine is drunk which is after the birchas eirusin (the blessing of betrothal)—more wine is added to the cup for the birchos nisu'in (the blessings of marriage). Others either use two separate cups of wine, or finish drinking the wine in the cup and then add wine for the second drinking. However, if the Chosson or Kallah are not shomerei Torah u'mitzvos (do not observe Torah and mitzvos), i.e. they are mechallel Shabbos b'farhesyah (desecrate Shabbos publicly), there are halachic issues regarding making blessings over wine they drank from, as well as having them drink from that wine again. To avoid these issues, fresh wine should be poured for drinking the second time. In fact, the best solution is to always use wine

that is *mevushal* (cooked), and then there would be no cause for concern if someone who is not *shomer Shabbos* drank from the wine.

Q8: Okay, next question. I've noticed many times, that after the Chosson and Kallah are accompanied to the chuppah, the unterfirers (escorts) have no idea what to do with their candles! Since I'll be standing around near the chuppah the whole time, maybe I can help? What's the status of these candles, and how long must they be held under the chuppah?

The *minhag* is that the *unterfirers* hold lighted candles while leading the *Chosson* and *Kallah* to the *chuppah*. Some of the reasons given for this custom are: (1) Candles represent *simcha*; (2) *ner* (candle) has the numerical value of 250, so two candles equal 500, which corresponds to the numerical value of *pru ur'vu*, the blessing to multiply and have children. The number 500 also corresponds to the combined number of organs in the bodies of a man and a woman—248 and 252, respectively.

It isn't clear from the original sources for this *minhag* whether the candles are to be burning only while the *unterfirers* lead the couple to the *chuppah*, or whether they are supposed to remain lit throughout the *chuppah*. In fact, some people find it difficult to hold the candles aloft for the entire duration of the *chuppah*, as noted. Although customs vary, most of the reasons provided, however, seem to imply that the candles should

remain burning until the *chuppah* is over. Moreover, there is an opinion that the *chuppah* must take place during the daytime; if a *chuppah* takes place at night, keeping the candles burning throughout the *chuppah* could satisfy the opinion that the *chuppah* should take place while it's day.

Q9: Attending the wedding of a friend's grandchild...and I'm wondering: I see guests who stand up when the Chosson arrives and do not sit until the conclusion of the chuppah. On the other hand, I see chashuva (respectable) people who sit throughout. Which is the right way to attend a chuppah?

Preferably, guests should stand at least during the *sheva brachos* (seven blessings), known as *birchos nisu'in*. Some *poskim* specify to stand also for *birchas eirusin*. Nonetheless, the common custom is to be lenient.¹⁶

Q10: I'm wedding-veil shopping. I heard that there are halachic considerations as to the position and size of the headpiece because of head-covering requirements during (or after?) the chuppah. What are they?

A married woman is Biblically required to cover her hair. There are many stages of "marriage". In this context, many *poskim* agree that a woman need not cover her hair until after the *chuppah*. There is room

^{16.} One proposed justification is the fact that those sitting are not under the actual *chuppah* and are considered to be in a separate area and permitted to sit. A scrupulous individual should still be stringent in accordance with a simple understanding of the halacha.

for leniency to wait even till after *Yichud* (when the bride and groom meet behind closed doors post-chuppah). But after this stage, she is considered married in all respects and it's forbidden for her to have even a small amount of hair exposed. The custom in some circles to wait with covering the hair until the next morning has no basis in halacha. Some have attempted to justify this behavior, but their justifications leave a lot to be desired. Therefore, a G-d-fearing woman should ensure that all her hair is covered at least from after the *Yichud*. Some rely on the fact that the veil covers most of the hair, though, strictly speaking, all the hair needs to be covered to fulfill this mitzvah.

Q11: We are getting married in a busy season, and there are two other chuppos scheduled at 770 before ours. It is clear that we will have our chuppah after nightfall. Isn't there a requirement for the marriage ceremony to take place during daylight hours? What should we do?

Early halachic authorities such as *Rabbeinu Yeshayah* (13th century) and *Mahari Minz* (15th century) question whether *kiddushin* may be performed at night. Their position is based on the fact that the Gemara draws a parallel between a *get* (bill of divorce) and *kiddushin*. They posit that since a *get* should not be given at night (according to some opinions), neither should a *kiddushin* be performed at night. The *Knesses Hagedolah* (Rabbi Chaim Beneviste, 17th century) relates that when he assumed a rabbinical position in Tira, Turkey, and

found that they performed marriages at night, he was *mevatel* (stopped) the practice immediately.

However, later poskim state that a nighttime chuppah is not a halachic issue. They quote the *Rambam* and the *Smag* (12th and 13th century respectively) as discussing kiddushin performed at night. (Although there is also a basis in the Gemara for kiddushin to be performed at night, some poskim posit that at least some of these sources use "night" in only illustrative terms to mean a time or place where it is hard to see, such as late in the day or in a dark location).

These later poskim argue that the point of concern for those authorities who opposed *kiddushin* at night must have been the *shtar* (contract with which *kiddushin* was performed), which was reminiscent of a *get*. The prevalent manner of betrothal these days is with *kesef* (money—i.e., a ring), so similarities no longer exist.

Another reason to allow *kiddushin* at night—despite sharing a parallel with a *get*, say some *poskim*—is that a *get* is restricted at night due to it being similar to a *din Torah* (halachic court case) which must be performed during daytime hours. However, the halachah is that if both parties are amenable to a nighttime *din Torah*, it is permitted—and that should certainly be the case when it comes to a *chuppah*.

The candles used at a *chuppah* negate some of the nighttime issues—creating an atmosphere similar to daytime. In fact, a strong argument can be made that a nighttime chuppah is actually preferable: there are *segulos* associated with a moonlit setting for a chuppah—alluding to the *bracha* of plentiful progeny represented by the vast span of twinkling stars in the moonlit sky.

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The following halachos, both those that appear in the answers above, plus additional topics can be found on the websites www.asktherav.com and www.halacha2go.com. Use these reference numbers to find the full text (English and/or Hebrew) and a surfeit of sources (in Hebrew).

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sharing name with in-laws Halacha2go #370 //
Halacha2go #809 // the inquiry process: Halacha2go #657
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Appendix A

Who qualifies as a Mesader Kiddushin?

The Gemarah tells us, "Kol she'eino yodea betiv gitin ve'kiddushin lo y'hei lo aisek imahen"—anyone who is not well versed in the laws of divorce and marriage should not be involved in them. There is a difference of opinion among poskim what the word aisek refers to: Is simply being mesader kiddushin considered being involved, and if one is not an expert in the laws of kiddushin, he may not be mesader kiddushin? Or does it refer to making rulings about siddur kiddushin?

Some *poskim* say that the *Gemarah* is referring specifically to *gitin ve'kiddushin*—performing *sidur kiddushin* in a cases where there had previously been a divorce. Following a divorce, it is crucial to ascertain that the *get* had been given halachically to allow for the performance of the new *kiddushin*.

Certainly, in a place where there is a *mora de'asra*, a local Rav, it is forbidden for someone else to do *siddur kiddushin*. It is an ancient *takonas hakehilos* (institution of Jewish communities) that it is forbidden for other people to encroach on the position of the local rav and be *mesader kiddushin*, unless explicit permission has been granted by the Rav; in a place where there is more than one *mora de'asra*, permission has to be obtained from the majority of *rabbonim* in the city. The *poskim* very strongly condemn

those involved in an unauthorized *siddur kiddushin*, and even censure those attending the wedding feast.

The Shoel U'meishiv and other poskim say that a kiddushin that was done without complying with this din is not considered a legitimate kiddushin; the Minchas Elazar writes that there were many who made sure to have the siddur kiddushin done over in the proper manner.

Nonetheless, he goes on to say, one should not consider a kiddushin done without permission from the local Rav totally meaningless, for due to the severity of marrying an eishes ish (a woman previously married), a get would be called for in case one of the parties would wish to remarry. Halachatogo #230

Sources:

קדושין ו, א. שם יג, א ובמהרש"א ועיון יעקב שם. שו"ע אה"ע סוסי' מט ובט"ז ובב"ש שם. ועיי"ש בפת"ש. וראה ר"ד כ"ד אייר תשל"ז (נדפס בס' בצל החכמה ע' 33). שיחת יום ב' דחגה"ש תשל"ה.

ולהעיר משו"ת הצ"צ אה"ע רסי' קפ. וראה בהנסמן בחקרי מנהגים (תשס"ו) ח"ב ע' קצז. ומש"כ להעיר עליו בקונט' בענין קדושין שבשו"ת דברי פינחס ח"ב. ובנוגע לתקנת הקהילות - עיי"ש עוד בהנסמן בפת"ש שם. וכ"ה כבר בשו"ת מהר"ם מינץ סקט"ו. ועוד. ובארוכה - בשולחן העזר ס"ו ס"ז ובשמלה לצבי שם. ובשו"ת כנסת יחזקאל, הובא בפת"ש שם, נאמרו בזה דברים חריפים עד למאוד שאא"פ להעתיק.

ולענין דיעבד - ראה שו״ת שו״מ ח״ג סרל״ט. דברי מלכיאל ח״ד סקי״ט. הרי בשמים מהדו״ת סרכ״ז. מנח״א ח״ג סל״ט. וראה בהנלקט בפרדס אליעזר נישואין ח״ד סכ״ט. וראה מכתב הבד״צ דק״ק ק״ה מיום י״ט מנ״א תשנ״ח. כ׳ סיון תשע״ב.

Appendix B

Who is a Kosher Witness?

A *mechalel Shabbos* (one who desecrates the Shabbos) is *pasul l'eidus* (not acceptable as a witness in a Jewish court of law). Even if a person does not desecrate Shabbos *b'farhesyha* (publicly), if they desecrate the Shabbos *b'meizid* (knowingly), they are not accepted as a witness. However, a *mechalel Shabbos b'farhesyah* is *pasul l'eidus* even if they are *tinokos shenishbu* (a sometimesdispensation for those raised without an appreciation for Yiddishkeit).

Someone who commits a transgression on purpose for which they would incur *malkus de'Oraysa* (lashes ordained by the Torah) are *pasul l'eidus min haTorah* (Biblically invalidated as a witness). If a person commits an *aveirah d'Rabbanan* (transgresses a Rabbinic law), they are *pasul l'eidus mid'Rabbanan* (disqualified on a Rabbinic level from being a witness). A person who is *chashud al arayos* (suspected of forbidden relations)—which according to many *poskim* includes even hugging and kissing, even if no forbidden relations took place—is *pasul* to be an *eidus* for testimony involving marriage and divorce.

Contemporary *poskim* address the question whether people who watch television or use unfiltered internet are acceptable *eidim*. Now, what if a person who is known to be a *yarei Shamayim* (G-dfearing) and careful *b'kallah ke'vachamura* (with all mitzvos equally) uses unfiltered

internet? We may assume that they are *moreh heter* (having convinced themselves that it is permitted), since *lo mashma lehu l'inshi isura* (people don't think it's actually forbidden) to use unfiltered internet, and therefore their testimony would be accepted after the fact. Nonetheless, even taking this into consideration, it would be wrong to use such a person to be an *eid l'chatchillah* (in the first place. *Halachatogo #439*

Sources:

דיני פסולי עדות מחמת איסור מפורטים בשו"ע חו"מ סל"ד ובנו"כ בארוכה. ויש בזה כו"כ פרטי דינים, ולא עת האסף פה. ובחשוד על העריות לעדות אשה - ראה רמ"א חו"מ סל"ד סכ"ה ובב"ש שם סקכ"א. והארכנו מזה במ"מ וציונים להלכה יומית אות תיט. ועיי"ש מה שהבאנו משו"ת אג"מ אה"ע ח"א סנ"ו ד"ה ועוד (לענין הסתכלות)). וראה גם בשו"ת שלמת חיים אה"ע סס"א. חו"מ סט"ו וסט"ז.

והנה, בעצם הענין דחובת חסימה (סינון או מעקב וכו') באינטרנט דנו בזה בכ"מ מכמה צדדים: דאיכא דרכא אחריתי, מדין ולא תשים דמים, ועוד כיו"ב.

אלא שאין צורך להאריך בכ״ז, שכבר הסכימו פה אחד גדולי הרבנים בכל קצוי תבל ומכל החוגים, שאין להשתמש באינטרנט ללא תוכנת סינון וכו׳. (וגם ע״י סינון, רק לצרכים מיוחדים וכו׳. ועכ״פ, לכל הדעות ולכל האופנים, אא״פ בלא סינון ושמירה מעלייתא). ומצוה לשמוע דברי חכמים.

וממילא, ה"ז בכלל (ומעין) לא תסור מן הדבר, הכולל "התקנות והגזירות וההנהגות שיורו בהם לרבים כדי לחזק הדת ולתקן העולם", וכפס"ד הרמב"ם (ממרים פ"א ה"ב). ובלשון ספר החינוך (מ' תצה): ועובר ע"ז ואינו שומע לעצת הגדולים שבדור בחכמת התורה מבטל עשה זה וענשו גדול מאד. ומד' החינוך שם מוכרח שד"ז נוהג גם בזה"ז כשאין בי"ד הגדול. ועיי"ש עוד (מ' תצו): ונוהגת מצוה זו וכו' לענין החיוב עלינו לשמוע לדברי חכמינו הקדמונים ואל גדולנו בחכמת התורה ושופטנו שבדורנו נוהגת בכל מקום ובכל זמן. וראה גם בהקדמת הרמב"ם לפיה"מ: הגזירות שתיקנו הנביאים והחכמים שבכ"ד ודור. (ולהעיר משו"ת הרשב"א ח"ב סשכ"ב. וראה בחי' הריטב"א שבת קל, א בשם הראב"ד - בקשר למרא דאתרא).

ומשכ בפנים בנוגע למחללי שבת - הנה מח״ש בפרהסיא פסול מדין מומר, וממילא גם בתינוקות שנשבו פסולים לעדות מעיקר הדין (ולהעיר משו״ת אחיעזר ח״ג סכ״ה. וראה הנסמן בשו״ת יבי״א ח״ח אה״ע ס״ה סק״ז). אבל המחלל שבת במזיד פסול מדין רשע, וה״ז גם בצינעא. וז״פ.

ובדבר שלא משמע לאינשי איסורא בכך - ראה ב״מ ה, ב. שו״ע חו״מ שם סכ״ד. ועיי״ש בסמ״ע סקנ״ז בסופו (שצ׳ שידע שנפסל). וראה בשו״ת הרמ״א סי״ג. שו״ת רעק״א פסקים אה״ע סצ״ו - הו״ד בפת״ש אה״ע סמ״ב סקי״א. וראה שו״ת מהרש״ם ח״ג ס״ג. דבר״י חו״מ סקל״ה.

ועוד יש להוסיף מדעת התומים ספ״ז סקכ״ז שאינו נפסל כ״ז שלא פסלוהו בי״ד, ושהוא מגזה״כ. ומזה יש לדון עוד שכשאין בי״ד סמוכים ומומחים דל״ש לפוסלו, ראה ברכ״י חו״מ סכ״ח סכ״ד. אבל ראה בקצוה״ח סל״ד סק״א שגם בזה שליחותייהו קעבדינן. לאידך, ראה שו״ת חלקת יואב אה״ע ס״ה. וראה גם מכתבי תורה להרגצובי מכ׳ רמג. וגם למה שמצינו בכ״מ שלא חשו להצריך קבלת עדות - היינו רק במוחזק ומפורסם ברשעותו (ראה בשו״ת צי״א ח״ח סל״ז. וש״נ).

ואולי ילה"ע משלחן מנחם אה"ע סכ"א (ע' עט) בהערות לשו"ת שבה"ל, לענין שו"ב הצופה בטליויזיא. ואוקי באתרין.

Appendix C

Make a Mezuman on a microphone?

Poskim write that someone with a very loud voice should be appointed to lead Birchas Hamazon, as it is important for participants to hear the voice of the leader so he may be motzi them (help them fulfill their obligation) in reciting the brachos. Yet today, it is quite common for a microphone to be used at large gatherings, particularly at weddings and Sheva Brachos meals. "Rabbosei mir vellen benchen ..." the voice of the leader of the zimmun (lit., invitation, this is the call to a minimum of two additional participants for Birchas Hamazon) can be heard over the mike. But can those hearing the zimmun via the microphone count as participants?

One halachic approach to justify this practice is that answering the *zimmun* itself does not necessarily require an actual "real-time" voice; it is only an invitation, not a *brachah*. But what about the recitation of *Birchas Hamazon*, and—in the case of weddings and *Sheva Brachos* meals—the seven subsequent blessings as well? Don't those require at least a *minyan* (a quorum of ten, in this case nine other participants in addition to the leader) to hear a "real," unadulterated voice?

Today, in contrast to many years ago, the need to hear *Birchas Hamazon* is not as pressing, since the majority of the participants are literate and do not depend on the leader to be *motzi* them with the *brachos*. In addition, it can be

assumed that a significant number of participants can hear the actual voice of the leader even absent the mike. The common custom to use a mike for the recitation of *sheva brachos* at the end of *Birchas Hamazon* (as well as under the *Chuppah*) takes into account the proximity or the acute hearing of at least ten participants. *Halachatogo #651*

Sources:

See Halachah #642 for the issues of being motzi another via a microphone or loudspeaker.

ברכת הזימון ברמקול

ע"פ הכרעת הפוסקים שאין הרמקול בגדר קול אדם (ראה בארוכה אצלנו במ"מ וציונים שבגליון העבר - הלכה יומית אות תרמב) - האריכו חכמי זמנינו בנדו"ד, זה אומר בכה וזה אומר בכה.

אמנם, גם לדעת האוסרים, פשוט שכשאין מדברים דבוק בשפופרת מתפשט הקול לכל הצדדים (ראה אג"ק חי"ג ע' רכא). ובאמת, המציאות היא שגם מרחוק שומעים קול הטבעי ע"י תגבורת של הרמקול, וכנראה במוחש שכשכו"כ מדברים בקול נשמע למרחוק יותר. וה"ה והוא הטעם כשקול הרמקול מצטרף לקול הטבעי.

והנה, בברכת אירוסין בלא"ה אין מנין עשרה מעכב, ראה ב"ש אה"ע סל"ד סק"ז. ואף אם החתן שומע ע"י רמקול, והרי המסד"ק מוציאו יד"ח (ראה שו"ת נובי"ת אה"ע ס"א. ועיי"ש בנוגע להכלה. ושקו"ט בזה. ואכ"מ. אבל בתבו"ש יו"ד ס"א סקנ"ט שאינו מוציא יד"ח החו"כ, שהברכה רק עבור הקהל. וראה שו"ת הר צבי יו"ד ס"א. אג"מ אה"ע ח"א ספ"ז), ובפרט בברכת בפה"ג (ראה קו"א לפנ"י מס' כתובות. דרה"ח דיני ברכת אירוסין ס"ו. עזר מקודש סל"ד. ועוד) - כיון שהחו"כ שומעים גם קולו של המברך שעומד בסמיכות מקום לית לן בה. (ראה שו"ת שבה"ל ח"י סרמ"ד ורמה). ומשום תרי קלי לא משתמעי - כיון דחביבא יהבי דעתייהו.

ובברכת נישואין - אף שצ"ל עשרה, אבל מהיכא תיתי שצ' שישמעו כולם, וסגי בעשרה הנמצאים שם. וכ"כ בשו"ת שבה"ל ח"י סרמ"ה. וי"ח. ואכ"מ. ולהעיר משו"ת ר' ידידי' טיאה וייל סכ"ח שבאין ט' עונים ה"ז ברכה לבטלה. (ובאג"ק הנ"ל מביא מש"כ השואל שאין עשרה שומעים קול הטבעי. אבל

לכאו' מיירי מענין חזרת הש"צ וכיו"ב. ואין מכ' השואל תח"י). ועוד זאת, כנ"ל, ששומעים גם קולו הטבעי.

והנה, בברכת הזימון כ' בב"י סקצ"ג שצ' שישמעו. וכ"פ בשו"ע שם ס"א. (אבל ראה בד"מ שם. וראה שו"ת דבר יהושע ח"ב סל"א). ועפ"ז כתבו הפוסקים שצ"ל בקו"ר, ראה משנ"ב סקט"ו.

אבל לכאו׳ ראי׳ אלימתא מחרש שאינו שומע, שנפסק הדין בסקצ״ט בסופו שמצטרף לזימון. ודוחק לומר שהכוונה שמזמנים עליו, אבל הו״ע א״י ברכת הזימון. ובערך לחם למהריק״ש שם שא״צ שישמע ממש, וסגי במה שרואה ביטוי שפתים.

אולם. בשו"ע אדה"ז (שם ס"י. וכ"כ עוה"פ רסי' ר), דקאי רק בזימון בעשרה. ומ"מ, אא"פ להוכיח מזה להיפך, דהרי קאי התם בשמיעת ברכהמ"ז גופא. ואין הכרח שכ"ה גם בשמיעת הזימון.

ואת״ל שזימון דומה לברכו מפי ש״צ כמשמעות הגמ׳ (ברכות מט, ב. וראה גם לענין מי שלא שמע מהמזמן בביאור, בשו״ע אדה״ז סקצ״ה ס״ד. סקצ״ח ס״ב) - הרי צ׳ שיהא לכה״פ ט׳ שומעים ועונים, ראה שו״ע אדה״ז סנ״ז ס״ה ובקו״א שם סק״א. משנ״ב בבה״ל רסי׳ נז ד״ה ועונים. ויש שכתבו שאף שצ׳ לשמוע אין בזה גדר שוכ״ע, לפי שא״צ לצאת בדיבורו. וגם כשאינו שומע מב״ח כ״א מרמקול יצא. ויל״ע.

ויש שה"ר מפמ"ג סקצ"ז בא"א סקי"א שמוציא יד"ח השומעים בזימון. אבל ראה קובץ בית אהרן וישראל חו' קח ע' קמד בדחיית הראי'. וראה גם שו"ת ברכת ראובן שלמה ח"ג ספ"ב. ברכת אהרן בוארון סקל"ד.

והאריכו בכ"ז בקובצים תורניים דזמן האחרון (קובץ בית אהרן וישראל חוי קג. קה. קו. קז. ועוד. קובץ אור ישראל תשרי תשנ"ט ואילך. וי"ל בפ"ע בס' על הפרק ע' תשסא ואילך. וראה קונט' קול אומרים). ובשו"ת שבה"ל ח"י ס"מ כ' להקל שברכת הזימון אינה כ"א הזמנה לברך ולא ברכה, וממילא א"צ להוציא יד"ח. וראה עד"ז בארוכה בברכת אהרן שם. שו"ת משנת יוסף ח"י סצ"ז. מטה אשר שרייבר ח"ג ע' מה. ועוד. וזהו בנוסף להנ"ל - והוא העיקר שיש עשרה השומעים קול הטבעי.

ומעשה רב עדיף, שכן נהגו להקל בכו״כ מקומות. והועד בפנינו מפי גדולים וטובים, דחזי לרבנן קשישאי דעבדי הכי. וכ״ה בסרט וידיאו מהתוועדות. ותו לא מידי.

Appendix D:

What should I do if I lose my Kesubah?

A married woman must always know where to find her kesubah. The kesubah is the property of the wife, and its purpose is to protect her rights. She does not have to keep it at home, nor does she have to take it with her when she travels. She may also keep it in a safe-deposit box at a bank.

However, if the kesubah has gotten lost in a manner that it cannot be retrieved, a new replacement *kesubah d'irkesa* (replacement for loss) has to be written. *Assur le'adam lishos afilu sha'ah achas*—a husband is not allowed to delay and stay with his wife for even one moment without a kesubah. According to many *poskim*, not only may the husband and wife not live together intimately, but they may not even be in *yichud*, until a replacement kesubah is written. Therefore, they should have a replacement kesubah written at the first opportunity. *Halacha2go #242*

Sources:

שו"ע ורמ"א אה"ע רסי' סו. ובפשטות, דעת המחבר שאסור להתייחד ללא כתובה, וברמ"א הביא שיש מקילין ומתירין. ועיי"ש בחי' ההפלאה קו"א סק"א בסופו. חי' הרי"מ סק"א וסק"ב. אמרות טהורות שם. אהל יוסף פריד סכ"ב סק"ב. וראה אוצה"פ שם.

אלא שי"מ שמש"כ בטושו"ע הוא מטעם אחר, שצ"ל יחוד הראוי לביאה דייקא - ראה בב"ח ח"מ וב"ש שם. ולדבריהם, ל' הטושו"ע "אסור להתייחד" - לאו דוקא. וכצ"ל גם בל' הרמ"א ש"יש מקילין ומתירין". ועי' בר"ן ריש כתובות, הובא בב"י. וכ"כ בהמנהיג אירוסין ונישואין סקי"ד: דל"מ יחוד וחופה בלא כתובה וכו' ואסור לבעול בלא כתובה. [אמנם, ל' הרמב"ם אישות פ"י ה"ז, וכן כתובה וכו' ואסור לבעול בלא כתובה. [אמנם, ל' הרמב"ם אישות פ"י ה"ז, וכן

בשו"ע אה"ע סנ"ה ס"ג, שהוסיף: "ואח"כ יהא מותר באשתו" מ' קצת שהוא מדיני כתובה. וכ"כ לדייק באמרות טהורות שם]. אלא שמ"מ כ' הב"ח (ועוד) שגם להטושו"ע אין לעשות כן שלא לבוא לידי איסור.

אבל בביהגר"א כ' שהוא משום איסור אטו ביאה. וכ"כ בחי' הרי"מ ועוד כנ"ל. וכ"נ להדיא בד"מ הארוך שפי' כן. ועייג"כ בלוח הסימנים שבד"מ: "אסור להתייחד עם אשה בלא כתובה ואי מותר לכנוס לחופה בלא כתובה". ובאמת כ"מ בסמ"ג (הביאו בחי' הרי"מ שם): אמרו חכמים שאסור לשהות עם אשתו אפי' שעה אחת בלא כתובה לפיכך כותבים כתובה קודם כניסה לחופה. וכ"מ ל' האר"ח ריש הל' כתובות שאפי' בשהי' גרידא אסור. [ובס"ח סתתשל"ט אסמכה אקרא "שמיד אחר ברכת חתנים יתן שטר כתובה"]. אבל י"ל, ובהקדם, שבלבוש סס"א ס"א כ' וז"ל: וצריכים לכתוב הכתובה קודם החופה כדי שתהא חופה הראוי' לביאה שהרי אסור לשהות עם אשתו בלא כתובה. ולכאו' ארכבי' אתרי רכשי. ומתו"ד נ' שפי' לשהות מל' ביאה, וה"ט נמי שצ"ל כתובה לפנ"ז בכדי שתהא ראוי' לביאה. ועד"ז יל"פ ג"כ בד' הסמ"ג ועוד.

ובתוס' הר"ש משאנץ כתובות (נא, א ד"ה מני) כ' שאסור לשהות משום בעילת זנות. וראה גם בחי' הריטב"א (שם ז, א ד"ה והא). וי"ל. [וכבר האריכו בכ"מ אי בעילת זנות ושלא תהא קלה בעיניו להוציאה תלויים זב"ז]. ובבעה"ט ש"ב ח"ג (ח"ב סד, א) אסור לבעול וכו'. אבל בסיום דבריו שם כ' שאסור להתייחד, והיינו יחוד לשם ביאה. [ול' רש"י בס' האורה ח"ב סי"ד ובמחז"ו סת"צ: שלא ילינו בלא כתובה].

ולכאו׳ ילה״ע מגיטין נז, א: אל תגע בי שאין לי כתובה ממך ולא נגע בה עד יום מותו. ומ' קצת דבלא כתובה אסור גם נגיעה באשתו. ונחתינן להשקו"ט בגדר אין למדין הלכה מאגדה. ואכ״מ. ואולי זהירות יתירה היתה בו, וכל׳ הגמ׳ דהוו צדיקים כולי האי. אבל בהגהות יעב״ץ מ׳ קצת דדינא הכי. ועפ״ז, ל׳ הרמב״ם ״ואח״כ יהא מותר באשתו״ היינו גם בנגיעה. [ואין לפרש משום איסור נגיעה בארוסתו (ולהעיר משו"ת שאילת יעב"ץ ח"ב ס"ב, ומש"כ בשו"ת מנח"י ח"ג ספ"ג. וראה שו"ת דברי יציב אה"ע סנ"ד סקט"ז), דכלה בלא ברכה כנדה וכאשת איש (לדעת כמה אחרונים שבארוסת עצמו גם איסור א"א מדרבנן. וכ"מ ברא"ה ורשב"א שבשטמ"ק כתובות (ז, ב ד"ה ז"ל שיטה ישנה). וראה שו"ת משנ"ה ח"ו סרי"ז מלי האבודרהם) - שאת"ל כן, העיקר חסר מן הספר. ומה גם שכבר כתבו בכ"מ, ומה"ט גופא, שצ"ל שנשאה בז"ב בעשרה (ראה מהרש"א ומהר"ם שיף. ועד"ז בשו"ת שב יעקב סכ"ד), או שאין ברכת חתנים מעכבות (שו״ת תה״ד ח״ב סק״מ לעניננו. ועייג״כ בתשו׳ בעה"ת סקל"ג. וראה בשו"ת נחלת שבעה סי"ב ובחלק לשבעה שם. וראה בשו"ת משנ"ה חי"ד סע"ב ד"ה ומיהו. וכפה"נ לא עיין בתה"ד בפנים. וצל"ע מש"כ בפי׳ נפש יהודה על מנורת המאור נר ה כלל ג ח"ב פ"ו שלא הי׳ להם חופה), וא"כ היתה נשואה גמורה (רמב"ם אישות פ"י ה"ה. שו"ע אה"ע סנ"ה ס"ג. וראה שו"ת האלף לך שלמה אה"ע סקל"ט). ועיי"ע בהנסמן בשערים מצויינים בהלכה לאאזמו"ר זצ"ל על אתר. אוצה"פ שם סקכ"ה)]. ודוחק לומר שנגיעה שם היינו ביאה. (אמנם, בתה"ד להר"צ הכהן גיטין שם מפרש לה - כנראה - שהכוונה לביאה. אבל יותר נ' שהכוונה כפשוטו, וכן ראיתי שפי' בנחלת משה בינה לעתים ע' כה. והוא ע"ד לא נגע בי אפי' באצבע קטנה (בשבת יג, ב). ולהעיר שבמדרש זוטא (בובר) רות ג, ח סמכם זל"ז). ומש"א שם: בחדא מטה הואי - ראה בהגהות יעב"ץ שם, שנשאר בצ"ע אם באמת מותר בכה"ג. ואולי ר"ל שגם בזה אנוסים היו. וצ"ל שמה"ט נמי לא נזהרו מיחוד בלא כתובה. וכ"כ ביפה ללב אה"ע רסי' סו. וראה כלי גולה כתובות ב, א ד"ה או שפירסה. ולהמתירים יחוד ללא כתובה, צ"ל שנגיעה חמור טפי מיחוד.

והנה, גם בדעת הרמ"א שכ' שיש מקילין להתייחד, אין הדבר ברור כל צרכו, שהרי בסס"א ס"א הכריע שנוהגים לכתחילה שצ"ל יחוד הראוי לביאה (ועייג"כ בד"מ כאז. וראה בלבוש שם. ובשלחז העזר ס"ו ס"ח בשמלה לצבי ר"ל דגם למאי דקייל"ן שאצ"ל יחוד הראוי לביאה צ"ל כתובה). ומה"ט ראיתי למי שר"ל שאי"ז מד' הרמ"א עצמו (וי"ל דשאני חופת נדה, שא"ר לביאה מה"ת - ראה עד"ז ב"ש סס"א סק"ג ע"פ מש"כ הה"מ אישות שם). ולכאו' אפ"ל שמש"כ כאן הרמ"א דינא קאמר, שמעיקר הדין, יש מקילין בדבר שאצ"ל יחוד הראוי לביאה (והרי גם המחבר (שם ס"ב) כ' רק בלשון "כשר הדבר". וברמ"א שם שעכשיו המנהג שאין לדקדק), אף שלכתחילה נוהגים להחמיר. ולפ״ז, י״ל בדוחק, דקושטא קאמר הרמ״א שיש מקילין בדין יחוד הראוי לביאה, אבל מ"מ עדיין י"ב משום לשהות בלא כתובה. ובאו"א, דלהרמ"א שאני הכא ביחוד קודם ביאה, שאין איסור יחוד רק לאחרי ביאה ראשונה, דאז שייך לומר שבעילתו בע"ז, וגם לבו גס בה, וי"ב משום אסור לשהות עם אשתו. וראה ג"כ תפארת יעקב אה"ע סנ"ה סק"ו. ובחי' הרי"מ הנ"ל כ׳ ג"כ שיחוד בלא כתובה אחרי נשואין גרע טפי (דל"ש לומר כסברת הר"ן שלא תשמע לו. ועיי"ש שר"ל כן גם בפי' ד' השו"ע כאן ש"אסור להתייחד" קאי לאחרי נשואין. ודוחק). אלא שבמ"מ שברמ"א נסמן להר"ן, ושם כ' שלא מצינו שתהא אסורה להתייחד בלא כתובה.

אבל האמת יורה דרכו, דמש״כ הרמ״א לעיל בסס״א שכותבים כתובה קודם חופה, היינו מדין חופה שצ״ל ראוי׳ לביאה, וכן נוהגים לכתחילה, וקאי על חופת כלונסאות, אבל כאן קאי בהיתר יחוד ללא כתובה, ור״ל שאין איסור יחוד מצ״ע, ולא קאי כאן בדין חופה כלל. וכ״נ מד׳ הד״מ כנ״ל (ובח״מ ובב״ש פי׳ באו״א). ואיך שיהי׳, הנה גם ברמ״א כאן כ׳ הל׳ (שם ס״א וס״ב) שצ׳ לכתוב כתובה מיד. (וראה ס׳ האסופות מכת״י נוסח שטרות סתקמ״ו).

ולאידך גיסא, הנה בדעת המחבר אין הכרח ג״כ לאיסור יחוד בלא כתובה, שנוסף לזה שי״ל שהוא רק מדין יחוד הראוי לביאה (ולהעיר שבס״ב שינה המחבר וכ׳ בל׳ ״לבעול״. ועד״ז הוא ברמב״ם שם. ועי׳ בט״ז סק״ג. וצ״ב), עוד זאת דגם את״ל שהוא מדין איסור לשהות, י״ל שהוא רק בלא בעל דתקיף לי׳ יצרי׳, ול״ג מנדה שאסורה מה״ת ומ״מ מותרת לבעלה ביחוד. וכ״כ בס׳ תקנת הכתובה להגרשז״א ע׳ יח סק״ו שבכתב כתובה ונאבדה מותרת ביחוד. ואכן בחי׳ הרמב״ן (כתובות ד, א) כ׳ בזה״ל: שלא מצינו איסור יחוד בנשואה שאין לה כתובה אע״פ שאסור לבא עלי׳. ומ׳ שבנשואה הדבר פשוט להיתר, ולא לצרכה אלא לארוסה.

[ומש"כ בח"מ סנ"ה סק"א דכל שאסור בביאה אסור ביחוד, ע"כ לאו כללא הוא, שהרי באשתו נדה מותר ביחוד. וכוונתו שבמשודכת שאסורה בביאה ה"ט לפי שה"ה כפנוי׳ דעלמא, וא"כ ה"ה לגבי יחוד, וכדמוכח מהמשך לשונו. אבל באשתו ממש, וכן בארוסתו, מה שאסור בביאה ללא כתובה, הוא רק מטעם צדדי, שלא תהא קלה בעיניו להוציאה, ואי״ב איסור ביאה מצ״ע. ואולי ר"ל שזה גופא הגדר דגזירת יחוד בפנוי׳, שהאסורה בביאה אסורה ג"כ ביחוד. ולפ״ד, בהכניסה לחופה ובירך ברכת חתנים ולא כתב כתובה, מקום לומר שמותרת ביחוד לפי שאינה בכלל פנוי׳. וכש״כ בנאבדה כתובתה לאחרי הנישואיז, אבל להעיר שבטעם שבעילתו בע"ז, אסברה לה בשו"ת הרשב"א ח"א סתת"ג (וכן בסימן א'קפא. ועי' עו"ש סתרל"ד. חי' הרשב"א ב"ק פט, א ד"ה מידי) שלא סמכה דעתה ותתכוון בבעילתה בע"ז, ובפרטיות יותר, בשו"ת המיוחסות סרפ״ד שכל שלא כתב כתובה סבורה היא כיון דאינו נוהג בה כבעל, עיניו נתן בגירושין, והויא לה גרושת הלב. וא״כ אסורה בביאה מד״ק, ולכמה דעות בגרושת הלב אין לו פירות ואינו יורשה (ראה רשב"ם ב"ב קמו, ב ד״ה נפלה) ואינו מתאבל עלי׳ (יש״ש גיטין פ״ב ס״ד). אבל יש לחלק שזהו רק כשסבורה שאין לה מהר בתולות ולא כשנאבדה הכתובה. אלא שלפמש״כ בחי׳ הרי״מ אה״ע סס״ו סק״ב שבלא כתובה יש חסרון בעצם האישות כיון שקלה בעיניו להוציאה וה"ז כעין פלגש, א"כ ה"ה בנאבדה הכתובה. ועייג"כ בשו"ת הצ"צ חו"מ סל"א סק"ו בטעם שבאירכס אסור לשהות אף שעדיין גובה ממשעבדי בתנאי בי״ד, דלא סמכה דעתה אלא אשטר ממש משום דלא ניתנה לגבות מחיים, ועיי"ע שם באו"א].

ועוי״ל באו״א, דכיון שמה״ת אסור לבעול בלא (תנאי) כתובה וקדושין (מנין המצוות להרמב״ם ריש הל׳ אישות. וראה בלקו״ש ח״ל ע׳ 247 הע׳ 48, 50), הה״נ בלא כתב כתובה, די״ב דין בע״ז מדרבנן, ולכן אסור ג״כ ביחוד (ודלא כנ״ל), אבל כשכבר כתב כתובה ל״ש לאסור מה״ט ואסור רק בביאה. וא״ש שבס״ג כשכבר כתב כתובה ונאבדה (וכיו״ב) הוסיף: שאסור לאדם לדור עם אשתו שעה אחת בלא כתובה, ולא נז׳ ע״ד יחוד.

ובאו"א קצת, שבס"א היינו מדין יחוד בפנוי', וה"ה בארוסה ללא כתובה (וחופה) שבכלל איסור פנוי' היא (וכ"מ קצת בביהגר"א כאן ולעיל רסי' נה. וראה פירש"י ד"ה ואסר - כתובות ז, ב. ועיי"ש בשטמ"ק, ובחדושי אנשי שם שעל הרי"ף. וראה בית הלל אה"ע רסי' נה), וד"ז ל"ש בנשואה שאבדה כתובתה. ועוד דין שאסור לשהות עם אשתו, והוא רק לאחרי שבא עלי' וליכא בזה איסור יחוד.

והנה בכ"מ באחרונים נקטו בפשי' שאסור להתייחד ללא כתובה ולא הזכירו ששנוי במחלוקת, ולא נחתו לכ"ז - ראה שו"ת שיבת ציון ס"ע. ובשו"ת דברי חיים אה"ע סכ"א: הדבר ברור שאסור להתייחד בלא כתובה. וראה ג"כ במשנ"ב סתקמ"ה סקכ"ז. ועייג"כ בעזר מקודש רסי סו שכשאין החתן נזקק לה עד הלילה אין חשש בשיהוי בלא כתובה מהחופה עד תחילת הלילה. [אלא שבראשונים כתבו שמה"ט חותמים תיכף אחרי ברכת אירוסין שאין לשהות אחרי החופה שעה אחת ללא כתובה]. ומ' קצת מדבריו שבלא"ה י"ב משום איסור שיהוי גם ללא ביאה. וראה מש"כ בדבריו בשו"ת מנח"י ח"ו סקמ"ח.

וראה זה פלא, בשו"ת דבר יהושע אה"ע ח"ה סי"ג דר"ל שאפי' היא בעיר אחרת אסור בלא כתובה, עיי"ש. ול' הגמ' (ב"ק פט, א) להשהות את אשתו מסייעתו. ועד"ז הוא בשו"ע חו"מ סתכ"ד ס"י.

ואעיקרא דמילתא, תמיהני טובא, דאת״ל שכוונתם במש״א ״לשהות״ קאי רק אביאה (או יחוד), מדוע הוסיפו ואמרו ״אפי׳ שעה אחת״, והול״ל רק שאסור לשהות עם אשתו, ותו לא. ומ׳ כדבריו

לזכות

החתן הרב התמים שלום דובער שליט"א והכלה המהוללה חי' מושקא תחי' ליבעראוו

לרגל נישואיהם בשעטומ״צ כ״ח טבת ה׳תשפ״א

יה״ר שיזכו לבנות ביתם בנין עדי עד על יסודי התורה והמצוה כפי שמוארים במאור שבתורה זוהי תורת החסידות וחדורים בשליחות היחידה קבלת פני משיח צדקנו בפועל ממש לנח״ר רב והתקשרות אמיתית לכ״ק אדמו״ר שליט״א

ולזכות הוריהם

הרה"ח הרה"ת שניאור זלמן וזוגתו מרת חנה

שיחיו ליבעראוו

הרה"ג וכו' הרב יוסף ישעי שליט"א, מרא דאתרא דקהילתנו

וזוגתו מרת יהודית

שיחיו ברוין

זקניהם

הרה״ח זושא שיחי׳ פוזנר מרת גאלדא תחי׳ ברוין

הרב חיים שלום דובער ורעיתו שיחיו ליפסקער

שיזכו לרוות נח״ר רב מכל יו״ח לאריכות ימים ושנים טובות ונעימות ומתוך בריאות הנכונה ושמחה וטוב לבב