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Kesuvos Daf 4

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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

### Marriage on Monday

**[The Gemora had stated: On Monday one should not marry, and if he did so due to the forced circumstances it is permitted. The Gemora offers an alternative explanation as to what the forced circumstances were, which would allow him to marry even on Monday.]**

Alternatively, you can say: It refers to a case that we were taught in the following *Baraisa*: **[The Baraisa will present a case where the Rabbis needed to ease their restriction, and allow the wedding to take place on Monday; this was because – otherwise, there would be a delay in the burial of a close relative.]** One whose bread was already baked, his animals were slaughtered, his wine was diluted in preparation for the wedding meal (*all these items would spoil if the wedding would be delayed significantly*), and the father of the groom or the mother of the bride died, the law is the following: We move the corpse to a room and we bring the groom and the bride to the *chupah*. **[After burial, there would be a seven-day mourning period, in which they would be prohibited to marry.]** He then would perform his dutiful marital act with his bride, and then he separates from her. (*Immediately afterwards, the burial would take place.*) They then observe seven days of the wedding feast, and afterwards, he observes the seven days of mourning. During all those (*all fourteen*) days, the groom should sleep among all the men, and the bride should sleep among the women (*in order that they shouldn't cohabit with each other; a mourner is forbidden to engage in cohabitation during the shivah days*). We do not withhold ornaments for the bride all thirty days. (*This is the case that the Baraisa is referring to; if the father of the groom or the mother of the bride died*

*on a Monday, the marriage takes place immediately.*) (3b3 – 4a1)

### Preparations Lost

The *Gemora* qualifies the above ruling: The marriage takes place immediately if the father of the groom or the mother of the bride died because there is nobody else who would bother preparing for them (*if everything that was prepared will be lost*); however, in the reverse situation (*if the mother of the groom or the father of the bride died*), we do not delay their burial.

**[The Gemora further qualifies this ruling, by noting the precise stage of the preparations prepared for the wedding – in order for the Rabbis to allow the burial to be postponed.]** Rafram bar Papa said in the name of Rav Chisda: We delay the burial only if water was placed on the meat in preparation for its cooking (*it will spoil if the wedding is postponed and it can no longer be sold in the market*); but if the water was not placed on the meat, we delay the wedding until after the burial, because the meat may still be sold in the market.

Rava said: If this occurred in a big city (*where people buy all types of meat*), the wedding is postponed even if the water was placed on the meat because the meat may still be sold in the market.

Rav Pappa said: If this occurred in a village, the wedding is not postponed even if the water was not placed on the meat because it is improbable that all the meat from the wedding feast will still be sold in the market.

The *Gemora* asks: If so, when does Rav Chisda's distinction (if the water was placed on the meat or not) apply?

Rav Ashi answers: In a city like Masa Mechasya, which is smaller than a big city, but larger than a village.

The *Gemora* cites a *Baraisa* supporting Rav Chisda: One whose bread was already baked, his animals were slaughtered, his wine was diluted in preparation for the wedding meal and water was placed on the meat, and the father of the groom or the mother of the bride died, the law is the following: We move the corpse to a room and we bring the groom and the bride to the *chupah*. He then would perform his dutiful marital act with his bride, and then he separates from her. (*Immediately afterwards, the burial would take place.*) They then observe seven days of the wedding feast, and afterwards, he observes the seven days of mourning. During all those (*all fourteen*) days, the groom should sleep among all the men, and the bride should sleep among the women (*in order that they shouldn't cohabit with each other; a mourner is forbidden to engage in cohabitation during the shivah days*). And similarly, if the bride would begin to menstruate after the *chupah*, the groom should sleep among all the men, and the bride should sleep among the women. We do not withhold ornaments for the bride all thirty days. He shall never cohabit with his virgin bride for the first time on Erev Shabbos (*Friday night*) or Motzoei Shabbos (*Saturday night*). (4a2 – 4a3)

### Treating a Prohibition Lightly

The *Baraisa* had ruled: If the bride or groom is in a state of mourning or if the bride began to menstruate, the groom should sleep among all the men, and the bride should sleep among the women.

This supports the ruling of Rabbi Yochanan, for Rabbi Yochanan said: Although they said that there is no mourning during the festival, nevertheless, one must observe private

matters (those matters which involve no outward manifestations of grief).

Rav Yosef the son of Rava expounded in the name of Rava: The *Baraisa's* ruling applies only if the husband did not cohabit with his wife yet, but if he did cohabit with her, his wife is permitted to sleep with him.

The *Gemora* asks: But in the case where one of their parents died, he has cohabited with her, and nevertheless, the *Baraisa* rules that the groom should sleep among all the men, and the bride should sleep among the women?

The *Gemora* answers: Rava was referring to the case where the bride began to menstruate.

But it says. 'And so [also if his wife became a niddah]'!<sup>1</sup> — Thus he means to say: And so [also], if his wife became a niddah and he did not yet cohabit [with her], he sleeps among the men and she sleeps among the women.

**[It emerges that if the bride began to menstruate and they had already cohabited, we trust them to be secluded together, but if one of them is in mourning, we do not trust them to be secluded together even if they had already cohabited.]** The *Gemora* asks: Do people treat a prohibition pertaining to mourning more lightly than a prohibition regarding menstruation? But surely Rabbi Yitzchak bar Chanina said in the name of Rav Huna: All kinds of work that a woman performs for her husband, a menstruant may perform for her husband, except the mixing of the cup (*of wine to serve him*), and the making of his bed and the washing of his face, his hands and his feet (*because these actions may bring about temptation*); while with regard to mourning, it has been taught in the following *Baraisa*: Although the Rabbis said: No man has a right to force his wife (*while she is mourning*) to paint her eyes or powder her face, in truth they said: She may mix the cup for him, and she makes the bed for him and she washes his face, his hands

<sup>1</sup> And this would seem to show that there is no difference between the time of mourning and the period of niddah.

and his feet? (*It would seem that people treat a prohibition pertaining to menstruation more lightly than a prohibition regarding mourning!?*)

The Gemora answers: This is not a difficulty. Here (*where the Baraisa rules: he sleeps among the men and she sleeps among the women*), it is referring to a case where the husband was mourning (*for he might become tempted*); there, the Baraisa is referring to a case where she was mourning (*and she would resist any temptations*).

The Gemora asks: But it says: The father of the groom or the mother of the bride died? [Evidently, the Baraisa is referring to a case where the woman is in a state of mourning, and nevertheless, the ruling is that they must be secluded, for otherwise, it would lead to cohabitation!?]

The Gemora answers: This refers to the rest (of the halachos, but regarding the seclusion, it is not required).

The Gemora asks: But is there a difference between his mourning and her mourning? Surely it has been taught in a Baraisa: If his father-in-law or mother-in-law died, the husband may not force his mourning wife to put on eye shadow or rouge, but he should overturn his own bed and observe mourning with her; and likewise she, when her father-in-law or mother-in-law dies, she may not put on eye shadow or rouge; but she should overturn her bed and observe mourning with him. [Evidently, there is no difference between the case where he is the mourner and the case when she is the mourner!?]

The Gemora answers: Teach with reference to his mourning the following: He sleeps among the men and his wife sleeps among the women.

The Gemora asks: But it says: And likewise (which would indicate that the halachos are similar)!?

The Gemora answers: This (the word 'likewise') refers to putting on eye shadow and rouge.

The Gemora asks: But it says (observe mourning) 'with him'! Does this not mean that she may be with him in one bed?

The Gemora answers: No, it means 'with him' in one house, as Rav said to Chiya his son, when Chiya's father-in-law died, "You should observe the laws of mourning when your wife is present, but you are not required to observe the laws of mourning when she is not present." (4a3 – 4b2)

### Newlyweds

Rav Ashi answers the original question differently: Can you compare this mourning (*by the newlywed couple*) with an ordinary mourning? Ordinary mourning is strict in the eyes of people, and one would not treat it lightly (*a wife is permitted to perform certain actions for her husband*). But by this mourning, since the Rabbis were lenient regarding it, one might treat it lightly.

The Gemora asks: What is the leniency? If you will say it is because he may perform the dutiful act of marriage with her first, that is only because the laws of mourning have not taken effect upon him yet. The Gemora explains: According to Rabbi Eliezer, the mourning does not begin until the body has been taken out the door of the house, and according to Rabbi Yehoshua, the mourning does not begin until the top of the casket has been closed!

Rather, the leniency is this: They then observe seven days of the wedding feast, and afterwards, he observes the seven days of mourning. (4b2)

### INSIGHTS TO THE DAF

#### Food for Thought

The Gemora cites the following Baraisa: One whose bread was already baked, his animals were slaughtered, his wine was diluted in preparation for the wedding meal (*all these items would spoil if the wedding would be delayed*)

*significantly*), and the father of the groom or the mother of the bride died, the law is the following: We move the corpse to a room and we bring the groom and the bride to the *chupah*. (After burial, there would be a seven-day mourning period, in which they would be prohibited to marry.) He then would perform his dutiful marital act with his bride, and then he separates from her. (Immediately afterwards, the burial would take place.) They then observe seven days of the wedding feast, and afterwards, he observes the seven days of mourning. During all those (*all fourteen*) days, the groom should sleep among all the men, and the bride should sleep among the women (*in order that they shouldn't cohabit with each other; a mourner is forbidden to engage in cohabitation during the shivah days*). We do not withhold ornaments for the bride all thirty days. (*This is the case that the Baraisa is referring to; if the father of the groom or the mother of the bride died on a Monday, the marriage takes place immediately.*)

\*\*\* The reason that we do not postpone the wedding is because otherwise, all the food will be lost. What is the reason that the Rabbis allowed the initial cohabitation? He should be regarded as an *onein* (*one whose close relative has died and has not been buried yet*), and the cohabitation should be Biblically prohibited?

\*\*\* Why is the initial marital act referred to as a *mitzvah*-cohabitation? The Chasam Sofer adds: A woman cannot become pregnant from her first act of cohabitation; if anything, the second act should be regarded as the *mitzvah*-cohabitation?

\*\*\* During all those (*all fourteen*) days, the groom should sleep among all the men, and the bride should sleep among the women. How many men are required? How many women are required?

\*\*\* The Rambam writes that the thirty days of mourning begin after the seven days of the wedding feast. Why can't the seven days of the wedding feast be included in the thirty

days? This should be similar to the law that the days of the festival are included in the thirty days.

#### DAILY MASHAL

#### WHERE IS THE KALLAH?

Our Gemora talks about cases where the groom or the bride become mourners before their wedding.

Harav Shimon Schwab zt"l used to say: Think of being invited to a lavish wedding. Hundreds of invitations have gone out to the most prestigious of guests, and the gala affair has cost the hosts a fortune. The wedding has been called for eight o'clock sharp. The musicians are playing, and the procession to the chuppah begins. The machutanim are there, and the rabbonim, and of course the photographer. The chassan has been escorted to his place under the chupah, and everyone is ready. What, then, are they all waiting for?

The Kallah. The Kallah has not come. She was supposed to have arrived three hours ago. Everything is set for a wonderful ceremony and a joyous dinner, but nothing can proceed because the kallah is not there. Where is the kallah? You cannot have a wedding without a kallah. So instead of a happy celebration, you have a tragedy. A true horror story.

And so, yes: we have a Jewish state. We even have Yeshivos, Torah and mitzvos. We seem to have everything. But, in reality, one thing is missing. The kallah is not there; the Heavenly Presence of the Holy One, Blessed be He, is not in evidence. As a result, we have no redemption. Redemption will come when we realize that we are missing the "kallah."