"עוד ישמע בערי יהודה ובחוצות ירושלים"

קול חתן | וקול כלה

ליקוטי ופסקי הלכות

"חוקי חיים"

ותלמדם "חוקי החיים" לעשות רצונך בלבב שלם

חוקי חיים

שע"י "חדר הוראה" שבונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייעד שליט"א

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Halachos, Minhagim of Chuppah – 2 | **Vayishlach 5783**

282

Several years ago, we wrote about the halachos and minhagim of the chuppah (Issue 108), including the halachos about the kinyanim of eirusin and nisu'in; the definition and nature of a chuppah; the minhag of covering the kallah's face ["badeken"]; the chuppah structure; the minhag to have lit candles; and more. We will now discuss more halachos and minhagim of a chuppah בעזהשי"ת.

Fasting on the Day of the Chuppah

Aveiros Forgiven

1. **Chosson.** All a chosson's aveiros are forgiven on the day of his chuppah. We learn this from Bosmas bas Yishmael, Eisav's wife, who was called Machalas bas Yishmael on the day he married her (פ' תולדות כ"ח, ט'). Why was she called Machalas? Because when a man marries a woman, all his aveiros are forgiven (אגרת מדרש גמ' שמואל פי"ז, רש"י פ' וישלח ל"ו, ג' מגילה דף י"א). If Eisav, who remained a rasha, had all his aveiros forgiven, certainly a good person who wants to improve his deeds has all his aveiros forgiven (שו"ת אבן ישראל ח"ז סי' ל"ו אות ט'), even with just partial teshuvah (שו"ת דובב מישרים ח"א סי' כ"ב, ארחות רבינו דף ל"ו. הזמנות אות י"ד).
2. **Reason.** Some say a chosson's aveiros are forgiven because he is establishing a home to fulfill the mitzvah of פרו ורבו (א"א בוטשאטש סי' תקע"ג). Others say it is because until marriage, a man is only half a body, whereas once he is married, he becomes a whole body (מהר"ל, גור אריה פ' וישלח); hence, he is a new entity, so his aveiros are forgiven (ו"ת להורות נתן ח"י סי' צ"ו).
3. **Kallah.** Some say that only the chosson's aveiros are forgiven (שו"ת יד יצחק ח"ב סי' ק"ג). Others say the kallah's aveiros are forgiven too (לפי גירסת ילקוט שמואל רמז קי"ז, תשב"ץ סי' ס"ה). This seems to be the case based on the minhag for the kallah to fast, according to the reason that the fast is for forgiveness (below, 5). Also, the two reasons above (2) apply to the kallah as well.

Fast

4. The minhag is for the chosson and kallah to fast on the day of the chuppah (רמ"א או"ח תקסב ס"ב, אהע"ז סא ס"א). A few reasons are given.
5. **Forgiveness.** It is a day of forgiveness for aveiros, like Yom Kippur, and fasting rouses them to do teshuvah (ב"ש אבעה"ז שם סק"ו, והובא במ"ב סי' תקע"ג סקי"ח).
6. **Intoxication.** Another reason is so that they are not intoxicated during the kiddushin (מ"ב שם). Similarly, Birkas Kohanim is not said at Minchah because of a concern of intoxication (שו"ע או"ח סי' קכ"ח).

Rinsing the Mouth

7. They may rinse their mouths with water, in accordance with the halachah of a private fast day (שו"ע סי' תקס"ז ס"ג). They may also brush their teeth with toothpaste or rinse with mouthwash (ע"פ מ"ב שם סקי"ב), especially if they are uncomfortable. They should just make sure not to swallow anything (שו"ת מנחת יצחק ח"ד סי' ק"ט).

Until When Do They Fast?

8. **Daytime chuppah.** If the chuppah will be by day, they fast until they drink from the cup of wine of eirusin under the chuppah; they do not need to fast until tzeis (רמ"א תקסב שם). This is more understandable according to the reason of intoxication during the kiddushin. But this can also be understood according to the reason of forgiveness, because it is a Yom Tov for them after all, and it is not appropriate to fast all day (פמ"ג א"א סי' תקע"ג, חכ"א כלל קכ"ט ס"ב).
9. **Nighttime chuppah.** Some say that if the chuppah will take place at night, they should fast until the chuppah to prevent intoxication (ערוה"ש אבהע"ז סי' ס"א סכ"א). However, several poskim hold they only need to fast until tzeis (חכ"א כלל קט"ו ס"ב הובא בפתח"ת שם). Thus, one who is having difficulty with the fast may break the fast after tzeis, before the chuppah (נתיבות השלום סי' י"ט סי"ב). However, they must make sure not to drink anything alcoholic before the chuppah (חכ"א שם, קיצושו"ע סי' קמ"ו ס"א, ערוה"ש שם).

Preparing the Chosson for the Chuppah

Untying Knots

10. The minhag is to untie all knots on the chosson and kallah's clothing before the chuppah, e.g., knots on a tie, a gartel, shoelaces, pants, and the like. This is out of concern for kishuf (שלחן העזר סי' ז' ס"ד בשם ס' המטעמים, טעמי מנהגים אות תתקנ"א).

Removal of Items

11. The minhag is that the chosson removes all items from his clothes, e.g., money, a wristwatch or pocket watch, pens, cuff links, etc. The kallah also removes all her jewelry. The reason is to remind them of the mishnah in Avos (פ"ו מ"ט) that the only things that accompany a person are Torah and good deeds, not silver or gold (שלחן העזר ח"ב קל"ו. הע' לסי' ז').
12. **Tissue.** However, they may hold a tissue since that has no significance nowadays (נעימת החיים עמ' רע"ט). They may also keep in their pockets notes with tefillos and names to daven for under the chuppah.

Dressing the Chosson

13. **Kittel.** The universal minhag is for the chosson to wear a kittel during the chuppah (מהר"ם מינץ סי' ק"ט). Multiple reasons are given: to fulfill the posuk, "At all times, your garments should be white" (כל בו ענייני נישואין); because his aveiros are forgiven (מטה משה); because a chosson is compared to a Kohen, who wears white garments (ס' מטעמים ערך חו"כ אות קכ"א); and to remind him of the day of death (קיצושו"ע סי' קמ"ז ס"ד).
14. **Outer garment over the kittel.** The chosson wears an outer garment over the kittel. Some say this an allusion to the black fire on white fire at Matan Torah (אמרי אמת ליקוטים נישואין).
15. **Dressing the chosson.** The minhag is for the shoshvinim or esteemed people of the city to put the chosson's kittel and overgarment on him before the chuppah. This reminds him of the day of death, when a meis is dressed by others (יעב"ץ, קיצושו"ע). Others say it is because a chosson is like a king, who has servants attend to and dress him (ס' מטעמים חו"כ אות קל"ו).
16. **Arm outside sleeve.** Some have a minhag for the chosson to leave his left arm out of the coat sleeve and drape the coat over his shoulder (שו"ת נהרי אפרסמון יו"ד סי' כ"ו). This is to change something about the chosson's clothes to remember the Churban (מיוסד על מהר"ל נישואין), similar to what an aveil does to remember the Churban (שו"ע יו"ד סי' ש"מ סט"ז).

Kashrus of the Eidim

The Need for Kosher Eidim

17. Throughout the kinyanim of eirusin and nisu'in, some of the kinyanim require kosher eidim. This is critical, as the kinyanim are upheld through the eidim; without them, the kinyanim do not take effect. Thus, one must be very meticulous to find eidim who are kosher according to all opinions. This is the most essential part of the marriage process. It is more essential than having a proper, esteemed mesader kiddushin, as the eidim are a must, whereas the mesader kiddushin is not.

18. One time, Rav Shlomo Zalman Auerbach was given the honor of being mesader kiddushin. He quickly realized that there was a certain "rabbinic figure" of questionable kashrus who was going to be an eid kiddushin. Rav Shlomo Zalman approached him, saying he did not want to be mesader kiddushin in the presence of such a prominent rabbi, so he was relinquishing that role to the rabbi, and he would instead serve as an eid. And so it was. A true posek forgoes his own honor to ensure a proper, unquestionable outcome.

Kinyanim Which Require Eidim

19. **Eidei kesubah.** Two kosher eidim must witness the kinyan of commitment to the kesubah; they sign on the kesubah document. If they are not kosher, the kesubah is posul, as is the case with any monetary shtar.
20. **Eidei kiddushin.** The eidei kiddushin must also be kosher eidim. The kiddushin does not take effect without eidim, as there is a rule that "matters concerning ervah cannot be done with less than two [eidim]" (שו"ע אבהע"ז סי' מ"ב ס"ב).
21. **Eidei yichud.** The eidei yichud must also be kosher, as they are eidim to the nisu'in. Here too, the eidim are necessary for the kinyan of nisu'in to take effect.
22. Some use the same pair of eidim for the kesubah and all the parts of the kiddushin and nisu'in (עזר מקודש סי' מ"ב, בית יצחק סי' ע, וכן הוא מנהג ירושלים עדות לישראל עמ' י"ד). Others assign different eidim for each part to make the matter conspicuous and honor the chosson and kallah with many eidim (שו"ת מהר"ם מינץ סי' ק"ט, מהרי"ל הל' נשואין, נחלת שבעה סוסי"ב). Either way, all eidim must be kosher l'chatchilah.

Posul for Eidus Due to Relation

23. Relatives are posul for eidus, as stated in Shulchan Aruch (חו"מ סי' ל"ג ס"ב). This is true whether the eidim are related to each other – on the father's or the mother's side – or one of them is related to the chosson's or kallah's side. Although the mesader kiddushin must ascertain that the eidim are not relatives, sometimes an eid himself is not aware of his more distant relations, especially when they are through marriage (see below, 30).
24. **Rishon b'rishon.** Two people who are relatives of the first degree, e.g., two brothers or a father and son, are posul for eidus. This pesul is called "rishon b'rishon."
25. **Sheini b'sheini.** A "sheini b'sheini" also may not halachically be an eid. Thus, sons of two brothers, i.e., first cousins, are posul for eidus because of sheini b'sheini.
26. **Shlishi b'shlishi.** However, two brothers' grandsons, i.e., second cousins, are called "shlishi b'shlishi" and are kosher for eidus (שו"ע שם).
27. **Rishon b'sheini.** A man and his nephew or a man and his grandson are posul as a "rishon b'sheini."
28. **Rishon b'shlishi.** The poskim argue about a "rishon b'shlishi," e.g., a man and his great-nephew or a man and his great-grandson. Some say they are kosher (שו"ע שם); others say they are posul (רמ"א שם). It is proper to follow the latter opinion (פעמו"ז).
29. **Sheini b'shlishi.** First cousins once removed are "sheini b'shlishi" and halachically kosher for eidus (שו"ע שם).
30. **Baal k'ishto.** All pesulim for eidus also apply when that degree of relation is through marriage, since a man's wife is like him, and a woman's husband is like her. E.g., if one eid is a first cousin of the second eid's wife, they are posul to serve as eidim together (שו"ע סי' ל"ג ס"ג). People must be careful about this, as people sometimes do not know their cousins through marriage so well and can easily overlook this issue.

Machmir Even for Distant Relatives

31. Some are machmir not to use someone as an eid even if he is a distant relative who is not halachically posul (סמ"ע סדר הגט אות ב'). This is also so that people do not falsely claim that the marriage was made through related eidim. Many well-known poskim followed this (הגר"ש וואזנר, קובץ מבית לוי ח"ט עמ' ל"ג, הגראמ"מ שך מבקשי תורה חכ"ז, מו"ר בעל קנה בשם הגר"ח קניבסקי, מו"ר בשם הגר"י קמינצקי, תשו' הפוסקים בשם הגר"ח קנייבסקי), including mori v'rabi the Gaavad of Yerushalayim זצ"ל.
32. **Revi'i b'revi'i.** Because of this, some are careful not to use a revi'i b'revi'i, i.e., third cousins (שם).
33. **Chamishi b'chamishi.** However, there is no reason whatsoever to be machmir for extremely distant relatives, e.g., chamishi b'chamishi [fourth cousins] or even rishon b'chamishi [e.g., a man and his brother's great-great-grandson] (קב ונקי).

Posul for Eidus Due to Financial Interest

34. Some eidim are posul due to financial interest, i.e., when someone derives benefit from serving as an eid (שו"ע חו"מ סי' ל"ז ס"א). Based on this, the poskim go through various people to determine whether they are posul as eidei kesubah and kiddushin.
35. **Shadchan.** Some are machmir not to use the shadchan as an eid since he has a financial interest (ישמח לב ח"א סי' קס"ג, אפריון שלמה עמ' ס"ג בשם הגר"י קמינצקי, תשו' הפוסקים בשם הגר"ח קנייבסקי). However, others hold he is only posul as long as he was not yet paid, but once he was paid, he is kosher l'chatchilah (אוצר הפוסקים סי' מ"ב ס"ק ס"ה אות ט"ו בשם מהרי"ט, הגרישי"א במבקשי תורה).
36. **Mechutan.** Strictly speaking, a previous mechutan is kosher for eidus (שו"ע חו"מ סי' ל"ג ס"ו, רמ"א סדר הגט ס"ב, מהרשד"ם סי' ל"ג, ערוה"ש שם ס"ה). However, some are careful l'chatchilah not to use a mechutan as an eid kiddushin since it is possible that there is always some financial interest between them even if they became mechutanim a long time ago (פניני נישואין דף ס"ח בשם הגרישי"א, קו' מבית לוי ח"ט דף ל"ג).
37. **Mesader kiddushin.** The mesader kiddushin may be an eid kesubah or kiddushin even if he will be paid (שו"ת בנין ציון סי' קנ"ז). This is not a violation of the rule that "a shaliach cannot become an eid" since he is not the man's shaliach to make the Birkas Eirusin. The only reason the previous Rabbis instituted that the mesaader makes the brachah is to protect from embarrassment one who cannot make the brachah himself (שו"ת מהר"י אסאד ח"ב אבהע"ז סי' מ').

Posul for Eidus Due to Aveirah

38. **Desire for money.** A person who does aveiros out of desire for money, e.g., someone known to be a thief, is posul d'oraisa for eidus. A gambler is posul d'rabanan (שו"ע חו"מ סי' ל"ד ס"ז).
39. **Rasha.** A rasha who knowingly violated a lav from the Torah that all Yidden know is an aveirah and did not do teshuvah is posul for eidus (שו"ע סי' ל"ד ס"א). However, if it is possible he did it by accident or did not know it was assur, he is not even posul d'rabanan for eidus (שו"ע שם ס"ב, שו"ע הרב דיני עדות ושטרות ס"ז). For an aveirah that does not get malkus, one is posul d'rabanan (רמ"א שם ס"ג).
40. **Suspected of arayos.** If someone is even just suspected of arayos, although he is kosher for other eidus, he is posul for marriage-related eidus (טור חו"מ סי' ל"ד סכ"ה, רמ"א חלקת מחוקק סי' מ"ה סק"ד, ב"ש שם סק"כ), at least d'rabanan (
41. **Technology.** To our great distress, there is a spiritual disaster today with the development of technology. If a person has access to unfiltered internet, it is impossible to know that he isn't suspected of arayos, particularly if he has any sort of unfiltered smartphone that accompanies him around the clock, including in secluded places. It is almost unavoidable that such a person will see forbidden sights and violate the lav of "לא תקרבו לגלות ערוה," which includes speech and personal connections with every evil in the world. All the rabbanim worldwide have denounced this and forcefully expressed the obligation to guard one's neshamah from it.
42. Thus, if one has a smartphone, it is hard to even know if he is kosher for eidus or not. Even if he has the appearance of a prominent person, talmid chacham, or rosh yeshiva, other people do not know about the stability or health of his neshamah. To our discredit, there is a phenomenon today wherein many people go about with two faces: on the outside, they look like prominent, important people, but in the inside, for multiple hours a day they are rotten and filthy with sin of the lowest levels … והמבין יבין …

Eidim Who Are Esteemed and Talmidei Chachamim

43. **Talmid chacham.** L'chatchilah, one should choose the most esteemed and righteous respected community members as eidim, as they are certainly kosher (מהר"ם מינץ סי' ק"ט, סידור דרך החיים). They should also be talmidei chachamim, who are assumed kosher for eidus until proven otherwise. In contrast, an am ha'aretz is assumed posul unless it is known that he goes on the proper path (שו"ע סי' ל"ד ס"ז).
44. **Ben Torah.** Similarly, l'chatchilah one should choose for eidei kiddushin and nisu'in bnei Torah who learn Torah all day; minimize involvement with the world outside; and do not have devices forbidden by the chachamim and poskim of the generation.

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