**YESHIVAT HAR ETZION**

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

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**LIFECYCLES – HILKHOT ISHUT**

**Rav David Brofsky**

**Shiur #22: Laws of the Wedding (12)**

**Customs and Laws of the Wedding**

**The Seclusion of the Bride and Groom**

**After the breaking of the glass, which we discussed** [last week](http://etzion.org.il/en/shiur-21-laws-wedding-11-customs-and-laws-wedding)**, the wedding ceremony is officially over. The guests approach the bride and groom to congratulate them, and then they begin the festive meal. It is customary in Ashkenazic communities for the bride and groom to be led to the “*cheder yichud*,” a private room, within which they are secluded for a short period of time.**

**What is the reason for this seclusion? As we shall see, this practice is intended to fulfill one of the definitions of *nisu’in*, the final stage of the marriage ceremony.**

**In a** [previous *shiur*](http://etzion.org.il/en/nisu%E2%80%99)**, we discussed and defined the final stage of the marriage, the** *nisu’in*. The *Rishonim* disagree as to what act or process initiates this *nisu’in*, the more intimate aspect of marriage.

Some *Rishonim* appear to maintain that an act or situation that reflects the most intimate aspect of marriage – sexual relations – functions as the beginning of *nisu’in*. Indeed, the verse “when a man takes a wife and is intimate with her” ([*Devarim* 24:1](https://www.sefaria.org/Deuteronomy.24.1?lang=he-en)), which describes these two stages of marriage, identifies *nisu’in* with *be’ila*, intimacy or sexual relations. Rambam (*Hilkhot Ishut* 10:1), for example, maintains that one can achieve *nisu’in* either through marital relations or even after *yichud* (seclusion), known as the *chuppa*. It is not surprising, therefore, that the Rambam maintains that this seclusion must be “*rauy le-bi’a*.” Therefore, if the bride is currently in a state of ritual impurity (after menstruation), and they are thus prohibited from having marital relations, the *nisi’un* is not achieved.

Others suggest that *nisu’in* is achieved not by an act of marital intimacy (or a situation that enables it), but in a more formal manner that reflects their marital relationship. For example, the Ran ([*Ketubot* 1a](https://www.sefaria.org/Ketubot.1a?lang=he-en), s.v. *oh*) cites a view that describes *nisu’in* as the bride entering the husbands “domain” (see also Hagahot Ha-Gra, Shulchan Arukh, [EH 55:9](https://www.sefaria.org/Shulchan_Arukh,_Even_HaEzer.55.9?lang=he-en)). Others explain that *nisu’in* occurs when the bride and groom stand together under the *chuppa* and receive the *Sheva Berakhot*.

The Shulchan Arukh ([EH 55:1](https://www.sefaria.org/Shulchan_Arukh,_Even_HaEzer.55.1?lang=he-en)) cites a number of views regarding the definition of *nisu’in*/*chuppa*:

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

R. Moshe Isserles (Rema) adds:

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

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

The Rema concludes:

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

Traditional Ashkenazic custom, as described by the Rema, is that the bride and groom are secluded after the *chuppa*.

It is customary to ensure that there are no other people in the *cheder* *yichud* (Beit Shmuel 55:5; see Arukh Ha-Shulchan 55:11, who records that it was customary to invite the *shoshvinin* to the seclusion room). Although it is not necessary to lock the seclusion room (Minchat Yitzchak 4:28), some insist that the room cannot be opened from the outside.

Some suggest that this seclusion should be done in front of two witnesses (see Tosafot Ri Ha-Zaken, *Kiddushin* 10b; Avnei Milu’im 38:17). It is customary for the couple to remain in the room the amount of time within which one might have sexual relations (see Beit Shmuel 55:2). The *Posekim* differ as to whether they should remain secluded for three or five minutes, or even longer (see *Sota* 4a; see HaNisu’in Ke-Hilkhatam 12:85). The witnesses wait outside of the seclusion room for this period of time. It is customary for the bride and groom to eat together in the seclusion room (see Rema ibid.). The bride and groom should not take too long in the seclusion room, in order not to unnecessarily inconvenience the guests (*tircha de-tzibura*).

Interestingly, while Ashkenazim appear to follow the position of the Shulchan Arukh and perform the *yichud* immediately following the recitation of the *Sheva Berakhot*, most Sephardic couples are not secluded after the wedding ceremony. This practice is somewhat curious, as is does not appear to conform with the position of the Shulchan Arukh. Furthermore, according to this practice, the *Sheva Berakhot* are recited hours before the actual seclusion, and the seclusion is not performed in the presence of witnesses. Finally, it appears that the *Sheva Berakhot* recited at the end of the festive meal cannot be said in this case, as the couple are not formally considered to be “married” (*nisu’im*).

Sephardic authorities debate whether, according to this practice, the *nisu’in* does not take effect until after the festive meal, when the bride and groom are secluded (Yabi’a Omer, EH 5:8), or if this practice embraces a different definition of *nisu’in*, i.e. that the *chuppa* accomplishes the *nisu’in* (see Shemesh U-Magen, EH 1:64, YD 3:49). Some suggest that it is proper for Sephardic couples to be secluded immediately following the *chuppa* (see R. Shlomo Levi, “[*Yichud Le’Achar Ha-Chuppa Lefi Minhag Ha-Sefaradim*](http://asif.co.il/?wpfb_dl=1075)”).

***Kisuy Ha-Rosh* after the *Cheder Yichud***

**An interesting ramification of this discussion relates to the *kalla’s* obligation to cover her hair. R. Ovadia Yosef (see Yechaveh Da’at 5:62; see also Yabi’a Omer, ibid., and R. Yitzchak Yosef, *Techumin* 31) argues that while according to the traditional Sephardic practice, the bride would not need to cover her hair until after seclusion with her husband (i.e. the next morning), according to Ashkenazic practice, the bride should cover her hair upon leaving the seclusion room. Some argue that according to those who view the *chuppa* itself as the *nisu’in*, the *kalla* should cover her hair for the entire wedding.**

**Indeed, in some communities the bride covers her hair immediately following the seclusion. However, the widespread custom is for the bride not to cover her hair until the next day. What is the reason for this practice?**

**Some (see Teshuvot Ve-Hanhagot 5:334) suggest that although the *chuppa* may be considered to be the *nisu’in*, the *nusu’in* is not fully completed until after the couple is intimate.**

**R. Moshe Feinstein, in an** [unpublished responsum](https://drive.google.com/file/d/0BwgoR9DvCEi_NWU5ZTBhN2ItNTQ4Mi00MzE3LWE4ZGMtZDk5NDhlNDkyYWM5/view)**, argues that the obligation of *kisuy rosh* only applies to a “*be’ula*,” a woman who has been intimate with her husband:**

The obligation of a woman to cover her hair takes effect only after the first night, since it is from that point on that she has the status of one who has been intimate with her husband. She does not have to cover her hair immediately after c*huppa* and *yichud*, since at that point she does not yet have the status of one who has been intimate with her husband. The reason is obvious, since as a matter of marriage law, there is no distinction between an *arusa* and a *nisu’a*. Rather, the obligation to cover her hair is dependent on whether or not she has been intimate with her husband.

He adds that even if the bride was a *nidda* and forbidden to her husband on the night of the wedding, she is considered to be “*bechezkat be’ula*” and must therefore cover her hair. This position is especially compelling, as the entire obligation of *kisuy rosh* is derived from *sota*, a married woman who has already been intimate with her husband and who is suspected of an adulterous relationship.

Other *Posekim* offer additional reasons. For example, R. Shmuel Wosner (Shevet Ha-Levi 9:259) suggests that the veil is considered to be a sufficient hair cover until the next day. The older brother of the Taz, R. Yitzchak Ha-Levi (Mahari Ha-Levi 9) explains that it is customary for the bride not to cover her hair at the wedding “in order to endear the bride to the groom and to show that he is beautiful with her hair.” Interestingly, R. Yehuda Herzl Henkin (Benei Banim 3:23) suggests that the wedding hall may be considered to be the “house” of the bride and groom, within which she is not technically obligated to cover her hair.

A number of *Acharonim* caution against stringency in this matter, which might cast aspersions on the practices of our forefathers.

Next week, we will discuss the differences between a first and second marriage.