

**YESHIVAT HAR ETZION**  
**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**  
\*\*\*\*\*

**Deracheha: Women and Mitzvot**

**Marriage II: Nissuin**

HOW DOES *NISSUIN* WORK AND WHAT ARE THE IMPLICATIONS? WHAT ARE THE OBLIGATIONS OF HUSBAND AND WIFE?

Click [here](#) to view an updated version of this shiur with additional features on the Deracheha website.

Did you know there's more to Deracheha than our shiurim? Sign up for our newsletter [here](#) and get all our content!

Have some feedback for us? Please click [here](#)!

By Laurie Novick  
Rav Ezra Bick, Ilana Elzufon, and Shayna Goldberg, eds.

### **Understanding Nissuin**

A Jewish marriage is created in two stages, beginning with *kiddushin* (halachic betrothal, which we discuss [here](#)). The marriage process reaches completion with *nissuin*. The term *nissuin* encompasses both the formation of a marriage and the ongoing state of marriage.

In this piece, we explore the nature of *nissuin* and how it is accomplished, and the respective obligations of husband and wife. (We discuss the marriage ceremony in a future piece.)

As a stage in the formation of marriage, *nissuin* is the point at which the couple form a joint household as husband and wife and become sexually permitted to each other. As an ongoing state, *nissuin* describes the couple building on the halachic bond formed through *kiddushin*, actualizing the marital relationship, and fulfilling their halachic obligations to each other.

### **A Joint Household**

We find a first, important source for understanding *nissuin* in the Torah's discussion of the laws of vows (*Bemidbar* 30:2-17). The verses distinguish between different stages of a woman's life: in her youth in her father's home, as a very young woman following *kiddushin*, and finally as a married woman in her husband's home (*beit ishah*):

*Bemidbar* 30:4, 7, 11, 14

A woman when she makes a vow to God or binds herself by an obligation **in her father's house while in her youth....If she is [betrothed] to a man** and her vows are upon her, or the expression of her lips that she bound upon herself....**If in her husband's house** she vowed or bound herself by an obligation with an oath....Every vow and every oath of obligation to afflict herself, her husband can uphold it and her husband can annul it.

Though the Mishna clarifies that no one can annul the vow of an adult, unmarried woman,<sup>1</sup> the verses don't directly address that case. Rather, they seem to presume that most women would marry very young and thus move straight from the father's home to a husband's.

Indeed, halachic sources on *nissuin* often describe the establishment of the marital household as a wife exiting her father's domain and entering her husband's for the purpose of marriage.

#### Mishna Ketubot 4:5

She is always in the domain of the father until she enters the domain of the husband for *nissuin*.

A husband generally acquires the ability to annul his wife's vows only once she is considered part of his household, expounded here as *nissuin*:<sup>2</sup>

#### Sifri Bemidbar, Matot 154

What does "if in her husband's house she vowed" come to teach us? This is a married woman (*nesua*), the words of Rabbi Yishmael.

The husband's capacity to annul vows derives from the marital bond. Thus, he can only annul those of his wife's vows that are a form of self-affliction (which could potentially affect the household or the marriage) or that pertain directly to the couple's relationship.<sup>3</sup>

Being a member of the household is similarly important with respect to a woman's eligibility to partake in her husband's *teruma* (a priestly gift, permitted only to *kohanim*

---

<sup>1</sup> Mishna Nedarim 10:2

...The father does not annul during [his daughter's] adulthood.

<sup>2</sup> For example, Meiri writes that the vows of a *bogeret* (woman over age 12.5) cannot be annulled by anyone else if she is single or an *arusa* (as opposed to a *nesua*)

Beit Ha-bechira La-Meiri, Nedarim 66b

If she has reached maturity, so that the father no longer has any [authority to annul her vows], and she is still betrothed, and she makes a vow after she has reached maturity, the betrother cannot annul.

<sup>3</sup> Nedarim 79b

Vows of self-affliction are those he [the husband] can annul, that do not entail self-affliction, he cannot annul. Yet it is taught in a baraita "between husband and wife, between father and daughter" (*Bemidbar* 30:17)! It teaches that the husband can [only] annul vows between him and her. They [the sages] said: these [between him and her] and these [of self-affliction] he [the husband] can annul.

and members of their household). On a Torah level, a woman who marries a *kohen* is entitled to eat from *teruma* as of *kiddushin*. Our sages decreed, however, that this entitlement take effect only as of *nissuin*, when a woman actually joins her husband's household:

#### Yerushalmi Ketubot 5:4

Initially, they would say that a daughter of Israel betrothed [to a *kohen*] eats from *teruma*...And what can I do, for they said that a woman never eats from *teruma* until she enters the *chuppa*, and they supported this with a verse, as it is said [*Bemidbar* 18:13], "every pure [person] in your household shall eat of it."

The assumption that the *kalla* joins the *chatan's* household may also reflect the halachic obligation of a husband to provide his wife with housing (which we'll see below).

With *nissuin*, the couple establish a home life together. Their joint household becomes a framework for pursuing the central aspirations of marriage, whether sexual, procreative, or emotional. Ideally, *nissuin* brings to fruition a powerful intimacy between husband and wife.

### **An Intimate Relationship**

The relationship formed by *nissuin* is so strong that the couple are thereafter considered close relatives. For example, a *kohen* is usually prohibited from coming into contact with a dead body, but a *kohen* following *nissuin* is commanded to tend to his wife's burial:

#### Vayikra 21:1-2

And God said to Moshe, 'Say to the *kohanim*, the sons of Aharon, and you shall say to them, he shall not become impure for a [dead] person among his people. Except for his relative [*she'eiro*] who is close to him, for his mother and for his father, and for his son, and for his daughter, and for his brother.

The halachic understanding of "his relative" in this context is "his wife," as expounded in Sifra.

#### Sifra Emor 81 74 1:4

For only to his relative who is close to him, "his relative" means only his wife, for it is said, "she is the relative of your father" [*Vayikra* 18:12]. "Who is close" and not the betrothed woman. "To him," and not the divorced woman.

The Sifra explicitly rejects the possibility that a couple would experience this level of relationship as of *kiddushin* alone. This notion of the marital relationship as intimate to the point of familial also arises in discussions of additional halachic aspects of death and mourning, and extends even to inheritance.

#### Sanhedrin 28b

As Rav Chiyya son of Ami said in the name of Ulla: His wife who is [only] betrothed, he does not become an *onen* [mourner before she is buried], and he does not become impure for her [to attend to her burial], and so she is not an *onenet*, and does not become impure for him [to attend to his burial]. If she dies, he does not inherit her...Their [in the cases Rav Chiyya discusses] God made the matter depend on being “his relative,” and she [the betrothed woman] is not yet his relative.

According to Rashi, the sexual aspect of *nissuin* in particular generates the level of familial intimacy enjoyed by a couple.

#### Rashi Bava Metzia 18a s.v. ve-lo mitamei lah

For his relative, that is his wife, and this [betrothed woman] is not his relative, for they have not yet come to physical intimacy.

### **Effectuating Nissuin**

We’ve seen that *nissuin* is the point at which certain *halachot* relating to the marital household or to the couple’s intimacy begin to take effect. But when, exactly, does married life officially begin? In Halacha, the point at which a couple make the transition from *kiddushin* to *nissuin* is known as *chuppa*.

Our sages never definitively explain the term “*chuppa*.” Among its many possible definitions is ‘wedding canopy’ (discussed in our upcoming piece on the wedding ceremony). However, the meaning of *chuppa* as a halachic concept is broader and more complex.

*Chuppa* has halachic force as initiating *nissuin*, even when the couple have not yet had sexual relations, something the Talmud identifies as a key difference between Jewish and non-Jewish marriage:<sup>4</sup>

#### Sanhedrin 57b

For Rabbi Chanina taught: A woman who has become married through relations they [non-Jews] have. Who has entered the *chuppa* and not had relations, they do not have.

The Talmud infers from the Torah’s description of a young woman’s betrothal that *nissuin* is a distinct stage, one which takes place as of *chuppa* and does not depend on relations:

#### Ketubot 48b

---

<sup>4</sup> The Sifra lays out some of the *halachot* that take effect as of *chuppa*, explicitly noting that this is the case even when the couple have not had marital relations.

#### Sifra Bemidbar Korach 117

For behold the sages said, a betrothed daughter of a *yisrael* [non-*kohen*] does not eat *teruma* [of her *chatan* who is a *kohen*] until she enters the *chuppa*. Once she has entered the *chuppa*, even though she has not had marital relations, she eats *teruma* and if she dies, her husband inherits her.

Rava said: Ami said to me: *Chuppa* is written clearly. “When there is a virginal young woman [*na’ara*] betrothed to a man” (*Devarim* 22:23). A “young woman”, and not a mature woman [*bogeref*]. “Virginal” and not one who has had marital relations. “Betrothed” and not married [*nesua*]. What is married [*nesua*, that the young woman in the verse is not]? If you say fully *nesua*, that is the same as specifying that [the young woman in the verse] is a virgin and has not had relations. Rather no, [the term “married” here refers to a woman who] entered the *chuppa* and did not have relations.

## Defining Chuppa

What, exactly, is the wedding *chuppa*? We first encounter it in Tanach. A verse in *Tehillim* compares God revealing Divine glory to a groom’s exuberant emergence from his *chuppa*:

### *Tehillim* 19:6

And it is like a *chatan* emerging from his *chuppa*, it rejoices like a champion to run his course.

Conversely, the *navi* Yoel describes a situation of such gravity that a groom would need to exit his chamber and a bride, in parallel, her *chuppa*:

### *Yoel* 2:16

Gather the people, sanctify the congregation, assemble the elders, gather the children and the nursing ones, let the *chatan* leave his chamber and the *kalla* her *chuppa*.

The root *chet.peh.heh* means to cover. From these verses we can infer that the Biblical *chuppa* refers to a private space for *chatan* and *kalla*.

### *Metzudat David Yoel* 2:16

From her *chuppa* – this is place of the *kalla*’s seclusion with the *chatan*, and it is the chamber that he [Yoel] mentioned.

Early halachic authorities offer a range of views on how to understand *chuppa*. These generally fall into one of two categories, each representing one of the essential features of marriage that we identified above, joining the household or inaugurating the intimate relationship (here, through *yichud*, often translated as seclusion or being set aside).

## I. Joining the Household

In one of a few comments regarding *chuppa*, Rashi explains that entering the *chuppa* represents the *kalla*’s transition to the *chatan*’s domain. This may suggest a completion of the legal procedure and change of status (*kinyan*) that began with *kiddushin*.

Rashi Ketubot 48b s.v. lirshut ha-ba'al le-nissuin

...That she enter the *chuppa* for the purpose of *nissuin*, that she be transferred to the domain of the husband...

This understanding of *chuppa* represents the *kalla's* move to share a home with her *chatan*. Accordingly, Ran cites authorities who maintain that *chuppa* is accomplished in practice simply as a *kalla* entering her husband's household:

Ran Ketubot 1a (Rif Pagination)

Others say that a *chuppa*...is wherever the husband brought her from her father's home to his home for the purpose of *nissuin*, and we learn it from it being written "and if in her husband's house she vowed" which sounds as though all the time that she is in her husband's house, behold she is in his domain....

Building on this view, *chuppa* could also be a space for *chatan* and *kalla* that functions as a symbolic home for them and thus represents their permanent home.

Talmud Yerushalmi Sota 9:15

These are the *chuppot* of grooms, embroidered sheets and gold-embroidered ribbons hung inside them.

## II. Yichud: Establishing Intimate Space

*Chuppa* can also be understood as anticipating or symbolizing marital relations, as Rashi notes in another comment:

Rashi Yevamot 57b s.v. Af

...For the significance of *chuppa* is only because it is a preliminary to sexual relations...

This understanding of *chuppa* resonates with the view that *chuppa* is a couple's seclusion, *yichud*, which is a preliminary to relations.

The question of *chuppa* during *nidda* (menstrual impurity) arises in this context because intimacy, whether sexual relations or even just seclusion, would be prohibited during *nidda* to a new couple.

Ramban Ketubot 4a

The Rav Yehosef Ha-Levi [Ri Migash] said in the name of Rav Yitzchak son Rav Reuven [Rif]...that *chuppa* means seclusion of *chatan* and *kalla* for the purpose of *nissuin*, and a woman in *nidda* is prohibited to be in seclusion [for *chuppa*]...and this is not the halacha...Rather that from the outset, certainly a *nidda* is not eligible for *chuppa*, and so wrote the Ge'onim, nevertheless, *bedi'avad*.....this is also no worse than them [other problematic cases that are permitted], so it seems to me.

Ri Migash rejects the possibility of *chuppa* taking effect during *nidda*. Ramban likewise prefers for *chuppa* to occur at non-*nidda* times, but he ultimately rules that *chuppa* can take effect during *nidda*. (We'll address the practical ramifications of this view in our piece on the wedding ceremony.)

For his part, Rambam takes this conception of *chuppa* a bit farther, integrating it with the view of *chuppa* as a shared household. He defines *chuppa* as the wife both entering the husband's household and being secluded together with him, and stipulates that the seclusion takes effect only if relations would be possible.

#### Rambam, Laws of Marriage 10:1-2

The betrothed is prohibited to her husband rabbinically as long as she is in her father's house...until he [the husband] brings her into his house and secludes himself with her and designates her to him, and this seclusion is what is called entering into the *chuppa*, and this is what is always referred to as *nissuin*. And one who has relations with his betrothed for the purpose of *nissuin*, after he has been *mekadesh* her, once he begins to penetrate her [sexually] has made a *kinyan* on her and she becomes *nesua*, and behold she is his wife in all respects...And once she enters the *chuppa*, she is called *nesua* even though she has not had relations, and that is when she is fit for relations, but if she was *nidda*, even though she entered the *chuppa* and he was secluded with her, the *nissuin* are not complete...

Rambam adds that *bedi'avad*, after the fact, a couple can also effect *nissuin* by engaging in sexual relations for that purpose. In this case, he uses the term "*kinyan*" to refer to the halachic change wrought.

He seems simply to understand *chuppa* as the beginning of married life,<sup>5</sup> including the expectation of relations. For this reason, a *chuppa* during *nidda* is a greater impediment for him than for Ramban.

Rambam's acknowledgment of relations themselves as a valid alternative to *chuppa* seems to echo assumptions of another Talmudic passage:

#### Ketubot 8b

Rav Chanan son of Rav said: Everyone knows why she [the *kalla*] enters the *chuppa*, but anyone who debases his mouth and says something debasing, even if a decree of seventy good years had been sealed for him, it is turned for him to bad.

The passage intimates that guests in a wedding share the tacit understanding that a bride's entry into the *chuppa* represents her broader move towards sexual relations

---

<sup>5</sup> Compare to the beginning of his Laws of Marriage, where he defines non-Jewish marriage as a man taking a woman home to live and have relations with him, with our marriage being different in that we have *kiddushin*:

#### Rambam, Laws of Marriage 1:1-2

Prior to the giving of the Torah, a man would encounter a woman in the marketplace. If he and she would want that he marry her (*lisa*, from the same verb root as *nissuin*), he would bring her into his home and have relations with her in private and she would be his wife. Since the Torah was given, Israel were commanded that if a man wants to marry a woman, he make a *kinyan* of her first before witnesses, and afterwards she will be his wife ...

with her spouse. Aruch Hashulchan draws on this passage to explain the development and halachic force of *chuppa* in general:

Aruch Ha-Shulchan EH 55:14-15, 17

However, it is not the way of the Children of Israel to have relations in public...And the matter was established to make a *chuppa* of honor and to recite seven *berachot* over them, and with this she is fully *nesua*, and marital relations are not required for it to take effect. And everyone knows why a *kalla* enters the *chuppa*, but we don't require witnesses of seclusion and ten men for the *berachot* of *nissuin* and that then he immediately would have relations with her, which would be an ugly matter...And every type of *chuppa* that they had the practice of making, this is the *kinyan* of *nissuin* since their intent is for *nissuin* and they are separate from others, for the two of them stand in one place for the purpose of *nissuin* as if he brings her into his home and is secluded with her as Rambam wrote...The principle of the matter is that, according to the fundamental law of the Torah *nissuin* is sexual relations for the purpose of *nissuin* or preparation for this, and *chuppa* is the preparation for it. And what type of preparation depends on custom. For since we call this matter *chuppa* and recite the *berachot*, the *nissuin* are complete. And the purpose of the preparations of all the *chuppot* is that from this moment and onward she has entered his domain and he is prepared to live with her as husband and wife.

For Aruch Ha-shulchan, *nissuin* could simply begin with the couple's first act of relations. But since the marriage ritual entails a public component, *chuppa* stands in. Any type of symbolic act or ritual communally understood as representing the couple's officially beginning to live together in an intimate marital relationship suffices. (We'll discuss more of the potential understandings of *chuppa* and the role of the *berachot* in our upcoming piece on the marriage ceremony.)

Whether the *chuppa* is understood simply as establishing that married life has begun or more formally as *kinyan*, whether independent or simply a completion of *kinyan kiddushin* can have implications for how it is performed.

Many halachic authorities, however, including Rav Yosef Dov Soloveitchik (following an approach developed by his grandfather), view *chuppa* as the actual practical commencement of the marital state, and not as an independent, symbolic act (*kinyan*).

Rav Yosef Dov Soloveitchik, *Ma Dodech Mi-dod, Divrei Hagut Ve-ha'aracha*, p. 72-73

*Eirusin* and *nissuin* are two stages in the process of the instantiation of marriage. They emphasize two distinct forms of the ancient connection created between man and woman...*Eirusin* are based on *kinyan*...the bond is related to *kinyan* and prohibition...In *nissuin*, the horizon of marriage widens and deepens. The realization of *nissuin* comes through *yichud-chuppa*. Rav Chayyim maintained that *nissuin* do not require intent of one putting something up for acquisition, nor establishing witnesses. Only intention is needed. There is no specific act of *nissuin* at all. The attainment comes on its own. There is no act of *kinyan* entailed in *nissuin*...What is the essence of *yichud-chuppa*? The betrother and the betrothed intertwine their lives into one existence.



Rav Soloveitchik mentions one possible practical implication of his outlook: witnesses would not be required for *nissuin* to take effect, because it is more functional than formal. Even so, witnesses to *chuppa* are favored in practice, to cover all halachic views.

## Halachot of Married Life

*Nissuin* is simultaneously a very personal emotional and sexual relationship, and a very functional arrangement for running a joint household. In this section, we'll see how Halacha sets up a system of complementary rights and responsibilities, through which the couple actualize their personal and practical commitments to each other.

Some halachic marital obligations are eternal and unchanging. Others depend on societal factors, personal finances, or even the couple's preferences. By exploring key sources, we can understand both the basic *halachot* and their application in various contexts, including our own society.

## A Husband's Core Obligations

The main source for a husband's essential obligations to his wife is a Torah verse enjoining a man who marries a second wife not to neglect the first:

### Shemot 21:11

If he takes for himself another, he shall not diminish her *she'ar*, her *kesut*, and her *ona*.

What are *she'ar*, *kesut*, and *ona*? All agree that *ona*, literally "season" or "interval" refers to the wife's rights to sexual relations with her husband at regular intervals. This verse establishes on a Torah level that a wife has sexual rights to her husband, complementing a husband's sexual rights to his wife.

There are two main interpretations of the rest of the verse:

**I. Three Aspects of Obligation** According to this understanding, the verse enumerates three distinct aspects of a husband's obligation to his wife: sustenance, clothing (or shelter), and marital relations. In other words, he is obligated to continually provide for both a marital home and a sexual bond, obligations which echo the central features of *nissuin*.

### Ketubot 47b

Rava said: This tanna maintained that [providing her with] sustenance [*mezono*] is a Torah-level obligation, as it is taught: *she'erah* – this is sustenance. And thus, it says, "who ate the flesh [*she'ar*] of My people" [*Micha* 3:3]. Her *kesut* – according to its literal meaning [i.e., clothing]. Her *onah* – this is the interval [of marital relations] stated in the Torah, and so it says: "if you afflict [*te'aneh*] my daughters" [*Bereishit* 31:50]

On this reading, *she'ar* means flesh in the sense of meat, as a type of food, and *kesut* follows its literal meaning of “covering” or “clothing.” Rambam explains that *kesut* refers not only to clothing, but also to a place to live and its accoutrements:

Rambam, Laws of Marriage 13:3

Included in *kesut* is that he is obligated to [provide] her [with] household articles and housing in which she dwells.

Following this passage, some authorities maintain that a man who fails to fulfil any of these obligations to his wife violates a Torah-level prohibition:<sup>6</sup>

Sefer Ha-mitzvot of Rambam, Prohibitions 262

...This prohibition itself includes anyone who marries a daughter of Israel, that he not oppress her in one of these three things, inflicting pain and distress...For the law of the daughters is that he not withhold from them *she'ar*, *kesut*, and *ona*...They [the sages] said *she'arah* this is her sustenance [*mezonot*], *kesutah* according to its literal meaning, *onatah* this is marital relations:

We translate *mezonot* (an explanation of *she'ar*) as sustenance, rather than just food, because it includes other forms of sustenance, such as a husband's responsibility to pay for his wife's medical expenses.

Mishna Ketubot 4:9

If she is afflicted, he is obligated to heal her.

Rashi Ketubot 51a

He is obligated to heal her- For medical treatment is like *mezonot*.

**II. Intimate Obligations** Alternatively, all three words might relate to intimacy. *She'ar* here would thus be connected to the term for relative (a different type of one's flesh) that we saw earlier, *she'eiro*.

Ketubot 48a

Rav Yosef taught; *she'arah* this is physical intimacy...

Ramban takes this approach and understands each of the three items in this list as referring to aspects of marital intimacy:

Ramban Shemot 21:9

---

<sup>6</sup> Alternatively, some authorities view them as three separate positive commandments. This seems to be a simple reading of Rav Saadya Gaon's listing each of them in his *Sefer Ha-mitzvot*:

Sefer Ha-mitzvot of Rav Saadya Gaon

...*She'arah*, *kesutah*, and *onatah* when she is still [one's wife]...

...I say that the meaning of *she'ar* in every place is flesh that cleaves and is close to a person's flesh...and relatives are called *she'ar*...and the woman is called the *she'ar* of her husband, as they expounded "except for his *she'ar*," his *she'ar* is his wife. And this is from the matter that it said, "And he cleaves to his wife and they will be as one flesh." And behold *she'arah* is physical intimacy. And *kesutah* is the covering of her bed, as it is said, "for it is his only covering [*kesuto*], with what will he lie down?" And *onatah* is the interval that he comes to her for marital intimacy...For the way of Scripture in every place is to mention lying together in clean language and with brevity, and therefore it said these with a hint "*she'arah, kesutah, ve-onatah*, regarding the three matters that a man has with his wife in their union. And this comes rightly as a halachic law [from the Torah] and the sustenance and clothing of the wife are a rabbinic enactment.

To Ramban, reading the verse as referring exclusively to the sexual obligations of husband to wife accurately reflects the view that a husband providing his wife with sustenance (*mezonot*) and clothing is a rabbinic enactment.

This reading of the verse emphasizes the centrality of marital intimacy to *nissuin*.<sup>7</sup> (We plan to discuss the husband and wife's sexual obligations to each other in more detail in a future piece.)

### **Complementary Obligations**

In "Family Redeemed," Rav Joseph B. Soloveitchik describes important facets of the marriage covenant. Three of them—sacrifice, pleasure, and procreation—find expression in the couple's sexual relationship within the boundaries of Halacha. (An example of sacrifice would be abstaining during *nidda*.) Another two—cooperation and affectionate appreciation—come to the fore in their forming a joint household. We now turn our attention to them (leaving a closer look at the couple's intimate relationship for a future piece.)

Cooperation between the couple is expressed by their fulfilling complementary duties. Rav Soloveitchik explains why this is significant:

Rabbi Joseph B. Soloveitchik, "Marriage," in *Family Redeemed: Essays on Family Relationships*, ed. David Shatz and Joel B. Wolowelsky (New York: Toras HoRav Foundation, 2000), 52-53.

A covenantal marriage is a cooperative community. Husband and wife are bound by mutual civil and economic duties. They form an economic unit. Usually, human separateness and selfishness are demonstrated by one's economic activity and acquisitive efforts, by the ruthlessness of the competitive temper, by placing emphasis upon the possessive pronoun...If man and woman join an existential community and are eager to live in fellowship, the precondition for such a life is the abandonment of the economic barriers separating the individuals. A joint economy, or a household, is essential for the liberation of the individual from his insane seclusion as a separate being shut in within his goods and possessions....This

---

<sup>7</sup> *Yerushalmi Ketubot 5:7*

*Ona*....matters on account of which she married from the first moment...

economic community is very important for the success of the marriage. What is important psychologically is the fact that the family constitutes an economic unit in which both are dependent upon each other.

According to Rav Soloveitchik, the couple's assumption of halachic responsibilities to each other allows them to become a single economic unit.<sup>8</sup> This undertaking has significant implications for their relationship, spurring them to move from a self-centered orientation to a cooperative one, uniting them as an existential community.

Moving forward, we will look at each spouse's halachic rights and responsibilities, at how these *halachot* are understood today, and at their broader implications.

Let's begin with a mishna listing some of the husband's additional rights and obligations:

Mishna Ketubot 4:4

...The husband, who consumes her [property's] fruits [usufruct] during her lifetime and is obligated in sustaining her, redeeming her, and burying her.

This mishna mentions the husband's rights as well as his obligations, implying a sort of exchange. He receives the usufruct (fruits or profits, not including the principal) on his wife's personal property<sup>9</sup> in return for specific commitments. These obligations extend beyond maintaining a wife's sustenance and include insuring that she is redeemed if taken captive and receives a proper burial. (A husband also has obligations to sustain his young children,<sup>10</sup> and his estate bears some responsibilities after his demise.<sup>11</sup>)

---

<sup>8</sup> In this passage, Rav Soloveitchik wrote strongly in favor of a wife's domestic role as it appears in traditional rabbinic literature. Nowadays, it is less common for a couple to divide duties in precisely this way, and we will explore the halachic basis for that. That shift does not necessarily contradict the broader point that he makes in the section that we quoted, about the couple's forming an economic and thus existential union.

Rabbi Joseph B. Soloveitchik, "Marriage," in *Family Redeemed: Essays on Family Relationships*, p. 53.

The husband, according to the law, is the provider, and the wife is the housekeeper. The husband must support and sustain the wife and she in turn is supposed to run the house. Each one fulfills an assigned task, and they need each other. Two people form a complete economic community.

<sup>9</sup> A married woman has two types of property, and the husband has rights to usufruct from both of them. The first type, *nichsei melog*, is property either that a woman has when married but retains primary ownership of, or inheritance or gifts made expressly to her over the course of marriage. The husband has rights only to usufruct and responsibility for upkeep, but if the marriage ends, any changes to the principal are hers to bear. The second type, *nichsei tzon barzel*, is property that she brings into the marriage with her, with the intent that her husband will exercise ownership over it during their marriage. If the marriage ends, she receives the value the property had on their wedding day. See Rambam, Laws of Marriage, ch. 22.

<sup>10</sup> Shulchan Aruch EH 71:1

A man is obligated to provide sustenance for his sons and daughters until they are six, even if they have property that was bequeathed to them from their maternal grandfather's estate; and from then on, he sustains them in accordance with rabbinic enactment until they grow up.

<sup>11</sup> Rambam, Laws of Marriage 12:2

For her to be sustained from his estate and dwell in his home after his death throughout her widowhood, and for her daughters to be sustained from his property after his death until they are betrothed, and for her male children from him to inherit her *ketuba* in addition to their portion in the inheritance with their brothers.

We saw above that early halachic authorities dispute whether the husband's obligation to provide his wife with *mezonot* is rabbinic, or on a Torah level. If it's a Torah obligation, it is fundamentally independent of her giving anything in return, and that connection is secondary. On the other hand, the mishna's framing works well with the view that the husband's obligation in *mezonot* is solely rabbinic.

The Talmud details a number of exchanges of this sort, whereby a husband gains certain property rights from his wife in exchange for his financial commitments to her:

#### Ketubot 47b

...Thus [the tanna] teaches: They enacted her sustenance in exchange for [his rights to income from] her handiwork, and her redemption [from captivity] in exchange for [his rights to her property's] usufruct, and her burial in exchange for [inheriting the dowry listed in] her *ketuba*....

A husband is also responsible for his wife's ongoing personal expenses, which are likewise presented as an exchange—this time for a husband's right to additional income brought in by his wife.<sup>12</sup> (We'll look at her basic income when we get to discussing a wife's obligations.)

#### Mishna Ketubot 5:9

He gives her a *ma'a* [unit of currency] of silver for her needs.

#### Ketubot 58b

Rav and Shemuel thought that they [the sages] enacted *mezonot* in exchange for her handiwork and the *ma'a* of silver in exchange for excess income.

These trade-offs are logical. If the husband bears the brunt of financing the household, then it stands to reason that his wife's income should go toward the household treasury. If he assumes responsibilities for unlikely expenses, such as redemption from kidnapping, then it is reasonable to offset them with rights to less standard sources of income from his wife's work or assets.

Though these exchanges might sound like a simple economic balance sheet, there is more to it. Their validity does **not** depend on each side contributing equal monetary value (e.g., on a woman's handiwork covering *mezonot* expenses). More than that, the distribution of rights and obligations affects the general dynamics of a marriage, and not just its finances, as each partner contributes toward the greater whole of their cooperative economic union.

---

<sup>12</sup> Ritva views the husband's obligation in his wife's medical expenses as an exchange as well:

#### Ritva Ketubot 58b

For her medical expenses is an independent enactment, because she is obligated to attend to him [her husband].

A Talmudic passage notes that assuming responsibilities without gaining rights to balance them could undermine the marital relationship. This same passage presents a way for the wife to opt out of this arrangement.

### Ketubot 58b

Rav Huna said Rav said: A woman can say to her husband, I am not receiving *mezonot* and I do not produce [handiwork]. He reasoned that our Rabbis enacted *mezonot* as primary, and her handiwork [was enacted for her husband] on account of [preventing] animosity. And when she says I am not receiving *mezonot* and I do not produce, she has the authority to do so.

Is such a stipulation always necessary? Maharit, of the late sixteenth and early seventeenth century, raises the question of how marital property rights work when a woman's income may far exceed her husband's.

### Responsa Maharit II CM 67

What I am in doubt about regarding these women, who are gentlewomen and enter the courtyards of princes and their palaces, and they are "like merchant ships to bring goods to her home" and they financially support their husbands, this some years and from the fruits of their hands they produced and also grew in valor, wealth, and properties. If we say that, for a woman like this, her husband has no rights in any of the wealth that she has built up, for since he is not providing *mezonot* for her, on the contrary she financially supports her husband and her children and everything is in the home, the husband is presumed not to have rights to her handiwork. And she need not explicitly say 'I am not receiving *mezonot* and I don't produce,' for whenever the husband does not sustain her, through what should he have rights to her handiwork?...but it's possible to say that those women who when they began to work at this occupation, the husband still toiled for *mezonot* and when she profits and gives generously expenses of the home, as long as she hasn't said, 'I am not receiving *mezonot*,' since she has the wherewithal to sustain the home from her earnings, but [originally] from his hand she ate and from his hand she drank, all that she was continuing to earn was relinquished bit by bit to the husband....

Maharit concludes that if a husband began married life by providing *mezonot*, then a wife who is the main breadwinner indeed must explicitly stipulate that she is waiving *mezonot* in order to keep her rights to her income.

The implication is that no such stipulation is necessary if she covers her expenses from the beginning of the marriage. When, in reality, she hasn't been supported, she maintains rights to her own income.

### **In Practice**

A couple interested in keeping their finances more separate during marriage should consult their *mesader kiddushin* before the wedding to explore the options, their scope, and implications.<sup>13</sup>

Couples generally do **not** pursue this course of action, however, because it is common nowadays for husband and wife to pool the bulk of their funds in a joint account. In this way, these issues can remain theoretical as long as the marriage is healthy, and the couple's financial relationship can reflect and cultivate a broader spirit of interdependence.<sup>14</sup>

*Halachot* to ensure the wife's sustenance were constructed with the woman's financial security and "healthy family life" in mind, and some modern secular laws can promote those goals. The general halachic rule is that, whenever feasible, the wife's material standard of living should improve with marriage, and not deteriorate:

### Ketubot 61a

She rises up with him and does not go down with him...Rabbi Elazar said: [it is derived] from here: "For she was mother of all life." She [a wife] was given for life, and she was not given for sorrow.

## **A Wife's Obligations**

We've focused on the obligations and rights of a husband upon *nissuin*. What about the obligations of a wife? The enactments giving a husband the rights to his wife's handiwork or to her excess income presuppose that she produces things with her hands, or at least has an income. Does that mean that her labor is a marital obligation?

---

<sup>13</sup> In second marriages, *siluk*, a formal practice by which a husband renounces rights to usufruct or to inherit his wife, is also common to protect the interests of her children from her first marriage. The ideal timing for this might be after *kiddushin* when a halachic relationship has been formed between the couple, but before *nissuin*, when their rights and responsibilities kick in. Nowadays, when we perform *kiddushin* under the wedding canopy, this might still work if we see the completion of the transition to *nissuin* as happening at a later stage. See Shulchan Aruch EH 92 and commentaries there....

<sup>14</sup> Even in the case of divorce, when details about financial rights become more important, *dina demalchuta*, the law of the land, plays a role in the division of property. So, for example, a 1974 Israeli law, known as *hilchat ha-shituf*, assumes marital property should be divided equally between husband and wife. Its implications for Halacha have been subject to controversy. Rav Shlomo Daichovsky, for example, has argued that this law has halachic force.<sup>14</sup>

Rav Shlomo Daichovsky. Response to Rav Avraham Chayyim Sherman "The Law of Joint Property is not Grounded in the Law of Israel," *Techumin* 18, 1999.

It is not only that the "law of joint property" [dividing marital property 50-50] reflects a widespread worldview in our days in all sectors, yet it is also beneficial for healthy family life, in order that the couple live together in love, brotherhood, and friendship. How much more so when there is agreement between the couple to divide property according to this law, why should we avoid this?...Since the agreement of the sides is an indication of their worldview and the worldview of most families of full partnership in properties that have accrued...It is fitting to see the "law of joint property" as an enactment for the good of the public, which even if the courts had not enacted it, would have been fit to be enacted by the sages of Israel...It is understood, that as long as the family functions smoothly, the "presumption of joint property" is agreed upon by all its members. In my opinion, there is no reason at all to nullify this presumption just because the family separates. The property that was acquired for the family was acquired with no conditions or limits. I do not accept the claim that the property was acquired only on the assumption that domestic peace would prevail....

A mishna lays the groundwork for addressing these issues. It lists labors that a woman performs “for her husband,” but then goes on to note exemptions.

### Mishna Ketubot 5:5

These are the labors that a woman does for her husband: she grinds [flour] and bakes and launders, cooks and nurses her son, makes his bed and works with wool. If she brought in for him a single maidservant, she doesn’t grind and doesn’t bake and doesn’t launder. Two—she doesn’t cook and doesn’t nurse her son. Three—she doesn’t make his bed and doesn’t work with wool. Four—she sits in a chair. Rabbi Eliezer says: Even if she brought in for him a hundred maidservants, he compels her to work with wool, for idleness leads to impropriety. Rabban Shimon ben Gamliel says: Even one who makes a vow that his wife not do labor must divorce her and give her her *ketuba* [marriage settlement], for idleness leads to dullness.

The labors that appear in this mishna are, for the most part, types of housework. Particularly striking is the inclusion of nursing a baby in the list, recognizing breastfeeding for the challenging and valuable labor that it is. (Elsewhere, the Talmud presents breastfeeding also as a wife’s right,<sup>15</sup> and we plan to address this topic in a future piece.)

According to a simple reading of the mishna, when a woman can provide for household staff to handle these labors, she can be relieved of all of them. Even with servants, though, she should continue to work with wool, out of concern lest, as the adage goes, “the devil make work for idle hands.” A husband thus also is not permitted to prevent his wife from working altogether.<sup>16</sup>

We’ll see later that working with wool is more than a form of housework. It also represents a wife’s handiwork, which is counted as her basic, expected income. We’ll first explore the *halachot* related to women and housework and then return to discuss handiwork and income.

## **Housework**

What is the significance of a woman performing housework? The Talmud Bavli connects her role with the Torah’s description of Chava as a helpmate to Adam:

### Yevamot 63a

Rabbi Elazar said: What is that which is written: “I will make for him a helpmate [ezer] corresponding to him”? If he merits, she helps him; if he doesn’t merit, she is against him...Rabbi Yossei found Eliyahu. He said to him: It is written “I will make him a helpmate.” In what respect does a woman help a man? He [Eliyahu] said to

---

<sup>15</sup> Ketubot 61a

She says to nurse and he says not to nurse, we listen to her. It is her distress.

<sup>16</sup> Shulchan Aruch EH 80:3

One who vows that his wife not perform labor, must divorce her with full *ketuba* [payment], for idleness leads to impropriety.



him [Rabbi Yossej]: A man brings [home] wheat. Does he chew wheat? Flax. Does he wear flax? Is she not found to light up his eyes and set him on his feet?

On this view, a woman's role as helper has religious value, reflecting the Torah's ideal of marital cooperation. The prophet Eliyahu describes housework – producing bread and cloth – as one aspect of this help. Husband and wife pool resources to provide for the household, with complementary roles. He brings home the raw goods, and she adapts them for the household's needs, forming economic union with deeper effects.

On the other hand, in its discussion of our mishna, the Talmud Yerushalmi sees no intrinsic religious value in a wife personally performing housework. Rabbi Bun suggests that the mishna allows for a woman to bring in workers to perform labors in her stead because these tasks can be degrading:

#### Talmud Yerushalmi Ketubot 5:6

Rabbi Bun said: Through these matters being degrading, therefore they made them dependent on a maidservant[’s availability].

On this understanding, what matters is simply that the work gets done. Husband and wife can potentially complement and help each other in other ways.

Ramban explicitly rejects the idea that women performing household labor is a critical element of marriage. Rather, he views these tasks as a monetary matter, which explains why a woman can pay her way out of them:

#### Ramban, Sefer Ha-zechut, Ketubot 26b

For these labors are a financial matter that the sages obligated her in with respect to the husband, and they are not among the conditions of marriage, that wouldn't be subject to compensation, rather she pays what is upon her in accordance with any monetary matter, for if she brought in for him maidservants, she sits in a chair...

Even when servants are not hired, the wife may be exempt from performing labor. Rather, “her being fit” to hire them suffices:

#### Ketubot 61a

Rav Chana, and if you say Rav Shemuel bar Nachmani, said: Not that she actually brought in for him [maidservants], but rather, since she is fit to bring [them in], even though she did not bring them in.

Rambam rules that this is not just a matter of the wife's entering the marriage with significant assets or income.<sup>17</sup> A wife is relieved of performing these labors as long as either spouse can afford to cover the cost of household workers, again, regardless of whether they actually hire them:

---

<sup>17</sup> He likely draws on a version of the continuation of the Talmudic text found in a number of manuscripts Maggid Mishna ad loc. See, for example, Ms. Munich 95 and Vatican 113, which read as follows:

Ketubot 61a, Vatican 113

Baraita: Whether she brought in for him, or whether she found for him from his [funds].

### Rambam, Laws of Marriage 21:6

With regard to what were the matters said? Regarding the poor. But if she brought in for him a single maidservant, or assets that are fit to buy from them a single maidservant, or he had a single maidservant, or he had sufficient money with which to buy a single maidservant, she does not grind and does not bake and does not launder and does not place straw before his animal...

Regardless of whether household finances can cover these labors, the Tosefta maintains that a wife is only compelled to do them when they are customary for women in the couple's locale:

### Tosefta (Lieberman) Ketubot 5:4

A place where they had the custom not to do one of all these, he cannot compel her [to do it]...

That is to say, a woman's responsibility for household labor from a halachic perspective is largely a function of the couple's finances and of local custom.

### **Handiwork and Income**

We've seen that a woman is expected to bring in income through her handiwork. So, for example, a mishna stipulates a minimum amount that a woman who must live apart from her husband would be expected to produce.

### Mishna Ketubot 5:8-9

One who supports his wife through a middleman...what does she produce for him [in handiwork]? The weight of five *sela'im* of warp in Yehuda, which are ten *sela'im* in the Galilee, or the weight of ten *sela'im* of weft in Yehuda, which are twenty *sela'im* in the Galilee. But if she was nursing, we reduce for her from her [expected] handiwork...

The minimum income is adjusted down if a woman is nursing. Rabbeinu Asher argues that any type of labor a woman might perform for the household lowers the amount of income she is expected to earn:

### Rabbeinu Asher, Ketubot 5:31

For we learn later in a mishna (64a), "If she was nursing, we reduce for her from her [expected] handiwork. And [the mishna] mentioned nursing not as a specification, but rather this is also the law for grinding and baking and all other labors, that we reduce for her [expected handiwork]. And it mentioned nursing because it is dealing with one who sustains his wife through a middleman, where she does not grind and does not bake, for since she is not in the home [with him] how can she do the housework? Rather, they certainly said that a woman makes five *sela'im* only regarding one who supports his wife through a middleman, where she doesn't do any [household] labor.

In modern terms, this would be like saying that a woman who has a large share of home and parenting responsibilities would be expected to earn less income. The amounts are no longer clearly set, but the interests of the couple's overall cooperative economic union can still be served.

This flexibility about a wife's income gibes well with the mishna enumerating a wife's labors that we saw earlier. That mishna exempts a wife from working with wool if the couple had sufficient means, leaving it obligatory only as a measure to prevent her from sitting idle, and not as a matter of income.

What, aside from working wool, is a relevant form of handiwork? Rambam presents a full list, though he singles out spinning wool as the archetypal woman's work.

#### Rambam, Laws of Marriage, 21:1

What a woman finds and her handiwork belong to her husband. And what does she produce for him? Everything is in accordance with the custom of the land. In a place where their [women's] way is to weave, she weaves; to embroider, she embroiders; to spin wool or flax, she spins; and if it was not the way of the women of the city to do all these labors, he can only compel [her] to spin wool, for flax damages the mouth and the lips, and spinning is the labor set aside for women, as it is said "And every woman wise of heart spun with her hands" (*Shemot* 35:25).

### **A Woman's Work**

Rambam (and Shulchan Aruch,<sup>18</sup> who follows him) lays the groundwork for important rulings today concerning a married woman's work and income. He establishes that where women's drawing an income from traditional handicrafts is no longer customary (as in most of today's industrialized world), a husband may not compel his wife to do any labor other than to spin wool.

Rambam's position leaves open the possibility that if something else becomes accepted as women's work, a wife who receives *mezonot* might be compelled to do it. Alternatively, he can be understood as ruling that a woman can never be compelled to perform **any** form of work aside from working with wool. The Rashba moves in this direction:

#### Responsa Rashba 4:152

For a woman is not obligated to toil to destroy or to build or to uproot or to plant, nor to rent anything out or to get involved with interest, but to work with wool at the rate taught in our mishna. And if the husband wants to transfer her to a different labor, he is not permitted.

---

<sup>18</sup> Shulchan Aruch EH 80:1

Her handiwork belongs to her husband. How? Everything is in accordance with the custom of the land. In a place where their [women's] way is to weave, she weaves; to embroider, she embroiders; to spin wool or flax, she spins. And if it was not the way of the women of the city to do all these labors, he can only compel her to spin wool.

Following Rashba, in an era like ours, when women do not typically work with wool, but are otherwise occupied (often outside the home) and not idle, does a wife have a responsibility to earn income for her husband and household? Rav Meir Posner, in his 18<sup>th</sup>-century commentary to the Shulchan Aruch, argues that she does not:

#### Beit Meir EH 80:1

For if their manner is not to do these labors at all, but others...as in our time with business dealings, and all the more so to travel to markets, even though they are accustomed to so from their own goodwill, nevertheless, he can only compel her to spin with wool...And so is explained from the responsum of Rashba...”and if the husband wishes to transfer her to another [labor] he is not permitted” and its simple implication is that even when the custom of the women of this land is [the other labor], even with these [he cannot compel her]...

Indeed, a ruling by the Israeli Supreme Rabbinic Court in 1958, drafted by prominent rabbis including Rav Yosef Shalom Elyashiv and Rav Yaakov Betzalel Zolty, maintained that a husband nowadays cannot demand that his wife do other work aside from spinning wool, and noted that spinning wool is no longer customary:

#### Rabbinic Court Rulings of Israel III p. 208

The honorable judges: The Rabbis Y. Hadas, Y. S. Elyashiv, B. Zolty...Conclusions: I. (a) Types of labor – labors of the home and the work of spinning wool, in which a woman is obligated according to the law, are in accordance with the custom of the land and in accordance with the [social] standing of the parties. (b) According to the custom of our time, the way of women of the city is not to spin wool. (c) A husband has no right to demand from his wife to work at other types of work. (d) In a case that the woman has no obligation to perform any household labor, as when she brought in for him several maidservants or when the custom is that she not do any labor, then she is obligated to work at spinning wool because idleness leads to impropriety, but if the woman is obligated to take care of other household labors, it is impossible to compel her to work with wool...

Early authorities debate whether a woman’s earnings from work that she is not obligated to perform belong to her. Rashba places them in the halachic category of *ha’adafa al yedei ha-dechak*, ‘extra income earned through excess labor’, where, in his view, the funds belong to the husband. Ran disagrees, and maintains that the income does not fall into that category and unquestionably belongs to the wife:

#### Ran, Ketubot 25b (Rif Pagination)

There are those who say that her labor is hers, for since we obligate her only so that she not come to impropriety, as long as she does something, whether for others or for herself, this reason is irrelevant. But Rashba wrote that it stands to reason that [her income] is no better than extra income earned through excess labor [*h’adafa al yedei ha-dechak*], which is the husband’s even though she does it of her own will and not out of obligation. And I (Ran) don’t know what this [argument] is....

A number of modern rulings, including this one from the Tel Aviv Beit Din in 1953, have supported Ran's position:

Rabbinic Court Rulings in Israel, I, pp. 90-92

Case 4553, 5713 in the Tel Aviv-Yaffo Beit Din before the honorable judges: Rabbis A Goldschmidt, S. S. Karelitz, Y Beblicky...And a doubt arises, to whom this income belongs, whether to the husband according to the rule that her handiwork belongs to the husband, or that this rule is only for labors in which a woman is obligated, but labor in which she is not obligated, her handiwork is for herself...This question, that is, of income from labors in which a woman is not obligated, the early authorities already discussed...Since according to most of the halachic authorities, income of this type belongs to the woman, the matter is simple that in any case one may not take it away from the woman if she has hold of it.

To summarize what we've seen, a woman is no longer expected to work with wool, though she should not sit idle. A woman's income can be seen as her own or as joint marital property, rather than being at her husband's disposal as it once was. It is up to the couple to find their path to economic union within this changed landscape.

Rav Yaakov Ariel argues that accepted custom determines the usual disposition of marital property, but that, fundamentally, the husband's obligation in *mezonot* remains in place, and that a couple reverts to it if the woman ceases to work outside the home:

Rav Yaakov Ariel, "The Structure of the Modern Family: Halachic Implications," *Techumin* 22 (5762): 137.

...Anyone with sense knows that the wife entered the *chuppa* with this in mind, that if she financially supports her husband, she is not obligated to give him what she produces...In a society in which the custom is that the wife works and the husband learns [Torah]—as long as the wife supports her husband, she can claim that what she produces is hers. But if in the course of time the wife claims that she can no longer support the family, and demands that her husband be the main breadwinner, the husband cannot demand that his wife continue to support the family forever on the basis of the existing custom, for as was said, a custom cannot entirely undermine the structure of the family.

Even where practical Halacha has changed, the fundamentals have not been uprooted, and a couple can arrange their marriage more closely along our sages' original lines.

The shifts in women's professional and familial roles, as well as in expectations at home from men raise serious questions. How do they affect a couple's overall commitment to cooperation, and each other? Abby Lerner argues that educational frameworks must address the effects of these shifts on marriage, from the details of who does what, to the broader question of how to maintain a sense of a cooperative union that puts the relationship first.<sup>19</sup>

---

<sup>19</sup> Available here: <http://klalperspectives.org/abby-lerner/>

Abby Lerner, "Aishes Chayil: Lost or Found?" *Klal Perspectives Journal*, Winter 2012.

...Women have gained tremendously by the changes that have occurred in the last several decades. Our housework is easier, and we feel better about ourselves because we are making serious contributions to the world at large, to the economic well-being of our families, and to the world of Torah...There is no question that the culture has changed. There is no doubt, for example, that fathering is different today than it used to be...In our high schools, seminaries and *kollelim*, we must begin to educate our young people about the realities of marriage, money and parenting...Post-high school Torah-study programs for single young men should address realistic expectations from marriage in a serious, organized and pedagogically sound way. Young men need to be prepared to contribute to housework if their wives are working (and even if they are not). They need to learn that a young wife who works is tired and needs help. They need to be taught even about cooking and certainly about helping with children. Young men have to learn what their obligations are – as listed in the *kesubah*...Young couples need to be taught that their relationship comes above all else, even if some preconceived ideas regarding roles have to be sacrificed to preserve that relationship....Together as a community, we must find a way to restore a balance that will create healthy households even in these very complicated times.

### **Labors of Affection**

We began this piece by presenting living together and the couple's intimate relationship as keys to *nissuin*. With the exception of *ona*, the rights and responsibilities that we've discussed so far seem focused on setting up on the couple's cooperative union as expressed by establishing and maintaining their basic living arrangement. A special set of household labors assigned to a woman, however, seem to bring us back to more intimate aspects of their relationship.

#### Ketubot 61a

Rabbi Yitzchak son of Chananya said Rav Huna said: Even though they said "she sits in a chair," but she mixes him a drink and makes the bed for him, and washes his face, hands, and feet. Rav Yitzchak son of Chananya said Rav Huna said: All labors that a woman does for her husband, a woman in *nidda* does for her husband except for mixing the drink and making the bed and washing his face, hands, and feet.

Not even a woman with sufficient means to enjoy a life of leisure while others take care of the housework is exempt from these three labors. Nevertheless, a wife does not perform them when in *nidda*, which suggests that they reflect a special degree of intimacy for the couple.

The Talmud Yerushalmi questions whether a wife's performing these labors is an obligation for her, or if they just fall upon her because it would be inappropriate for another female to perform them. The practical difference would be a case in which a male servant would be available for these duties:

#### Yerushalmi Ketubot 5:6

Rav Huna said: Even if she brought in for him a hundred maidservants, he compels her to do personal things for him. What are personal things? She anoints his body for him, and washes his feet for him, and mixes his drink for him. Why? Because she is obligated to do this for him, or because they are inappropriate for a maidservant to do for him? What is the practical difference between them? If she brought in for him bondsmen. If you say that it's because they are inappropriate for a maidservant to do for him, behold, she has brought in for him bondsmen. That is not effective for the rationale that she is obligated in them. Rav Avudima in Tzipporin asked before Rav Mana: Doesn't it make sense that it's because she is obligated to him? He said to him: I also think so.

The Yerushalmi resolves that a woman is obligated to perform these tasks as part of her marital duties, perhaps because these specific intimacies are important to the marital relationship.

Preparing someone's drink (in today's terms, their cocktail—or perhaps their coffee) exactly to their specifications, or setting up the marital bed, or affectionately cleaning off their skin (or running their bath) could be affectionate and intimate actions.

Rashi views these acts as a means through which a woman builds marital connection and cultivates intimacy. Nevertheless, he presents them as an *eitza tova*, good advice, and not as strictly obligatory:

#### Rashi Ketubot 61a

But she mixes him a drink and makes the bed for him- to lay out the sheet and blanket, a matter which is not burdensome, and since these are matters of affection in order that she become endeared to him, and it is not similar to making a bed in our mishna, for that is a burdensome matter and compelled. These she is not compelled to do, but rather the sages gave her good advice to make this the custom in Israel.

Along the way, Rashi explains why the mishna enables a woman to be exempt from making a bed while the Talmud here describes it as something from which maidservants do not exempt her: the harder aspects of making a bed fall under the category of general housework, while the niceties of smoothing or turning over a blanket are considered acts of affection.

Tur and Perisha follow Rashi, and do not obligate a woman in these labors:

#### Tur EH 80

But she spreads the sheet and arranges the bed, which is the way of endearment, and it is fitting for every woman to do this for her husband even if she has several maidservants, and so to mix his drink and to wash his face, hands and feet.

#### Perisha EH 80:18

It is fitting for every woman to do this thing for her husband, etc. But we do not compel her to do it...

However, Shulchan Aruch rules that these tasks, as well as a wife's performing other small services for her husband, are, in fact, obligatory:

#### Shulchan Aruch EH 80:4

So, every woman washes her husband's face, hands, and feet and mixes his drink and makes the bed for him. (Rema: And there are those who say she is obligated to make all the beds in the house. Maggid Mishna 21 and Ran Ketubot 5). And she stands and serves before of her husband, as by giving him water or a vessel, or that she clears it from before him, and matters similar to these.

In many of our communities, it is unusual for wives to perform these acts consistently for husbands. Rav Yaakov Ariel has articulated how distant these specific acts may seem to the modern couple, how rarely they are practiced, and how modern mores can align with our understanding of them:

Rav Yaakov Ariel, "The Structure of the Modern Family: Halachic Implications," *Techumin* 22 (5762): 133-134.

There are obligations that, despite their being part of the *ketuba* agreement, in any case no man today will obligate a woman to fulfill them, such as: washing the husband's face, hands, and feet, or working with wool and the like (see Shulchan Aruch EH 80 and Beit Meir 1 there). All these have passed and gone out of the world, and no woman is obligated in them today. On the other hand, there are other things that women have taken upon themselves. For example, most women work nowadays outside the home. Certainly a woman's work outside of her home exempts her from the labors that she was obligated in in the past within the home...Indeed, washing his face, hands, and feet and mixing the drink seem not to be dependent on a woman's other work, for even one who brings in several maidservants is obligated in it (there, 4), and if so, even a contemporary working woman should be obligated in them. Nevertheless, it is not accepted today that a woman does these labors for her husband. On the other hand, there are other acts of affection in which a woman should be obligated. There is no doubt that the relationship framework between husband and wife has changed, and every couple enters the *chuppa* having in mind that they will act in accordance with the custom of the land. Halacha recognizes this custom and obligates husband and wife to act in accordance with it.

Rav Ariel suggests that nowadays there are new obligations reflecting newer ways of showing marital affection, but he does not spell them out. Certainly, couples for whom it is meaningful for the wife to make their beds or to prepare the husband's morning coffee—or the reverse—can continue this practice. The questions of what counts as affectionate labor today and how it should enter into a couple's life remain unresolved.

#### Should marriage entail a wife serving her husband?

*In a song from Fiddler on the Roof, Golda is flummoxed when Tevye asks her, "Do You Love Me?" She responds:*



## Sheldon Harnick, 'Do You Love Me?' Fiddler on the Roof

"For twenty-five years I've washed your clothes,/Cooked your meals, cleaned your house,/Given you children, milked the cow./After twenty-five years, why talk about love right now?...For twenty-five years I've lived with him,/Fought him, starved with him./Twenty-five years, my bed is his./If that's not love, what is?"

*The intimate bond between a couple isn't all attributable to romance. The steady, day-in-day-out ways in which spouses fulfill responsibilities to each other should not be overlooked as a building block of intimacy. As Radbaz notes (Responsum I 238), having a livelihood is a prerequisite for marital bliss. But helping each other and running a household together can get to be dry, and that is why it is striking that our sages emphasized so strongly the husband's sexual responsibilities to his wife as well as a wife's intimate labors on behalf of her husband.*

*Though not in vogue, acts of service to someone we love are a type of "love language." So, while a woman who has other things to occupy her time can make a strong halachic claim to be relieved of doing housework (or at least of doing any more of it than her fair share), the idea that she should perform a select few, simple acts to make her husband feel cared for and cultivate intimacy has some appeal.*

*Chazal seem to assume that specifically a wife's showing love through acts of service for her husband carries special significance. This is likely because the tenor of home life has been so closely associated with women. (See more [here](#).) Of course, it is wonderful for a husband to show love through acts of service as well.*

*However it is structured, giving is at the heart of a loving marital relationship. Israeli psychotherapist and kalla teacher Naomi Wolfson writes:*

Naomi Wolfson, *Ki-msos Chatan al Kalla* (Jerusalem: Erez, 200), 86

*...That love, first of all, is giving. Giving does not necessarily originate with concession, and certainly not with effacing one's personality. On the contrary, when a person gives of themselves to another, they intensify their own strengths. Giving flows from the recognition that each member of the couple was created with their own unique talents, and from mutual recognition that each needs the other.*

*It is so easy to lose sight of intimacy as the bigger household tasks accumulate. Small, ritualized acts that build warmth can serve as reminders that marriage is more than a co-living arrangement.*

### **Concluding Thoughts**

The core elements of *nissuin* are eternally relevant. A couple create a life together, establishing a joint household and entering a sexual relationship.

The marital household forms a cooperative economic unit, within which the couple take responsibility for each other—for earning a livelihood and for the functioning of their joint home. Halacha prescribes specific, complementary, obligations for husband

and wife, but also leaves significant room for flexibility depending on societal factors, the couple's economic situation, and personal preferences for financing and running their home and cultivating intimacy within it. These rights and responsibilities point to, and can help to foster, a deeply interdependent relationship:

Rabbi Joseph B. Soloveitchik, "Marriage," in *Family Redeemed: Essays on Family Relationships*, ed. David Shatz and Joel B. Wolowelsky (New York: Toras HoRav Foundation, 2000), 46.

...The mutual relationship of the two partners is of an absolute nature that encompasses not only property rights, but existential rights as well. The partners belong to each other in a peculiar way; they are united by a personal bond which reaches deeply into the most hidden spheres of the human personality.