

HALOCHOSCOPE

This week's question:

May a woman in Availus host a Sheva Brochos in her home? May her family host it, and may she participate in the celebration??

The issues:

- A) *Sheva Brochos*
- B) Restrictions on *Simcha* for an *Avail*
- C) The family of an *Avail*

A) *Sheva Brochos*

The wedding ceremony includes two parts, the *erusin* and the *nisuin*. These were originally spaced a few months apart. The interim was devoted to preparing and grooming the young couple for married life. During this period they are considered married in terms of forbidden relations, but may not yet live together. *Nisuin* concludes the marriage ceremony. Actually, in former times, they were also held consecutively, but in two separate locations. Nowadays, both are held together. They are separated under the *chupah* by a ceremonial reading of the *kesuba*, marriage contract.

In the prevailing practice, *erusin* involves the *choson* giving the *kalah* a ring in the presence of witnesses. This is his formal bonding of the two in marriage. At this ceremony, in the presence of a *minyán*, quorum of ten men, *birchas chasanim*, part one, is recited. Four sources are cited for the *brochos*. The Torah makes reference to *brochos* at the time that Eliezer took Rivkah for Yitzchok, and at the time Hashem brought Adam and Chava together. In these instances there was no *minyán*. In the story of Boaz and Rus-reference is made to a *minyán* at the time the ceremony took place. A fourth source interprets a *pasuk* in *Tehilim* as a reference to *brochos* for matters of marriage.

At both parts of the ceremony a cup of wine is used. Part one involves the *brocha* for wine and *birchas erusin*. The one reciting the *brocha* need not be the *choson*, though this was indeed the original practice. It has become common for the *choson* to delegate an agent, usually his Rav. [One reason suggested by the poskim is to save an ignorant *choson* from embarrassment. This is based on the laws of *mikra bikurim* and *viduy maaser*, two proclamations required by the Torah in connection with these *mitzvos*, when the *bais hamikdash* stood. Some were not Scripturally eligible for these *mitzvos* or proclamations, sometimes due to their own fault. So as not to discourage people from coming at all because of their shame, measures were taken to change the way it was proclaimed.] The *choson* and *kalah* drink the wine, rather than the Rav.

Nisuin involves reciting seven *brochos*, the first of which is on wine. Here, too, the ideal person to recite them would be the *choson*. It is customary to honor others with these *brochos*. They are all primarily praises of Hashem and prayers for the restoration of true joy in the reuniting of Hashem with his people and home in this world, the *bais*

hamikdash. The *choson* and *kalah* then drink the wine. This is the *chupa*.

When the two parts were held separately, a *seuda*, festive meal, accompanied each part. Nowadays, one *seuda* follows the double ceremony. This *seuda* is itself an intrinsic part of the celebration. It should be a proper bread based meal, in the company of guests. There should be ten men present. The *Shechina*, Divine Presence, is also present in a sense. [There are precedents for these *seudos* in the Torah. Eliezer and his men held a *seudas erusin*. (Some consider this a sort of *seudas nisuin*. The same source for *bircas chasanim* is also subject to the same debate. Some say it was *bircas erusin*, while others say it must have been *bircas nisuin*.) Lavan made a *seudas nisuin* for Yaakov. See *Chaye Sara 24:54 Malbim, Haamek Davar. Vayaitzai 29:22.*]

After the *seuda*, when *bircas hamazon* is recited, the seven *brochos* are repeated. This time *hagafen*, which is always recited when wine is used with *bircas hamazon*, is recited after the other six *brochos*. If either the *choson* or *kalah* is previously unmarried, any *seuda* during the following week is also considered part of the *seudas chasanim*. The same *brochos* would be recited at *bircas hamazon*. Originally, all the seven days of feasting were held in the same place. This was the true *chupa*, or *bais choson*. Nowadays, the people spread out to different locations. However, the *poskim* maintain that the 'parties' in the new locations are still considered a continuation of the original wedding feast. The provision to make it the same as the original feast is to have new faces at the new meal, except at *seudos* held on a *Shabbos* or *Yomtov*. Even if there are no new faces, some of the *brochos* may be recited. If there is no *minyan*, fewer may be recited, but there is still a measure of the festivities of the wedding at the *seuda*. There is a source to recite these *brochos* in the *bais choson* morning and evening, as part of the regular service. According to this source, they would be recited before the *seuda*. There was also a *minhag* to recite them after *shacharis* on *Shabbos* morning of the week following the wedding. The congregation would accompany the *choson* to his house and recite them then, without the *seuda*. We do not follow these *minhagim*, apparently because we do not assemble for the festivities except at the *seudos*. This is what we call the *sheva brochos*, and the *sheva brochos* week. We see that the *brochos* are used to define the *seudos* themselves.

Though sources are cited for *bircas chasanim* in the Torah, all *brochos* are Rabbinical institutions, except *bircas hamazon* and, according to some, *bircas hatorah*. The source is *asmachta*, a link to a reference in the Torah, that is used to prove that the Torah acknowledges a precedent for it. As mentioned, there is a view that the requirement of a *minyan* is connected to a kind of special Divine Presence. Whether it is a Rabbinical or Scriptural obligation, the assembling of ten men to specifically praise Hashem this way seems to create a *davar shebikedusha*, a sanctification of Hashem's Name. The reference to the *simcha* in Hashem's 'dwelling place' also connects to that. The *poskim* actually forbid mentioning these words in *bircas hamazon* if the men and women mingle at the *seuda*, similar to a *shul*.

As mentioned, the week of festivities applies to a couple that has a least one previously unmarried partner. This is a Rabbinical institution. Along with the festivities, the *choson* (and *kalah*) may not go to work. He must gladden his *kalah* during this time. The *brochos* are recited as part of this joy. There is a scriptural precedent for the seven days of festivities, when Lavan tells Yaakov that he will not be able to marry Rachel before

the seven days of festivities of his marriage to Leah are up. [See Kesubos 7a-8b, Psachim 102b, Sukah 25b, Megilah 23b, Poskim. Kalah Rabasi 1. Pirka dR' Eliezer 12, 16. Tur, Sh Ar EH 61-62, commentaries. Halochoscope VI:13 VIII:40.]

B) Restrictions on Simcha for an Avail

There are three basic components to the practices of *availus*. One must show grief, to recognize and acknowledge that Hashem has judged the mourner. One must do certain things as signs and expressions of repentance. This is in response to the judgment. And one must honor the soul of the deceased, especially a parent, by showing that he is missed and mourned for, rather than forgotten. Other practices bring merit to the soul of the departed, Such as *tzedaka*, *chesed* and extra Torah study.

Expressing sorrow and grief on the death of a relative is mentioned numerous times in *Tanach*. From the restrictions on the *kohain's* contamination with a corpse, that is relaxed for relatives, we derive the general *mitzvah* of *availus*. The first phase, Scriptural *animus*, bereavement, applies for the first day. Rabbinical *animus* applies the following night as well, as long as the body has not been buried.

The next phase is *shiva*, the one week period of mourning, introduced Rabbinically by Moshe Rabeinu. This gives the mourner time off work to respect his departed relative (pay respects!), and to contemplate the eventual death of each human.

Shloshim, the rest of the month, and for parents, twelve months (the rest of the Jewish year), are learned from honor accorded to a sage. Moshe Rabeinu was mourned thirty days. On the first anniversary of the death of Rabi Yehuda Hanasi a eulogy was delivered. After *shloshim* leniencies apply, but a child continues mourning a parent. For relatives the principle is showing grief. For a parent it is extended to show added respect.

The Talmud says that the family of the departed is judged. 'The sword is brandished for thirty days, and though not lowered, it is not returned to its scabbard for twelve months.' Merrymaking shows a carefree attitude to the judgment that has been visited on him. Therefore a number of restrictions are instituted to show mourning. These include reducing social activity. One should not engage an *aveil* in greeting. Accordingly, social events, pleasure trips in the company of friends, and festivities are somewhat restricted. Exceptions are sometimes made for a *seudas mitzvah*, or if the *aveil* is considered indispensable. The *poskim* add a restriction on inviting others to the home of the *aveil*, or accepting a social invitation to another home. Snacks are offered, but there is no *seuda*. Nonetheless, it is intended to be a light-hearted, small-talking, joyful, type of gathering.

Simchas meraius is an exchange of friendly meals. Two friends invite and reciprocate socializing meals. The reciprocal meal is considered somewhat of an obligation. An *avail* for a parent, even if obligated, must wait twelve months to reciprocate.

Only the type of *seudos* that have been singled out for the restriction are indeed restricted. These include a socializing meal and a festive celebration, such as a wedding.

To qualify as a meal, bread must be served. In former times, a convened *seuda* was called a *mesiba*. The parties would recline, rather than sit. In modern times they sit together, at least in one room, and likely at the same table. They are all served by the same people. To qualify as festive, there must be a reason to share joy with friends. Any meal that is convened by invitation, thus fits the definition.

All seven days of festivities are considered part of a wedding. However, in situations

where *shehasimcha bime'ono* will not be recited, we follow a lenient practice. The poskim debate whether an *avail* may attend a *seuda* in his own home. They also debate whether the *avail* may join the waiting staff and eat with them, but not in the same room as the *seuda*, or only if the food is taken home. The prevailing practice is stringency in both. A *simcha* with a religious cause need not include bread or wine. For example, a *kiddush* for the birth of a girl, or a *shalom zachor* are considered *simchos*. Though some permit them due to the absence of bread, especially if there is no sitting down, *availim* refrain from attending these functions, for they are, by definition, joyous occasions. However, if there is a steady supply of cake and beverages in the house of celebration, some permit the *avail* to partake. These snacks are not offered as an 'event'. [See Eruvin 2a-23a Moed Katan 15a 19a 21b 22b Yerushalmi 3:8, Kesubos 103b Yerushalmi 1, Kidushin 31b, Poskim. Tur, Sh. Ar. YD 380:25 (Ar. Hash.), 385:1 3, 391:2 398, commentaries. Availus Bahalacha 36:n15. Hanisuin Kehilchasam 15, 16:91-101, notes.]

C) An Avail's family

During *shiva*, the spouse of the *avail*, and the rest of the family, must show some outward mourning, at least in the presence of the mourner. [In Talmudic times they actually participated in the real mourning in the presence of the *avail*. Since this is not an obligation, but to honor the *avail*, nowadays it is assumed that the *avail* waives his honor.] After the *shiva* this does not apply, but some say that it is still admirable to adopt stringent practices even when not obliged to. The poskim discuss whether a husband may insist on his wife accompanying him to a *simcha* after *shloshim* for her parent. The twelve months are part of honoring her parents. This does not apply when it conflicts with honoring her husband. However, there is some debate whether the husband has a right to insist on all festive occasions or only for a *seudas mitzvah*. In any event, the wife must show special concern for her husband's dignity.

In our case, there are multiple issues with regard to hosting the *sheva brochos* in the home of the *availah*. However, it is really the home of the husband. He may certainly host it. He has the right to ask his wife to help, indeed to do the main preparations. An *avail* may always prepare, and even serve. However, she may not eat in the room that the *seuda* takes place. She may eat in the kitchen. This would be considered the waiter's eating area. Since some permit an *avail* to eat there anyhow, it should be permitted here, where it also happens to be the home of the *avail*. [See Moed Katan 20b Kesubos 4b, Poskim. Tur Sh Ar YD 374:6, commentaries. Igros Moshe YD:I:255. Even Yaakov 56.]

On the Parsha ... [When a donkey ... is overburdened] you will refrain from helping him? You must help him ... [23:5] Sometimes you should refrain, for example an elder for whom it is beneath his dignity ... [Rashi] Can anybody decide that his personal honor comes before this mitzvah? Perhaps one must determine whether his self-demeaning actions will cause his disciples or family members shame. It is their honor, [or that of the Torah,] that he is protecting. One's immediate family's honor could come before helping others and relieving animals' distress.



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