

DERECH B'YAM HATALMUD ON THE DAF

LYUN INSIGHTS ON KESSUBOS 4A-4B

(A selection of issues discussed by the מפרשים on the דף.)

The מצוה of the first act of marital relations

The ברייתא beginning on the bottom of דף ג: discusses the sequence of events in the case of the death of the father of the הותן or the mother of the כלה. The ברייתא on the top of דף ד: refers to the first act of marital relations as **ביאת מצוה**. Why does it use this term?

תוס' (ד"ה בעילת מצוה) in תוס' cites the גמרא in סנהדרין מס' which refers to a woman as a **גולם** – an unfinished כלי. Through the first act of relations with her husband, the woman makes a ברית with him which makes her into a כלי. The ברית between them leads them to fulfill the מצוה of ורביה.

Defining the order of events

The ברייתא says that in the case of the death of a parent, we delay the קבורה and have the חופה first, followed by the ביאה ראשונה. The גמרא says that the חופה is held immediately to avoid a monetary loss. However, why is it necessary to also have the ביאה ראשונה prior to the קבורה?

The שיטה מקובצת in (ד"ה ומצאתי בקונטרסין) brings an opinion that it is אסור to have a חופה which cannot be followed by a ביאה. This is why the ברייתא says the couple has ביאה before the קבורה. He brings a second explanation that the joyful atmosphere of the שבעת ימי המשתה is partially because of the ביאה. It is necessary for it to occur in order to properly fulfill the שבעת ימי המשתה.

Can the חופה be pushed forward because of the death of other relatives?

רי"ש in (ג: ד"ה אביו של הותן) and the ר"א in (סימן ו מ- "ומתוך לשון רב אלפס") say that only in the case of the death of the father of the הותן or the mother of the כלה, do we delay the burial and have the חופה immediately. The impact that the father and mother had on the התונה preparations is irreplaceable. With regard to other relatives, in which there would not be such a הפסד if the wedding is postponed, it would be prohibited for the couple to have חופה וביאה since one of them is an אונן. Therefore, we bury the body immediately and delay the חופה.

The רי"ף and the בה"ג and the רי"ץ גיאת appear to hold differently, that the קבורה is delayed for the death of **any relative**, to allow for the מצוה ביאת. The seven days of אבילות would be observed after this, followed by the seven days of משתה. The רי"ץ גיאת says that an אונן is permitted to have marital relations, which explains why these ראשונים allow the הותן וכלה to have the ביאה ראשונה immediately.

Excerpted from the forthcoming sefer
Derech B'Yam HaTalmud on the First Perek of Kessubos (Section Five)

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