The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקמ"ו סעיף א'-ד'

Overview

Siman 546 Seif 1:

One does not marry during the *moed*, neither a *besulah* nor a widow. *Yibum* is also prohibited. It is permitted to betroth provided that there is no meal accompanying the betrothal for the *arus* in his house at the time of the betrothal. It is permitted to dance and make circles. It is permitted to make a meal for the *arus* with loved ones outside of his home as well as make a meal in his home after the betrothal.

- We do not mix one *simcha* with another. It is even prohibited to marry without having a meal. (M.B. 1)
- *Kiddushin* is permitted since it is not a *simcha* and it is certainly permitted to make *tenaim* during *chol hamoed*. Taz, however, prohibits but the other authorities are lenient and one may certainly be lenient if they serve treats rather than a meal. (M.B. 2)
- It is prohibited only in the home of the *arus* at the time of the *eirusin* but if one of those conditions is missing, it is permitted. (M.B. 3)
- Shulchan Aruch refers to where the *eirusin* is done in the middle of the meal or the meal is immediately afterwards but if there is a significant delay, it is permitted even on the same day but some authorities adopt a stringent position about this. If the *eirusin* is on one day and the meal on another, it is certainly permitted. (M.B. 4)

Siman 546 Seif 2

It is permitted to remarry an ex-wife whom he divorced following *nissuin*.

- The *simcha* is not so great. There is a dispute whether they may have a meal. One may certainly follow the lenient opinion and have a meal after the day of the wedding. (M.B. 7)
- If they divorced from betrothal they may not remarry on *chol hamoed* and even to perform *eirusin* and have a meal is prohibited. (M.B. 8)

Siman 546 Seif 3:

Anyone may marry on *erev* Yom Tov and have a meal on Yom Tov, whether the bride is a *besulah* or a widow.

- Authorities write that the wedding should be in the morning so that they can have a day of *simcha* before Yom Tov, in addition to having the first meal before Yom Tov. Magen Avrohom writes that in our countries the custom is not to marry on *erev* Yom Tov but when there is a pressing need, it is permitted. (M.B. 9)
- The implication is that it is permitted even that night since it is another day. Magen Avrohom maintains that they may not have a meal that night. (M.B. 10)

Halacha Highlight

Marrying during *chol hamoed*

Shulchan Aruch Siman 546 Seif 2
מתר להחזיר גרושתו
It is permitted to remarry a woman one divorced

Shulchan Aruch (סע' א') rules that it is prohibited to marry during *chol hamoed*. It doesn't matter whether the woman was never married before or is a widow, and even performing *yibum* is prohibited during *chol hamoed*. The reason is that we do not mix the joy of a wedding with the joy of the Yom Tov (מ"ב סק"א). Furthermore, even to perform a wedding without an accompanying festive meal is prohibited. Shulchan Aruch (סע' ב') then rules that a couple that was previously married (נשואין) and divorced may remarry during *chol hamoed*. Mishnah Berurah (סק"ז) explains that a couple remarrying does not generate a degree of joy that conflicts with the joy of the Yom Tov. There is, however, a disagreement whether they may have a festive meal to celebrate their remarriage.

Pri Megadim (א"א סק"ג) expresses uncertainty whether a couple that discovers that their *kiddushin* was performed in error may redo their *kiddushin* during *chol hamoed*. Kesav Sofer (על מועד קטן סוגית אין מערבין שמחה בשמחה) rules that if the couple lived together as a married couple and then realized that the *kiddushin* was performed in error they may certainly remarry during *chol hamoed* since the *kiddushin* will not be accompanied by joy. With this position he resolves a question the Turei Even posed regarding the Gemara's ruling that it is prohibited to perform *yibum* during *chol hamoed* out of concern that it would lead to writing. Seemingly it is prohibited because one may not marry during *chol hamoed*. Answers the Kesav Sofer that the concern that *yibum* may lead to writing is necessary in the following scenario. Reuven married a woman and subsequent to their marriage discovered that their *kiddushin* was invalid. Shimon, Reuven's brother, then married that woman since technically it is not his brother's wife. Shimon then dies without children so that the woman falls back to Reuven for *yibum*. Since Reuven and this woman lived as husband and wife there would not be great joy when they remarry. However, since there is a concern that the *yibum* will lead to writing, it is prohibited.

Siman 546 Seif 4:

It is permitted to make a meal for a *bris milah* or *pidyin haben* on the *moed*.

- It doesn't matter whether the *simcha* is on time or not. (M.B. 11)