

NOTES

דָּלָא – That mourning has not yet taken effect upon him – חָל עָלָיו אֲבִילוֹתָא: The question is raised: Although mourning does not take effect before the burial, isn't he an acute mourner? The Rashba and the Ritva answer that there is a difference between the status of a mourner before his relative's burial and his status thereafter. Although both statuses are effected by the death of a relative, clearly the mourning that takes place before burial is more lenient.

BACKGROUND

Covering of the grave – גוֹלֵל: This covering is a large stone that was rolled to seal the opening of a grave. In the burial caves of significant families, this stone is in the shape of a large wheel, which is not susceptible to ritual impurity and could be moved in order to gain access to the cave.



Stone covering of the grave of the royal house of Herod, from the end of the Second Temple period

מאי קולא? אילימא דקתני בועל בעילת מצוה ופורש – התם משום דלא חל עליו אבילותא; אי לרבי אליעזר – עד שיצא מפתח הבית, אי לרבי יהושע – עד שישתם הגולל!

What leniency did the Sages enact in this case? If we say it is that which the *tanna* teaches: The groom engages in the initial intercourse with the bride to fulfill the mitzva and then he withdraws from his wife, then there, where the corpse is placed into a room in the house, it is due to the fact that mourning has not yet taken effect upon him.^N Consequently, there is no leniency with regard to mourning practices. If it is according to the opinion of Rabbi Eliezer, mourning does not take effect until the corpse emerges from the entrance of the house for burial. If it is according to the opinion of Rabbi Yehoshua, mourning does not take effect until the covering of the grave^B is sealed.

אלא דקתני: נוהג שבועת ימי המשתה, ואחר כך נוהג שבועת ימי אבילות.

Rather, the leniency is that which the *tanna* teaches: And the groom then observes the seven days of feast following the wedding, and thereafter he observes the seven days of mourning. Since the Sages were lenient and allowed him to observe the wedding feast, despite the fact that he is a mourner, they prohibited his being alone with his wife so he would be less likely to practice additional leniencies in his mourning.

אמר מר: בין כך ובין כך לא יבעול לא בערב שבת ולא במוצאי שבת. בשלמא בערב שבת – משום חבורה, אלא במוצאי שבת אמאי לא?

§ The Master said in the *baraita*: In any event, the groom may not engage in intercourse with his virgin bride, neither on Shabbat evening, nor at the conclusion of Shabbat.^H Granted, on Shabbat evening he may not engage in intercourse due to the prohibition against inflicting a wound on Shabbat. However, at the conclusion of Shabbat, why may he not engage in intercourse with his virgin bride?

אמר רבי זירא:

Rabbi Zeira said:

HALAKHA

In any event, the groom may not engage in intercourse with his virgin bride, neither on Shabbat evening nor at the conclusion of Shabbat – בין כך ובין כך לא יבעול לא בערב שבת ולא במוצאי שבת: According to the Rambam, a wedding may not take place on Friday or at the conclusion of Shabbat, lest one desecrate Shabbat in the course of preparing the wedding feast. This ruling is in accordance with the conclusion of the Gemara, based on the *baraita* (Ramban). Other authorities maintain that this restriction was said only in places where courts convene on Monday and Thursday (Rosh; Tur). Furthermore, they rule based

on the Gemara's conclusion that the initial intercourse with one's virgin wife is permitted on Shabbat evening, and there is no concern lest it lead to desecration of Shabbat. In fact, there were periods when the custom was to schedule weddings on Friday to benefit the poor, so that the wedding feast and the Shabbat meal would coincide (Mordechai). However, there was no widespread custom to marry on Sunday, because that is the day when gentiles marry, and it is prohibited to follow the statutes of the gentiles (Rema in a responsum; Rambam *Sefer Nashim, Hilkhot Ishut* 10:14; *Shulhan Arukh, Even HaEzer* 63:4).

Perek I

Daf 5 Amud a

NOTES

Calculations for a mitzva – חֶשְׁבוֹנוֹת שֶׁל מִצְוָה: The source of the prohibition against speaking about mundane matters on Shabbat is the verse “And call Shabbat a delight...and you shall honor it...neither pursuing your business, nor speaking thereof” (Isaiah 58:13). However, the Gemara infers (*Shabbat* 140b): Your business is forbidden, but matters of Heaven are permitted. The question is raised: If matters of Heaven are permitted, why on Shabbat is it prohibited to consecrate an item? That is a matter of Heaven par excellence. Some early commentaries answer: Since consecration typically involves transfer of a clearly defined object into the treasury of God, so to speak, it resembles a transaction, which is prohibited on Shabbat.

משום חשבונות.

It is due to calculations performed on Shabbat to prepare for the wedding. He would thereby engage in weekday matters on Shabbat.

אמר ליה אביי: וחשבונות של מצוה מי אסירי? והא רב חסדא ורב המנונא דאמרי תרוניהו: חשבונות של מצוה מותר לחשבן בשבת! ואמר רבי אלעזר: פוסקין צדקה לעניים בשבת! ואמר רבי יעקב אמר רבי יוחנן: הולכין לבתי כנסיות ולבתי מדרשות לפקח על עסקי רבים בשבת. ואמר רבי יעקב בר אידי אמר רבי יוחנן: מפקחין פיקוח נפש בשבת.

Abaye said to him: And are calculations for a mitzva prohibited on Shabbat? But wasn't it Rav Hisda and Rav Hammuna who both said: With regard to calculations for a mitzva,^{NH} it is permitted to reckon them on Shabbat? And Rabbi Elazar said: One may allocate charity^H to the poor on Shabbat. And Rabbi Ya'akov said that Rabbi Yohanan said: One goes to synagogues and study halls to supervise matters affecting the multitudes on Shabbat. And Rabbi Ya'akov bar Idi said that Rabbi Yohanan said: One supervises matters of saving a life on Shabbat.^H

HALAKHA

Calculations for a mitzva – חֶשְׁבוֹנוֹת שֶׁל מִצְוָה: One may engage in calculations with regard to a mitzva on Shabbat (Rambam *Sefer Zemanim, Hilkhot Shabbat* 24:5; *Shulhan Arukh, Oraḥ Hayyim* 306:6).

One may allocate charity – פוסקין צדקה: One may allocate charity to the poor and pledge to donate money for the purpose of a mitzva on Shabbat (Rambam *Sefer Zemanim, Hilkhot Shabbat* 24:5; *Shulhan Arukh, Oraḥ Hayyim* 306:6).

One supervises matters of saving a life on Shabbat – פיקוח נפש בשבת: One may violate all Shabbat prohibitions in order to save a life, and he need not seek permission from the courts before doing so. On the contrary, anyone who takes the initiative is praiseworthy (Rambam *Sefer Zemanim, Hilkhot Shabbat* 2:16; *Shulhan Arukh, Oraḥ Hayyim* 328:13).

One goes to theaters – הולכי לטרטיות: Theaters, circuses, and arenas occasionally served as venues for public gatherings. Furthermore, riots would erupt, often over the outcome of sporting events, and would escalate into large-scale riots that went beyond the walls of those structures. More often than not, this led to pogroms directed against the Jews. Some of the performances in the theaters, at least in Eretz Yisrael, were of a distinctly anti-Jewish nature and often incited riots. The presence of Jews at those events could be effective either in preventing the riots or in warning the Jews that a riot was developing. In addition, Jews were sometimes among the participants in the battles in the circuses as gladiators, and the presence of Jewish spectators would enable them to outshout the supporters of the gentile combatant and prevent the Jew from being thrown to the beasts.

LANGUAGE

Theaters [tartiyyaot] – טרטיאות: One form of the Greek θέατρον, *theatron*, meaning theater, or place for seeing.

Circuses [karkiyyaot] – קרקיות: One form of the Latin word circus. Some claim that it derives from the Latin carcer, meaning an enclosed place.

Makes matches [meshadkhin] – משדכין: Apparently from Aramaic, the term's primary meaning is to quiet or to calm. Its additional related meaning in Hebrew is to appease both sides and reach an agreement, in particular, a marriage agreement.

HALAKHA

One goes... to supervise matters affecting the multitudes on Shabbat – הולכי... לפקח על עסקי רבים בשבת: One may go to the synagogues and study halls, and even to the theaters and palaces of gentiles, in order to supervise matters affecting the multitudes on Shabbat (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 24:5 *Shulhan Arukh*, *Orah Hayyim* 306:6).

One makes matches among the families concerned for a young girl to be betrothed on Shabbat – משדכין: It is permitted to engage in matchmaking on Shabbat to arrange one's daughter's betrothal. Similarly, one may undertake arrangements necessary for his son's Torah education or vocational training on Shabbat (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 24:5; *Shulhan Arukh*, *Orah Hayyim* 306:6).

A virgin is married on Wednesday but engages in intercourse on Thursday – בתולה נשאת ברביעי ונבעלת: The Rabbis instituted that a virgin is married on Wednesday during the day, and the marriage is consummated on Wednesday night, so that if the groom has a claim concerning the bride's virginity he can go to court on Thursday when the courts convene. In places where the courts are in session every day, the couple may marry any day of the week, provided that the groom completed the preparations for the wedding feast, because the blessing to the fish on the fifth day of Creation is not sufficient reason to fix a specific day for the wedding (*Tur*, *Even HaEzer* 64; *Beit Yosef*, citing *Rosh*).

ואמר רב שמואל בר נחמני אמר רבי יונתן: הולכי לטרטיות ולקרקיות לפקח על עסקי רבים בשבת. ותנא דבי מנשיא: משדכין על התינוקת ליארס בשבת. ועל התינוק ללמדו ספר וללמדו אומנות!

And Rabbi Shmuel bar Nahmani said that Rabbi Yohanan said: One goes to theaters [tartiyyaot]^{bl} and circuses [karkiyyaot]^l to supervise matters affecting the multitudes on Shabbat,^h because the fate of the Jewish people or of individual Jews is often decided there and one's presence could prevent calamity. And the Sage of the school of Menashya taught: One makes matches [meshadkhin]^l among the families concerned for a young girl to be betrothed on Shabbat,^h and similarly one may make arrangements for a young boy to teach him Torah and to teach him a craft. Apparently, calculations for a mitzva may be reckoned on Shabbat, including calculations for a wedding. Therefore, this cannot be the reason for the prohibition against marrying at the conclusion of Shabbat.

אלא אמר רבי יורה: גזירה שמא ישחוט בן עוף. אמר ליה אביי: אלא מעתה, יום הכפורים שחל להיות בשני בשבת ידחה, גזירה שמא ישחוט בן עוף! התם, דלנפשיה, לא טריד, הכא דלאחרים – טריד. אי נמי: התם – אית ליה רווחא, הכא – לית ליה רווחא.

Rather, Rabbi Zeira said: It is a decree lest one slaughter a young fowlⁿ on Shabbat, due to his preoccupation with the preparations for that night's wedding feast. Abaye said to him: If that is so, Yom Kippur that occurs on Monday should be postponedⁿ when fixing the calendar, due to a decree lest one slaughter a young fowl on Shabbat for the meal on Yom Kippur eve, which is a mitzva. The Gemara distinguishes between the cases. There, with regard to Yom Kippur eve, when one is preparing a meal for himself, he is not preoccupied, and he will not overlook the fact that it is Shabbat. Here, in the case of a wedding, one is preparing a meal for others and is preoccupied. Alternatively, there, on Yom Kippur eve, he has an interval of time during which he can slaughter the bird, as the mitzva is to eat the meal on Yom Kippur eve the next day. Here, he does not have an interval of time, because the wedding and the feast take place at night at the conclusion of Shabbat.

השתא דאתית להכי – ערב שבת נמי, גזירה שמא ישחוט בן עוף.

The Gemara says: Now that we have come to this understanding of the prohibition against marrying at the conclusion of Shabbat, the prohibition not to engage in sexual intercourse on Shabbat evening, too,ⁿ is not due to the intercourse. Rather, it is a decree lest one slaughter a young fowl for the wedding feast.

איבעיא להו: בתולה נשאת ברביעי ונבעלת ברביעי, ולא חיישינן לאיקרוי דעתא, או דלמא: בתולה נשאת ברביעי ונבעלת בחמישי, דחיישינן לאיקרוי דעתא?

S The Gemara raises a dilemma: Is a virgin married on Wednesday and does she engage in intercourse on that Wednesday, and we are not concerned lest his resolve to take his bride to court upon discovering that she was not a virgin cool overnight? Rather, he will certainly go to court the next morning. Or perhaps, a virgin is married on Wednesday but engages in intercourse on Thursday,^h as we are concerned that his resolve will cool.ⁿ

NOTES

Lest one slaughter a young fowl – שמא ישחוט בן עוף: The commentaries provide several explanations for use of the term young fowl, as opposed to another source of meat that requires slaughter. Some explain that since young fowl are typically available in the proximity of the house, the concern is that one will forget that it is Shabbat and slaughter one (*ge'onim*). Others explain that, contrary to slaughtering an animal, slaughtering a young fowl requires little effort. Due to that relative ease, one will slaughter the fowl without realizing that it is Shabbat (*Ritva*). The Meiri explains that it was customary to specifically slaughter young chickens for the wedding feast as a portent that the couple will procreate like chickens. This custom remains in effect in several places.

Yom Kippur... should be postponed – יום הכפורים... ידחה: The *ge'onim* explain that the concern with regard to young fowl is due to the fact that it is customary to slaughter roosters and chickens for the meal preceding Yom Kippur. The early commentaries question the notion of postponing Yom Kippur for so insignificant a concern. They answer that the calendar is fixed to prevent Yom Kippur from occurring on Sunday or Friday for similar reasons.

An additional question is raised. If Yom Kippur is postponed until Tuesday, the seventh day of *Sukkot* will coincide with Shabbat. The very reason that the calendar is fixed to prevent Rosh HaShana from occurring on Sunday is to preclude that coincidence. The commentaries answer that the Gemara is not suggesting that Yom Kippur be postponed specifically until Tuesday. Rather, in a case where, based on calculations, Yom Kippur was going to occur on Sunday, it would be preferable to postpone it until Tuesday rather than Monday.

ערב שבת נמי – This answer is difficult, as a *baraita* cited later in the Gemara prohibits intercourse on Friday night because it causes a wound. The Rashba explains that Rabbi Zeira sought to interpret the *baraita* in accordance with the *halakha*, that there is no concern lest one cause a wound during intercourse. In the *Shita Mekubbetzet* an explanation is cited that Rabbi Zeira preferred to explain the entire *baraita* according to the same reason. With regard to the actual concern that one will slaughter a young fowl, some explain that if one engages in relations on Shabbat, the groomsman will need to remain with him, and in seeking to feed them, he will come to slaughter a young fowl (*Talmidei Rabbeinu Yona*). Others suggest that the wedding feast will not take place on Friday night in any case. Rather, the intention is that one will prepare the feast for the conclusion of Shabbat, and the concern is that he will slaughter the fowl on Shabbat for the purpose of this meal (Rabbi Meir HaLevi).

דחיישינן לאיקרוי – דעתא: The Ramban and many other early commentaries following discuss the relationship between this problem and the adjacent *halakha*, that one may engage in intercourse with his virgin wife on Shabbat. Ostensibly, if the wedding was on Friday, the concern that his resolve will cool is even greater, as the court reconvenes only the following Monday. The Ramban explains that the Gemara is not discussing a wedding that took place on Friday. Rather, the Gemara is discussing a wedding that took place on Wednesday but was not consummated until Shabbat.

A widow is married on Thursday and engages in intercourse on Friday – *אלמנה נשאת בחמישי ונבעלת בששי*: The Sages instituted that a widow is married on Thursday during the day, and the couple consummates the marriage on Thursday night, so that the husband will celebrate with his wife for three days and not go to work the morning after the wedding. One who is unemployed may marry a widow any day of the week (*Tur, Even HaEzer 64; Beit Yosef*).

That he rejoice with her for three days – *שיהא שמח*: The Sages instituted that a man who marries a woman who is not a virgin is obligated to rejoice with her for three days. The Rema notes that since this ordinance was instituted for the bride's benefit, she may waive that benefit (*Rambam Sefer Nashim, Hilkhot Ishut 10:12; Shulhan Arukh, Even HaEzer 64:2*).

תא שמע, דתני בר קפרא: בתולה נשאת ברביעי ונבעלת בחמישי, הואיל ונאמרה בו ברכה לדגים. אלמנה נשאת בחמישי ונבעלת בששי, הואיל ונאמרה בו ברכה לאדם. טעמא – משום ברכה, אבל משום איקרורי דעתא – לא חיישינן.

אי הכי, אלמנה נמי תיבעל בחמישי, הואיל ונאמרה בו ברכה לדגים! ברכה דאדם עדיפא ליה.

ואי נמי – משום שקדו. דתניא: מפני מה אמרו אלמנה נשאת בחמישי ונבעלת בששי? שאם אתה אומר תיבעל בחמישי – למחר משכים לאומנתו והולך לו, שקדו חכמים על תקנת בנות ישראל, שיהא שמח עמה שלשה ימים: חמישי בשבת, וערב שבת, ושבת.

מאי איכא בין "ברכה" ל"שקדו"? איכא ביניהו אדם בטל, אי נמי יום טוב שקל להיות בערב שבת.

Come and hear proof, as bar Kappara taught: A virgin is married on Wednesday and engages in intercourse on Thursday, since the blessing to the fish:^N Be fruitful and multiply, was stated on the fifth day of Creation. A widow is married on Thursday and engages in intercourse on Friday,^H since the blessing of procreation was stated to man on the sixth day of Creation. It may be inferred that the reason is due to the blessing, but with regard to the possibility lest his resolve cool, we are not concerned.

The Gemara asks: If so, a widow should also engage in intercourse on Thursday, since the blessing to the fish was stated then.^N The Gemara answers: Since there is the option to postpone engaging in relations to the day on which the blessing of man was stated, doing so is preferable for him.

Alternatively, that day was established as the day for a widow to engage in sexual relations due to the fact that the Sages were assiduous^N in seeing to the well-being of Jewish women, as it is taught in a *baraita*: Why did the Sages say that a widow is married on Thursday and engages in intercourse on Friday? It is because if you say that she should engage in intercourse on Thursday, on the next day the groom will go to ply his craft early^N and leave his wife alone. When a man marries a widow, there is no observance of the seven days of rejoicing, whose legal status is like that of a Festival, during which he does not go to work. Therefore, the Sages were assiduous in seeing to the well-being of Jewish women and ensured that the groom rejoice with her for three days:^H Thursday, the day of the wedding; and Shabbat eve, the day when they engage in sexual relations; and Shabbat.

What practical difference is there between the two reasons given to engage in relations on Friday, i.e., the blessing of procreation for man and the fact that the Sages were assiduous?^N The Gemara answers: There is a practical difference between them in the case of an idle person, who has no job, in which case the reason of blessing applies and the reason that the Sages were assiduous does not, as no matter what he will not go to work early. Alternatively, there is a practical difference in the case of a Festival that occurs on Shabbat eve. There too, the reason of blessing applies but the Sages' assiduousness does not apply, as one does not work on a Festival.

NOTES

The blessing to the fish – *ברכה לדגים*: Although there was a blessing of procreation for the birds as well, the Gemara mentions the fish because their blessing preceded the blessing of the birds: "Be fruitful, and multiply, and fill the waters in the seas, and let fowl multiply in the earth" (Genesis 1:22). Furthermore, the language of the blessing to the birds is similar to the blessing of procreation given to man (see Genesis 1:28; *Shita Mekubbetzet*). In certain respects, the blessing to the fish is superior to the blessing to man, as the fish are more numerous, and the evil eye has no dominion over them (*Ritva; HaBoneh*). Alternatively, with regard to man, the blessing could be interpreted as a mitzva more than a blessing. For the fish, it is clearly a blessing (*Penei Yehoshua*).

Since the blessing to the fish was stated then – *הואיל ונאמרה בו*: *ברכה לדגים*: The Ritva explains that the question is: If the blessing to the fish is a reason to hold the wedding on Wednesday, why is the wedding of a widow on Thursday? The Gemara then answers that if the content of the blessing is considered, the blessing to man is preferable.

Blessing, the Sages were assiduous – *שקדו, ברכה*: Some explain that even bar Kappara himself held that there are two reasons for the ordinance of the Sages: One, the Sages were assiduous or the claim concerning virginity; two, the blessing of procreation. Others say that bar Kappara considered the latter reason to be an auxiliary reason for the ordinance, not one that stands on its own (*Ramban; Rabbi Aharon HaLevi*). However, the Meiri says that bar Kappara considered the blessing of procreation as

an independent and significant reason for the ordinance. That appears to be the conclusion of the Jerusalem Talmud, contrary to the conclusion of the Gemara here.

The groom will go to ply his craft early – *משיכים לאומנתו והולך לו*: Based on the Gemara here, it is fundamentally permitted for the groom to work, but the Sages prevented him from doing so by instituting ordinances seeing to the well-being of Jewish women. This line of reasoning is difficult, because several sources indicate that it is prohibited for a groom to work for seven days after marrying a virgin and for three days after marrying a widow. The Ritva suggests two solutions. Although it is prohibited for him to work, there is still concern that he might ignore the prohibition. Therefore, for the benefit of the bride, the Sages fixed the wedding on a day when the groom would be unable to go to work. Alternatively, the prohibition mentioned in the other sources ensued from the ordinance of the Sages that the widow marries on Thursday, so that the groom will remain with his wife and not work for three days.

What practical difference is there between the blessing and the Sages were assiduous – *מאי איכא בין ברכה לשקדו*: This Gemara is asking: What element is added by the reason of the blessing of procreation? Clearly, the reason that the Sages were assiduous introduces the element of the authority of the Sages. Although one could assert that the groom can be indifferent with regard to the blessing, he cannot be indifferent to an ordinance instituted by the Sages.

The handiwork of the righteous is greater – גדולים מעשה צדיקים: The obvious connection between this passage and those that precede it is that they are taught by the same Sage. Some add that this statement of bar Kappara comes to explain his preference for the blessing to man over the blessing to the fish. The actions of man are greater than God's Creation of the world (see *Shita Mekubbetzet* and *Hatam Sofer*).

One hand or two hands – יד אחת שתי ידיים: In the *Otzar HaKavod*, it is explained that there is a dichotomy between heaven and earth, between the spiritual and the corporeal, and symbolically each was created with a different hand. However, the handiwork of the righteous, i.e., the Temple, unites the heavenly and the earthly. This is represented by both hands.

Others explain that the world of creation is static and unchanging, whereas the actions of man are constantly developing. The question in the Gemara notes that even in the heavens there is change. The Gemara explains that those changes are minor changes within a fixed framework. They are characterized as: The work of Your fingers (*Lehem Shlomo*).

A certain Babylonian...responded – השיב בבלי אחר: In the *Shita Mekubbetzet*, there is an explanation why the Gemara mentioned that he was a Babylonian. The reason, as stated in tractate *Kiddushin*, is that the Babylonians were not expert enough in the spelling in the Bible to know whether a word is written with a *yod* or a *vav*. The answer to the question in the Gemara is based on that distinction.

Do not read it as: Your weapons – אל תקרי אונך: The Maharal in *Be'er HaGola* explains this statement at great length according to the plain meaning of the verses. He writes that the verse says that there are certain matters that are best concealed. The term: Your weapons [*aznekha*], is redundant. It would have been sufficient to write that one should use the peg to obscure those matters. Where one suspends that peg is irrelevant (Rav Yoshiya Pinto; Maharal). Furthermore, the term for your weapons should have been [*zayinkha*]. The additional *alef* at the beginning of the word alludes to an additional meaning (*Shita Mekubbetzet*; Maharsha).

דרש בר קפרא: גדולים מעשה צדיקים יותר ממעשה שמים וארץ, דאילו במעשה שמים וארץ כתוב: "אף ידי יסדה ארץ וימיני טפחה שמים" ואילו במעשה ידיהם של צדיקים כתוב "מכון לשבתך פעלת ה' מקדש אדני בוננו יידיך".

השיב בבלי אחד, ורבי חייא שמו: "ויבשת ידיו יצרו!" "ידו" כתוב והכתוב "יצרו"! אמר רב נחמן בר יצחק: יצרו אצבעותי, בכתוב "כי אראה שמיך מעשה אצבעותיך ירח וכוכבים אשר בוננת".

מיתבי: "השמים מספרים כבוד אל ומעשה ידיו מגיד הרקיע" הכי קאמר: מעשה ידיהם של צדיקים מי מגיד – הרקיע, ומאי נהו – מטר.

דרש בר קפרא: מאי דכתיב "ויתד תהיה לך על אונך" – אל תקרי "אונך" אלא "על אונך", שאם ישמע אדם דבר שאינו הגון,

The Gemara cites additional aggadic statements of bar Kappara. Bar Kappara taught: The handiwork of the righteous is greater^N than the creation of heaven and earth, as with regard to the creation of heaven and earth it is written: "My hand also has laid the foundation of the earth, and My right hand has spanned the heavens" (Isaiah 48:13). There, hand is written in the singular. Whereas with regard to the handiwork of the righteous it is written: "The place which You have made for Yourself to dwell in, Lord, the Sanctuary, Lord, which your hands^N have established" (Exodus 15:17). The reference is to the Temple, which is the handiwork of man, and hand is written in the plural.

A certain Babylonian, and his name is Rabbi Hiyya, responded^N with a challenge. It is written with regard to creation of the earth: "And His hands formed the dry land" (Psalms 95:5). The Gemara answers: "His hand" is the way it is written. Although the word is vocalized in the plural, it is written in the singular, without the letter *yod*. But isn't it written: "Formed," in the plural? Rav Nahman bar Yitzhak said: The plural is referring to His fingers, as it is written: "When I see Your heavens, the work of Your fingers, the moon and stars, which You have established" (Psalms 8:4).

The Gemara raises an objection: "The heavens declare the glory of God, and the firmament proclaims the work of His hands" (Psalms 19:2). The heavens were created by His hands. The Gemara answers that this is what the verse is saying: Who attests to the handiwork of the righteous, that they are performing the will of God? It is the heavens. And what is the avenue through which the heavens do so? It is by means of rain that falls due to the prayers of the righteous.

Bar Kappara taught: What is the meaning of that which is written: And you shall have a peg among your weapons [*aznekha*] (Deuteronomy 23:14)? Do not read it as: Your weapons [*aznekha*].^N Rather, read it: On your ear [*oznekha*], meaning that if a person hears an inappropriate matter,

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יניח אצבעו באזניו. והיינו דאמר רבי אלעזר: מפני מה אצבעותיו של אדם דומות ליתידות? מאי טעמא? אילימא משום דמתלקן – כל תדא ותדא למילתיה עבידא. דאמר מר: זו זרת, זו קמיצה, זו אמה, זו אצבע, זה גודל!

he should place his finger, which is shaped like a peg, into his ears. And that is what Rabbi Elazar said: Why are the fingers of a person similar to pegs? The Gemara asks: What is the reason that Rabbi Elazar said that fingers are like pegs? If we say that it is due to the fact that they are discrete^N from each other, each and every finger was designated for its own discrete, sacred matter, as the Master said: This small finger is for measuring a span, the distance between the little finger to the tip of the thumb used in measuring the breastplate of the High Priest; this next finger is used for taking a fistful of the meal-offering; this middle finger is used for measuring a cubit, the distance from the elbow to the tip of the middle finger; this one next to the thumb is the finger used to sprinkle the blood of offerings on the altar; this is the thumb, on which the blood and oil is placed in the purification ritual of a leper.

NOTES

Due to the fact that they are discrete – משום דמתלקן: See *Tosafot*, who explain the need for the thumb as also being related to the fistful of flour in a meal-offering. With regard to the question of *Tosafot*, that the thumb could have served its role even if it were not discrete, see *Shita Mekubbetzet*, where

it is explained that the same question could have been asked with regard to the middle finger and fourth finger as well. However, since each has its own role, they must be discrete, and it is clear why they were separated.

BACKGROUND

They are the first of the limbs burned – הן נכוות תחלה – The surface area of the auricle of the ear is large relative to its volume, due to its thin, soft tissue and lack of bone. It is therefore more sensitive to changes in temperature than other parts of the body. That is why the ears are the first of the body parts burned.

The blood is pooled or flowing through vessels attached – דם מפקד פקיד או חבורי מיחבר – The medical explanation for the blood that flows after the rupture of the hymen is that it occurs due to the bleeding from the blood vessels in the hymen. In that way, it is similar to bleeding from any other part of the body. However, there are cases, albeit uncommon ones, where the hymen creates an impermeable seal, and menstrual blood pools behind the hymen. In that case, the blood that results from intercourse with a virgin is halakhically characterized as pooled blood.

אלא: מה טעם משופות בתידות? שאם ישמע אדם דבר שאינו הגון ימיח אצבעותיו באזניו. תנא דבי רבי ישמעאל: מפני מה אוון כולה קשה והאליה רכה? שאם ישמע אדם דבר שאינו הגון – יכוף אליה לתוכה. תנו רבנן: אל ישמיע אדם לאזניו דברים בטלים מפני שהן נכוות תחלה לאיברים.

איבעיא להו: מהו לבעול בתחלה בשבת, דם מפקד פקיד או חבורי מיחבר?

ואם תימצי לומר דם מפקד פקיד, לדם הוא צריך – ושרי, או דלמא לפתח הוא צריך – ואסיר?

ואם תימצי לומר לדם הוא צריך, ופתח ממילא קאתי, הלכה כרבי שמעון דאמר: דבר שאין מתכוין מותר, או הלכה כרבי יהודה דאמר: דבר שאין מתכוין אסור?

Rather, the question is: What is the reason that they are pointed like pegs? It is so that if a person hears an inappropriate matter, he will place his fingers in his ears. Similarly, a Sage of the school of Rabbi Yishmael taught: Why is the entire ear hard and the earlobe soft? It is so that if a person hears an inappropriate matter, he will bend his earlobe into his ear to seal it. The Sages taught: A person should not allow his ears to hear idle matters.^N Because of the fact that ears are very sensitive and are the first of the limbs burned,^B one should make certain not to expose them to anything problematic.

§ A dilemma was raised before the Sages: What is the halakha with regard to engaging in intercourse with one's virgin bride for the first time on Shabbat?^N The dilemma is with regard to the nature of the blood that emerges as a result of the piercing of the hymen. Is it that the blood is pooled, and it is released once the hymen is pierced, so that no prohibition is violated? Or, is the blood flowing through vessels attached^B to the body, and it emerges as a result of a wound, so that he does violate a prohibition?

And if you say that it is pooled and the intercourse does not cause a wound, there is an additional dilemma: Does the husband require the blood^N to flow, and that is his objective in performing the act, in which case it is permitted?^N Or, perhaps he requires the opening^N caused by the rupture of the hymen, and creating that opening is prohibited on Shabbat.

And if you say that he requires the blood, and the opening comes about incidentally^N as an unintended consequence, is the halakha in accordance with the opinion of Rabbi Shimon, who said: An unintentional act,^N i.e., a permitted action from which a forbidden labor inadvertently ensued, is permitted? Or, is the halakha in accordance with the opinion of Rabbi Yehuda, who said: An unintentional act is forbidden?

NOTES

Idle matters – דברים בטלים: After prohibiting listening to inappropriate matters and suggesting the actions that one should take to avoid doing so, the Gemara adds that one should avoid idle matters as well. Although they are not inappropriate, one should refrain from hearing them, as one is influenced by what he hears. The characterization that one's ears are the first body parts that burn alludes to this idea (Maharal).

What is the halakha with regard to engaging in intercourse with one's virgin bride for the first time on Shabbat – מהו לבעול בתחלה בשבת: Rashi, Tosafot, and other early commentaries discuss the connection between this passage in the Gemara and the baraitot in which it is explicitly taught, that one may not engage in intercourse with his virgin bride for the first time on Shabbat. Rashi suggests two solutions: First, the Sages of the Gemara were unaware of the baraitot (see Tosafot and Rabbi Aharon HaLevi). Second, they were aware of the baraitot and were either debating whether they were in accordance with the halakha or assumed that they were not in accordance with the halakha (see Derush VeHiddush).

Those who consider this passage a continuation of the previous one discuss why the concern lest one slaughter a young fowl was not raised. The Ramban explains that the case here is one where the wedding took place the previous day, but it has not yet been consummated. The Ritva and others explain that it is referring to a case where the groom already completed the wedding preparations.

Does the husband require the blood – לדם הוא צריך: Two reasons were suggested as to why the husband would require the blood. First, he wants as much blood as possible to flow the

first time, so that when they engage in relations on subsequent occasions there will be less blood. Second, he wants to see the blood flow to verify that she is a virgin (see Tosafot and Ritva). The phrase: The husband requires the blood, is more appropriate according to the latter explanation.

Does the husband require the blood and it is permitted – לדם הוא צריך ושרי: The term permitted is problematic, as even if he requires the blood, the question whether or not it is permitted hinges on the tannaitic dispute cited in the Gemara. The Rashba has a variant reading in which the words: And it is permitted, are omitted. According to that version, the legal status of the act in a case where one needs the blood is clarified in the subsequent discussion.

Others, based on Rashi, include the term: And it is permitted, and explain that it is not a decisive ruling but a conditional statement: Even if you say that it is permitted according to one tannaitic opinion, the question of its status remains according to the other opinion (Ritva).

He requires the opening – לפתח הוא צריך: With regard to the prohibition against creating an opening on Shabbat, Rashi explains that it is categorized under the rubric of the forbidden labor of building.

Others explain that it falls under the category of one who strikes a blow with a hammer, which includes all activities that complete production of a vessel. In this case, consummating the marriage completes the forging of the bond between the husband and wife.

The Rashba writes that if the husband requires the opening and that is his intention, although it is a fundamentally

destructive action, it is not a full-fledged destructive action because it contains a constructive element.

And the opening comes about incidentally – ופתח ממיילא – קאתי: Even Rabbi Shimon, who holds that it is permitted to perform an unintentional act, agrees that it is prohibited to do so when the forbidden result is inevitable.

Rashi discusses the question: Since rupturing the hymen during intercourse with a virgin is inevitable, why is intercourse permitted according to Rabbi Shimon? Rashi explains that the ruling in the Gemara is limited to one who is adept at engaging in intercourse without rupturing the hymen. Others explain that even if the groom in question is not capable of doing so, since there are those who are, that suffices to generally characterize this case as one where the consequences are not inevitable (Ritva; Meiri).

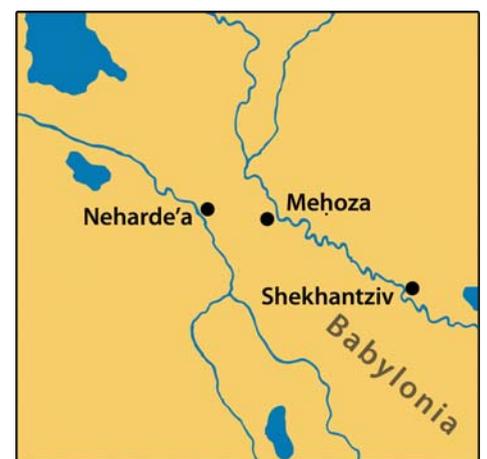
An unintentional act – דבר שאין מתכוין: The dispute between Rabbi Yehuda and Rabbi Shimon with regard to unintentional actions with forbidden results is discussed extensively in tractate Shabbat. Although this is an issue pertinent to other areas of halakha as well, in the context of the halakhot of Shabbat there is a unique aspect.

Labor is forbidden only if it is planned, thoughtful, constructive labor. Unintentional actions, with regard to which there is a dispute between Rabbi Yehuda and Rabbi Shimon, are not actions performed accidentally or unwittingly. Rather, they are permitted actions that one intends to perform, from which a forbidden action unintentionally ensues. Rabbi Shimon permits performing these actions and Rabbi Yehuda prohibits doing so.

מקלקל בתבורה – Destructive in causing the wound – The Ramban cites an explanation that he himself rejects, that the reference here is to the wound caused by slaughtering young fowl. In the *Shita Mekubbetzet*, a defense of that explanation is cited.

The Gemara seems to be saying that if the intercourse is considered destructive, it is permitted *ab initio* according to Rabbi Yehuda. The commentaries ask: Isn't performance of a destructive action prohibited by rabbinic law (see *Tosafot*)? They respond that there are two factors here dictating leniency: The action is destructive action and unintentional. Others add a third factor: It is in the course of performing a mitzva. The Rashba contends that the Sages issue decrees prohibiting certain actions, only due to the concern that otherwise one might come to perform a similar action prohibited by Torah law. Here, although creating the opening falls into the category of building, people do not consider it building and will not come to perform the forbidden labor of building as a result of the intercourse. Others explain that since the intercourse is a destructive action as far as the woman is concerned, it is in no way comparable to the forbidden labor of building, and no decree was issued (*Ha'amek She'ala*).

In cases involving destructive acts is the *halakha* in accordance with the opinion of Rabbi Yehuda – **במקלקל הלכה** – **כרבני יהודה**: Some ask why the ruling with regard to intercourse with his virgin bride, which is a mitzva, is not the same as the ruling with regard to circumcision, which is considered a constructive act due to the mitzva involved (*Sefer Haifa'a*). Some distinguish between circumcision, where creating the wound is the essence of the mitzva, and intercourse with a virgin, where the wound is ancillary to the mitzva.



Location of Neharde'a

ואם תימצי לומר הלכה כרבני יהודה – מקלקל הוא אצל הפתח או מתקן הוא אצל הפתח?

And even if you say that the *halakha* is in accordance with the opinion of Rabbi Yehuda in this regard, is this a destructive action vis-à-vis the opening, and is it consequently permitted on Shabbat because only constructive actions are forbidden? Or, perhaps it is a constructive action vis-à-vis the opening.

איכא דאמרי: ואם תימצי לומר דם חבורי מיתבר – לדם הוא צריך ואסור, או דלמא להנאת עצמו הוא צריך ושורי?

Some say that the series of dilemmas is as follows: And if you say that the blood is flowing through vessels attached to the body and emerges as a result of a wound, does the husband require the blood, and engaging in intercourse is consequently prohibited, as his intent is to cause the wound? Or, perhaps he requires the act of intercourse solely for his own pleasure, and it is permitted.

ואם תימצי לומר להנאת עצמו הוא צריך, ודם ממילא קאתי – הלכה כרבני יהודה או הלכה כרבני שמעון?

And if you say that he requires the act of intercourse solely for his own pleasure, and the blood comes incidentally, as it was not his intent to draw blood, is the *halakha* in accordance with the opinion of Rabbi Yehuda with regard to an unintentional act, or is it in accordance with the opinion of Rabbi Shimon?

ואם תימצי לומר הלכה כרבני יהודה – במקלקל בתבורה או מתקן בתבורה הוא?

And if you say that the *halakha* is in accordance with the opinion of Rabbi Yehuda and unintentional acts are forbidden, is one destructive in causing the wound or constructive in causing the wound?

ואם תימצי לומר מקלקל בתבורה הוא – במקלקל הלכה כרבני יהודה

And if you say that he is destructive in causing the wound,^N in cases involving destructive acts is the *halakha* in accordance with the opinion of Rabbi Yehuda,^N who rules that one who performs any destructive act on Shabbat is exempt, even if he did so intentionally?

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או הלכה כרבני שמעון?

Or, is the *halakha* in accordance with the opinion of Rabbi Shimon, who ruled that one who is destructive in causing a wound on Shabbat is liable if he did so intentionally?

(איתמר), בבי רב אמרי: רב שרי ושמואל אסר. בנהרדעא אמרי: רב אסר ושמואל שרי. אמר רב נחמן בר יצחק, וסימניך: אלו מקילין לעצמן ואלו מקילין לעצמן.

With regard to the *halakha* of engaging in intercourse with one's virgin bride on Shabbat, it was stated that in the school of Rav they say: Rav permitted doing so and Shmuel prohibited doing so. In Neharde'a,^B where Shmuel lived, they say: Rav prohibited doing so and Shmuel permitted doing so. Rav Nahman bar Yitzhak said: And your mnemonic is: These are lenient with regard to themselves, and those are lenient with regard to themselves. Each attributes the lenient ruling to the local halakhic authority, whose ruling is binding in that locale.

BACKGROUND

Neharde'a – נהרדעא: This city, located on the Euphrates near the Malka River, was one of the oldest Jewish communities in Babylonia. According to tradition, Jews lived in Neharde'a as early as the First Temple period, in the sixth century BCE, beginning with the exile of King Jehoiachin of Judea. Neharde'a was one of the most important Jewish communities in Babylonia. It was a center of Torah study from an early period, and its yeshiva was the oldest in Babylonia. Many of the greatest *tanna'im* visited Neharde'a, among them Rabbi Akiva, who intercalated

the calendar there (*Yevamot* 122b). In Rav's time, the first half of the third century CE, the Neharde'a Yeshiva was headed by Rav Sheila and then by Shmuel. Since the city was located near the border between the Roman and Persian empires, it frequently suffered from wars between the two, and Pappa ben Nazer Odonathus, king of Tadmor, destroyed it completely in 259 CE. Later, however, Jews resettled there, and many Torah scholars remained in Neharde'a even after its yeshiva relocated to Mehoza and Pumbedita.