

New faces – פְּנִיִּים חֲדָשׁוֹת – Some learn from the fact that this term is in the plural that at least two new people are required. In the *Shita Mekubbetzet*, that conclusion is rejected, as the plural refers to all the guests who will participate in the festivities throughout the seven days.

The order of the wedding blessings – סֵדֵר בְּרִכּוֹת נְשׂוּאִין – Rashi explains the order of the wedding blessings as follows: The first was instituted in deference to the congregation attending the wedding, followed by a blessing over the creation of man and his union with his spouse in the Garden of Eden. Before proceeding to blessing the couple upon their entry beneath the wedding canopy, there is a blessing over the solace of Jerusalem, to fulfill the verse “If I set not Jerusalem above my greatest joy” (Psalms 137:6). That is followed by the blessing wishing the couple happiness together for the rest of their lives, followed by the final blessing wishing them joy at the wedding. That is the approach adopted by most early commentaries (see Ritva).

The Maharsha explains the order as follows: First comes God, then the creation of man, followed by the creation of woman, and subsequently God’s providence in the world, including celebration of the wedding.

תְּנוּ רַבְּנֵי: מְבָרְכִין בְּרִכַּת חֲתָנִים בְּעֶשְׂרֵה כָּל שַׁבָּעָה. אָמַר רַב יְהוּדָה: וְהוּא שָׂבָאוּ פְּנִיִּים חֲדָשׁוֹת.

The Sages taught: One recites the benediction of the grooms in a quorum of ten men all seven days of the wedding celebration. Rav Yehuda said: And that is the case only when new faces^{HN} who did not previously participate in the festivities came to join the celebration.

מֵאֵי מְבָרְךְ? אָמַר רַב יְהוּדָה: בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם.

The Gemara asks: What blessings does one recite?^N Rav Yehuda said that these are the seven blessings: Blessed are You, Lord our God, King of the universe,

HALAKHA

New faces – פְּנִיִּים חֲדָשׁוֹת – For the seven days of the celebration following the wedding, the wedding benedictions are recited at each meal where new faces are present. There are various opinions as to who qualifies as a new face. Some maintain that people who did not hear the wedding benedictions at the wedding are considered new faces (Rambam). Others maintain that even people who attended the wedding may be considered new faces if they did not yet participate in one of the wedding meals. The *Shulhan Arukh* notes that this is the prevalent custom. The Rema writes that even if the new guests

do not actually partake of the meal that they attend, the wedding benedictions may be recited on that night and the following day. According to *Tosafot*, only new guests whose presence enhances the festive nature of the occasion qualify as new faces. Some maintain that Shabbat and Festivals are also considered new faces, so that the benedictions are recited on Friday and Festival nights and the following day. The Rema adds that the Ashkenazic custom is to recite the benediction even at the third Shabbat meal (Rambam *Sefer Ahava, Hilkhot Berakhot* 2:10; *Shulhan Arukh, Even HaEzer* 62:7–8).

Perek I

Daf 8 Amud a

שֶׁהֵכֵל בָּרָא לְכַבּוֹדוֹ,

וְיוֹצֵר הָאָדָם,

וְאִשְׁרֵי יוֹצֵר אֶת הָאָדָם בְּצַלְמוֹ בְּצַלְמֵי דְמוּת תְּבַנִּיתוֹ וְהִתְקִין לוֹ מִמֶּנּוּ בְּנֵי עֵדִי עַד. בְּרוּךְ אַתָּה ה' יוֹצֵר הָאָדָם,

”שׁוֹשׁ תְּשִׁישׁ וְתִגַּל הַעֲקֵרָה בְּקִבוּץ בְּנֵיהָ לְתוֹכָהּ בְּשִׂמְחָה. בְּרוּךְ אַתָּה ה' מְשַׂמֵּחַ צִיּוֹן בְּבָנֶיהָ,”

”שִׂמְחַת תְּשַׂמַּח רֵיעִים הָאֱהוּבִים כְּשִׂמְחַתְךָ יְצִירְךָ בְּגֵן עֵדֶן מִקְדָּם. בְּרוּךְ אַתָּה ה' מְשַׂמֵּחַ חַתָּן וְכַלָּה,”

”בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר בָּרָא שְׂשׂוֹן וְשִׂמְחָה חַתָּן וְכַלָּה גִּילָה רִיעָה דִּיצָה חֲדוּה אֲהָבָה וְאַחֻוּה וְשִׁלוֹם וְרִיעוּת, מְהֵרָה ה' אֱלֹהֵינוּ יִשְׁמַע בְּעָרֵי יְהוּדָה וּבְחֻצוֹת יְרוּשָׁלַיִם קוֹל שְׂשׂוֹן וְקוֹל שִׂמְחָה קוֹל חַתָּן וְקוֹל כַּלָּה קוֹל מְצַהֲלוֹת חֲתָנִים מְחוּפְתָּם וְנְעָרִים מְשֻׂמְחֵת נְגִינָתָם. בְּרוּךְ אַתָּה ה' מְשַׂמֵּחַ חַתָּן עִם הַכַּלָּה.”

Who has created all for His glory.

And the second blessing is: Blessed are You ... Creator of mankind.

And the third blessing is: Blessed are You ... Who made humanity^N in His image, in the image of the likeness of His form, and out of His very self formed a building (see Genesis 2:22) for eternity. Blessed are You, Lord, Creator of mankind.

The fourth blessing is: May the barren city of Jerusalem greatly rejoice and delight^N with the ingathering of her children within her in joy. Blessed are You, Lord, Who gladdens Zion through her children.

The fifth blessing is: Bring great joy to these loving friends, as You gave joy to Your creations^N in Eden in ancient times. Blessed are You, Lord, Who brings joy to the groom and bride.

The sixth blessing is: Blessed are You, Lord our God, King of the universe, Who has created joy and gladness, groom and bride, delight, exultation, happiness, jubilation, love and brotherhood, and peace and friendship. Soon, Lord our God, may there be heard in the cities of Judea and in the streets of Jerusalem the sound of joy and the sound of gladness, the sound of the groom and the sound of the bride, the joyous sound of grooms from their wedding canopy and of young people from their feast of song (see Jeremiah 33:11). Blessed are You, Lord, Who makes the groom rejoice with the bride. Together with the blessing over the wine, these are the seven wedding blessings.

NOTES

Who made humanity – אֲשֶׁר יוֹצֵר אֶת הָאָדָם – Many commentaries are of the opinion that the first blessing: Creator of mankind, refers to the creation of Adam, and the second refers to the creation of Eve. Despite the fact that the formula of the second blessing also employs the term *adam*, in the Bible that term refers to women as well (see Numbers 31:35 and Isaiah 44:13).

May the barren city of Jerusalem greatly rejoice and delight – שׁוֹשׁ תְּשִׁישׁ וְתִגַּל הַעֲקֵרָה: In addition to the primary reason for this blessing, i.e., to fulfill the verse “If I set not Jerusalem above my greatest joy” (Psalms 137:6), the Meiri cites an additional reason: In many places in the Bible, the relationship between God and the Jewish people is likened to the relationship between a man and woman, or a bride and groom, e.g., “And as the bridegroom rejoices over the bride, so shall your God rejoice over you” (Isaiah 62:5). Therefore, while reciting blessings over the marriage of a man and a woman, it is appropriate to mention the relationship of God and His people.

As You gave joy to Your creations – כְּשִׂמְחַתְךָ יְצִירְךָ: In the midrash there is a description of how God prepared the wedding celebration for Adam and Eve, and the angels were the wedding guests (see *Eiruvין* 18a).

Rabbi Shimon – רבי שמעון: Rabbi Shimon was the youngest son of Rabbi Yehuda HaNasi and his foremost student. He was a member of the group of prominent students of Rabbi Yehuda HaNasi and discussed halakhic issues with them. He was especially close to Rabbi Hiyya, who was also his close friend and his partner in the silk business. In many sources, it is evident that Rabbi Shimon was very scrupulous with regard to his honor, which he considered to be related to the honor of the office of the *Nasi*. He was especially careful to ensure that nothing he did or said would reflect poorly on the reverence due his prominent father.

At least one of his statements is cited in the Mishna, although he a member of the transitional generation between *tanna'im* and *amora'im*. His statements are often introduced with the term: It was stated, characteristic of statements of *amora'im*.

Rabbi Yehuda HaNasi considered Rabbi Shimon a Torah luminary and before his death appointed him *Hakham*, the third-highest position in the Sanhedrin after the *Nasi* and the deputy *Nasi*. He appointed Rabbi Shimon's older brother, Rabban Gamliel, to succeed him as *Nasi*.

NOTES

Recited six blessings – בְּרִיךְ שֵׁית: There is a dispute with regard to which blessing is the one omitted by Levi and Rav Asi. According to Rashi, it is the second blessing. According to the Ri Migash, it is the third blessing.

The Gemara is referring to either five or six blessings that are recited. However, the custom of referring to the wedding blessings as the seven blessings is an early one. The practice, originating with the *ge'onim*, is to recite the blessing over wine prior to the six wedding blessings. In other places, a blessing was recited over a myrtle branch (*Seder Rav Amram Gaon*), or even over wine and incense. Rabbeinu Tam adopted a different approach. Because today betrothal and marriage are held consecutively, the blessing of betrothal that precedes the six wedding blessings brings the total to seven.

One act of creation or two acts of creation – יְצִירַת אֶחָת – או שְׁתֵּים: Most commentaries understand this question like the question raised in tractate *Eiruvim*: Were man and woman created separately, or was Adam created with two faces and subsequently separated into man and woman? Rabbeinu Hananel, however, explains it differently. The opinion that says that there were two separate creations holds that man and woman were created separately. However, the first woman fled and a second woman was created from man.

Initially, the thought entered God's mind to create two, but ultimately only one was actually created – בְּתַחֲלָה עָלָה בְּמַחְשְׁבָה לְבְרָאוֹת שְׁנַיִם, וְלַבְּסוֹף נִבְרָא אֶחָד: The Maharsha explains that initially God thought to create man and woman separately, as He had all the other species. However, anticipating potential discord, He ultimately created them together and then separated them, to enhance the potential of peaceful coexistence.

לֹוֹי אִיקָלַע לְבֵי רַבִּי בְּהַלּוּלִיָּה דְרַבִּי שְׁמַעוֹן בְּרִיָּה, בְּרִיךְ חֲמִשָּׁה. רַב אֲסִי אִיקָלַע לְבֵי רַב אֲשִׁי בְּהַלּוּלִיָּה דְרַבִּי מַר, בְּרִיךְ שֵׁית.

לִמָּא בְּהָא קַמִּפְלַגִּי, דְּמַר סַבְרָא תְּדָא יִצְרִיָּה הוּא, וְמַר סַבְרָא: שְׁתֵּי יִצְרִוֹת הוּא?

לָא, דְּכוּלִּי עָלְמָא תְּדָא יִצְרִיָּה הוּא, מַר סַבְרָא: בְּתַר מַחְשְׁבָה אֲזִילִין, וְמַר סַבְרָא: בְּתַר מַעֲשֵׂה אֲזִילִין. כִּי הָא דְרַב יְהוּדָה רָמִי: כְּתִיב "וַיִּבְרָא אֱלֹהִים אֶת הָאָדָם בְּצַלְמוֹ", וְכִתִּיב "זָכָר וּנְקֵבָה בְּרָאם", הָא בִּיַּעַד? בְּתַחֲלָה עָלָה בְּמַחְשְׁבָה לְבְרָאוֹת שְׁנַיִם, וְלַבְּסוֹף נִבְרָא אֶחָד.

רַב אֲשִׁי אִיקָלַע לְבֵי רַב כְּהֵנָא, יוֹמָא קָמָא בְּרִיךְ בּוּלְהוּ, מִכְּאֵן וְאִילָךְ, אִי אִיבָא פְּנִים חֲדָשׁוֹת – בְּרִיךְ בּוּלְהוּ, וְאִי לָא – אַפּוּשֵׁי שְׂמַחָה בְּעָלְמָא הוּא, מִבְּרִיךְ "שְׂהַשְׂמַחָה בְּמַעוֹנֵי" וְ"אֲשֵׁר בְּרָא".

The Gemara relates: Levi happened to come to the house of Rabbi Yehuda HaNasi during the wedding celebration of Rabbi Shimon,^p his son, and recited five of these blessings. Rav Asi happened to come to the house of Rav Ashi during the wedding celebration of Mar, his son, and recited sixⁿ of these blessings.^h

The Gemara suggests: Let us say that they disagree about this: One Sage holds: It was one act of creation with which man was created. And one Sage holds: It was two acts of creation with which man was created.ⁿ The first opinion, that there was one act of creation, is based on the concept that man was created with two sides, one male and one female. There was no additional act of creation. Man and woman were subsequently separated into two independent beings. Therefore, there is no need for the two blessings: Who created mankind, and: Who created mankind in His image. The second opinion is that there were in fact two separate acts of creation. Therefore, it is appropriate to recite two blessings with regard to the creation of mankind.

The Gemara rejects that suggestion: No, everyone agrees that it was only one act of creation. However, one Sage holds: It is according to the initial thought that we proceed. And one Sage holds: It is according to the action that we proceed. God's initial thought was to create man and woman as separate entities. Ultimately, they were created as one entity. That explanation is like the following. Rav Yehuda raises a contradiction. In one verse it is written: "And God created man in His own image" (Genesis 1:27), indicating one act of creation, and in another verse it is written: "Male and female He created them" (Genesis 5:2), indicating two acts. How can this apparent contradiction be resolved? Initially, the thought entered God's mind to create two, but ultimately only one was actually created.ⁿ

The Gemara relates: Rav Ashi happened to come to the house of Rav Kahana to attend a wedding. The first day he recited all seven blessings.^h From that point forward, if there were new faces present,^h he recited all the blessings, and if not,^h he would say: It is merely an extension of the original celebration, and he would recite the blessing: In Whose dwelling is joy, in the *zim-mun* prior to Grace after Meals, and the sixth blessing after Grace after Meals: Who has created.

HALAKHA

Recited six blessings – בְּרִיךְ שֵׁית: The six blessings recited at the wedding are (1) Blessed...Who has created all for His glory, (2) Blessed...Creator of man, (3) Blessed...Who created man... Creator of man, (4) May the barren city greatly rejoice... Blessed... Who gladdens Zion through her children, (5) Bring great joy to these loving friends... Blessed...Who makes groom and bride rejoice, (6) Blessed...Who has created... Blessed...Who makes the groom rejoice with the bride (Rambam *Sefer Ahava, Hilkhhot Berakhot* 2:11, *Sefer Nashim, Hilkhhot Ishut* 10:3; *Shulhan Arukh, Even HaEzer* 62:7).

The first day he recited all seven blessings – יוֹמָא קָמָא בְּרִיךְ: Most authorities rule that all seven blessings, the six mentioned in the Gemara and the benediction over wine, are recited at the first wedding meal, even if there are no new faces who did not attend the wedding ceremony partaking of the meal (Rosh; *Tur*), and even in the marriage of a widower to a widow. According to the Rif, the Rambam, and *Tosafot*, when there are no new guests the six blessings are not recited, even at the first

meal. However, if there are new faces, one recites the blessings at the conclusion of all meals throughout the day (see *Beit Shmuel; Arukh HaShulhan*; Rambam *Sefer Ahava, Hilkhhot Berakhot* 2:9–10; *Tur, Even HaEzer* 62, *Shulhan Arukh, Even HaEzer* 62:1).

From this point forward if there were new faces present – מִכְּאֵן וְאִילָךְ: The seven blessings are recited at each of the meals during the seven days of the wedding feast, when new faces are in attendance (Rambam *Sefer Ahava, Hilkhhot Berakhot* 2:9–10; *Shulhan Arukh, Even HaEzer* 62:7).

And if not – וְאִילָא: When there are no new faces at the meal during the seven days of the wedding feast, only the final marriage blessing: Who has created joy and gladness, is recited. The Rema writes that the prevalent custom is in accordance with those who maintain that this blessing is recited only when there are guests in attendance due to the wedding (Ramban; Ran). However, if they are dining with their family, even that blessing is not recited (Rambam *Sefer Ahava, Hilkhhot Berakhot* 2:9–10; *Shulhan Arukh, Even HaEzer* 62:7).

In Whose dwelling is joy – שְׂהֵמְחָה בְּמֵעוֹנוֹ – If one dines in the wedding house, he recites in the *zimmun* prior to the Grace after Meals: In Whose dwelling there is joy. According to Rav Pappa, this applies once the preparations for the wedding feast have begun. According to Rav Pappi, this applies within the thirty days after the wedding or at a meal celebrating the marriage throughout the first year of the marriage. If there is a quorum of ten men present, one recites: Our God, in Whose dwelling there is joy. That is the *halakha* as cited in the Gemara. In later times, in the wake of the numerous tragedies that befell the Jewish people, the prevalent custom is to recite: In Whose dwelling there is joy, only during the seven days of the wedding feast. In the case of a widower who married a widow, it is recited only during the first three days of marriage (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 5:5; *Shulhan Arukh*, *Even HaEzer* 62:13, citing *Tur*).

LANGUAGE

Wedding celebration [hillula] – הַלּוּלָא: From the Hebrew *hallel*, meaning praise. The Aramaic form, *hillula*, is used specifically for a wedding or a wedding celebration.

NOTES

Until twelve months of the year – עַד תְּרִיסֵר יָרְחֵי – **שְׂתָא**: The Ritva finds an allusion in the Torah to the fact that the marriage celebration lasts a year: “When a man takes a new wife...he shall be free for his house one year, and shall cheer his wife whom he has taken” (Deuteronomy 24:5).

From when they cast barley into the mortar – מְכִי רְמוֹ שְׂעִירֵי בְּאֶסְיִנְתָּא: Another explanation is that they would crush the shell of the barley to prepare from it sweet toasted grain, which they would eat at the wedding meal (*Shita Mekubbetzet*).

Recited six long blessings – בְּרִיךְ שֵׁית אַרְיֻכְתָּא – Rav Hai Gaon explains that the problem was not that Rav Tahlifa emended or added to the formula of the blessing. Rather, he deviated from the formula coined by the Sages in blessings. He changed short blessings, which do not both begin and conclude with: Blessed, into long blessings, which both begin and conclude with: Blessed.

In Whose dwelling is joy – שְׂהֵמְחָה בְּמֵעוֹנוֹ – Rav Haviava’s reasoning for reciting this blessing was that circumcision is a joyous occasion for the parents of the baby. There are several *halakhot* that reflect that celebratory aspect, e.g., the *tahanun* prayer is not recited that day. Some proposed reciting this formula at the redemption of the firstborn, where the baby does not experience pain. That was rejected, as it is only with regard to circumcision that there is an allusion in the Bible to special rejoicing (see *Megilla* 16b).

מִשְׁבְּעָה וְעַד שְׁלֹשִׁים. בֵּין אָמַר לְהוּ מַחְמַת הַלּוּלָא וּבֵין לֹא אָמַר לְהוּ מַחְמַת הַלּוּלָא – מְבָרֵךְ “שְׂהֵמְחָה בְּמֵעוֹנוֹ”. מְכָאן וְאֵילָךְ, אִי אָמַר לְהוּ מַחְמַת הַלּוּלָא – מְבָרֵךְ “שְׂהֵמְחָה בְּמֵעוֹנוֹ”, וְאִי לֹא – לֹא.

S Apropos the wedding blessings, the Gemara continues: **From seven days after the wedding until the thirtieth day, whether the groom said to the guests that he is inviting them due to the wedding celebration or whether he did not say to them that he is inviting them due to the wedding celebration, he recites the blessing: In Whose dwelling is joy.**¹¹ **From this point, thirty days after the wedding, forward, if he said to them that he is inviting them due to the wedding celebration [hillula],¹² he recites the blessing: In Whose dwelling is joy, and if not, he doesn't.**

וְכִי אָמַר לְהוּ מַחְמַת הַלּוּלָא עַד אֵימַתָּ? אָמַר רַב פַּפִּי מִשְׁמִיחָה דְרַבָּא: עַד תְּרִיסֵר יָרְחֵי שְׂתָא. וּמַעֲיָקְרָא מֵאֵימַתָּ? אָמַר רַב פֶּפְא: מְכִי רְמוֹ שְׂעִירֵי בְּאֶסְיִנְתָּא. אֵינִי? וְהָא רַב פֶּפְא אֵינְסֵק לְאַבָּא מִרְיָה, וּבְרִיךְ מִשְׂעֵת אִירוּסִין! שְׂאֵנִי רַב פֶּפְא דְהוּהוּ טְרִיחַ לִיָּה.

The Gemara asks: **And when the groom said to them that he is inviting them due to the wedding celebration, until when is this blessing recited?** **Rav Pappi said in the name of Rava: Until twelve months of the year¹¹** have passed since the wedding. Since his legal status remains that of a groom, the blessing: **In Whose dwelling is joy, may be recited.** The Gemara asks: **And initially, prior to the wedding, from when is that blessing recited?** **Rav Pappa¹² said: From when they cast barley into the mortar¹³** to prepare beer for the wedding. The Gemara asks: **Is that so? But didn't Rav Pappa, involve himself in preparations for the wedding of his son, Abba Mar, and begin reciting the blessing from the time of betrothal? Rav Pappa is different, because the wedding preparations had already been prepared for him, and it was merely a matter of waiting for the designated time to arrive. Therefore, the wedding celebration began for him from the time of betrothal.**

רַבִּינָא אֵינְסֵק לִיָּה לְבְרִיָּה בִּי רַב חֲבִיבָא, וּבְרִיךְ מִשְׂעֵת אִירוּסִין. אָמַר: קִים לִי בְּגוּיָהוּ דְלֹא הָדְרִי בְּהוּ. לֹא אֶסְתַּיֵּעַ מִלִּילָתָא, וְהָדְרִי בְּהוּ. רַב תַּחְלִיפָא בְּרַם מְעֻבָּא אֵינְסֵק לְבָבְלָא, בְּרִיךְ שֵׁית אַרְיֻכְתָּא. וְלִית הַלְכְּתָא כְּוֹתִיָּה.

The Gemara relates: **Ravina arranged for his son to marry a woman from the house of Rav Haviava and recited the blessing from the time of betrothal. He said: I am certain with regard to them, that they will not retract their commitment and terminate the betrothal, and the wedding will take place on time. Nevertheless, the matter was not to be, and ultimately they retracted their commitment, and the wedding was canceled.** The Gemara relates: **Rav Tahlifa, from the West, i.e., Eretz Yisrael, happened to come to Babylonia, and he elaborated on the themes of the wedding blessings and recited six long blessings.**¹⁴ **The Gemara concludes: And the halakha is not in accordance with his opinion. Rather, one must adhere to the formula coined by the Sages.**

רַב חֲבִיבָא אֵינְסֵק לְבִי מְהוּלָא, בְּרִיךְ “שְׂהֵמְחָה בְּמֵעוֹנוֹ”, וְלִית הַלְכְּתָא כְּוֹתִיָּה, מִשּׁוּם דְטְרִידי, דְאִית לִיָּה צְעָרָא לְיָנוּקָא.

It is further related: **Rav Haviava happened to come to the house where a circumcision was taking place. He recited the blessing: In Whose dwelling is joy.**¹⁵ **The Gemara concludes: And the halakha is not in accordance with his opinion. Since the parents of the baby are anxious, as the baby is experiencing pain, it is not appropriate to recite the blessing under those circumstances.**

PERSONALITIES

Rav Pappa – רַב פֶּפְא: Rav Pappa was a fifth-generation Babylonian *amora*. He was a student of both Abaye and Rava in Pumbedita. Rav Pappa established an academy in Neresh, where he was joined by his close friend Rav Huna, son of Rav Yehoshua, who delivered the principal lecture. After Rava's death, many of his students came to study with Rav Pappa, and more than two hundred students attended his lectures.

Rav Pappa's father was a wealthy merchant who supported him throughout his many years of study. Rav Pappa became a wealthy businessman in his own right, successful as a brewer of date beer as well as in his other business ventures. The Talmud

records that he engaged in trade with both Jews and gentiles and had a reputation for fairness and generosity in his business dealings. Rav Huna, son of Rav Yehoshua, was his partner in many of those and also became wealthy.

Rav Pappa was blessed with ten sons, all of whom were Torah scholars. Traditionally, the names of the ten sons of Rav Pappa are enumerated as part of the formula recited upon completion of the study of a tractate. While the source of this tradition is unclear and the identities of the sons are uncertain, the Rema suggests that it commemorates the celebrations of Rav Pappa and his sons upon completion of a tractate.

BACKGROUND

From when they cast barley into the mortar [asinta] – מְכִי רְמוֹ – **שְׂעִירֵי בְּאֶסְיִנְתָּא**: *Asinta* is a synonym, or perhaps a diminutive, for *asita*, meaning mortar, which is a bowl used in crushing. Rashi cites two possible explanations that appear in geonic literature. One explanation is that the reference is to placing barley seeds into a vessel to soak them in preparation for brewing beer. There is a variant reading: Once the barley is soaked. *Tosafot* on *Avoda Zara* 8b question that explanation because in the talmudic period, beer

was brewed from dates, not barley. Furthermore, *Tosafot* note that mortars are not used for soaking.

The second explanation in Rashi, which is also cited in the *Arukh*, is that there was a custom to sow barley seeds before the wedding and to bring the barley sprouts before the bride and groom as an auspicious sign for fertility. The *Arukh* cites an additional explanation: The reference is to crushing barley in the mortar to prepare sweet toasted grain.

NOTES

Grooms are included in the tally – חתנים מן המניין: The simple reason for this halakha is that at the wedding the groom participates in the celebration, and therefore he is included in the tally, as it is written: "And shall cheer his wife whom he has taken" (Deuteronomy 24:5). A mourner does not participate in the comforting of mourners, and therefore he is not included in the tally (Talmidei Rabbeinu Yona). An alternative explanation is that a mourner, who is in a state of despondency and sadness, cannot be included in the quorum of ten, where the Divine Presence rests, as the Divine Presence does not rest in an atmosphere of sadness (Penei Yehoshua).

Rav himself had tanna status and could disagree – רב תנא: Rav Hai Gaon writes that in at least three places in the Talmud (see, e.g., Ketubot 81a), a tanna by the name of Rav Abba is mentioned and the reference is to Rav, indicating that Rav was one of the last tanna'im cited in baraitot.

HALAKHA

Grooms are included in the tally – חתנים מן המניין: The benediction of the grooms is recited only in the presence of a quorum of ten adult males, and the groom himself is included in the tally (Rambam Sefer Nashim, Hilkhot Ishut 10:5; Shulhan Arukh, Even HaEzer 62:4).

Perek I
Daf 8 Amud b

HALAKHA

When that baraita is taught, it is with regard to Grace after Meals – כי תנא היא: A mourner is included in the tally of people required in order to recite the zimmun, the invitation to Grace After Meals, both for the quorum of three and for the quorum of ten, in accordance with the explanation of Rashi. Some authorities question whether this ruling applies even at the meal of comfort, the first meal eaten by the mourners upon returning from the cemetery after a funeral (see Mordekhai; Shakh; Dagul MeRevava; Rambam Sefer Shofetim, Hilkhot Evel 4:6; Shulhan Arukh, Yoreh De'a 379:5).

With regard to a line – בשורה: After the burial, only if there is a quorum of ten, not including the mourners, do those assembled stand in a line and offer the mourners words of consolation (Rambam Sefer Shofetim, Hilkhot Evel 13:1; Tur, Yoreh De'a 376).

NOTES

With regard to a line – בשורה: Rav Hai Gaon writes that the custom was that after the burial, those comforting the mourners would stand in rows. In the first row, those with the closest ties to the mourner would stand; in the second row, those with ties that were not as close, etc. Each row would consist of at least ten of those providing comfort.

The blessing recited in the square – ברחבה: During talmudic times, the practice was to perform the rite of standing and sitting in the square next to the cemetery. They would sit and then stand, and sit, and stand again. While they were sitting, and each time they sat, statements of comfort like those cited in the Gemara were said (ge'onim).

In a case where new faces are present – בפנים חדשות: During festive times, the joy is enhanced when people who did not yet participate in the celebration arrive, and it is therefore appropriate to recite the wedding blessing. So too, when new people come to comfort the mourner, the feelings of mourning are again aroused and statements of comfort are appropriate.

אמר רב נחמן אמר רב: חתנים מן המניין, ואין אבלים מן המניין. מיתבי: חתנים ואבלים מן המניין! מתניתא קא רמית עליה דרב – רב תנא הוא, ופליג. איתמר, אמר רבי יצחק אמר רבי יוחנן: חתנים מן המניין, ואין אבלים מן המניין. מיתבי: חתנים ואבלים מן המניין!

Rav Nahman said that Rav said: With regard to the quorum of ten required to recite the wedding blessings, grooms are included in the tally.^{NH} And mourners are not included in the tally for the blessing of the mourners. The Gemara raises an objection from a baraita: Grooms and mourners are included in the tally. The Gemara responds: Are you raising a contradiction from a baraita against the opinion of Rav? Rav himself had tanna status and therefore, unlike later amora'im, could disagree^N with opinions of tanna'im. It was stated: Rabbi Yitzhak said that Rabbi Yohanan said: Grooms are included in the tally, but mourners are not included in the tally. The Gemara raises an objection from the baraita cited above: Grooms and mourners are included in the tally.

כי תנא היא – בברכת המזון, כי קאמר רבי יוחנן – בשורה.

ואלא הא דאמר רבי יצחק אמר רבי יוחנן: מברכים ברכת חתנים בעשרה – וחתנים מן המניין, וברכת אבלים בעשרה – ואין אבלים מן המניין. ברכה בשורה מי איכא? אלא, כי קאמר רבי יוחנן – ברחבה.

ואלא הא דאמר רבי יצחק אמר רבי יוחנן: מברכים ברכת חתנים בעשרה כל שבעה – וחתנים מן המניין, וברכת אבלים בעשרה כל שבעה – ואין אבלים מן המניין, ברכת רחבה כל שבעה מי איכא? משכחת לה בפנים חדשות.

The Gemara answers: When that baraita is taught, it is with regard to combining with others to form a quorum of three to recite Grace after Meals,^H as a mourner is obligated to recite Grace after Meals. However, when Rabbi Yohanan says that mourners are not included in the tally, it is with regard to the quorum of ten men required to form a line^{HN} to comfort the mourners following the burial.

And the Gemara raises an objection: However, that which Rabbi Yitzhak said that Rabbi Yohanan said: One recites the blessing of the grooms in a quorum of ten, and the grooms are included in the tally, and one recites the blessing of the mourners in a quorum of ten, and the mourners are not included in the tally. Is there a blessing recited in the line formed to comfort the mourners? Clearly, this statement of Rabbi Yohanan cannot be explained as referring to the line. Rather, when Rabbi Yohanan said that mourners are not included in the tally, it was with regard to the blessing recited in the square^N adjacent to the cemetery, where the meal of comfort takes place and various blessings are recited to comfort the mourners. Mourners are not included in the requisite quorum of ten.

The Gemara asks: However, with regard to that which Rabbi Yitzhak said that Rabbi Yohanan said: One recites the blessing of the grooms in a quorum of ten all seven days of celebration, and the grooms are included in the tally; and one recites the blessing of the mourners all seven days of mourning in a quorum of ten, and the mourners are not included in the tally, is there a blessing recited in the square all seven days? The meal of comfort and the associated blessings take place directly after the burial, not throughout the seven days of mourning. The Gemara answers: You find blessings recited throughout the seven-day mourning period in a case where new faces who did not attend the burial are present.^N In that case, eulogies and words of comfort are repeated, and the blessing of the mourners is recited again.

כִּל קָבִיל יְנוּקָא – With regard to the death of the child – The Maharsha explains that this is mentioned here because ostensibly, young children are not subject to punishment at all, and those younger than twenty years old are not punished at the hand of Heaven. Therefore, when children suffer, one might have a grievance against God. Consequently, Reish Lakish asked his disseminator to explain that their deaths are attributable to the sins of others.

וַיִּרְא ה' – And the Lord saw it and He abhorred them – Fundamentally, a minor is not considered an independent individual with personal responsibility who is subject to reward and punishment for his actions. Rather, minors are without sin. Their deaths are merely to torment their relatives.

Everyone knows why a bride enters the wedding canopy – הַכֹּל יוֹדְעִין בְּלֵה לְמִוּה נִכְנְסָה לַחֹפֶה – The Maharsha writes that the punishment fits the crime in this case. Anyone who profanes his mouth with regard to the bride entering the wedding canopy will die young before entering the wedding canopy.

כי הא דרב חייה בר אבא מקרי בגיה דריש לקיש הוה, ואמרי לה מתני בריה דריש לקיש הוה. שכיב ליה ינוקא. יומא קמא לא אול לגביה, למחר דבריה ליהודה בר נחמני מתורגמניה, אמר ליה: קום אימא מלתא כל קביל ינוקא. פתח ואמר: "וירא ה' וינאץ מבטם בניו ובנותיו", דור שאבות מנאצים להקדוש ברוך הוא – פועם על בגיהם ועל בנותיהם, ומיתים בשיהם קטנים.

S This is similar to that incident involving Rav Hiyya bar Abba, who was the Bible teacher of the sons of Reish Lakish, and some say that he was the Mishna teacher of the son of Reish Lakish. His child died. On the first day, Reish Lakish did not go to comfort him. The next day, he took Yehuda bar Nahmani,^p his disseminator, with him to comfort Rav Hiyya bar Abba. Reish Lakish said to his disseminator: **Stand and say a matter of comfort with regard to the death of the child.**ⁿ He began and said: **"And the Lord saw it and He abhorred them,ⁿ due to the provocation of His sons and His daughters"** (Deuteronomy 32:19). **A generation in which the fathers abhor the Holy One, Blessed be He, He is angered at their sons and their daughters, and they die when they are small.**

ואיכא דאמרי: בחור הוה, והכי קאמר ליה: "על בן על בחוריו לא ישמח ה' ואת יתומיו ואת אלמנותיו לא ירחם כי כלו חנף ומרע וכל פה דבר נבלה בכל זאת לא שב אפו ועוד ידו נטויה", מאי "ועוד ידו נטויה"? אמר רב חנן בר רב: הכל יודעין בלה למה נכנסה לחופה, אלא כל המנבל פיו ומוציא דבר נבלה מפיו, אפלו נחתם לו גור דינו של שבועים שנה לטובה – נהפך עליו לרעה.

And there are those who say that the child who died was not a small child, but a youth, and this is what the disseminator said to him: **"Therefore the Lord shall have no joy in their young men, nor shall He have compassion on their orphans and widows, for everyone is a flatterer and an evildoer, and every mouth speaks obscenity. For all this His anger is not turned away, and His hand is still outstretched"** (Isaiah 9:16). What is the meaning of the phrase **"And His hand is still outstretched"**? Rav Hanan bar Rav said: **Everyone knows why a bride enters the wedding canopy.**ⁿ It is the step before consummation of the marriage. However, one should not speak about it unnecessarily, as anyone who profanes his mouth and issues a matter of profanity from his mouth, even if a positive decree of seventy years was sealed for him, nevertheless, it is transformed for him into an evil decree.

אתא לנחומי, צעורי קמצער ליה? הכי קאמר ליה: חשיב את לאתפוס אדרא.

The Gemara asks about this incident: **He came at the behest of Reish Lakish to comfort Rav Hiyya bar Abba and instead he upset him by attributing the death of his son to his transgressions.** The Gemara answers: It was not his intention to upset Rav Hiyya bar Abba and to attribute the death of his son to his actions. Rather, **this is what he is saying to him: You are sufficiently significant to be seized, i.e., to die or suffer, for the sins of the generation, as it is specifically the righteous few who are punished for the transgressions of a sinful generation.**

אמר ליה: קום אימא מלתא כנגד שבחו של הקדוש ברוך הוא. פתח ואמר: האל הגדול ברוב גדלו, אדיר וחזק ברוב נוראות, מחיה מתים במאמרו, עושה גדולות עד אין חקר ונפלאות עד אין מספר, ברוך אתה ה' מחיה המתים.

Reish Lakish said to his disseminator: **Stand and say a statement with regard to the praiseworthiness of the Holy One, Blessed be He. He began and said: God, Who is great in the abundance of His greatness, mighty and strong in the abundance of His awesome deeds, Who revives the dead in fulfillment of His statement, Who does great deeds beyond comprehension, wondrous deeds without number. Blessed are You, Lord, Who revives the dead.**

אמר ליה: קום אימא מלתא כנגד אבלים. פתח ואמר: אחינו המיוגעים המדוכאים באבל הזה, תנו לבבכם לחקור את זאת. זאת היא עומדת לעד, נתיב הוא משישת ימי בראשית, רבים שתו רבים ישתו, כמשתה ראשונים כך משתה אחרונים. אחינו, בעל נחמות ינחם אתכם, ברוך מנחם אבלים.

Reish Lakish said to him: **Stand and say a statement with regard to the mourners. He began and said: Our brothers, who are exhausted, who are overwhelmed by this mourning, set your heart to examine this: This is what stands forever. It is a path from the six days of Creation, i.e., death exists since Creation, and it is well known that this is the fate of man. Many have drunk from the poisonous cup of death, and many will drink. As was the consequence of the drink of the first who have drunk, so too will be the consequence of the drink of the last who will drink. Our brothers, may the Master of solace comfort you. Blessed are You, Lord, Who comforts the mourners.**

PERSONALITIES

Rabbi Yehuda bar Nahmani – רבי יהודה בר נחמני: Rabbi Yehuda bar Nahmani was also known as Rabbi Yudan, and his father was identified at times as bar Nahman or bar Neḥemya. He was one of the great homiletic experts of his generation. In addition to his role as disseminator of the Torah of Reish Lakish, both he and his colleague Rabbi Levi would lecture on *aggada* before the congregation, as a prelude to the central lecture of Rabbi Yoḥanan. The Talmud and Midrash cite several homiletic interpretations attributed to him, and he often cited the statements of Reish Lakish.

NOTES

Many have drunk – רבים שתו: Some explain that this dispute is dependent on the question of whether, at the end of days, when people will live much longer, death will still exist. Abaye was of the opinion that at that time death will no longer exist. Therefore, the expression that death is ubiquitous is inappropriate (Hyun Ya'akov).

A person should never open his mouth to Satan – לעולם לא יפתח אדם פיו לשטן: A person explicitly makes a statement about some event, he thereby prepares himself psychologically for its occurrence. He thereby renders it a genuine possibility, enhancing its potential for realization. Therefore, one should avoid speaking badly about himself (Maharsha).

Ten cups of wine – עשרה כוסות: It appears from the commentary of Rashi and the Meiri that the ten cups mentioned here are considered obligatory, to ease the pain of the mourner. However, from the comments of the Rambam and others, it appears that it was not required, although the custom was to drink one cup of wine.

One corresponding to the first blessing: Who feeds all – אחד כנגד הן וכו': The Ritva writes that there is an inherent connection between each of the blessings and mourning. The first blessing: Who feeds all, states that God provides sustenance to all His creations. The request for sustenance is therefore a request for life. The second blessing, the blessing of the land, reflects the verse: "So that your days will be lengthened... upon the land which the Lord swore unto your fathers to give them" (Deuteronomy 11:21). The third blessing: Who builds Jerusalem, is connected to mourning because it written that with the restoration of Zion: "He will swallow up death forever" (Isaiah 25:8). The fourth blessing: Who is good and does good, was instituted in praise of God for the fact that those massacred in Beitar were ultimately buried. According to the variant reading of the Vilna Gaon, this passage is omitted. He explains that perhaps the four cups were instituted parallel to the four blessings of consolation spoken by the disseminator.

The Sages restored the matter to its previous status – החזירו הדבר ליושנה: According to Rashi and the Rambam, the explanation is that they restored the custom of drinking ten cups and no more. The Ramban, the Rashba, the Ritva, and Rabbi Aharon HaLevi explain that they restored the custom that the mourner drinks wine only during the meal, and they do not drink ten cups, and this is the prevalent custom.

HALAKHA

The Sages instituted ten cups of wine in the house of the mourner – עשרה כוסות תקנו חכמים בבית האבל: According to the Rambam, mourners may not drink more than ten cups of wine each: Three prior to the meal, three during the meal, and four after the meal. They may drink no more than that lest they get drunk. The Beit Yosef notes that according to the Rambam there is no obligation to drink ten cups of wine. There is merely a prohibition against drinking more than that quantity. The Shulhan Arukh, based on the Rambam (Sefer Shofetim, Hilkhot Evel 4:6), rules that after the burial, the mourner is permitted to drink a small amount of wine in order to facilitate digestion, but not enough to become drunk (Rambam Sefer Shofetim, Hilkhot Evel 13:8; Shulhan Arukh, Yoreh De'a 378:8).

BACKGROUND

To open his intestines – לפתוח את בני מעיו: A small amount of wine stimulates secretion of stomach enzymes and thereby whets the appetite. That quality, along with its ability to ease inhibitions, makes wine an ideal drink for a mourner. Mourning often suppresses one's appetite, and eating and drinking help the mourner deal with the emotional strain of his mourning.

אמר אביי: רבים שתו – לימא: רבים ישתו – לא לימא. משתה ראשונים – לימא: משתה אחרונים – לא לימא. דאמר רבי שמעון בן לקיש, וכן תנא משמיה דרבי יוסי: לעולם אל יפתח אדם פיו לשטן. אמר רב יוסף: מאי קרא – בסדרים היינו לעמודה דמינו? מאי אהדר ליה – שמעו דבר ה' קציני סדום וגו'.

אמר ליה: קום אימא מלתא כנגד מנחמי אבלים. פתח ואמר: אחינו גומלי חסדים בני גומלי חסדים, המחזיקים בבריתו של אברהם אבינו, (שנאמר) בי ידעתי למען אשר יצוה את בניו וגו'. אחינו, בעל הגמול וישלם לכם גמולכם, ברוך אתה משלם הגמול.

אמר ליה: קום אימא מלתא כנגד כל ישראל. פתח ואמר: רבון העולמים, פדה והציל מלט השע עמך ישראל מן הדבר, ומן החרב, ומן הביזה, ומן השדפון, ומן היקזון, ומכל מיני פורעניות המתרגשות ובאות לעולם. טרם נקרא ואתה תענה, ברוך אתה עוצר המגפה.

אמר עולא, ואמרי לה במתניתא תנא: עשרה כוסות תקנו חכמים בבית האבל; שלשה קודם אכילה – כדי לפתוח את בני מעיו, שלשה בתוך אכילה – כדי לשרות אכילה שבמעיו, וארבעה לאחר אכילה – אחד כנגד "הן", ואחד כנגד ברכת הארץ, ואחד כנגד "בונה ירושלים", ואחד כנגד "הטוב והמטיב".

הוסיפו עליהם ארבעה: אחד כנגד חזון העיר, ואחד כנגד פרנסי העיר, ואחד כנגד בית המקדש, ואחד כנגד רבן גמליאל. התחילו, היו שותתין ומשתכרין. החזירו הדבר ליושנה.

Abaye said with regard to the statement concerning the mourners: Let him say: Many have drunk;ⁿ let him not say: Many will drink. Let him say: The drink of the first; let him not say: The drink of the last. This is as Rabbi Shimon ben Lakish said, and likewise it was taught in the name of Rabbi Yosei: A person should never open his mouth to Satanⁿ and speculate about potential disasters. Rav Yosef said: What is the verse from which it is derived? "We should have almost been as Sodom, we should have been like unto Gomorrah" (Isaiah 1:9), after which, what did the prophet reply to them? "Hear the word of the Lord, rulers of Sodom; give ear unto the law of our God, people of Gomorrah" (Isaiah 1:10). Isaiah drew the analogy and immediately it was realized.

Reish Lakish said to the disseminator: Stand and say a statement with regard to those who comfort the mourners. He began and said: Our brothers, bestowers of loving-kindness, sons of bestowers of loving-kindness, who embrace the covenant of Abraham our Patriarch, as it is stated: "For I know him, that he will command his children... to do righteousness and justice" (Genesis 18:19). Our brothers, may the Master of reward pay you your just deserts. Blessed are You, Lord, Who pays the just deserts.

Reish Lakish said to the disseminator: Stand and say a statement with regard to the entire Jewish people. He began and said: Master of the worlds, redeem and save, rescue and deliver Your people, Israel, from the pestilence and from the sword, and from spoil, and from the blight, and from the mildew, and from all types of afflictions that suddenly erupt and come to the world. Before we call and You will respond. Blessed are You, Lord, Who halts the plague. Apparently, several blessings are recited on the days following the burial.

In connection with comforting mourners, Ulla said, and some say that it was taught in a baraita: The Sages instituted ten cups of wineⁿ to be drunk in the house of the mourner:^h Three cups prior to the meal, in order to open his intestines,^b i.e., whet his appetite; three during the meal, to soak the food in his intestines in order to facilitate digestion; and four cups after the meal, each corresponding to a blessing in the Grace after Meals. One corresponds to the first blessing: Who feeds all;ⁿ one corresponds to the second blessing, the blessing of the land; one corresponding to the third blessing: Who builds Jerusalem; and one corresponding to the fourth blessing: Who is good and does good.

Later, the Sages added to those four additional blessings: One, noting the actions of the attendants of the city [hazzanei ha'ir],^l who tend to burials and other communal needs; one, noting the actions of the leaders of the city, who would provide funding for the burial of the poor; one, noting the Temple, commemorating its destruction; and one, noting the actions of Rabban Gamliel. The people began observing this ordinance instituted by the Sages, and they would drink and become intoxicated. Therefore, the Sages restored the matter to its previous statusⁿ and established that they drink no more than ten cups.

LANGUAGE

Attendants of the city [hazzanei ha'ir] – חזני העיר: In the Talmud and the Mishna, the word hazzan means a caretaker, one responsible for upkeep and seeing to the needs of a particular place. In this vein, there is a hazzan in a synagogue, in the court, and in the city.

There are several opinions with regard to the source of the word. According to early authorities, it comes from the word haza, meaning one who sees or oversees the particular needs of a certain place (Dunash). Others associate the word with the

Akkadian ahazan, meaning officer, because the hazzan would fill the role of the local police and low-level government officials. Here too, the reference is to attendants, among whose tasks was dealing with the burial of the dead.

The use of the term hazzan in the exclusive sense of prayer leader in the synagogue is a later phenomenon, although it appears in medieval Jewish literature. Perhaps one of the duties of the hazzan in ancient times was that of prayer leader.

And all the people conducted themselves following his example and instructed to take them for burial in linen garments – וְנָהֲגוּ כָּל הָעָם אַחֲרָיו לְהוֹצִיא בְּכֵלֵי פִשְׁתָּן: The prevalent custom is to bury the deceased in white linen shrouds, as per the allusion in the Gemara. The Rambam writes that according to the custom of the Sages, the shrouds should be worth no more than a dinar. However, if one wants to add to that sum, he is not reprimanded (Radbaz; Rambam *Sefer Shofetim, Hilkhot Evel* 4:1; *Shulḥan Arukh, Yoreh De'á* 352:2).

LANGUAGE

Rough cloth [tzerada] – צִרְדָּא: In the *Arukh*, this word is written *tzedara*. It is apparently related to the Middle Persian *čādūr*, meaning a veil.

מאי רבן גמליאל? דתניא: בראשונה היתה הוצאת המת קשה לקרוביו יותר ממימתו, עד שהיו מניחים אותו ובורחין. עד שבא רבן גמליאל ונהג קלות בעצמו, והוציאוהו בכלי פשתן. ונהגו כל העם אחריו להוציא בכלי פשתן, אמר רב פפא: והאידין נהגו עלמא אפילו בערדא בר זוזא.

What is the connection between Rabban Gamliel and a house of mourning? It is as it is taught in a *baraita*: **Initially, the funeral expenditures for the deceased were more taxing for his relatives than his death, as the burials were opulent, until it reached a point where people would abandon the deceased and flee. This continued until Rabbi Gamliel came and conducted himself in a self-deprecatory manner, instructing the people that they were to take him for burial in plain linen garments. And all the people conducted themselves following his example, and instructed their families to take them for burial in plain linen garments.**^h Rav Pappa said: **And today, everyone is accustomed to bury the dead in plain garments, even in rough cloth [tzerada]^l worth one zuz.**

אמר רבי אלעזר: Rabbi Elazar said:

Perek I

Daf 9 Amud a

האומר "פתח פתוח מצאתי" – נאמן לאוסרה עליו.

A groom who says: **I encountered an unobstructed orifice,**^{HN} claiming that when he consummated the marriage he discovered that his bride was not a virgin, is **credible^N to render her forbidden to himself.** Although it is not always possible to corroborate his claim with testimony that his wife committed adultery after betrothal, he is credible to render her forbidden to him as though she had in fact committed adultery.

ואמאי? ספק ספיקא הוא: ספק תחתיו ספק אין תחתיו, ואם תמצא לומר תחתיו – ספק באונס ספק ברצון!

The Gemara asks: **But why** is she forbidden to him? It is a case of **compound uncertainty.**^N It is **uncertain** whether she engaged in intercourse while **under his jurisdiction**, after betrothal, in which case she would be forbidden to him, and it is **uncertain** whether she engaged in intercourse while **not under his jurisdiction**, in which case she would not be forbidden to him. **And if you say** that she engaged in intercourse while **under his jurisdiction**, it is **uncertain** whether she engaged in intercourse **by coercion**, in which case she would not be forbidden to him, and it is **uncertain** whether she engaged in intercourse **willingly**, in which case she would be forbidden to him. In cases of compound uncertainty, the ruling is lenient. Why, then, is his claim deemed credible?

HALAKHA

A groom who says: I encountered an unobstructed orifice – האומר פתח פתוח מצאתי: If a priest betroths a woman, marries her after a period of time, and claims that he discovered that his wife was not a virgin when consummating the marriage, then the woman is forbidden to him, as there is only one uncertainty, whether she lost her virginity before or after she was betrothed to her husband. However, if the man is not a priest, the woman is permitted to her husband, as there is compound uncertainty: Did she lose her virginity before or after betrothal? And even if she lost her virginity after betrothal, it may have been by means of rape, in which case she is not forbidden to her non-priest husband (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 18:10; *Shulḥan Arukh, Even HaEzer* 68:7).

NOTES

I encountered an unobstructed orifice – פתח פתוח מצאתי: A fundamental question addressed by all the early commentaries is: What of the bleeding that accompanies rupture of the hymen? The presence or absence of blood clearly indicates whether or not a woman is a virgin. Rashi explains that perhaps the Gemara is referring to a woman from a family where the women do not bleed from a ruptured hymen, or perhaps the sheet was lost and it cannot be ascertained whether or not there was bleeding. Rabbeinu Hananel explains that the Gemara is dealing with a grown woman who does not bleed, although her hymen is intact (see *Tosafot*). The Ramban explains that even if there was bleeding, the groom could claim that it was the result of a wound or deceit. The Meiri adds that he could claim that it was menstrual blood.

With regard to the case itself, the groom is making a claim that cannot be corroborated by witnesses. Therefore, the matter is entirely dependent on the credibility of the husband and whether he is sufficiently knowledgeable to ascertain the matter.

Credible – נאמן: The early commentaries write that the groom is accorded credibility specifically when the bride denies the matter, claiming that she is a virgin and the husband is falsely

accusing her, or when she remains silent. However, if she can explain the lack of a hymen by claiming that she was raped or that she engaged in intercourse before betrothal, or that her hymen was ruptured by a foreign object, she is accorded credibility not only with regard to monetary claims, i.e., that she does not lose the right to payment of the marriage contract, but also with regard to the prohibition, i.e., she is not forbidden to her husband as an adulteress. This is because the husband's claim is not a certain one, as even if it is true that the orifice was unobstructed, he can only speculate how that came to be, while hers is a certain claim.

The early commentaries also question why the court doesn't make one of those effective claims on her behalf if she remains silent. They answer that the court does not do so because those occurrences are rare.

It is a case of compound uncertainty – ספק ספיקא הוא: This principle that the ruling is lenient in cases where there are multiple elements of uncertainty is unique to the Babylonian Talmud. According to the Jerusalem Talmud, she remains forbidden to him, just as she is in the case of *sota*, where he suspects that she committed adultery, although he is not accorded credibility to prohibit her to others or to void her marriage contract.

Various explanations were proposed with regard to the reason that the ruling is lenient in cases of compound uncertainty. The Rambam is of the opinion that in any case of uncertainty with regard to a Torah prohibition, the ruling is lenient by Torah law. The stringent ruling in those cases is by rabbinic law. Therefore, the second uncertainty is uncertainty with regard to a rabbinic prohibition, in which case the ruling is lenient.

According to *Tosafot*, who maintain that in any case of uncertainty with regard to a Torah prohibition the ruling is stringent by Torah law, the reason for leniency in the case of compound uncertainty is, according to the Rashba, based on the principle of majority. Since any uncertainty is essentially an equally balanced uncertainty, with each possibility carrying a probability of 50 percent, the second uncertainty, which is based on one of those possibilities, carries with it only a 25 percent probability of prohibition. The *Shakh*, in his summary of the principles of compound uncertainty (*Yoreh De'á* 110), writes that not every case of multiple uncertainties has the legal status of a compound uncertainty. In addition, based on the modern discipline of statistics and probability, there are cases where the elements of uncertainty are factored together and others where they are not. Later authorities greatly elaborate on this topic, conceptually and practically.