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Kesuvos Daf 5

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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

### Initial Cohabitation on Saturday Night

The *Gemora* had stated: He shall never cohabit with his virgin bride for the first time on Erev *Shabbos* (*Friday night*) or *Motzoei Shabbos* (*Saturday night*).

The *Gemora* asks: It is understandable that he shall not cohabit with his bride for the first time on Friday night because he will be causing a wound, which is prohibited to do on *Shabbos*, but what is the reason for the prohibition on Saturday night?

Rabbi Zeira answers: It is prohibited because this will result in making calculations on *Shabbos* (*if he will consummate the marriage on Motzoei Shabbos, the wedding feast will be held then and he will make calculations on Shabbos as to the cost of that festive meal, which is prohibited*).

Abaye asked: Are those calculations in fact forbidden to make on *Shabbos*? But surely we learned that Rav Chisda and Rav Hamnuna both said: Accounts for the sake of a *mitzvah* may be calculated on *Shabbos*. And Rabbi Elozar said: One may determine the amount of charity he will be giving to the poor on *Shabbos*. And Rabbi Yaakov said in the name of Rabbi Yochanan: One may go to the synagogues and study halls to attend to communal affairs on *Shabbos*. And Rabbi Yaakov bar Idi said in the name of Rabbi Yochanan: One may publicize matters of life and death on *Shabbos*. And Rav Shmuel bar Nachmeini said in the name of Rabbi Yonasan: One may go to amphitheatres and circuses to attend to communal affairs on *Shabbos*. And a *Tanna* in the Beis Medrash of Menashya taught: One is permitted to negotiate a match for a young girl for the sake of betrothal on *Shabbos*, and for someone to teach a young boy Torah or

to teach him a trade. (*Why can't we calculate the cost of the wedding feast on Shabbos?*)

Rather, Rabbi Zeira answers: It is prohibited to cohabit with his bride for the first time on *Motzoei Shabbos* because the Rabbis were concerned that he will slaughter a young bird on *Shabbos* to prepare for the wedding feast.

Abaye asked: If so, *Yom Kippur* that falls out on a Monday should be postponed until Tuesday because of the concern that he will slaughter a young bird on *Shabbos* to prepare for the feast that will be held on the day prior to *Yom Kippur*?

The *Gemora* answers: Regarding *Yom Kippur*, where the preparations are only for himself, we are not concerned that he will become preoccupied and forget that it is *Shabbos*, and slaughter a young bird; however, here, where the preparations are for all the people that will be attending the wedding feast, we are concerned that he will become preoccupied and forget that it is *Shabbos*, and slaughter a young bird.

Alternatively, you can answer that regarding *Yom Kippur*, where the feast is not eaten until the next day, there is ample time after *Shabbos* to prepare the meal, and we are not concerned that he will slaughter a young bird on *Shabbos*; however, here, where the wedding feast takes place immediately after *Shabbos*, we are concerned that he will slaughter a young bird on *Shabbos*.

The *Gemora* adds: Now that we have provided this answer, we can say that this could be the reason for not cohabiting with his bride for the first time on Friday night, because

perhaps he will slaughter a young bird on *Shabbos* (since the wedding feast might extend into *Shabbos*). (4b3 – 5a2)

### Wednesday or Wednesday Night?

The *Gemora* inquires: Does the *Mishnah* mean that a virgin is married on Wednesday and she cohabits with her husband on Wednesday, and we are not afraid that his anger will subside before Thursday morning (when *Beis Din* will be in session)? Or perhaps the *Mishnah* means that a virgin is married on Wednesday and she cohabits with her husband only on Wednesday night, because we are afraid that his anger will subside before Thursday morning?

The *Gemora* attempts to resolve the inquiry: Come and hear from the *Baraisa* which Bar Kappara taught: A virgin is married on Wednesday and she cohabits with her husband on Wednesday night because it was on the fifth day (of Creation) that the blessing for the fish was pronounced (Be fruitful and multiply, and fill the waters of the sea). A widow is married on Thursday and she cohabits with her husband on Thursday night because it was on the sixth day that the blessing for man was pronounced (Be fruitful and multiply, and fill the earth). It emerges that the only reason that the virgin cohabits on Wednesday night is on account of the blessing, but as to his anger subsiding, we are not afraid.

The *Gemora* asks: If so, the widow should cohabit on Wednesday night as well, since it was on the fifth day that the blessing for the fish was pronounced?

The *Gemora* answers: The blessing for man is a stronger reason.

Alternatively, you can answer that it was because the Rabbis were diligent in their concern for the welfare of Jewish women, like it was taught in the following *Baraisa*: Why did we say that a widow is married on Thursday and she cohabits with her husband on Thursday night? For if you would say that she should cohabit with her husband on Thursday, the next morning, the husband will rise and go to his work (leaving his bride home alone). Therefore the Sages watched

over the welfare of the Jewish women that he should rejoice with her for three days, namely, Thursday, Friday and *Shabbos*.

The *Gemora* asks: What is the practical difference between the two reasons?

The *Gemora* answers: A difference between them will be in a case where the husband does not work, or in a case where there was a festival on Friday (in both cases, we are not concerned that the husband will go to work, but the reason to cohabit on Friday because of the blessing for man still applies). (5a2 – 5a3)

### Hand or Hands?

Bar Kappara expounded: The handiwork of the righteous is greater than the handiwork of God's creation of the heaven and earth. For in regard to the creation of heaven and earth, it is written [Yeshaya 48:13]: Also, My hand has laid the foundation of the earth, and My right hand has spread out the heavens, while in regard to the handiwork of the righteous it is written [Shmos 15:17]: The foundation of your dwelling place which You, Hashem have, the Sanctuary, My Lord, which Your hands have established. (Hashem created the earth with one "hand," while the righteous created the Temple with "two hands.")

A Babylonian replied, and his name was Rabbi Chiya: It is written [Tehillim 95:5]: And the dry land, His hands formed!

The *Gemora* answers: It is written: His hand (in the singular form).

The *Gemora* asks: But it is written: they formed?

Rav Nachman bar Yitzchak said: His fingers formed it, as it is written: When I behold Your Heavens, the work of Your fingers, the moon and the stars that You have set in place.

The *Gemora* raises a further objection: It is written [Tehillim 19:2]: *The heavens declare the glory of God, and the firmament shows work of His hands?*

The *Gemora* answers: This is the explanation of the verse: Who shows the handiwork of the righteous? The firmament. And how? Through the rain. (*Rain descends because the righteous pray for it. The handiwork of the righteous is called the 'work of His hands,' because in the rain, the work of God and the work of the righteous meet. The rain is the work of God, but it comes as the result of the good deeds of the righteous, whose prayers God fulfills.*) (5a3)

### **Purpose of the Fingers**

Bar Kappara expounded: What is the meaning of that which is written [Devarim 23:14]: *You shall have a peg in addition to your weapons?* Do not read it "your weapons," but rather, "your ears." This means to say that if a man hears something unworthy, he shall insert his finger (*shaped like a peg*) into his ears.

And this is the same as Rabbi Elozar said: Why do the fingers of man resemble pegs? The *Gemora* interrupts: What is the meaning of his question? Shall I say because each finger is divided from the other? Surely, each finger has been made for its own purpose! For the master said: The smallest finger is the *zeres* (*the distance from the little finger to the thumb of a spread hand*), and it is used for measuring the *Kohen Gadol's* breastplate; the fourth finger is the *kemitzah*, and it is used for taking a scoop of the flour-offering; the middle finger is the *amah*, and it is used for defining the cubit measure (*the cubit is a measure equal to the distance from the elbow to the tip of the middle finger*); the index finger is the *etzbah*, and it is used to apply the blood of a *chataf*-offering on the Altar; and the thumb is the *gudel*, and blood from offerings are sometimes applied there. (*Obviously, there is good reason for the fingers to be divided.*) Rather, the question is why are the fingers pointed like pegs? The reason is that if a man hears something unworthy, he shall insert his finger (*shaped like a peg*) into his ears.

A *Baraisa* was taught in the Beis Medrash of Rabbi Yishmael: Why is the ear hard except for the ear lobe, which is soft? The reason is that if a man hears something unworthy, he shall bend the lobe into it.

The *Gemora* cites a *Baraisa*: One should not hear unworthy things, because the ears are the most easily burned from all the other organs. (5a3 – 5b1)

### **Cohabiting the First Time on Shabbos**

The *Gemora* inquires: May one cohabit with his virgin wife for the first time on *Shabbos* (they were not aware of the *Baraisa* mentioned above, or they inquired if the halachah follows that opinion)?

The *Gemora* explains the inquiry: Is the blood (*which is produced when the hymen is broken*) in the womb stored up (*and cohabitation would be permitted, since the blood flows out of its own accord, and not because of any wound*), or is it the result of a wound (*caused by the tearing of the vaginal walls when they separate from each other*), and therefore be prohibited? And if you will say that the blood is stored up in the womb, we can ask: Is the husband's main concern to release the blood (*in order to ascertain if she is a virgin*), and it is permitted: or is he concerned with creating an opening (*for the future*), and it is forbidden (*making an opening on Shabbos is forbidden under the category of building*)? And if you will say that the husband's main concern to release the blood and the opening comes by itself (*without his intention for it*), we can ask: Is the halachah according to Rabbi Shimon who says: Something which is not intended is permitted (*an act which is in itself forbidden but is the unintended though unavoidable result of an act which is permitted; thus one may, according to Rabbi Shimon, push a couch on the floor on Shabbos, if one is not intending to make a rut in the floor, although, as a matter of fact, such a rut is made as the unavoidable result of pushing the couch*), or is the halachah according to Rabbi Yehudah who says: Something which is not intended is forbidden? And if you will say that the halachah follows Rabbi Yehudah, we may ask: Is he doing damage (*to the woman*) in regard to the opening (*and one*

who acts in a destructive manner on Shabbos, is exempt), or does he improve (*her*) in regard to the opening?

The Gemora cites another version of the above inquiry: Others say: And if you will say that the blood the result of a wound, we can ask: Is the husband's main concern to release the blood (*in order to ascertain if she is a virgin*), and it is prohibited, or is he concerned with his own pleasure, and it is permitted (*according to Rabbi Shimon*)?

And if you will say that he concerned with his own pleasure and the blood comes by itself (*without his intention for it*), we can ask: Is the halachah like Rabbi Yehudah who says: Something which is not intended is forbidden, or is the halachah like Rabbi Shimon that it would be permitted? And if you say the halachah is like Rabbi Yehudah, we may ask: Is he doing damage (*to the woman*) in making the wound (*and one who acts in a destructive manner on Shabbos, is exempt*), or does he improve (*her*) in regards to the wound? And if you will say that he is doing damage in regards to the wound, we may ask: Is the halachah like Rabbi Yehudah (*that one is exempt for doing damage while causing a wound*), or is the halachah like Rabbi Shimon (*that although generally, one is exempt for causing damage on Shabbos, making a wound is an exception, and he would be liable*)? (5b1 – 6a1)

## INSIGHTS TO THE DAF

### Postponing Yom Kippur

The Gemora asks: *Yom Kippur* that falls out on a Monday should be postponed until Tuesday because of the concern that he will slaughter a young bird on *Shabbos* to prepare for the feast that will be held on the day prior to *Yom Kippur*?

The Pnei Yehoshua asks: It would emerge that *Rosh Hashanah* would be on a Sunday, and we have a principle that *Rosh Hashanah* may not occur on Sunday, Wednesday or Friday!?

He answers: The reason that *Rosh Hashanah* may not occur on a Tuesday is because then, *Hoshanah Rabbah* will fall out

on *Shabbos*; that is also a preventive measure. The decree based on the concern of slaughtering a young bird takes precedence over the decree of taking the *aravos* on *Shabbos*. The reason is: Here, there are no other options; by *Hoshanah Rabbah*, there is an option, namely, not to take the *aravos* on *Shabbos*, just like the *shofar* is not blown and the *lulav* is not taken on *Shabbos*.

The Chasam Sofer answers: While it's true that if *Yom Kippur* is postponed until Tuesday, *Hoshanah Rabbah* will fall out on *Shabbos*, it is nevertheless preferable to uphold the decree of not slaughtering a young bird on *Shabbos* and sounding the *shofar* on *Rosh Hashanah*, even though we will forfeit the *mitzvah* of taking the *aravos* on *Hoshanah Rabbah*. Two is better than one.

### Tosfos s.v. Dam (Blood)

The Gemora discusses the prohibition of cohabiting for the first time on *Shabbos*. The Gemora states: If the blood is the result of a wound (*caused by the tearing of the vaginal walls when they separate from each other*), it would therefore be prohibited.

Why is one liable on *Shabbos* for causing a wound? Rashi in *Shabbos* (107a) states that bruising an animal falls under the category of dyeing, as the skin of the animal is discolored.

Tosfos here asks: There is a Gemora in Chullin which states that one is liable by other rodents when the blood comes out. He cannot be liable for dyeing, for they do not have any hides. Furthermore, in our Gemora there is no dyeing occurring.

Tosfos quotes Shmuel, who states in *Gemora Shabbos* (75a) that one who slaughters an animal on *Shabbos* is liable for taking the live of a live creature. Accordingly, one who causes a wound on *Shabbos* will be liable because he is weakening a life and that is tantamount to taking away life. Tosfos rejects this explanation, since in our Gemora, there is no necessity for the weakening of the woman, and one would not be liable for wounding in such a manner. It would

be possible to say that our *Gemora* is discussing a mere Rabbinical prohibition, but there are other *Gemoros* where it is evident that one would be subject to a Biblical prohibition.

Tosfos concludes that the removal of blood is regarded as the taking of life because the blood is the life of a creature, and when one removes a little blood, it is as if he removed a little life.

#### DAILY MASHAL

##### Matchmaker

The *Gemora* states that although mundane matters may not be discussed on *Shabbos* to preserve the sanctity of the day, conversations relating to *Shidduchim* [matchmaking] are perfectly permissible to conduct as they are considered sacred matters. This idea has been immortalized in a well-known *Shabbos* zemer [song] entitled "Mah Yedidus."

Rabbi Elazar Meisels discusses the concept of a matchmaker. The use of a *shadchan* and the involvement of the parents also contributed to the stability of traditional marriages.

In considering the match, they tended to focus on the important aspects, not just the trivial ones that youngsters are prone to concentrating on. Additionally, the *Shadchan* could be called upon to assist by conducting and smoothing over the financial negotiations between the two families. This eliminated much of the personal animosity that is common in the entire dating process. Payment for suggesting a match is generally expected, and there is a considerable amount of discussion in the halachic responsa regarding this point. Questions such as how to compensate two people who suggested the match, or a situation in which one person suggested the match, but another person did most of the negotiating, are dealt with in great detail.

Interestingly, Rabbenu Nissim of Gerona [Ra"n Tractate *Shabbos* 12a], posits that the word "Shidduch" is rooted in the word "Menuchah," which means peace and tranquility.

He bases this on the Targum Yonasan's [Shoftim 3:11] rendering of the word "VaTishkot" – and (the land) was peaceful, as "V'Shidduchis". Teshuvos HaGeonim [Siman 425] suggests that it stems from the word "Shadachi," which refers to long stems that shoot forth and intertwine with one another. The word "Shidduch" then, means to knot or tie together. May we hear of many happy matches and successful marriages!