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Kesuvos Daf 6

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Rav’s Ruling Regarding Initial Cohabitation on Saturday Night

[The Gemora had inquired: May one cohabit with his virgin wife for the first time on Shabbos? The Gemora explains the inquiry: Is the blood (which is produced when the hymen is broken) in the womb stored up (and cohabitation would he 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?]

In the Beis Medrash of Rav, they said that Rav permitted it and Shmuel prohibited it. In Nehardea (where Shmuel lived), they said: Rav prohibited it and Shmuel permitted it.

Rav Nachman bar Yitzchak said: The mnemonic to remember who said which version is: These make it lenient for themselves, and these make it lenient for themselves.

The Gemora asks: Does Rav actually allow it? But surely Rav Simi bar Chizkiyah said in the name of Rav: One is forbidden to push a cloth into a barrel on Yom Tov, although he does not intend to perform a prohibited act of labor. ***[The issue at hand is that when one presses on the cloth, he will be unintentionally squeezing out beer, which is forbidden to do on Yom Tov. (The prohibition involved is either melaben, whitening the cloth by cleaning it, or a derivative of the melachah of dash, threshing, as taking the wine out of the cloth is akin to removing kernels of grain from their husks. Apparently, Rav follows the opinion of Rabbi Yehudah, who prohibits unintentional acts, and not Rabbi Shimon, who permits them!?)]***

The Gemora answers: Since it is inevitable that beer will be removed from the cloth, even Rabbi Shimon, who maintains that one is not liable for an unintentional act, will agree that here one is liable. For Abaye and Rava both said: Rabbi Shimon agrees that when the act performed is a *pesik reishei*, literally defined as ‘if one cuts off the chicken’s head, is it not certain that it will die?’ i.e. inevitable, that one is forbidden to perform the act even if unintentionally. (Thus, although one does not intend to squeeze the beer out when pushing the cloth into the barrel, it is inevitable that he will squeeze the beer out, and it is forbidden.)

The Gemora asks: But surely Rav Chiya bar Ashi said in the name of Rav: The *halachah* is in accordance with Rabbi Yehudah? And Rav Chanan bar Ami said in the name of Shmuel: The *halachah* is in accordance with Rabbi Shimon. And Rav Chiya bar Avin reported it without reference to any other personages, as follows: Rav said: The *halachah* is in accordance with Rabbi Yehudah? And Shmuel said: The *halachah* is in accordance with Rabbi Shimon.

The Gemora answers: In truth, Rav follows Rabbi Yehudah’s opinion that unintentional acts are prohibited, but he nevertheless, rules that one may cohabit with his virgin bride on Shabbos. According to the version which stated that the blood in the womb stored up, Rav permits cohabitation because he is doing damage (to the woman) in regard to the opening (because it destroys the commodity of her virginity, and one who acts in a destructive manner on Shabbos, is exempt). According to the version which stated that the blood coming out is the result of a wound (caused by the tearing of the vaginal walls when they separate from each other), Rav permits cohabitation because he is doing damage (to the woman) in making the wound. (6a1)

Hymenal Bleeding

Rav Chisda asks on Shmuel (*who rules that one may not cohabit with his virgin bride on Shabbos*) from a *Mishnah* in Niddah: If a girl, who has not reached the age of menstruation, got married, Beis Shammai say: We give her four nights (*where she is permitted to have marital relations*) and Beis Hillel say: We give her until the wound is healed up. ***(The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first cohabitation, further cohabitation is forbidden until the menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation, but to the wound caused by cohabitation. According to Beis Shammai, this assumption holds good for four nights, and according to Beis Hillel it holds good until the wound is healed up.)*** If she has reached the age of menstruation (*but she had in fact not yet seen blood; that is, she had the maturity for it, but the maturity had not yet manifested itself; a girl has reached the period of puberty when she is twelve years and one day old*) and she married, Beis Shammai say: We give her the first night (*even several times during the night is permitted*) and Beis Hillel say: We give her until Saturday night, a total of four nights (*assuming that they got married on Wednesday*).

The *Gemora* analyzes the *Mishnah*: Does it not mean that if he had not yet cohabited with his wife, he may cohabit with her even on *Shabbos*? ***(The question presumes that ‘we give her until Saturday night, a total of four nights’ means any one of the four nights, and thus he may cohabit with her on Shabbos; this indicates that one may cohabit with a virgin on Shabbos, for if her hymen has been ruptured completely by the previous cohabitations, there would be no basis to attribute any subsequent bleeding to hymenal bleeding, and cohabitation would be prohibited.)***

Rava answers: The *Mishnah* means that he may cohabit with her on any other night, but not on *Shabbos*.

Abaye said to him: But the *Mishnah* clearly states that we give him until Saturday night – a total of four nights (which obviously includes *Shabbos*)!?

Rather, Rava answers: The *Mishnah* is discussing a case when he already cohabited with her (*fully, and nevertheless, all subsequent bleeding can still be attributed to the hymen, and not due to menstruation*).

The *Gemora* asks: If so, what novelty is the *Mishnah* teaching us?

The *Gemora* answers: It is stated to show that cohabitation is permitted on *Shabbos* even if it will result in further bleeding. For Shmuel said: One may enter into a narrow opening on *Shabbos* even though he will cause pebbles to break loose. (6a2 – 6b1)

Preoccupied

Rav Yosef asked on Shmuel from the following *Mishnah*: The groom is exempt from reciting *kerias shema* from the first night of his marriage until after *Motzoei Shabbos* if he did not yet cohabit with his virgin bride. ***(He is exempt from the mitzvah of shema because he is thinking about the mitzvah of procreation, and one who is engaged in one mitzvah is exempt from performing another mitzvah. This only applies if he is marrying a virgin, when he is worried that he will not be able to rupture the hymen and complete cohabitation.)*** Isn't this exemption based on the fact that he wants to cohabit with her, and nevertheless, he is permitted to cohabit with her on Friday night? (*We see that he may cohabit with his virgin wife on Shabbos.*)

Abaye answers: No! He is preoccupied with the thought that he has failed to cohabit with her.

Rava asks: Is one exempt from performing a *mitzvah* because he is preoccupied with another matter (*that is not a mitzvah*)? If someone's ship sank at the sea, will he be

exempt from reciting *shema* because he is thinking about his loss?

If you will say that he is indeed exempt, but surely Rabbi Abba bar Zavda said in the name of Rav: A mourner is required to observe all mitzvos except for Tefillin which is called *pe'er*, glory, and a mourner is not allowed to glorify himself. ***(The source for this ruling is from a verse in Yechezkel, where HaShem instructed Yechezkel regarding the laws of mourning and HaShem told Yechezkel explicitly that he should don his Tefillin. This commandment implies that all other mourners are not permitted to don Tefillin. A mourner, although he is thinking about his sorrow, he is not preoccupied with performing a mitzvah and for this reason he is still obligated to observe mitzvos.)***

Rather, Rava says: It is a Tannaic dispute. One *Baraisa* states: If he did not cohabit with her the first night, he is exempt from reciting *kerias shema* even on the second night (*Thursday night*). If he did not cohabit with her the on the second night, he is exempt from reciting *kerias shema* even on the third night (*Friday night*). However, it was taught in another *Baraisa*: He is only exempt on the first and second night, but not on the third (*Friday night, because this Baraisa maintains that it is forbidden to cohabit with a virgin on Shabbos*).

Abaye, however, would explain that there also, the dispute is regarding preoccupation (i.e., whether the preoccupation with the fact that he failed to complete the act on the other nights exempts him from reciting the *shema*).

The *Gemora* cites another *Baraisa* where the Tannaim dispute this point: One who marries a virgin is prohibited from cohabiting with her for the first time on *Shabbos*. The *Chachamim*, however, permit him.

The *Gemora* asks: Who is the *Chachamim*?

Rabbah answers: It is the opinion of Rabbi Shimon, who holds that an unintentional act is permitted on *Shabbos*.

Abaye asked: But Rabbi Shimon agrees that when the act performed is a *pesik reishei*, literally defined as 'if one cuts of the chicken's head, is it not certain that it will die?' i.e. inevitable, that one is forbidden to perform the act even if unintentionally?

Rabbah answers: The *Baraisa* is not referring to the Babylonians who dare not skilled in cohabiting on an angle (*without causing bleeding*), but rather, the *Baraisa* is referring to people who are skilled regarding the possibility of cohabiting on an angle (*and therefore it is not inevitable that bleeding will occur*).

The *Gemora* asks: If so, what is this 'preoccupation' about?

The *Gemora* answers: The exemption applies for those who are not skilled in this maneuver.

The *Gemora* asks: Shouldn't they say then that those who are knowledgeable in this are permitted (to cohabit with a virgin on *Shabbos*), while those that are not knowledgeable, are forbidden?

The *Gemora* answers: The majority of people are knowledgeable.

Rava bar Rav Chanan said to Abaye: But now, what is the purpose of attendants, and what is the purpose of a (clean) sheet (if anyway, the groom can falsely accuse his bride of not being a virgin, for he can cohabit at an angle, and avoid any bleeding)?

Abaye answers to him: There, it is out of concern that he will see the blood and destroy it. (6b1 – 6b3)

Bursting a Boil

Rabbi Ami asked on Shmuel from the following *Mishnah*: One who bursts a boil on *Shabbos*; if his intention is to create an opening for the boil so that air can enter and the boil will

heal, he is liable for performing a *melachah* on *Shabbos*, but if his intention, however, was to remove the pus from the boil, he is exempt and such an act is permissible.

The *Gemora* answers: There (*by the boil*) the blood is stored up (*in the abscess*) and is entirely loose (*from the flesh*), whereas here (*by the virgin*), the blood is stored up in the womb, but is not entirely loose. (6b3 – 7a1)

INSIGHTS TO THE DAF

Ask the Doctors

The *Gemora* had inquired: May one cohabit with his virgin wife for the first time on *Shabbos*? 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?

The *Gemora's* inquiry is difficult to understand. This is not a question regarding a specific woman, but rather, it is relevant to all women in the world, including idolaters. This point of inquiry should be an established fact; let us inquire from the expert doctors in this field as to the facts?

Perhaps, one may counter and say that doctors are not believed regarding halachic issues. This is not the case. The *Divrei Chaim* (vol. II, 77) writes regarding a woman who bleeds every time that she has relations: Even if an idolater midwife will inform us that the woman has a wound in that area, she is believed because this is a fact that we can verify with another midwife. The *Maharsham* relied many times on two doctors, when we asked each of them separately. Certainly in our *Gemora*, where it is relevant to every woman in the world, why don't we ask the doctors?

The *Chasam Sofer* sheds light on our *Gemora* by saying the following: The *Gemora* is not inquiring as to the facts. In

truth, the blood is loosely stored in the womb similar to the manner which liquid is contained in a sponge. Our *Gemora* is uncertain regarding the amount of force necessary to release the blood.

The *Rambam* in *Hilchos Shabbos* writes that threshing, squeezing, wounding and milking are all liable on *Shabbos*, and are included in the same category of *melachah*. Accordingly, the *Chasam Sofer* asks: The husband should certainly be liable in this case because he is separating the blood from the womb?

He answers: If this would be performed by hand, similar to squeezing and milking, he would certainly be liable. However, the question of our *Gemora* is regarding the strength necessary to release this blood. If it requires minimal strength, it is considered as if the blood is coming out on its own accord, and he will not be liable. However, if a considerable amount of force is necessary, he then would be liable for such an act.

DAILY MASHAL

Great is the Mitzvah of Hosting Guests

The *Gemara* discusses the halachah of *oseik bimitzvah patur min hamitzvah*, one who is engaged in the performance of one mitzvah is exempt from performing another mitzvah. The question is raised with regard to Avraham Avinu who was receiving the *Shechinah* after he had been circumcised. When the angels came to visit him, Avraham left the *Shechinah* and went to attend to the guests. Why did Avraham not employ the principle of one who is engaged in one mitzvah, i.e. receiving the *Shechinah*, is exempt from performing another mitzvah, i.e. hosting the guests?

I heard from Rav Chaim Uri Freund Shlita that Rav Noach Weinberg asked this question, and Rav Noach suggested that when Avraham was engaged in receiving the *Shechinah*, he then became aware of the necessity of performing the mitzvah of greeting guests. It is noteworthy that the *Gemora*

in Shabbos states that we derive from Avraham Avinu the principle that receiving guests is greater than receiving the Shechinah. The Gemora should have challenged this principle based on the idea that one who is engaged in one mitzvah is exempt from other mitzvos. The mitzvah of receiving the Shechinah appears to be the mitzvah of *uledavka bo*, one is obligated to cleave to HaShem. According to the *Netziv* in *Heemek Davar*, Avraham was engaged in loving HaShem and receiving the Shechinah, and he was performing the mitzvah of loving HaShem. The *Netziv* writes that when one is engaged in the mitzvah of loving HaShem, he is obligated to interrupt his thoughts and perform another mitzvah, because the mitzvah of loving HaShem has no time frame. This, the *Netziv* writes, is the meaning of the Gemora in Shabbos that states that hosting guests is greater than receiving the Shechinah. This means that the action of hosting guests overrides the mitzvah of loving HaShem which has no time frame (see *Netziv* further). Receiving guests can be a number of mitzvos, such as *gemilus chasadim*, performing an act of loving-kindness (*Netziv*) or even *vehalachta bedrachav*, one should emulate HaShem. Just as HaShem is compassionate, also you must be compassionate.

The different names of Tefillin-pe'er, tiferes, and oz

Rav Dovid Goldberg quotes *Rabbeinu Avraham min HaHar* who writes that Tefillin are referred to as *pe'er* because it is said: *vrau kol amei haaretz ki sheim HaShem nikra olecho veyaru mimeka*, then all the peoples of the earth will see that the Name of Hashem is proclaimed over you, and they will fear you, and the *Gemora* in *Brachos* states these are *Tefillin shel Rosh*.

Rav Goldberg wonders then why a mourner is exempt from *Tefillin shel yad* which does not seem to be classified as *pe'er*.

He suggests that the verse that states: *and they will fear you* refers to *Tefillin shel Rosh* because they are visible, whereas the *Tefillin shel yad* are not visible.

Rav Goldberg concludes that in reality, even *Tefillin shel yad* are referred to as *pe'er*.

The *Meshech Chochmah* at the end of *Parashas Bo* writes that we say in the prayer of *Vehu Rachum* on Monday and Thursday: *ad masai uzcho bashvi vsiferatecho beyad tzar*, until when will your strength be in bondage and Your Splendor in the hands of the enemy? *Oz* refers to *Tefillin shel yad*, and *tiferes* refers to *Tefillin shel Rosh*.

The *Meshech Chochmah* seems to imply that *tiferes-pe'er* only refers to the *Tefillin shel Rosh*. Yet, the *Meshech Chochmah* himself in *Parashas Beshalach* writes that both *oz* and *pe'er* refer to Tefillin.

Perhaps when *oz* and *tiferes* are written together, one can distinguish between the *Tefillin shel yad* and the *Tefillin shel Rosh*. Rashi in *Ta'anis* 16a and other Rishonim in *Moed Katan*, *Kesuvos* and *Bava Basra* seem to imply that *pe'er* refers only to *Tefillin shel Rosh*. It is also possible that there is a distinction between *tiferes* and *pe'er*.

The *Mishnah Berurah* in *Hilchos Tisha B'Av* quotes the *Medrash* that states that the verse that states: *hishlich mishamayim eretz tiferes Yisroel*, He cast down from heaven to earth the glory of Israel, refers to Tefillin, and that is why we do not wear Tefillin on *Tisha B'Av* morning.