

**שבת קודש פרשת בראשית | מסכת כתובות דף ר'**

**INSIGHTS FROM OUR CHABUROS**

**The Chosson Skips Shema**

חתן פטור מקריאת שמע וכו'

**R**av Yosef cites the Mishnah in Berachos (16a) as part of the analysis of whether a husband and wife can have marital relations the first time on Shabbos. The halacha in the Mishnah in Berachos teaches that the husband is exempt from reading the Shema for up to four nights, beginning Wednesday and until Motzai Shabbos, if he has not consummated his marriage with his wife. It seems, therefore, that the mitzvah of cohabiting with his wife may be completed on Friday night, although it is Shabbos. This indicates that no violation of Shabbos is inherent in the act. The Gemara deflects this proof by explaining that the exemption of the groom may be due to the act's being prohibited, and the distraction he experiences by not being able to take his wife.

Rambam (Hilchos Krias Shema 4:1) rules that anyone who is busy and overwhelmed in performing a mitzvah is exempt from all mitzvos and from reading Shema. Kesef Mishnah notes that Rambam holds that the groom is not only exempt from reading Shema, but also from all mitzvos. It also seems, he says, that Rambam holds that the husband is exempt from reading Shema each morning as well as at night. However, Rabeinu Manoach, in the name of Raavad, is of the opinion that the groom is only exempt from reading Shema each night, when he is in seclusion with his new wife.

הגהות נימוי"ת explains that it appears from Tosafos in Sukka that the groom is, in fact, exempt from Shema even in the mornings. But, he concludes, that in our days when the degree of our intent when reading Shema is always compromised, we cannot claim that we cannot read properly when we are distracted. Therefore, no one can claim an exemption, and even a new husband is obligated to read Shema. In fact, if he would claim this exemption, he would appear haughty, apparently demonstrating that his intent was generally perfect, except for this time.

חידושי אשי שם on the Mishnah in Berachos explains that the new husband is exempt only from Shema, but he remains obligated in all other mitzvos during this time, and his distraction does not interfere with his fulfillment of other mitzvos.

**STORIES OFF THE DAF** **Vasikin at the Kosel**

"מחלה ר"ש בפסיק רישיה ולא ימות"

**R**av Avigdor Neventzahl, shlit"א, goes regularly to the Kosel to daven k'vasikin on Shabbos. Once, he noticed that as someone went through the metal detector on Shabbos, it beeped. Since the light was disabled the Rav had always assumed that the machine was off, which is what the guards always claimed. Now it was clear that the machine was operating as usual even on Shabbos, and only the lights were disabled. After Shabbos, the Rav made further inquiries and found out that the guards left the security camera on as well, which captured video of all the passersby. Rav Neventzahl had serious doubts as to whether he could continue to daven at the Kosel with his regular minyan on Shabbos under such circumstances.

He reasoned, "On the one hand, Tosafos in Shabbos and Kesuvos 6a permits performing a melachah where one has no interest or gains no benefit from its outcome—a רישיה דלא איכפת ליה פסיק. On the other hand, the Ri zt"l and others hold that this is Rabinically forbidden. However, there are cases in which this is permitted, such as a makom mitzvah." For this reason, Rav Neventzahl remained in doubt about this issue.

Someone suggested that they ask Rav Chaim Kanievsky, zt"l.

An emissary brought the question before Rav Kanievsky in Bnei Brak, and the gadol responded, "Tell Rav Neventzahl that there is room to be lenient since this is similar to an emergency situation, a הדחק, where we permit רישיה דלא איכפת ליה פסיק."

When the response reached Rav Neventzahl, it raised a further question. "It is obvious that Rav Chaim reasons that my prayer is a tzorech mitzvah with the same halachic validity as a sha'as hadechak. However, did you tell him that there is another vasikin minyan in the Jewish quarter of the Old City that would not necessitate my passing the guard station? Perhaps Rav Chaim believes that I don't have another minyan available for vasikin."

The emissary went right back to Rav Kanievsky and presented this new point. Rav Chaim clarified, "Davening at the kosel at any time is enough of a tzorech mitzvah to permit this!"

**PARSHA CONNECTION**

**In this week's daf** the גמרא introduces the concept of שושבינין which were used to help ensure that any claim can be verified. Interestingly the concept of שושבינין actually began with the creation of חוה. On the possuk of ויבן ה' אלקים את הצלע אשר לקח מן האדם לאשה ויבאה אל האדם the רבה writes that two angels (מיכאל וגבריאל) brought חוה to אדם. The שושבינין himself was the הקב"ה. From this we learn the importance of making a חתן and a כלה happy. Thus, we recite at שבע ברכות that the "כשמחר יצירך בגן עדן מקדם". What does it mean where was she coming from? The חזקוני explains that at first אדם thought that חוה was coming to him like the other species who had already had a mate, but later אדם realized that חוה was actually a part of him.

## HALACHA HIGHLIGHT

An Inevitable Outcome

האי מסוכריא דנזייתא אסור להדוקה ביומא טבא

*Regarding the beer-barrel stopper, it is prohibited to put it in place on Yom Tov*

**T**osafos<sup>1</sup> writes at great length about the topic of putting a moist rag into the hole of a barrel. In his analysis, he presents a dispute regarding the principle of performing an act where the inevitable outcome is a melachah (רישיה) (פסיק) but the outcome produces an undesirable result (דלא ניחא ליה). The Aruch maintains that a ליה ניחא פסיק רישא דלא ניחא is permitted even on a Rabbinic level, whereas ליה ניחא other Rishonim maintain that although Biblically it is permitted, Rabbinically it is prohibited. Shulchan Aruch<sup>2</sup> cites the lenient position of the Aruch with the words, "There is an opinion that is lenient – יש מי שמתיר" and then writes that "others disagree with him – וחלקו עליו." He concludes his ruling on the matter by observing that people conduct themselves in accordance with the lenient position, and he suggests a support for following that position. This clearly indicates that Shulchan Aruch maintains that halacha should follow the strict position that ליה ניחא דלא ניחא פסיק רישא דלא ניחא is Rabbinically prohibited, yet he concedes that the common custom is to follow the lenient position.

An important point regarding this issue is mentioned in Bayur Halacha<sup>3</sup>. In the specific context of putting a rag into the hole of a barrel, whatever wine that is squeezed out of the rag is ruined, so it constitutes a case where the inevitable outcome produces an undesirable result. The truth is, mentions Bayur Halacha in the name of Tosafos, that even when the inevitable outcome is not undesirable but the outcome produces nothing that is beneficial it is also permitted (פסיק רישיה דלא איכפת ליה).

Mishnah Berurah<sup>4</sup> adds that this discussion of whether an inevitable outcome that produces an undesirable result is Rabbinically prohibited is limited to Shabbos prohibitions because of the requirement of מלאכת מחשבת – thoughtful, intentional melachah. Regarding other prohibitions the consensus is that an inevitable outcome that produces an undesirable result is Biblically prohibited.

1. ד"ה האי מסוכריא דנזייתא

2. שר"ע או"ח סי' ש"ב סעי' י"ח

3. ביאור הלכה שם ד"ה דלא ניחא ליה

4. מ"ב שם ס"ק נ"ג

## MUSSAR FROM THE DAF

Don't Worry

מתיב רב יוסף: חתן פטור מקרית שמע לילה הראשון עד מוצאי שבת אם לא עשה מעשה. מאי לאו, דטרוד דבעי למיבעל אמר ליה אב"י לא, דטרוד דלא בעיל

**T**he Gemara quotes אב"י who teaches that a חתן is patur from Krias Shema because of טירדא (a concern) of a mitzvah. Tosafos explains that אב"י holds that when a person is טרוד when there is no mitzvah at all he is still chayiv in mitzvos, however when it is a טירדא of a mitzvah (like the חתן in our Gemara) then he is פטור from mitzvos.

What is the difference? Shouldn't any טירדא potentially exempt a person from mitzvos?

Let's first look at another Chazal. The Gemara in Berachos (33b) states that "Everything [in this world] is in the hands of Heaven – except for the Yiras Shamayim (fear of Heaven)."

Chazal are teaching us that the only thing we really have (control) of in our lives is Yiras Shamayim. Therefore, there is no point in having any worry when it comes to something that is out of our control. However, Mitzvos/Yiras Shamayim is in our control and therefore it is understandable if a person has concern over his Avoadas Hashem. (See Mesilas Yesharilm perek 24 where he explains the concept of Yiras Chet).

Therefore, Chazal only allow a dispensation for doing a mitzvah when they have a טירדא that is legitimate according to Chazal.

We learn a great lesson from this Chazal. The only legitimate worry we should have is worry that has to do with one's רוחניות. All other matters are not in our control and therefore there is no reason to be worried.

## POINT TO PONDER

**The Gemara says** a question about doing a first שבת on ביאה שמע from the משנה that says that a חתן is פטור מקריאת שמע. Why can't we simply answer that the משנה includes all חתנים, even those who marry a שבת on חשש איסור like a בעולה where there is no אלמנה?

### Response to last week's Point to Ponder:

Why do we need the reason of עוף בן עוף to explain that one should not be ערב שבת on בועל בתחילה? We know it is a problem because it will cause a חבורה?

There are two reasons to avoid doing the first שבת on ביאה. One is that we are concerned about him doing a מלאכה by causing blood to come out, and the second is that he may slaughter a עוף בן עוף. The preferred second reason, because it would be relevant even according to שמעון רבי while the first reason is only applicable according to רבי יהושע. See פני יהושע.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, [dafaweek.org](http://dafaweek.org), or download the app

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