



Initial relations on Shabbat

- Within Rava's view that initial relations are debated, this could be the debate in another braita
 - Braita: Tanna Kama prohibits Friday night and Chachamim permit.
 - Rava says the permitting view is Rabbi Shimon, who permits unintended melachah
 - Abbaye challenges: Even for Rabbi Shimon, it's psik reisheih!
 - Rava responds: This is for people who know how to avoid wounding¹
 - Q1: If one can avoid breaking the hymen, why is he worried that he may not find blood?²
 - A: He may not know how (and yet she may be found not to be a betulah)
 - Q2: Then why not permit only those who know how on Shabbat?
 - A: Most know how³
 - Q3: Rava bar Rav Chanan to Abbaye: Then what good are cloths to determine betulah status?
 - A: Because otherwise he might do it normally and still not find blood
- Q: Why should there be liability for making an opening to draw out blood? Eduyot 2:5 says one may pop a boil to draw out the pus, if it is not to make a lasting opening!
 - (7a) A: In the boil case, there is no wounding; the liquid is entirely separate from the flesh. Here, though, the liquid is somewhat absorbed in the flesh.
- Rav Zvid either permitted initial relations on Shabbat, or did it himself.

Initial relations on Yom Tov

- Introduction
 - Ochel Nefesh – Based on Shemot 12:16, one may perform certain melachot to prepare food
 - MiToch – Certain melachot which are permitted for Ochel Nefesh are also permitted for other needs⁴
- Rav Yehudah permitted initial relations on Yom Tov.
 - Rav Papi cited Rava saying that Rav Yehudah also permitted for Shabbat (and so it is not about מתוך); it was recorded for Yom Tov just because Yom Tov was the case that came before him.
 - Rav Pappa cited Rava to permit Yom Tov, but to prohibit Shabbat.
 - Q: Rav Papi asked Rav Pappa: Do you allow this on Yom Tov because of mitoch? Would you do the same to light a fire (from an existing flame) to smoke spices?⁵
 - A: It's not mitoch, it's ochel nefesh, permitting that which is enjoyed in the general population
 - Side Q: So then we shouldn't permit shechting a deer!
 - Side A: A deer is a necessity for the general population, as food

Back to Shabbat

- Rav Yaakov bar Idi said that Rabbi Yochanan ruled (הוראה) in Tzidon to prohibit initial relations on Shabbat.
 - Q: Doesn't הוראה usually apply to leniencies?⁶
 - A: Not necessarily; look at these examples:
 - 1: Nazir 19b – Chachamim were moreh that Queen Helene needed to be a nezirah for another 7 years because she observed her first 7 years outside of Israel
 - 2: Chullin 45b - Rebbe was moreh like Rabbi Yaakov that a punctured spine makes a tereifah⁷
 - Rav Huna disagreed.

¹ This is certainly possible; see Journal of Reproductive Health (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6547601/>

² Note: Ramban/Rashba have an edition which changes this discussion substantively

³ Why not prohibit for the minority? (Rashi, Tosafot, Ritva)

⁴ See Beitzah 12a as explained by Rashi and Tosafot there, as well as Mishneh Torah, Hilchot Yom Tov 1:4 and Shulchan Aruch Orach Chaim 518:1

⁵ Per Tosafot/Raavad, Rav Papi thinks mitoch only permits transport. Per Tosafot/Ran, Rav Papi thinks mitoch only permits routine benefit

⁶ And maybe you forgot, and he actually permitted (Shitah Mekubetzet)

⁷ Why do we need two cases? (Shitah Mekubetzet)

א. שמות יב, טז

וביום הראשון מקרא קדש וביום השביעי מקרא קדש יהיה לכם כל מלאכה לא יעשה בהם אך אפשר יאכל לכל נפש הוא לבדו יעשה לכם:

ב. ביצה יב ע"א

משנה: בית שמאי אומרים אין מוציאין לא את הקטן ולא את הלולב ולא את ספר תורה לרשות הרבים. ובית הלל מתירין.
גמרא: תני תנא קמיה דרבי יצחק בר אבדימי: השוחט עולת נדבה ביום טוב לוקה. אמר ליה דאמר לך מני? בית שמאי היא דאמרי לא אמרינן 'מתוך שהותרה הוצאה לצורך הותרה נמי שלא לצורך', דאי בית הלל היא אמרי 'מתוך שהותרה הוצאה לצורך הותרה נמי שלא לצורך', הכא נמי מתוך שהותרה שחיטה לצורך הותרה נמי שלא לצורך.
מתקיף לה רבה: ממאי דבית שמאי ובית הלל בהא פליגי [במשנתינו]? דלמא בערוב והוצאה לשבת ואין ערוב והוצאה ליום טוב קא מיפלגי, מר סבר ערוב הוצאה לשבת וערוב הוצאה ליום טוב ומר סבר ערוב הוצאה לשבת ואין ערוב הוצאה ליום טוב, כדכתיב (ירמי' יז:כב) 'ולא תוציאו משה מבתיכם ביום השבת', בשבת אין ביום טוב לא!
מתקיף לה רב יוסף: אלא מעתה ליפלגו באבנים! אלא מדלא מפלגי באבנים, שמע מינה בהוצאה שלא לצורך פליגי...

Level of Necessity Required to Permit a Melachah via MiToch		
	Transport/Fire	Other Melachot
Rashi	Some need, rabbinically	Some need, rabbinically
Tosafot	Some need, biblically	Some need, biblically
Rambam (Hilchot Yom Tov 1:4)	No need (Maggid Mishneh)	Some eating-related need
Shulchan Aruch (OC 518:1)	Some need, rabbinically	Some need, rabbinically