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The Chicago Center

OVERVIEW of the Daf

1) Clarifying the dispute (cont.)

As the Gemara explains why Beis Hillel rejects Beis Shammai's source the Gemara introduces a Baraisa that relates the three decisions that Moshe made that Hashem agreed with.

Two different Baraisos cite alternative understandings of the dispute between Beis Shammai and Beis Hillel and the Gemara explains the rationale of the opinions recorded in these Baraisos.

2) פרו ורבו for a convert

R' Yochanan and Reish Lakish disagree whether a person who had children before converting is credited with the mitzvah of פרו ורבו.

This dispute is linked to a similar dispute between R' Yochanan and Reish Lakish related to the status of a convert's oldest son born before he converted.

The necessity of the two disputes is explained.

R' Yochanan unsuccessfully challenges Reish Lakish.

Rav asserts that all opinions would agree that there is no relationship between a non-Jewish slave and his children.

This assertion is unsuccessfully challenged.

3) פרו ורבו

R' Huna and R' Yochanan dispute whether one fulfills the mitzvah of פרו ורבו if his children pass away.

The two positions are explained.

On its second attempt the Gemara refutes R' Huna's position that the mitzvah is fulfilled even if the children pass away.

Abaye and Rava discuss the parameters of the principle that grandchildren are like children for the mitzvah of פרו ורבו.

The Gemara unsuccessfully challenges the assumption that having two grandchildren from one of two or more children does not fulfill the mitzvah of פרו ורבו.

The source that grandchildren are like children is identified.

4) Abstaining from procreation

Our Mishnah which implies that one may abstain from procreation once פרו ורבו is fulfilled does not follow R' Yehoshua who has a dispute with R' Akiva whether a particular pasuk refers to having additional children or the necessity to produce many students.

R' Masna rules like R' Yehoshua that one should strive to have additional children even after the mitzvah of פרו ורבו is fulfilled.

5) Marriage

Different opinions are cited related to the value of marriage.

Two additional expositions from R' Yehoshua ben Levi on the previous cited pasuk are presented.

Details related to being with one's wife before a trip are discussed.

A Baraisa is cited that presents an additional exposition of the previously cited pasuk. ■

Distinctive INSIGHT

Do non-Jews have guidelines for inheritance?

אבל לענין נחלה דלאו בני נחלה נינהו

Although our Gemara states that gentiles are not included in the laws of inheritance, it does not mean that there are no guidelines at all for them. Rather, it means that the laws of inheritance for non-Jews do not follow the same rules as we find in the Torah for transfer of property within the Jewish family network. Rashi (ד״ה בנכריותן) explains that for non-Jews, a daughter inherits with the same rights as does a son. Furthermore, a first-born male does not get a double portion.

In Kovetz Shiurim (to Bava Basra, Note #357), R' Elchonon Wasserman zt"l notes that Tosafos (Bava Basra 119b, ד״ה אילו) holds that also among non-Jews, a son does have priority to inherit before a daughter. This also seems to be the opinion of Rambam (Hilchos Nachalos 6:9), where he writes: "The Torah recognizes that for non-Jews, a son inherits from his father. Any other laws or regulations for inheritance among the non-Jews is subject to local customs." מגיד משנה understands that Rambam holds that among gentiles, the Torah only recognizes inheritance of a father to son, but no other relative inherits one from another. The full laws of inheritance in the Torah are for the Jewish people, not for non-Jews.

Meiri (to Kiddushin 17b) holds that all laws of inheritance listed in the Torah for the Jewish people apply to non- Jews as well. Nevertheless, Kovetz Shiurim (ibid. #358) shows that the view of Rambam seems to be correct. We find that Avraham expressed concern about the fact that he had no natural son, while at the same time he was distressed (Bereshis 15:3) "a son

(Continued on page 2)

REVIEW and Remember

1. What were the three things that Moshe did based on his own understanding?
2. According to R' Assi, what event must take place before the son of Dovid arrives?
3. Do grandchildren count toward the mitzvah of פרו ורבו?
4. What are a man's obligations to his wife?

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HALACHAH Highlight

Fulfilling the mitzvah of פרו ורבו before converting

היו לו בנים בהיותו עכו"ם ונתגייר ר' יוחנן אמר קיים פריה ורביה

If one had children while still a non-Jew and he converted, R' Yochanan says he fulfilled the mitzvah of ***פרו ורבו***

The Turei Even[1] questions R' Yochanan's position that a convert fulfills the mitzvah of פרו ורבו with the children he had before converting. If a person goes through periods of sanity and insanity and fulfills a mitzvah like eating matzah or hearing the shofar during a period of insanity, the mitzvah is not fulfilled and must be repeated when his faculties return. Accordingly, since non-Jews are not commanded in the mitzvah of פרו ורבו, how could they be credited with fulfilling the mitzvah after their conversion when the mitzvah was fulfilled during a time they were not obligated in the mitzvah?

The Minchas Chinuch[2] suggests that the mitzvah of פרו ורבו is fundamentally different from other mitzvos. Mitzvos, in general, are not ongoing and once the mitzvah was fulfilled it does not continue. פרו ורבו is an exception and is an ongoing mitzvah. The mitzvah of פרו ורבו is not fulfilled by the act of relations which leads to the birth of a child; rather the mitzvah of פרו ורבו is the ongoing obligation to have children and that obligation does not cease. Proof to this principle can be found from another ruling of R' Yochanan. R' Yochanan rules that if ר"ל a person's children die, the mitzvah of פרו ורבו is not fulfilled. Why should he not be credited with the mitzvah if he had the necessary children to fulfill his obligation? It must be related to this principle that the mitzvah is ongoing and at any moment when a person does not have children he is considered non-compliant concerning the mitzvah. Accordingly, although when the convert had relations that produced these children he was not Jewish and was not obligated in the mitzvah of פרו ורבו, nonetheless, once he converted he is compliant with the mitzvah since at this moment he is obligated in the mitzvah and does in fact have children.

Others[3] suggest that R' Yochanan does not mean to say that the convert fulfilled the mitzvah through the children he had before converting; rather he means that he is not obligated to fulfill the mitzvah. In other words, the mitzvah of פרו ורבו is commanded to those who do not have children but someone who converts and already has children is not commanded in the mitzvah altogether ■

1. טורי אבן ראש השנה כח בתוד"ה אילימיא
2. מנחת חינוך מצוה א' ס"ק יד
3. ע' פניני הלכה במתיבתא סב. מאמר "קיים מצוה כו'" עמ' מ"ה ■

(Insight. Continued from page 1)

of my household will inherit me." As Rashi there explains, Avraham was concerned that Eliezer would inherit his property. Avraham was childless, and at age seventy, he did not see any natural way in which he was to have his own children. When he would die, his property would be ownerless, and Eliezer would be the first to acquire his material possessions. This is in spite of the fact that Avraham had brothers, and he had a nephew, Lot, who would be his heirs according to Torah law. Nevertheless, we see that for non-Jews, the only legitimate line of inheritance is a father to a son, and no other degree of relationship earns the privilege of being an heir, as Rambam explains. ■

STORIES Off the Daf

Appreciating one's wife

כל אדם שאין לו אשה שריו בלא שמחה בלא טובה...בלא תורה

One without a wife has no Torah or joy...

True Gedolim appreciate their wives and respect them. As the Rambam, zt"l, writes, one should honor his wife more than he honors himself.

The Rosh Yeshiva of Be'er Yaakov, Rav Moshe Shmuel Shapira, zt"l, always treated his wife with the greatest respect. On Shabbos, she would sit at the opposite end of the table. Whenever he would make hamotzi, he would get up himself to bring the challah to his Rebbetzin, and always with the same shining smile. He explained once to his students that he didn't want to simply pass her the piece since she would feel more comfortable getting it from him directly.

Once, the Rav and the Rebbetzin were slated to travel to a wedding. When the student who was giving them a ride arrived, he found the Rosh Yeshiva (who was already in his seventies) ready and waiting. The Rebbetzin apologized for the delay and asked if it was possible for the Rosh Yeshiva to wait a few minutes until she was ready. The Rosh Yeshiva responded, "Rebbetzin! As long as you are not yet ready, we aren't waiting because we are ready to go and you are delaying us. Quite the contrary! Until you are ready, the time to go has not yet arrived!"

One time, a close disciple, Rav Yisrael Meir Kohein Arzi, shlit"a, was with the Rosh Yeshiva at home just before it was time to go to pray Ma'ariv in the Yeshiva. The Rosh Yeshiva said to Rav Arzi, "Come let me show you how one should treat his wife." He entered the kitchen and told the Rebbetzin, "I am going to Ma'ariv now and will be back right after the davening."

When Rav Arzi asked what the Rosh Yeshiva had meant to teach him, Rav Shapira explained, "When you leave your house, it is not enough to tell your wife where you are going. You should also say when you will be back. And you should abide by what you said by coming home on time!" ■

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