

OVERVIEW of the Daf

1) פרו ורבו (cont.)

A Baraisa emphasizes the importance of פרו ורבו.

2) **MISHNAH:** The Mishnah discusses the guidelines for a couple that were married ten years without children.

3) Ten years without children

A Baraisa presents a hint to the rule that a couple that is married ten years without children must divorce and that years spent outside of Eretz Yisroel do not count towards the calculation of the ten years.

Rava questions why we learn from Avrohom that a couple is given ten years, rather than determining from Yitzchok that a couple may be married for twenty years before having a child.

R' Nachman explains that the relevant pasuk concerning Yitzchok is not available to teach this halacha.

R' Yitzchok proves the earlier assertion that Yitzchok was barren and explains why Yitzchok's prayers were answered before those of Rivka.

Additional statements regarding prayer are recorded.

Two comments are presented regarding the physical conditions that prevented Avrohom and Sarah from having children.

Rav and R' Nachman are quoted as giving different limits for how long couples may remain together nowadays without children.

Rabbah rejects both opinions.

The reason is explained why a couple which does not have children is framed in terms of the husband's lack of merit.

Incidents related to Amoraim becoming sterile are recorded.

4) Establishing a chazakah that a woman is incapable of having children

The Gemara infers from the Mishnah that a woman establishes a chazakah of being incapable of having children after she was married to two husbands for ten years each.

It is suggested that the Mishnah follows Rabbi in this regard who establishes a chazakah after two occurrences.

A contradictory Baraisa concerning which Tanna holds each opinion is presented and the Gemara attempts to determine which of the two Beraisos was recorded earlier.

The Gemara concludes that R' Shimon ben Gamliel is the Tanna who maintains that a chazakah is not established after only two occurrences.

A related incident is recorded.

Avimi from Hagronia and R' Ashi dispute the assumption we make concerning a woman whose previous husbands

(Overview...Continued on page 2)

Distinctive INSIGHT

The difficult pregnancy of Rivka Imeinu

אמר רב יצחק למה היו אבותינו עקורים! מפני שהקב"ה מתאוה לתפילתן של צדיקים

Rivka experienced a lengthy period of being childless, which was an exceedingly challenging situation. Later, when she was pregnant with Eisav and Yaakov, her pregnancy was especially difficult. The Torah tells us about her struggle. "And the children clashed within her, and she said, 'If so, why is it that I am?' And she went to inquire of Hashem." (Bereshis 25:22)

The Divrei Yosef says that Rivka could not make sense of her situation. Chazal teach us (Sotah 12a) that righteous women were not included in the decree against Chava that children will be born in pain. Additionally, our Gemara (Yevamos 64a) points out that the Matriarchs were barren because Hashem desired their prayers. Rivka reasoned as follows: If I was originally barren because I am righteous, then why was she suffering such pain? If I am in pain because I am not righteous, then why was I barren in the first place? Therefore, she went to the yeshiva of the prophet Shem for an explanation.

The Gur Aryeh explains why Rivka did not take her dilemma to Avraham or to her husband Yitzchak but instead she went to Shem. He says Rivka was apprehensive that she might not actually be righteous, due to the pain she was suffering. Therefore she was afraid to ask Avraham for he might urge Yitzchak to find a different wife, and she was certainly reluctant to ask Yitzchak for he might find her distasteful. For this reason she instead went to Shem, who was unrelated. Parenthetically, it would seem that when Rivka said "why is this happening to me?", she was not complaining about being pregnant but rather questioning the situation as explained above. Rashi, however, understands her statement as a complaint about why she ever prayed to become pregnant in the first place. The Midrash teaches us that when Eisav was born, he succeeded in damaging Rivka's womb as a punishment for her complaining. This Midrash can be best understood in line with the explanation of Rashi rather than with the explanation of her difficulty being a philosophical one. ■

REVIEW and Remember

1. Why was Avrohom permitted to remain married to Sarah after so many years without children?
2. What physical deformity did Avrohom and Sarah share?
3. How many occurrences of an event constitutes a chazakah?
4. What causes a woman's husbands to die?

HALACHAH Highlight

Compelling an infertile couple to divorce

תנו רבנן נשא אשה ושהה עמה עשר שנים ולא ילדה יוציא ויתן כתובה
The Rabbis taught: If a man married a woman and remained with her for ten years without children he must divorce her and pay her kesubah

Rabbeinu Yitzchok bar Sheishes¹, the Rivash, wrote that even in his time it was not customary to force men to marry in order to fulfill the mitzvah of פרו ורבו. Furthermore, men without children who decided to marry women incapable of having children due to age or illness were allowed to marry, even though according to the letter of the law we should protest their choice. Similarly, it is not customary to force a couple who have been married ten years and do not have children to divorce in order to fulfill the mitzvah of פרו ורבו.

Teshuvos Pnei Yehoshua² writes that although the custom is not to actively force a man to fulfill the mitzvah of פרו ורבו there are times that the principle will play an active role in the decision of Beis Din. For example, if a couple were to come to Beis Din to mediate a particular dispute the approach Beis Din normally takes is to reestablish peace between the couple to avoid divorce. If, however, the couple that comes should technically divorce due to פרו ורבו considerations, not only should Beis Din not attempt to reconcile the two sides but they should make an effort to assure that the couple does divorce.

Rav Avrohom Dovid Whorman³, the Ezer M'kudash, ech-

died.

The practical difference between the two opinions is explained.

R' Yosef the son of Rava reported to his father that R' Yosef gave contradictory rulings concerning the number of occurrences needed to establish a chazakah.

Rava explained that he ruled like the anonymous Mishnah which is self-contradictory.

The different anonymous Mishnayos are cited. ■

oes the same idea. He initially presents a rationale why, nowadays, we no longer force a couple to divorce so that the mitzvah of פרו ורבו could be fulfilled. The reason is that there is a double safek - ספק ספקא. Firstly, it is uncertain whether the cause of their infertility is due to factors related to the husband or due to factors related to the wife. It is also not certain that the couple would listen if informed that they must divorce. There is also the possible factor of living outside of Eretz Yisroel and the issue of the prohibition against divorcing one's first wife⁴. For these reasons and others it is understandable that generally a couple is not advised to divorce even if they are infertile. However, if there are existing troubles the dayan should certainly not make an effort that the couple should reconcile, and a strong effort should be made to assure that they do not reconcile, and that they divorce.. ■

1. שו"ת ריב"ש סי' ט"ו

2. שו"ת פני יהושע אה"ע סי' מ"א

3. עזר מקודש לסי' א' סע' ג

4. ע' ברש"י ד"ה מקץ ורא"ש לסוגייתנו ושו"ת חכם צבי סי' מ"א ■

STORIES Off the Daf

The ten-year limit

נשא אשה ושהה עמה עשר שנים ולא ילדה אינו רשאי לבטל

Rav Elazar Tzaddok Tortchin, zt"l, tried to spend as much time as he possibly could with the Chazon Ish, zt"l, at every available opportunity. Each time he went, he would learn things that could not be learned in any other way. This idea is embodied in the words of Chazal, that שמושה של תורה, being in the presence of one's mentor and observing him closely, is even greater than study itself. For this reason, he would often leave a little early for kollel and make a

detour to the Gadol's house in the hopes of learning something.

One time, he was busy looking in a sefer and trying to be inconspicuous in the beis medrash in the home of the Chazon Ish when he spotted a very young couple enter the Gadol's chamber. After a short while he heard the Chazon Ish say emphatically, "What you are suggesting is impossible. You must wait!"

After they had left the Chazon Ish explained to Rav Elazar Tzaddok, "This young couple have been married a few years and have not been blessed with children. After taking various tests, the doctors have determined that the wife is completely and irreparably infertile. They consulted with me to ask if he has an obligation to divorce her right away or if he

should wait ten years. He felt that since the only reason why we wait ten years is to give enough time to see if she really cannot have children, perhaps in their case they should divorce immediately? I responded that this is not possible and that they must wait the full ten years."

When Rav Elazar Tzaddok appeared puzzled by his ruling, the Chazon Ish explained, "To divorce her immediately would be a terrible mistake! The ten-year wait is not only for the purpose of determining whether or not she will really have children; it is also so as not to cut her off from her husband too abruptly. We give her until ten years to adjust to this and make peace with it. This is in accordance with the verse, "All the Torah's ways are pleasant!" ■

