

OVERVIEW of the Daf

1) Establishing a chazakah that a woman is incapable of having children (cont.)

The Gemara finishes citing the anonymous Mishnayos related to the topic of the number of occurrences necessary to establish a chazakah.

2) A woman who does not have children

A Baraisa rules that a woman who was twice married without children should not marry and if she does marry she must divorce without receiving her kesubah.

The Gemara inquires whether the first two husbands can ask for a refund of the kesubah they paid to her.

The Gemara states that it is logical to assume that they cannot have the kesubah money refunded.

The Gemara inquires whether she can ask her third husband for her kesubah if she marries a fourth husband and has children.

The conclusion is that she can not ask for a refund because we assume that she just healed.

R' Ami rules that if there is a dispute whether he is the cause of their childlessness or she is the cause, we believe her and she collects her kesubah since she is in a position to know rather than him whether his seed is ejected properly.

R' Ashi and Rava disagree whether we accept the offer of the husband to take a second wife to prove that he is capable of having children.

R' Ami rules that if the couple disputes whether she miscarried over the course of ten years she is believed.

A woman who miscarried three times must divorce.

If the husband claims there were two miscarriages and the wife claims there were three she is believed.

3) MISHNAH: The Mishnah presents a dispute whether women are obligated in the mitzvah of פרו ורבו.

4) Clarifying the opinion of Tanna Kamma

Two sources are suggested for the rationale behind Tanna Kamma's position that women are exempt from פרו ורבו.

Once the Gemara cited one statement of R' Illa in the name of R' Elazar the son of R' Shimon, related to the topic of פרו ורבו, the Gemara cites two additional unrelated statements.

5) The mitzvah of פרו ורבו

R' Yochanan and R' Yehoshua ben Levi disagree whether halacha follows R' Yochanan ben Berokah who obligates women in the mitzvah of פרו ורבו.

The Gemara unsuccessfully tries to identify which opinion rules in accordance with R' Yochanan ben Berokah.

A number of incidents are cited that relate to a woman's right to demand a divorce if she has no children even though she is not commanded in the mitzvah of פרו ורבו. ■

Distinctive INSIGHT

Speaking an untruth for the sake of peace

וא"ר אילעא משום רבי אלעזר בר' שמעון מותר לו לאדם לשנות בדבר השלום שנא' אביך צוה וגו' כה תאמרו ליוסף אנה שא נא וגו'

Based on the verses from Bereshis 50:15-18, our Gemara (Yevamos 65b) teaches us that a person's words may deviate from the truth for the sake of peace. The brothers were afraid that Yosef would take revenge against them now that Yaakov had died. Therefore, they fabricated a lie and said that Yaakov had told them to command Yosef to forgive them and not punish them.

However, a question arises. How do our sages know that Yaakov never actually gave this command? After all, many times the Gemara records whole conversations that are not written explicitly in the Torah and are instead inferred from the parts of a conversation that are directly recorded. How, then, can the Gemara teach this law about deviating from the truth when it is possible that Yaakov really did make this command and perhaps what the brothers were saying was truthful?

Torah Temima explains that nevertheless, it is clear that the verses themselves hint to the fact that what the brothers were saying was not true. The introduction to this encounter between the brothers and Yosef tells us that they "saw that their father was dead" and they feared that "perhaps Yosef will repay all the evil we did to him". It is only predicated upon this fear that the brothers told Yosef about the command of their father. The Torah implies that it was the fear that the brothers had that led to their telling Yosef about Yaakov's command. Had Yaakov really said this, the brothers would have been obligated to tell Yosef to fulfill the wishes of their father as per the commandment of honoring one's parents and there would be no reason for the Torah to mention the other factor of fear of punishment. ■

REVIEW and Remember

1. Is a man without children permitted to marry a woman who cannot bear children?
2. Who is believed when husband and wife disagree concerning the cause of their infertility?
3. What is the source to exempt women from the mitzvah of פרו ורבו?
4. What does a woman have to claim to demand a divorce due to infertility?

HALACHAH Highlight

A woman's obligation to marry

האיש מצווה על פריה ורביה אבל לא האשה

A man is commanded to procreate but not a woman

The conclusion of the Gemara is that women are not obligated in the mitzvah of פרו ורבו. Interestingly, the Gemara Kiddushin¹ states that it is better for a woman to accept her kiddushin personally rather than through an agent because of the principle that it is better to perform a mitzvah personally than through an agent. Clarification is required to balance a woman's exemption from the mitzvah of פרו ורבו, on the one hand, and a woman's obligation to marry, on the other.

Rabbeinu Nissim², the Ran, writes that although women are not commanded in the mitzvah of פרו ורבו, nonetheless, they receive credit for assisting their husbands to fulfill the mitzvah. It is this assistance in the mitzvah of פרו ורבו that generates a mitzvah to marry. A difficulty that commentators³ have with this position of Ran is from our Gemara. Our Gemara teaches that a woman without children cannot demand a divorce from her husband since she is not commanded in the mitzvah of פרו ורבו. If she claims that she wants to have children who will take care of her when she is

older and will bury her after she passes away her request is granted. According to Ran she should be able to demand a divorce so that she could perform the mitzvah of assisting her husband in fulfilling the mitzvah of פרו ורבו.

Sefer Miknah⁴ suggests two explanations for the exemption from פרו ורבו and the obligation to marry. The first is that although women are not commanded in the mitzvah of פרו ורבו they are commanded in the obligation to inhabit the world (לשבת יצרה, Yeshayahu 45:18), and it is in reference to that mitzvah that marriage is characterized as a mitzvah for women⁵. Secondly, one could suggest that women are exempt from the mitzvah of פרו ורבו altogether but it is prohibited to marry without kiddushin because of the prohibition against being a harlot. In other words, the mitzvah of kiddushin is an optional mitzvah similar to the mitzvah of shechitah. There is no obligation to do shechitah to an animal but if one wants to eat meat the animal must be slaughtered and that slaughtering fulfills a mitzvah. So, too, a woman is not obligated to marry, but in the event that she chooses to get married it is a mitzvah that is even worthy of reciting a beracha. ■

1. גמ' קידושין מא

2. הר"ן על הרי"ף שם טז (בדפי הרי"ף)

3. ע' חידושי אנשי שם שם

4. ספר המקנה שם

5. תוס' גיטין מא: חגיגה ב: ועוד ■

STORIES Off the Daf

Misdirecting to Keep the Peace

מותר לו לאדם לשנות בדבר השלום

On today's daf we find that it is permitted to verbally misdirect another for the greater good of keeping the peace. The case of Yosef HaTzaddik and the Shevatim used as the proof in the Gemara shows that this principle includes a person who falsifies in order to prevent another from doing him bodily harm.

Once, when the Ponevezher Rav, zt"l, was in New York to raise money for the Yeshiva, there were many who looked askance at him. These people (generally grossly unlearned) felt that Yeshivos were backwards at best and

that giving them money was a complete waste. There were many incidents in those years of people humiliating fundraisers or even beating them up.

During that trip, when he was on the subway, the Rav noticed a group of youths who seemed to be gesturing at him in a way that made it seem as though they were about to single him out for some "fun" at his expense. Since not long before, a fundraiser had actually been manhandled by a group of youths, the Rav realized that these were probably the culprits who were now coming after him. Obviously it was of utmost importance to avoid being alone with them. But how could he shake them off?

The Rav went up to the young man who appeared to be the leader and pulled out a piece of paper with an ad-

dress. "Could you please direct me to this address? I am a visitor here and don't know my way."

The youthful leader looked very pleased as he answered, "With pleasure! Just get out with us this stop and we will be more than happy to lead you there!"

At the next stop, the Rav indicated to the ruffians that they should disembark first and made as if he was planning to follow. While the group of young men waited on the platform, the Rav slowly made his way to the exit. Much to their surprise, he "accidentally" missed the closing doors. Imagine their chagrin as the train pulled away with the Rav safely inside while they looked on from the platform, completely baffled! ■

