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Yevamos Daf 62

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Mishnah states: A man should not abstain from procreation unless he already has children.

Beis Shammai maintain that one fulfills the *mitzvah* of procreation by fathering two males. Beis Hillel hold that he must father a male and a female as it is written: [Breishis 5:2]: *He created them male and female.* (61b3)

The Gemora infers from the Mishnah that he may never abstain from taking a wife, even if he has children.

This would support Rav Nachman's teaching in the name of Shmuel: Even if a man has many children, he shall not remain without a wife, as it is written [Breishis 2:19]: *It is not good that man be alone.*

The Gemora offers another version of the above discussion. One might infer from the Mishnah that if a man has children, he may abstain from getting married.

The Gemora asks: Wouldn't this inference refute the teaching of Rav Nachman in the name of Shmuel?

The Gemora answers: No! It is not a refutation. The Mishnah means as follows: If a man does not have children, he must marry a woman capable of bearing children; if he already has children, he may marry any woman, even one that is not capable of bearing children.

The Gemora states: A difference would be: If a man does not have children, he would be permitted to sell a Sefer Torah in order to marry a woman capable of bearing children. (61b3 – 61b4)

The Mishnah had stated: Beis Shammai maintain that one fulfills the *mitzvah* of procreation by fathering two males.

The Gemora asks: what is Beis Shammai's reason?

The Gemora answers: He derives the guidelines of this *mitzvah* from Moshe. Moshe had two sons, and afterwards abstained from engaging in relations with his wife. It is evident that one fulfills the *mitzvah* of procreation by fathering two male sons.

Beis Hillel learned from the creation of the world, in which there was only a male and a female created.

The Gemora asks: Why doesn't Beis Shammai learn from the creation of the world?

The Gemora answers: We cannot derive a case where there are alternative possibilities from a case where there were no alternative possibilities (*the world had to begin with a male and a female*).

The Gemora asks: Why doesn't Beis Hillel learn from the children of Moshe?

The Gemora answers: Moshe acted in this manner based on his own understanding (*and other men cannot learn from this*).

The Gemora cites a braisa: Three things Moshe did of his own understanding, and the Holy One, blessed be He, gave His approval: He separated himself from his wife, he broke the Tablets and he added one day (*to the days of abstinence prior to the Giving of the Torah*).

The Gemora explains each one: He separated himself from his wife. What was his rationale? He said: If the Israelites, with whom the Shechinah spoke only momentarily, and He appointed them a designated time, yet the Torah said [Shmos 19:15]: *Do not draw near to a woman, I, with whom the Shechinah speaks at all times and does not designate for me a specific time, how much more so (that I should separate from my wife)!*

And how do we know that the Holy One, blessed be He, gave His approval? Because it is written [Devarim 5:27 – 28]: *Go say to them: "Return to your tents," but as for you, stand here with me.*

He broke the Tablets. What was his rationale? He said: If the Passover sacrifice, which is but one of the six hundred and thirteen commandments, yet the Torah said [Shmos 12:43]: *No estranged person shall eat of it.* Here, where the entire Torah is being given, and the Israelites are apostates, how much more so (*they are unfit for the Torah*)!

And how do we know that the Holy One, blessed be He, gave His approval? Because it is written [Shmos 34:1]: *The Tablets that you broke.* Rish Lakish interpreted this: Your strength shall be true because you broke it.

He added one day of his own understanding. What was his rationale? It is written [Shmos 19:10]: *Sanctify them today and tomorrow.* "Today" must be like "tomorrow." Just as "tomorrow" includes the preceding night, so too, "today" must include the preceding night, but the night of "today" has already passed! Learn from this that it must be two days besides today.

And how do we know that the Holy One, blessed be He, gave His approval? Since the Shechinah did not rest upon Mount Sinai until the Shabbos (*after the day that Moshe added*). (62a)

The Gemora cites a braisa: Rabbi Nosson said: Beis Shammai maintains that one fulfills the *mitzvah* of procreation by fathering two males and two females. Beis Hillel holds that he must father a male and a female.

The Gemora cites a Scriptural source for Beis Shammai's viewpoint. (62a)

The Gemora cites another braisa: Rabbi Nosson said: Beis Shammai maintains that one fulfills the *mitzvah* of procreation by fathering one male and one female. Beis Hillel holds that he must father either a male or a female.

Rava explains Beis Hillel's opinion: It is written [Yeshaya 45:18]: *He created the world not to lie empty; he formed it to be inhabited.* By fathering one child, he has fulfilled his obligation of causing habitation in the world. (62a)

The Gemora states: If he had children while he was an idolater, and then he converted; Rabbi Yochanan said: He has fulfilled his obligation of procreation (*with the children born before his conversion*). Rish Lakish said: He did not fulfill his obligation.

The Gemora explains: Rabbi Yochanan maintains that he has fulfilled his obligation because he had children. Rish Lakish holds that he did not fulfill his obligation because a convert is like a newborn baby.

The Gemora states that Rabbi Yochanan and Rish Lakish follow their respective opinions regarding a different matter. If he had children while he was an idolater, and then he converted; Rabbi Yochanan said: He cannot have in the future a firstborn son in regards to inheritance laws because he already had a child. Rish Lakish maintains that he can still have a firstborn son because a convert is like a newborn baby. (62a)

Rabbi Yochanan asked Rish Lakish: It is written [Melachim II 20:12]: *At that time, Berodach-baladan son of Baladan, the king of Bavel, sent etc. (We see that an idolater is identified*

as the son of another idolater; this would seemingly be inconsistent with Rish Lakish's viewpoint.)

Rish Lakish responded: While they are idolaters, they have genealogical connections to their offspring; once they convert, they lose that connection. (62a)

Rav said: Everyone agrees that a slave does not have genealogical connections to their offspring, for it is written [Breishis 22:5]: *Stay here by yourselves with the donkey.* We understand that to mean that a slave is similar to a donkey. (62a)

The Gemora states: If a man had children and they died; Rav Huna said: He has fulfilled the obligation of procreation. Rabbi Yochanan said: He did not fulfill the obligation of procreation.

The Gemora explains: Rav Huna said that he fulfilled the obligation of procreation because of Rav Assi, who said: "The son of David will not come until all the souls are vacated from *guf*." (*There exists a chamber in heaven that contains the souls created during the six days of creation. The mitzvah of procreation is to bring the souls out of *guf* and advance the coming of Mashiach. One who has children fulfills this obligation even if they subsequently die.*) Rabbi Yochanan said that he did not fulfill the obligation of procreation because he did not cause habitation in the world.

The Gemora asks on Rav Huna from the following braisa: Grandchildren are regarded as children. (*The meaning of this braisa seems to be that he will fulfill his obligation of procreation by having grandchildren even if his children died; this is inconsistent with Rav Huna's opinion, who maintains that having children is sufficient even if they died.*)

The Gemora answers: The braisa is referring to a case where he has a son, but no daughter. If the son has a daughter, the grandfather will have fulfilled his obligation to father a male and a female.

They asked on Rav Huna from a different braisa: Grandchildren are regarded as children. If one of the children died or was found to be a *saris*, he did not fulfill the obligation of procreation. This is indeed a valid refutation of Rav Huna. (62a – 62b)

The braisa had stated: Grandchildren are regarded as children. Originally, Abaye thought that a grandson will be reckoned in the place of a son, a granddaughter will be reckoned in the place of a daughter, and certainly a grandson will be reckoned in the place of a daughter, but a granddaughter will not be reckoned for a son. Rava told him: The obligation is to cause habitation in the world, and that has been accomplished. (62b)

Everyone agrees that two grandchildren from one child are not sufficient to fulfill the *mitzvah*. (*Each deceased child must leave offspring.*)

The Gemora asks: But the Rabbis told Rav Sheishes to *get* married and have sons. He responded that the sons of his daughter are like his sons.

The Gemora answers: Rav Sheishes was merely pushing them off since he had become sterile due to Rav Huna's discourses (*which were very lengthy, and Rav Huna forced himself not to leave in the middle to take care of his bodily functions; this resulted in sterility*). (62b)

The Gemora cites the Scriptural source teaching us that grandchildren are regarded as children. (62b)

The Mishnah had stated: A man should not abstain from procreation unless he already has children.

The Gemora states that the Mishnah is not in accordance with Rabbi Yehoshua's opinion. We have learned in a braisa: Rabbi Yehoshua said: If one married a wife while he was young (*and then she died*), he should marry again when he is old. If a man had children when he was young, he should still attempt to have more children when he is old. It is written

[Koheles 11:6]: *In the morning sow your seed, and in the evening do not idle, for you cannot know which shall prosper, whether this or that, or whether they both shall be equally good.*

Rabbi Akiva expounded this verse differently: One who learned Torah when he was young should still learn when he is old. One who had students when he was young should have students when he is old as well.

Rabbi Akiva had twelve thousand pairs of students spread out from Gevas until Antiparis, and they all died during one period because they did not treat each other with respect. The world was left desolate of Torah until Rabbi Akiva journeyed to our Rabbis in the south and taught them. They were: Rabbi Meir, Rabbi Yehudah, Rabbi Yosi, Rabbi Shimon, and Rabbi Elozar ben Shamua. They were the ones who reestablished the Torah.

A Tanna said: They all died between Pesach and Shavuot. Rav Chama bar Abba said: They all died a horrible death. What was it? Rav Nachman said: *Askerah (identified with diphtheria, a disease that affects the throat).*

Rav Masneh said: The halachah is in accordance with Rabbi Yehoshua. (62b)

Rabbi Tanchum said in the name of Rabbi Chanilai: A man who does not have a wife lives without happiness, without blessing, and without goodness.

In the West (*Eretz Yisroel*) they would say: *(A man who does not have a wife lives)* without Torah, and without a protective wall.

Rava bar Ula said: *(A man who does not have a wife lives)* without peace. (62b)

Rabbi Yehoshua ben Levi said: Anyone who knows about his wife that she is God-fearing and does not visit her conjugally is called a sinner.

And Rabbi Yehoshua ben Levi said: A man is required to visit his wife conjugally his wife at the time that he sets out on a journey.

Rav Yosef explained: This is only necessary to teach us in the case where it is close to her period (*where normally, one should not have marital relations then*). The Sages said that a man is required to separate from his wife close to her period. And how close? Rava said: A period of time (*a full daytime or nighttime*).

And these words were said only where he sets out for his own purposes on a journey, but if he is leaving because of a religious obligation, he is not required because he is preoccupied. (62b)

It was taught in a braisa: If one loves his wife like himself and he honors her more than himself, and he guides his sons and daughters in the proper path, and he marries them off close to their time of puberty, upon him, the Scripture states [Iyov 5:24]: *And you will know that your tent is at peace.*

The braisa continues: If one loves his neighbors and draws his relatives close, and he marries his sister's daughter, and he lends a pauper money at his time of need, upon him, the Scripture states [Yeshaya 58:9]: *Then you will call and Hashem will respond; you will cry out and he will say, "Here I am."* (62b – 63a)

INSIGHTS TO THE DAF

FULFILLING A MITZVAH AT THE TIME OF THE OBLIGATION

The Gemora states: If he had children while he was an idolater, and then he converted; Rabbi Yochanan said: He has fulfilled his obligation of procreation (*with the children born before his conversion*). Rish Lakish said: He did not fulfill his obligation.



The Gemora in Rosh Hashanah (28a) states: They sent to the father of Shmuel a halacha that if the Persians forced someone to eat *matzah* on Pesach night, he has fulfilled his obligation.

The Gemora states further that if he was temporarily deranged at the time that he performed the *mitzvah*, he has not fulfilled his obligation.

The Turei Even asks from our Gemora: The idolater is not commanded in the *mitzvah* of procreation; how can the convert discharge his obligation with the children born to him at the time that he wasn't obligated in the *mitzvah*?

The Minchas Chinuch (1:15) comments: Since the halachic ruling is that if one had children and they subsequently died, he has not discharged his obligation, it is apparent that the *mitzvah* is the having of children, cohabitation is only a preparatory action. Accordingly, we can answer the Turei Even's question. One cannot discharge his obligation for a *mitzvah* at a time that he is not obligated in the *mitzvah*, such as a deranged person eating *matzah*. This principle is only applicable if the *mitzvah* is the action; it must be performed at the time that he is obligated in the *mitzvah*. However, regarding a *mitzvah* where the action is only a preparation for the *mitzvah*, the principle would not apply. The idolater cohabited with a woman and had children; afterwards he converted. The *mitzvah* of procreation is having the children, and now that he is a Jew, he is fulfilling the *mitzvah* presently.

WHEN TORAH CONFLICTS WITH MARRIAGE

Reb Elchonon in Kovetz Shiurim (Chelek Beis Siman 19) brings a Rambam that says: If one is learning and is concerned that getting married will interfere with his learning, he may delay getting married, because one who is involved in a *mitzvah* is exempt from doing another *mitzvah* and even more so, by learning Torah.

Reb Elchonon asks based on a Gemora in Moed Katan (9a) that a *mitzvah* that cannot be done by others, one is obligated to stop learning in order to do the *mitzvah*, and we don't say under those circumstances, since he is already involved in one *mitzvah*, he shouldn't be obliged to perform the other *mitzvah*. Why does the Rambam rule that one who is learning Torah is exempt from the *mitzvah* of marrying; marriage is a *mitzvah* that only he can perform?

He answers that the fact that he is able to delay the performance of the *mitzvah*, and later on, he will perform it, that is tantamount to a *mitzvah* that others are able to perform. Regarding such *mitzvos*, we can apply the principle of *osek b'mitzvah patur min hamitzvah*, since he is preoccupied with the *mitzvah* of learning Torah, he is temporarily exempt from the *mitzvah* of marriage.

He continues that the *mitzvah* of learning Torah is incumbent on a person only when he is free from his life obligations, such as sleeping, eating, working for his family's sustenance and taking care of his bodily functions.

by Rabbi Eliezer Jacobovits

FOOD FOR THOUGHT

*** Rabbi Yochanan asked Rish Lakish: It is written [Melachim II 20:12]: *At that time, Berodach-baladan son of Baladan, the king of Bavel, sent etc. (We see that an idolater is identified as the son of another idolater; this would seemingly be inconsistent with Rish Lakish's viewpoint.)*

Why did the Gemora use specifically this idolater's name; there are many other names in the Torah, such as Balak ben Tzipor and others? What is the significance of mentioning *Berodach-baladan son of Baladan*?

*** Rav said: Everyone agrees that a slave does not have genealogical connections to their offspring, for it is written [Breishis 22:5]: *Stay here by yourselves with the donkey.* We understand that to mean that a slave is similar to a donkey.

Why would Avraham use such a seemingly derogatory language to his servant Eliezer and to his son Yishmael?

*** Rav Assi said: "The son of David will not come until all the souls are vacated from *guf*." (*There exists a chamber in heaven that contains the souls created during the six days of creation. The mitzvah of procreation is to bring the souls out of *guf* and advance the coming of Mashiach. One who has children fulfills this obligation even if they subsequently die.*) The Maharal writes that the souls which descend into this world before the Redemption are contained in a chamber called *guf*, body. This is because the souls residing in this world prior to the arrival of Mashiach have a connection to the body, the physical world. After the arrival of Mashiach, the souls will not be embedded inside the body; rather, they will be separate from the body.

*** Rabbi Akiva had twelve thousand pairs of students spread out from Gevas until Antiparis, and they all died during one period because they did not treat each other with respect.

Why does the Gemora say that there were twelve thousand pairs of students; it should have stated that there were twenty four thousand students? Ben Yehoyadah answers: Rabbi Akiva observed that there was jealousy amongst them. He intentionally paired the younger students with the older ones in order that the younger disciples will be forced to respect those that were older than them. Nevertheless, it didn't work, and they still didn't honor each other.

DAILY MASHAL

Askarah amongst gentiles

The Gemara in Shabbos (33a) offers various reasons for the disease known as Askarah, identified with diphtheria, a disease that affects the throat. One opinion maintains that Askarah come because people do not separate Maaser. A second opinion states that Askarah comes because of slanderous speech.

The Gemara then quotes the opinion of Rabbi Shimon bar Yochai, who maintains that Askarah comes because of the neglect of Torah study, and this is why the mouth is affected, because the mouth does not vocalize words of Torah. The Gemara challenges this opinion, as we find that women are also affected with this disease. The Gemara resolves this challenge by stating that women are also susceptible to Askarah because they cause their husbands not to study Torah. The Gemara then questions this opinion from the fact that the disease also affects gentiles? The Gemara answers that gentiles are also affected with Askarah because they cause the Jews not to be able to study Torah. The Gemara then questions this opinion from the fact that children who are too young to study are afflicted with Askarah. The Gemara answers that children are afflicted with Askarah because they cause their fathers not to study Torah.

The difficulty with the Gemara is that according to the opinions that Askarah comes because of slanderous speech or because people do not separate Maaser, how do we understand why gentiles are affected with Askarah. Gentiles are not commanded to refrain from slanderous speech, nor are they commanded to separate Maaser. The Ben Yehoyada answers that when one slanders someone else, the ensuing result may be bloodshed. A gentile is also prohibited from killing, so they are certainly liable for the end result of slanderous speech. Furthermore, if a Jew who does not separate Maaser is afflicted with Askarah, then it follows that a gentile who steals produce would be afflicted with the same disease. For this reason, the Gemara only challenges the opinion that maintains that Askarah comes because of neglect of Torah study.

The Maharsha suggest an alternative answer to this question. Gentiles have the option of refraining from slanderous speech and they can separate Maaser from their produce, although they are not obligated to do so. Regarding Torah study, however, a gentile is forbidden to study Torah, and if he studies Torah, the Gemara in Sanhedrin states that he is liable the death penalty.