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Yevamos Daf 65

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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

It was taught in a braisa: If a woman was married to one husband and she did not bear him children, and to a second one and she did not bear him children, she should not be married to a third, unless he already has children. If she went and married another man, he is required to divorce her without paying her *kesuvah* (*provided that he didn't know of her situation*). (65a)

The Gemora inquires: What is the law if she married a third husband and did not have children with him either? Can the first two husbands demand from her to refund the *kesuvah* money that they paid her? Can they claim, “It is now revealed conclusively that it was on your account that we didn't have children (*the marriage will retroactively be annulled and you must refund the kesuvah money*)”? Or perhaps she can counter, “I have now become too weak to conceive (*but perhaps when we were married, you were the cause*).”

The Gemora rules: It is logical to say that she can claim: “I have now become too weak to conceive,” and therefore she would not be required to refund the *kesuvah* money. (65a)

The Gemora inquires: What is the law if she married a fourth husband and had a child with him? Can she demand her *kesuvah* money from the third husband?

The Gemora rules: We say to her: “Your silence is better for you than your speech,” for the third husband can tell her, “If I would have known that you are capable of conceiving, I would never have divorced you (*this would invalidate the divorce, and the children born with the fourth husband would be mamzeirim*).

Rav Pappa asks: Even if she is quiet, can we remain quiet? It emerges that the husband divorced her under a false pretense, which would invalidate the divorce, and the children born with the fourth husband would be *mamzeirim*. Rather, Rav Pappa rules that we say she has only now become healthy (*and the third husband is not required to pay*). (65a)

The Gemora inquires: If the husband claims that they are childless because of her (*and this claim (if undisputed) would result in her losing the kesuvah*), and she counters that it is because of him, what is the halachah?

Rabbi Ami rules: She is believed regarding private matters that are between him and her. Why is she believed? She is certain if his semen shoots like an arrow (*and is thus capable of fertilization*), whereas he does not know conclusively if his semen shoots like an arrow. (65a)

The Gemora inquires further: If the husband claims, “(*I want to delay paying you the kesuvah for*) I will marry another wife, and I will test myself if I am truly infertile,” is the wife obligated to accept this arrangement?

Rabbi Ami rules: Even in this case, he is required to divorce her and pay the *kesuvah* immediately. The reason is because one who marries a second wife (*against the will of the first wife*) must divorce the first wife and pay her *kesuvah*.

Rava disagrees, and maintains that a man may marry many women (*even against the will of the first wife*), as long as he has the ability to support them all (*and therefore he is not required to pay the kesuvah money until it has been determined if he is fertile or not*). (65a)



The Mishna had stated: If during the marriage she miscarried, the ten years should be counted from the time of the miscarriage.

The Gemora inquires: If the husband claims, "You have miscarried during the ten years that we were married (*and I am not required to divorce you yet*)," and she counters, "I have not miscarried," whom do we believe?

Rabbi Ami rules: Even in this case, she is believed, for if she indeed miscarried, she would not want to conceal this fact, which would establish herself (*if concealed*) as a barren woman. (65b)

The Gemora rules: If a woman miscarries, and miscarries a second time, and miscarries a third time, she is established as a woman who miscarries (*the husband is required to divorce her, and pay her kesuvah money*).

If the husband claimed that she miscarried two times, and she claims that she has miscarried three times, Rabbi Yitzchak ben Elozar said: An incident like this came to the Beis Medrash, and they ruled that she is believed, for if the truth was that she did not miscarry a third time, she would not want to establish herself as a woman who gives birth to stillborn children. (65b)

The Mishna states: A man is obligated in the *mitzvah* of procreation, but not a woman. Rabbi Yochanan ben Berokah said: (*They are both commanded*) Regarding both of them, the torah states [Breishis 1:28]: *And God blessed them and God said unto them, "Be fruitful, and multiply."* (65b)

The Gemora cites two opinions as to the Scriptural source for the opinion that only the man is obligated in the *mitzvah* of procreation, but not the woman. (65b)

Rabbi Ila said in the name of Rabbi Elozar the son of Rabbi Shimon: Just as it is a *mitzvah* to say words of rebuke which

will be heard and accepted, so too it is a *mitzvah* to not say something which will not be heard and accepted.

Rabbi Abba said: It is an obligation not to rebuke someone who won't accept the message as it written [Mishlei 9:8]: *Don't rebuke a scorner lest he hate you; rebuke a wise man, and he will love you.* (65b)

Rabbi Ila said in the name of Rabbi Elozar the son of Rabbi Shimon: It is permitted for a person to alter the truth in the interest of peace. This is derived from the verses in Breishis (50: 15 – 17) which occur immediately after the death of Yaakov. And they sent a message to Yosef saying: "Your father commanded before he died, saying: 'So you shall say to Yosef: Please forgive now the transgression of your brethren, and their sin, for they did to you evil . . .'" (*The brothers modified the words of Yaakov in this matter for they were concerned that Yosef would avenge himself for the suffering that they had caused him.*)

Rabbi Nosson said: It is a *mitzvah* for a person to alter the truth in the interest of peace. This he derives from the verses in Samuel I 16:2. (*Hashem commanded Shmuel to anoint David as successor to King Shaul.*) *Samuel said, "How can I go? If Saul hears it he will kill me." And Hashem said, "Take a heifer with you and say, I have come to sacrifice unto the Lord."*

The academy of Rabbi Yishmael taught the following braisa: Great is peace, for even the Holy One, blessed is He, modified a statement for the sake of peace. It is written (regarding Sarah's reaction to the prophecy that she would bear a son) [Breishis 18:12]: "My husband is old," while afterwards it is written (as Hashem reports Sarah's reaction to Avraham) [ibid: 13]: "Why is it that Sarah laughed saying, 'Shall I bear a child, though I am old?'" (65b)

DAILY MASHAL

DON'T REBUKE WHEN IT WON'T BE ACCEPTED

Rabbi Ila said in the name of Rabbi Elozar the son of Rabbi Shimon: Just as it is a *mitzvah* to say words of rebuke which will be heard and accepted, so too it is a *mitzvah* to not say something which will not be heard and accepted.

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Rabbi Abba Spero from Cleveland told Rabbi Yissochar Frand an incident involving Rav Motel Katz. Rabbi Frand told him that he could not believe that the incident occurred, Rabbi Spero responded that he had documentary proof of the incident. He sent Rabbi Frand a copy of the incident described by Rav Motel himself in his own collected writings.

Rabbi Frand received permission from the son of Rav Motel, Rav Yakov Velvel Katz to publicly relate this incident, which he did on torah.org/shlach/5761.

The incident that Rav Motel related occurred at the Telshe Yeshiva in Cleveland [presumably sometime in the 1950s]. The incident, which was an applied example of the above lesson, was as follows:

"I was asked by the students of the Yeshiva to permit them to daven Ma'ariv [conduct evening prayers] early. They requested that the established schedule of the Yeshiva be changed for the evening. Why did they wish to change the Yeshiva's prayer schedule? So that they could listen on the radio to the Championship Prize Fight in New York to hear who wins."

Imagine if students came to the Rosh Yeshiva [Dean] today to ask that the Yeshiva prayer times be changed because of the NBA Playoffs!!

Rav Motel explained: "I knew full well that it was inappropriate to change the time of Ma'ariv and the Yeshiva's schedule for a Heavyweight Prize Fight between people who are trained to hurt and injure one another."

But what did this great product of Lithuanian Yeshivas -- this product of Telshe in Europe -- decide to do? What did Rav Motel respond to the request to daven Ma'ariv early so they could listen to the fight on the radio?

"I could not stop them and prohibit them from doing this. I knew that this was not the time to say no. Famous and respected people come from all over the country to be present at a Heavyweight Championship Fight, to get ringside seats. A thousand people come from all parts of the country! This prizefight was viewed by the masses as an event of major proportions! It is difficult to forbid it. I could not say no because they would not know where I was coming from and they would not understand my reasoning."

The majority of students in the Telshe yeshiva in the 1940s and 1950s came from public schools. They came to Telshe from small isolated communities. High level Torah study was just beginning to take root in America. They had not achieved the spiritual level whereby they could understand the idea that watching two people hitting each other in a boxing ring is a foolish pastime. To get up in the Yeshiva and castigate such activity as stupidity and nonsense would fall on deaf ears.

Rav Motel could not consider what his teachers in Europe would think about changing the time of Ma'ariv to accommodate such an event, because he knew that HIS students were not at the level of his teacher's students. His students at that time were not ready to fully appreciate priorities based on Torah values.

That is Chinuch: Knowing when to say and when not to say - knowing one's children and one's students and knowing the time and the mentality prevalent in the era in which one is teaching. That is Chinuch!

In the great Yeshiva of Telshe, 'Chinuch' in that situation was to schedule Ma'ariv early so that the students could listen to a prizefight on the radio.



I would not have believed this story if I had not seen it written by Rav Motel himself. This is a great tribute to the pedagogic wisdom of Rav Motel Katz, zt"l. It is a tremendous insight into the meaning of being an educator or a father or a Rebbi or a Rosh Yeshiva. Sometimes it is necessary to say "Yes". But sometimes it is just necessary to not say anything at all!

This is what we pray for when we recite the prayer (in Shmoneh Esrei, the Amidah) for wisdom and understanding. We are asking G-d to grant us the wisdom to do what is right in the education of our children, our students and our community.

INSIGHTS TO THE DAF

License To Lie

Rabbi Ila said in the name of Rabbi Elozar the son of Rabbi Shimon: It is permitted for a person to alter the truth in the interest of peace. This is derived from the verses in Breishis (50: 15 – 17) which occur immediately after the death of Yaakov. And they sent a message to Yosef saying: "Your father commanded before he died, saying: 'So you shall say to Yosef: Please forgive now the transgression of your brethren, and their sin, for they did to you evil . . .'" (*The brothers modified the words of Yaakov in this matter for they were concerned that Yosef would avenge himself for the suffering that they had caused him.*)

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Rabbi Moshe Menachem Liberman, a member of the Chicago Community Kollel discusses some of the halachos regarding the modification of the truth for certain purposes.

<http://www.cckollel.org/html/parsha/bereishis/vayichi5764.html>

"And they sent a message to Yoseph saying: Your father commanded before he died, saying: So you shall say to Yoseph: Please forgive now the transgression of your brethren, and their sin, for they did to you evil . . ." Vayechi 50:16-17.

Rashi points out that the brothers modified the words of Yaakov Avinu in this matter in the interest of peace because Yaakov Avinu had not actually commanded thus.¹ The Gemara learns from these pesukim that there is a license to alter the truth in the interest of peace.² This freedom to alter the truth is actually mandatory and not merely an authorization to alter the truth.³ Before we look at this obligation to alter the truth in the interest of peace, it behooves us to examine the general restriction against altering it.

The Torah states in Parshas Mishpatim, "From a false matter you shall distance yourself."⁴ Thus, halachic authorities hold that there is a biblical obligation to refrain from lying.⁵ Furthermore, Hashem exhorts us to speak the truth, as the Navi in Zechariah states, "Let one man speak with another in truth."⁶

The threshold for establishing what constitutes a falsehood, though, is very low. A mere omission is considered an alteration of the truth.⁷ The Chofetz Chaim deduces this from the Talmud in Yevamos 65b which states:

Peace is important because even Hakodosh Boruch Hu altered the truth in the interest of peace. Initially the Torah

writes [that Sarah Imeinu, after hearing that she will give birth to a son to Avraham Avinu, said], “[After I am old shall my skin become smooth] and my husband is old?”⁸ And afterwards it writes [Hashem (only) told Avraham Avinu that Sarah Imeinu had said], “and I am old?”⁹

The only difference between what Sarah Imeinu said and what Hashem told Avraham Avinu that she said, was that Hashem omitted the comment that she had made concerning Avraham Avinu.¹⁰ This omission, the Gemara said, was permitted only because it was done in the interest of peace.¹¹ Thus, even a mere omission of part of an otherwise true statement is considered a falsehood to which we are commanded to keep our distance.¹²

Although merely omitting is considered a falsehood, when altering the truth in the interest of peace, it is preferred to an outright lie.¹³ Of course, if merely omitting would be insufficient then he should outright lie.¹⁴ This obligation to lie in the interest of peace, however, does not sanction swearing falsely.¹⁵ Additionally, one may not lie concerning things which have not yet happened.¹⁶

There are other times when it is also appropriate to lie. If a person is asked whether he is knowledgeable in a certain Mesechta, he may lie and answer that he is not when in fact he is.¹⁷ However, if he is asked in order to provide an answer to a halachic query or to teach, then he must answer truthfully, consistent with his expertise in the Mesechta.¹⁸

If a person is asked in the presence of disreputable people concerning the graciousness of his host, he may lie and answer that his host was not gracious.¹⁹

The contemporary halachic authorities also permit altering the truth in the following circumstances:

- People may answer, “I don’t know” when asked about a matter that is supposed to remain secret.²⁰
- Wealthy individuals may lie about their wealth if they fear “the evil eye” (*ayin hara*) or if they do not want to arouse jealousy.²¹

- If one fears that a package will be mishandled, it is permitted to write “glass” on it, even though it does not contain any glass.²²

¹ Rashi al Hatorah, Vayechi 50:16 (beginning with the words “Your father commanded”)

² Yevamos 65b

³ Derishah al Choshen Mishpat 262:21

⁴ 23:7.

⁵ Rabbi Shmuel Hominer, *Eved HaMelech*, Parshas Mishpatim 23:7:1 (citing SMA”G at Esay 107 and SMA”K 226) (4th ed. 1998); *but see* Rabbi Menachem Trivash, *Orach Maysharim* 9:1:1 (noting that this verse is only a restriction on judges and witnesses in the judicial context) (3d ed. 1968).

⁶ Mesilas Yesharim Chapter 11 (quoting Zechariah 8:16 and other sources).

⁷ Chofetz Chaim Hilchos Rechilus 1:8:14.

⁸ Vayera 18:12.

⁹ *Id.* at 18:13.

¹⁰ Chofetz Chaim Hilchos Rechilus 1:8:14.

¹¹ *Id.*

¹² *Id.*

¹³ Chofetz Chaim Hilchos Rechilus 1:8.

¹⁴ *Id.*

¹⁵ *Id.*; *but see* Chofetz Chaim Hilchos Rechilus 1:8:15 (noting that if there is a foreseeable loss to the other person it is questionable whether swearing falsely may be permitted).

¹⁶ Magen Avraham 156:2 (citing Sefer Chasidim 426); *but see* Mishnah Berurah 156:4 (commenting on Magen Avraham 156:2 that it is questionable); *see* Rabbi Shmuel Hominer, *Eved HaMelech*, Parshas Mishpatim 23:7:2 (explaining that the Mishnah Berurah does not understand why there should be a limitation as to when one may alter the truth in the interest of peace).

¹⁷ Shulchan Aruch Choshen Mishpat 262:21.

¹⁸ Be’er HaGolah al Choshen Mishpat 262:9.

¹⁹ Shulchan Aruch Choshen Mishpat 262:21.

²⁰ Rabbi Doniel Yehuda Neustadt, *The Weekly Halachic Discussion*, 47 (citing *Titen Emes I’Yaakov* at 76 (quoting Harav S.Z. Auerbach and Harav S.Y. Elyashiv)) (2d rev. ed. 2002).

²¹ *Id.* (citing *Titen Emes I’Yaakov* at 78 (quoting Harav S.Y. Elyashiv)).

²² *Id.* at 48 (citing *Titen Emes I’Yaakov* at 66 (quoting Harav S.Y. Elyashiv, Harav Y.Y. Fisher, and Harav C. Kanievsky)).