

AN UNDEMANDING AND REASONABLE TORAH

by Rabbi Yitzchok Adlerstein

After two years, the weekly Be'eros shiur has come to an end. It offered divrei Torah based on the works of the Be'er Mayim Chaim and the Be'er Yosef. Rabbi Adlerstein will be turning his weekly attention to the Meshech Chochmah, the modern classic by R. Meir Simcha ha-Kohen of Dvinsk. Like its predecessors (Nesivos Shalom, R. Hirsch, Netziv, Gur Aryeh), the new shiur will be part of Torah.org's Advanced section of Parshah offerings.

Subscribers to Be'eros will automatically be subscribed to the new shiur. If you are a Be'eros subscriber, you don't need to do anything in order to receive the weekly mailing for Meshech Chochmah. Of course, you are free to unsubscribe anytime you want.

And you, be fruitful and multiply

Meshech Chochmah: This short section ends the same way it begins, speaking about plentiful progeny. According to the gemara^[2] the earlier reference was a *berachah*, a blessing that Man should be successful at repopulating the earth after the Flood. Our *pasuk*, on the other hand, establishes reproduction as a commandment.

The halachic requirement established by our *pasuk* to have children is limited to males.^[3] Women are not commanded to have children. Why would the law ignore the women who actually bring new life into existence? Actually, this is not as paradoxical as it might seem. To the contrary, the exemption of women from the legal demand to have children reflects a mega-principle of the Torah, "whose ways are ways of pleasantness." Namely, the Torah does not burden the Jew with demands that his body cannot bear.

The Torah applies this principle in a variety of areas. Wherever the Torah prohibits some item or activity, the ban is not absolute. It always leaves something similar that remains permissible.^[4] The Torah strains our endurance by demanding a day-long fast – but only once a year, and only after making eating the day before mandatory. Unlike other belief systems, the Torah does not frown upon marital intimacy, forbidding it only to one human being, i.e. Moshe, who had climbed to such spiritual heights that he had no real use for it. (Indeed, the Torah makes radical accommodation to the needs of commoners in this area. It understands that a great military victory^[5] leaves soldiers in a state of inflamed passion and intensified emotion. Hashem determined that it was not an

appropriate time to rein in the spirit of soldiers whose desires had been kindled by the *yefas to'ar* / female captive. As Chazal put it,^[6] the Torah allowed the otherwise-forbidden *yefas to'ar* only to placate the evil inclination.

The thread running through all these examples is that the Torah does not make demands upon people that run contrary to the realities of Man's nature with which G-d endowed him.

Our *baalei mesorah* (who could accurately gauge the proper application of this "ways of pleasantness" principle) used it in determining that a widow who did not fall to *yibum* / levirate marriage upon the death of her husband would not be expected to turn her life by subjecting her to the demands of *yibum* at a later date. Thus, if she had a child when her husband died, and the child later passed away, she would not fall to *yibum* at that later time.

Returning to our *pasuk*, we should understand why the Torah would not make having children a legal obligation upon a woman. Childbirth is recognized as a dangerous activity; the gemara understands the number of women who die in labor as significant. It did not disallow women who experienced out-of-the-ordinary difficulty in their pregnancy and labor to medicinally prevent conception. (In order to assure the continuity of the human race, Hashem endowed Woman with an intense desire to bear children. She would long to have children, not because the law demanded it of her, but of her own choosing.)

Rav Yosef^[7] finds evidence for the exemption of women from the mitzvah of procreation in a verse^[8] directed at Yaakov: "I am *Kel Shakai – pere'i u-revei*." Significantly, the last two words are in the singular form, and Rav Yosef takes this as indicating that the mitzvah applies only to the male, rather than to the couple. This proof-text, however, conveniently ignores an earlier verse addressed to both Adam and Chavah, which in fact uses the plural form in telling them to procreate!

According to our approach, the *pasuk* about Adam could not be cited as counterproof. It dates back to the time before Adam's first sin. The difficulty and danger of childbirth had not yet been decreed upon Man. At that time, there was no reason to differentiate between men and women in the mitzvah of procreation. Both Adam and Chavah were equally commanded. It was only after the first sin that making procreation obligatory would impose the undue hardship of exposure to mortal danger. Rav Yosef turned to the verse in which Hashem spoke to Yaakov, and noted that it was phrased specifically in the singular. This indicated, he argued, that women are exempt from the mitzvah.

Our *pasuk* is decidedly post-sin, as well as in the plural! Why does it not serve as a counterexample to the verse about Yaakov? Looking back at the earlier *pasuk*^[9] that begins our section, we see why. It is addressed specifically to "Noach and his sons" – but not to the wife and daughters-in-law. The plural (*peru u-revu*) in this case thus cannot be taken to include both men and women. Women indeed are not part of the *berachah* and the mitzvah of procreation.

Thus, we can account for the nuances of expression in all the fruitful-and-multiply passages – was

well as the Torah's principle of making only reasonable demands.

[1] Based on Meshech Chochmah, Bereishis 9:7

[2] Kesubos 5A

[3] Yevamos 65B

[4] Chulin 109B gives several examples, including allowing us to eat liver, even though blood is usually forbidden.

[5] This is consistent with what R Meir Simcha writes on Devarim 21:10, that the Torah's special license for the *yefas to'ar* applies only to Jewish victory, but not to a negotiated settlement or prisoner swap.

[6] Kiddushin 21B

[7] Yevamos loc. cit.

[8] Bereishis 35:11

[9] Bereishis 9:1
