

## OVERVIEW of the Daf

### 1) Women's obligation to fulfill positive mitzvos that are not time-bound (cont.)

Another explanation why the mitzvah of Torah study is not cited as precedent that women are exempt from positive mitzvos that are not time-bound is offered to account for the opinion of R' Yochanan ben Berokah who obligates women in the mitzvah of פרו ורבו.

It is suggested that according to R' Yochanan ben Berokah the obligation in the mitzvos of פרו ורבו and awe for a parent should teach that generally women are exempt from positive mitzvos that are time-bound.

The Gemara explains why one cannot generalize about a woman's obligation from the mitzvos of פרו ורבו and awe for a parent.

Rava cites the Papuneans (R' Acha bar Yaakov) who identify the source that women are exempt from positive mitzvos that are time-bound and are obligated in positive mitzvos that are not time-bound.

Two unsuccessful challenges to this explanation are presented.

### 2) Negative commandments

Three sources are presented that indicate that woman are obligated in negative commandments the same as men.

The necessity for three expositions to this effect is explained.

The sources that women are exempt from the three mitzvos mentioned in the Mishnah are identified.

Two sources are presented that exempt women from the prohibition against destroying ones' beard.

The Gemara challenges the assumption that women are exempt from the prohibition against destroying ones'

*(Overview...Continued on page 2)*

## Gemara GEM

### Women's role regarding negative mitzvos

וכל מצות לא תעשה וכו' אחד האנשים ואחד הנשים חייבין

The Gemara inquires about the source that women are obligated to comply with negative commandments. שיטה explains that the Gemara searches for a source for women's role regarding negative commandments because the Torah's laws are all expressed in a generic male form (לשון זכר). Furthermore, once we find that women are exempt from positive mitzvos which are time-bound, we might think that they are also exempt from other categories of mitzvos as well. This is why we need to find a source to teach that the negative commandments also apply to women.

Minchas Chinuch (Mitzvah 8, #4) clarifies whether we only need a source regarding women's role vis-à-vis negative commandments which are time-bound, as it is only the time-bound positive commandments from which they are exempt. However, it is obvious even without a special source that now that we know that women are obligated in positive mitzvos which are not time-bound, they are certainly obligated to abide by negative mitzvos which are not time sensitive, as negative mitzvos are considered to be more strict than positive mitzvos (see Yevamos 7a).

Pnei Yehoshua is puzzled by the fact the Gemara searches for a source to show that women are obligated in negative commandments. This suggests that without a specific source, we would assume that women are exempt. The fact that women are exempt from time-bound positive mitzvos has no bearing upon women's role regarding negative mitzvos, as the Gemara in Yevamos (ibid.) indicates that negative commandments are more severe than positive mitzvos. There is therefore no reason to assume that there is an exemption for women regarding negative commandments, so why does the Gemara assume that there be a special source to teach us this?

Pnei Yehoshua explains that we find that many negative commandments in the Torah are introduced with the phrase "בני ישראל". We might have learned that these mitzvos apply to בני ישראל and not בנות ישראל. We therefore need to find a specific source to indicate that women are, indeed, required to comply with negative mitzvos. ■

## REVIEW and Remember

1. Explain the principle of שני כתובים הבאים כאחד.
2. Is tefillin a positive mitzvah that is time-bound?
3. What is the source that women are not included in the prohibition against destroying one's beard?
4. What is the source for Issi's ruling that women are included in the prohibition against making a bald spot as an expression of mourning?

# HALACHAH Highlight

## Are gentile women obligated in the seven Noahide laws?

השוה הכתוב אשה לאיש לכל עונשים שבתורה

The Torah equated a woman to a man for all punishments of the Torah

Teshuvos Yad Chanoch<sup>1</sup> cited the writings of Rav Mendel the Av Beis Din of Siget, author of Derech Emunah, who suggested that gentile women are not obligated to observe the prohibitions of the seven Noahide laws. The basis for this assertion is our Gemara that in response to the Gemara's inquiry for a source for the Mishnah's comment cites a verse that teaches that men and women share the same obligation regarding prohibitions. The very fact that the Gemara is compelled to inquire after the source that men and women share the same degree of obligation regarding prohibitions indicates that one's initial thinking (סברא חיצונית) is that women should be exempt from prohibitions. Therefore, since there is no verse that includes women in the obligation to observe the prohibitions of the seven Noahide laws we revert back to our initial assumption, namely, that gentile women are not obligated to observe the prohibitions of the Seven Noahide laws.

Another proof Sefer Derech Emunah cites is the Gemara Yevamos (47b) that records a conversation between Ruth and Naomi. One of the issues Naomi mentioned when she was trying to deter Ruth from converting was that if she converts she will have to observe the prohibition against idolatry. At

(Overview...Continued from page 1)

beard.

Abaye resolves the apparent contradiction between the Mishnah and the Baraisa.

Abaye's explanation is unsuccessfully challenged.

Issi cites a Baraisa that maintains that women are also exempt from the prohibition against making a bald spot as an expression of mourning.

The Gemara identifies the source for this ruling. ■

first glance this is difficult to understand since gentiles are also prohibited from worshipping idolatry. In light of this assertion the Gemara could be easily understood. Since gentile women are not obligated to observe the prohibitions of the seven Noahide laws the prohibition against idolatry would be a new restriction that Ruth would have to observe and thus Naomi thought it may be a deterrent.

Teshuvos Yad Chanoch disagrees with Sefer Derech Emunah and cites the Gemara in Sanhedrin (57b) that discusses explicitly the possibility of executing gentile women for violating one of the seven Noahide laws. Regarding the proof from the Gemara in Yevamos, Teshuvos Yad Chanoch suggests that Naomi was informing Ruth that if she were to convert it would be prohibited even to worship idolatry even if the idol is believed to be a partner to Hashem (בשיתוף), something which is only prohibited for Jews. At the end of the Teshuvah he cites an exposition that could be used as a source that gentile women are obligated to observe the prohibitions of the 7 Noahide laws. ■

1. שו"ת יד חנוך סי' ס' ■

# STORIES Off the Daf

## Two choices

"הניחא למ"ד תפילין מ"ע שהזמן גרמא..."

A certain man once lost his tefillin. Although he suspected that they were actually stolen, he had no way to verify this since his tefillin had completely disappeared. One day he had them, and the next he did not. Sadly, this man could not yet afford a new pair but was slowly saving up. Since charity was out of the question, he resolved to borrow someone else's pair. This is not always as easy as it sounds, since many people object to others borrowing their tefillin while oth-

ers are just in too much of a rush to be willing to lend them every day.

Luckily, the man found a coworker who davened in a shul not far from their workplace. This man would make the first minyan, take off his tefillin, and leave them for his coworker so that he could pray with the second minyan. Every day, the man who had lost his tefillin would come to the first minyan and learn until it was time to don his friend's pair. Afterward, he would drop off his friend's tefillin at the friend's office.

One day, only nine men showed up for the hashkama minyan. The man who had no tefillin didn't know what to do. Should he daven with them and put on tefillin afterwards, or was it better

that they lack a minyan and he daven with tefillin in a later minyan?

He ended up davening with them but wondered if he had made a mistake.

When Rav Yitzchak Zilberstein, shlit"א, was consulted regarding this question. he ruled that the man had made the right choice. He said, "In Gitin 38 we find that Rabbi Eliezer freed his slave to be the tenth man in a minyan. Although this is a violation of a positive commandment, it is permitted for the great mitzvah of completing a minyan. Clearly, one may daven first and put on tefillin in order to make a minyan!"<sup>1</sup>

1. ברכי נפשי, בראשית, עמוד תשמ"י

