

From the Rabbi's Desk
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Stories with a Twist [233]



Is a Woman Commanded to Be Fruitful and Multiply? Insights into Babylonian Talmud Kiddushin 12b & Babylonian Talmud Yevamot 65b

Thanks to Rabbi Uri Romano for bringing these two stories to my attention and for the analysis of
Inbar Raveh

Background to Our Story

Rabbi Hiyya and his family



Koren Talmud Bavli, The Noe Edition. Yevamot. Part 1. Koren publishers Jerusalem

Rabbi Hiyya ben Abba, who was from the city of Kafri, Babylonia, was among the last of the tanna'im and was a disciple-colleague of Rabbi Yehuda HaNasi. Rabbi Hiyya descended from a family of distinguished lineage that traced its ancestry back to King David and produced many Sages. While he was still in Babylonia, Rabbi Hiyya was considered a Torah luminary. When he ascended with his family from Babylonia to Eretz Yisrael, some, engaging in hyperbole, said that the Torah was about to be forgotten in Eretz Yisrael until he came from Babylonia and reestablished it. When he came to Eretz Yisrael, he became a disciple and a colleague of Rabbi Yehuda HaNasi, with whom he had a very close relationship. He was especially close with Rabbi Yehuda HaNasi's son Shimon, who was also his business partner. All of the students of Rabbi Yehuda HaNasi were Rabbi Hiyya's colleagues, and he was close with the tanna Rabbi Shimon ben Halafta. The younger disciples of Rabbi Yehuda HaNasi, e.g., Rabbi Hanina, Rabbi Oshaya, Rabbi Yannai, and others, studied Torah from Rabbi Hiyya and were, to a certain degree, his disciples as well. His brothers' sons, Rabba bar bar Hana, and above all, the great amora, Rav, were his primary disciples. In addition to his prominence as a Torah scholar, Rabbi Hiyya was outstanding in his piety, as reflected in several anecdotes throughout the Talmud. Rabbi Hiyya also appears as a central figure in the Zohar. He was buried in Tiberias and his two sons were later buried alongside him. Rabbi Hiyya's sons, Yehuda, son-in-law of Rabbi Yannai, and Hizkiyya, were both among the leading Torah scholars in the transitional generation between the tanna'im and the amora'im. They apparently succeeded Rabbi Hiyya at the head of his private yeshiva in the city of his residence, Tiberias. The ge'onim had a tradition, also cited in Tosafot (Bava Batra 149a), that Rabbi Hiyya's daughter Pazi was the mother of a large family that included

several important Sages such as Rabbi Shimon ben Pazi and his son, Rabbi Yehuda. Out of respect for Rabbi Hîyya, they were referred to by Pazi's name rather than that of her husband.

Kiddushin and Kiddushin of a Minor

Tractate Kiddushin. The Ellis A. Safdeye Edition of Seder Nashim. Artscroll Edition

According to Biblical law, the bond of marriage is established in two stages. These are erusin, (or kiddushin) and nisuin. The former stage, kiddushin, represents the initial acquisition of the wife by the husband, while the latter stage represents the completion of the marital bond. Although we have sometimes translated the word kiddushin as betrothal, we have done so only for lack of a better equivalent English term. The truth is, however, that kiddushin is very different from a mere engagement, in that during this stage -in most respects- the couple is considered legally married. The wife may not be wed to anyone else; intimate relations with any other man is considered adultery and incurs the death penalty. In addition, erusin can be dissolved only by divorce.

Since the consent of the woman is requisite for the act of kiddushin, a minor - who is not deemed to understand the consequences of her actions cannot accept kiddushin. Nevertheless, the Torah gave a girl's father the authority to give her in betrothal - not only when she is a minor, but even when she is a naarah - a girl in her first six months after reaching the age of twelve and having grown two pubic hairs. If a minor girl has no father, the Rabbis authorized her mother or brothers to give her in betrothal. However, until the girl comes of age, she may protest that kiddushin and thereby nullify it retroactively.

Testimony in Jewish law



https://en.wikipedia.org/wiki/Testimony_in_Jewish_law

Testimony in Jewish law consists of testimony by eligible witnesses to a Beit Din (court) authorized to render decisions according to *halakhah* (Jewish law). The principles of testimony in halakhah have been applied to Mishpat Ivri (Hebrew jurisprudence).

The Torah says (Deuteronomy 19:15): "One witness shall not arise against a man for any sin or guilt that he may commit; according to two witnesses or according to three witnesses a matter shall stand." Thus, two witnesses provide conclusive proof of reality, but one witness does not.

Blood relatives are not allowed to be witnesses or judges in the same case (Sanhedrin chapter 3 lists which blood relatives are included). This is a fundamental exclusion, without regard to the specific nature of a possible conflict of interest in a particular case.

Testimony of a deaf, mentally incompetent or young person (before Bar Mitzvah) is excluded. Testimony from women is also generally excluded. Anyone who is caught guilty of a sin which demonstrates greed, i.e. who sins in order to acquire money, is also disqualified.

Mishna Yevamot Chapter 6:6

A man is commanded with regard to the mitzva to be fruitful and multiply, but not a woman. Rabbi Yoĥanan ben Beroka says that a woman is also commanded, as the verse states with regard to both of them (Genesis 1:28): "And God blessed them, and God said to them: Be fruitful and multiply."

Twins Born at Different Times



Although rare, it is possible for twins to be born at different times, occasionally with a significant interval between the births. There have been documented cases of the birth of twins separated by a gap of over fifty days, and even up to eighty-five days.

One More Belly



There is a hereditary tendency among certain women to give birth to twins, and therefore a woman who gave birth to two sets of twins has a considerable likelihood of having an additional set of twins.

The Text: Babylonian Talmud Kiddushin 12b & Babylonian Talmud Yevamot 65b

Story 1

Yehudit, the wife of Rabbi Hiyya, experienced unusually painful labor while giving birth to twins.

After her travail, she said to [Rabbi Hiyya]: "My mother told me: 'When you were small, your father accepted *kiddushin* for you [from another man, and your present husband, Rabbi Hiyya, is therefore forbidden to you]!'"

[Rabbi Hiyya] replied to her: "It is not within your mother's power to cause you to become forbidden to me, [for her testimony in this matter cannot be taken into account]."



Explaining the Story (What is the sequence of events that take place in the story?)

Comprehension and Analysis Questions

? Why did Yehudit, the wife of Rabbi Hiyya, have acute birthing pain?

Bonus ? Why did Yehudit tell her husband [Rabbi Hiyya]: "My mother told me: When you were small, your father accepted *kiddushin* for you"?

Extra Bonus ? What do you think about Rabbi Hiyya's first reaction to Yehudit's comment?

Extra Bonus ? How do we know the pain Yehudit experienced when giving birth was unbearable to her?

? Why is it not within the power of Yehudit's mother's to cause her to become forbidden to Rabbi Hiyya? (Base your answer on what you learned about testimony in Jewish law)

Answer 1 _____

Answer 2 _____

Answer 3 _____

Story 2

Rabbi Hiyya's sons, Yehuda and Hizkiyya, were twins, but one of them was fully developed after nine months of pregnancy and one was fully developed at the beginning of the seventh month, and they were born two months apart.

Yehudit, the wife of Rabbi Hiyya, had acute birthing pain from these unusual deliveries.

She changed her clothes and came before Rabbi Hiyya to ask him a halakhic question. She said: Is a woman commanded to be fruitful and multiply?

He said to her: No.

She went and drank an infertility potion.

Eventually the matter was revealed, and Rabbi Hiyya found out about what Yehudit had done. He said to her: If only you had given birth to one more belly for me!



Explaining the Story (What is the sequence of events that take place in the story?)

Comprehension and Analysis Questions

? Why did Yehudit, the wife of Rabbi Hiyya, have acute birthing pain?

Answer 1 _____

Answer 2 _____

Bonus ? We could view stories 1 and 2 as two different parallel versions of the same story or, as Inbar Raveh¹ suggests, as two consecutive stories, story 2 following story 1. If we accept her approach that story 1 came before story 2, why did Yehudit, the wife of Rabbi Hiyya, change her clothes and come in disguise

¹ Raveh, Inbar: *Feminist Rereadings of Rabbinic Literature*. Kaeren Fish, trans. Brandeis 2014

before her husband to ask him if a woman is commanded to be fruitful and multiply?

Bonus ? Do you think Yehudit knew the halakhic answer to her question? If yes, why did she ask it?

Bonus ? Why did Rabbi Hiyya lament that he would not have more children from Yehudit?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Bonus ? How do these stories portray Rabbi Hiyya?

Bonus ? How do these stories portray Yehudit?

“The Twist” – Or the Lessons We Can Learn from the Text

! Feeling empathy is more difficult when your own interests are at stake and are being jeopardized.

EPILOGUE

Yehudit is suffering from painful labor. Her husband, Rabbi Hiyya, cannot relate to her pain. Firstly, he is a man who has never experienced and will never experience such a pain. Secondly, he wishes to have more children with Yehudit (a mass producer of great scholars). His self-interest prevents him from seeing that another individual, in this case his own wife, is suffering. He does not recognize that it is within his power to put an end to her suffering. Yehudit’s willingness to end her marriage, just to avoid an unbearable pain, does not move Rabbi Hiyya, who only sees what he wishes to see. Rabbi Hiyya doesn't even think to ask himself why his wife would tell him, after all these years, that their marriage is invalid. In the end, Yehudit resorts to her wits and overpowers her insensitive husband on his own turf.