

[אי¹ אמרה לא בעינא מי איתיה לעשה כלל –

If she said, ‘I do not want’, is there an עשה at all

Overview

The גמרא explains that by מאנס we cannot say עשה דוחה לא תעשה (so he should be able to marry a woman ראויה לו), since if she says, ‘I do not want to marry him’, there is no עשה at all. Therefore it is not similar to the other cases of עדל"ת.

asks: תוספות

הקשה הרב רבינו עזרא אמאי איצטריך קרא בפרק קמא דיבמות (דף ה,ב) דאין עשה דכיבוד דוחה שבת - asked, why did the גמרא in the first פרק of יבמות require a פסוק to teach us that the מצות of honoring one's parents cannot push away the ל"ת of doing work on שבת,² Seemingly we do not need a פסוק -

הא ליכא עשה דאי אמר לא בעינא לכיבוד מי איתא לעשה כלל³ -

Since there is no עשה, for if the parent said, ‘I do not want this honor’, there is no עשה at all –

answers: תוספות

ויש לומר דהתם מכל מקום מיד כשצוה אב הוי עשה לעשות מצותו⁴ -

And one can say that nevertheless, there as soon as the father commands to do the מלאכה there is an עשה to do his command –

offers an alternate answer: תוספות

ולי נראה דהכא גבי ידיה ליכא עשה⁵ דהא אי בעינא אמרה לא בעינא ליה -

And it appears to me (תוספות) that here (by מאנס) there is no עשה for her to marry him, for if she wants she can say, ‘I do not want him’ -

הלכך אין לה לעבור בלאו משום עשה ידיה דהיא מזהרת כמותו -

Therefore she cannot transgress the לאו because of his עשה, since she is warned just

¹ This bracketed תוספות is an addendum from תוספות ישנים as indicated at the end of this תוספות.

² This means that if one's parent requested that you do a מלאכה which is forbidden on שבת (like cooking), one may not do it and we do not say עדל"ת. The גמרא there (initially) derives it from the פסוק (in יטג, in ויקרא [קדושים]) which states איש אמו ואביו תיראו ואת שבתותי תשמורו, כולכם חייבים בכבודי.

³ Just like here by מאנס she cannot marry him, even if they both want, for since she has the option of saying לא בעינא, therefore there would be no עשה at all, similarly here by שבת, even if the father wants the כיבוד, it should be prohibited, since he could have said, ‘I do not want this honor’. What is the difference between these two cases.

⁴ In the case of שבת the point of conflict between the עשה and the ל"ת is as soon as the father makes the request, at that point the child must comply, there is an עשה that can only be accomplished by being דוחה ל"ת. In the case of אונס the point of conflict is when he was מאנס her, at that point she is not obligated to marry him, she can refuse; the עשה is provisional not mandatory. By שבת he makes the עשה and it is binding, by אונס the תורה made an עשה which is not binding. כן י"ל בד"א.

⁵ However by ואם ואת כיבוד אב ואת כיבוד אם there is an עשה on the child to obey his parents.

like him not to transgress a ל"ת -

והשוה הכתוב אשה לאיש כדאמרינן ביש מותרות (יבמות דף פד,ב) . תוספות ישנים כתב יד]:

For the גמרא states in מצות ל"ת as the man regarding all מצות ל"ת equated the woman to the man תורה. This is a תוספות ישנים taken from a manuscript. פרק יש מותרות.

Summary

distinguishes between מאנס and כיבוד הורים being שבת by, there is a definite כיבוד to honor one's parent, here the obligation to marry is on him, but not on her, for she can refuse, so his מצוה cannot make her transgress her prohibition.

Thinking it over

Is our understanding that the מצוה of לאשה ולא תהיה לאשה is only on the man, or is the מצוה on both, except that she has the right to refuse marriage, and he does not (by אונס)?