



A

בס"ד
Intro

Today we will learn בע"ה מסכת יבמות Of דף מ"ב
The topics we will learn about include.

When does the waiting period begin?

The reasons for imposing a waiting period on the various women

A

When does
the waiting period
begin?

The reasons for imposing
a waiting period
on the various women



B

The final ruling in the הלכה of marrying through אירוסין during the waiting period.

Some of the terms and concepts we will learn about today;

ספק בן תשעה לראשון

ספק בן שבעה לאחרון

A viable child is born at a point where it cannot be determined whether it's the child of the בעל, born after nine months, or it's the child of the יבם, born after seven months

הלכה כסתם משנה

Rabbi Yochanan says that we always follow a Mishnah quoting an anonymous opinion

B

Marrying through אירוסין
during the waiting period

ספק בן תשעה לראשון
ספק בן שבעה לאחרון

הלכה כסתם משנה



1 So let's review

We learned in the Mishna in the previous Daf

היבמה לא תחלוץ ולא תתייבם
עד שיש לה שלשה חדשים

A יבמה must wait three months before performing יבום or חליצה.

This was explained there.

The Gemara here continues to explain the next statement of the Mishnah:

וכן כל שאר הנשים
לא יתארסו ולא ינשאו

עד שיהא להן שלשה חדשים

So too, all other women whose husbands passed away are not allowed to re-marry through קידושין or נשואין until three months have passed.

The Gemara explains:

בשלמא יבמה כדאמרן

The reason that requires a יבמה to wait was already been explained - However, שאר נשים אמאי

Why are all the other women required to wait three months?

2 Rav Nachman says in the name of Shmuel that the reason is based on a Posuk;

להיות לך לאלקים ולזרעך אחריו

The Gemara only rests on children who can be traced to their parents.

Therefore, all women are required to wait

להבחין בין זרעו של ראשון
לזרעו של שני

To distinguish between the children of the first husband, and the children of the second husband

This reason also applies in the case of a גר and גיורת who were previously married and then converted, although they were previously married to each other, they are still required to wait three months before remarrying,

להבחין בין זרע שנזרע בקדושה
לזרע שנזרע שלא בקדושה

to distinguish between the children prior to the גירות, and the children after the גירות

1

היבמה לא תחלוץ ולא תתייבם עד שיש לה שלשה חדשים

וכן כל שאר הנשים
לא יתארסו ולא ינשאו
עד שיהא להן שלשה חדשים

שאר נשים
אמאי

בשלמא יבמה
כדאמרן



2

אמר רב נחמן אמר שמואל

להיות לך לאלקים ולזרעך אחריו

*The Gemara only rests on children
who can be traced to their parents*

Therefore, all women are required to wait

להבחין בין זרעו של ראשון
לזרעו של שני

*This reason also applies in the case of
a גר and גיורת who were previously married
and then converted*

להבחין בין זרע שנזרע בקדושה
לזרע שנזרע שלא בקדושה

3 Rava gives another reason for the waiting period:
It's a גזירה.

In the event that she remarries during the three months and then has a child – He might be from her first husband, but he will consider himself a son of the second husband, and might come to transgress various איסורים.

One -

שמה ישא את אחותו מאביו

He might come to marry a daughter of the first husband from another wife, who is in fact his sister since they share the same father.

Two -

וייבם אשת אחיו מאמו

If he has a brother who was born from the second husband who passes away without children, this brother's wife would then be required to perform יבום. Since he assumes that he is a son of the second husband, he would perform יבום with this יבמה, who is in fact his אשת אחיו מאמו, the wife of his brother only through his mother, in which he has NO חיוב יבום. Therefore, she is actually an Ervah of אשת אח, and he would be חייב כרת.

Three -

ויוציא את אמו לשוק

If his mother did not have any children with the second husband, and he passes away, she would be required to perform יבום. But since it was assumed that he is a son of the second husband, his mother would not perform Yibum or Chalitzah, and would get married without Chalitzah, an איסור לאו.

Four -

ויפטור את יבמתו לשוק

If he has a brother from the first husband who dies without children, the wife would be required to perform יבום. Since he assumes that he is a son of the second husband, and there are no other brothers from the first husband, the יבמה will get married without חליצה, another case of an איסור לאו.

3

אמר רבא

גזירה

*If she remarries during the three months
and then has a child
He will believe that he is the son of
the second husband*

יפטור את יבמתו לשוק <i>he might not perform Yibum or Chalitzah even though she must</i>	יוציא את אמו לשוק <i>she might not perform Yibum or Chalitzah even though she must</i>	וייבם אשת אחיו מאמו <i>he might perform Yibum with her even though she must not</i>	שמה ישא את אחותו מאביו <i>he might marry inadvertantly his sister even though it אסור</i>
Issur of יבמה לשוק	Issur of יבמה לשוק	Ervah of אשת אח	Ervah of אחותו מאביו

4 The reason of **שמא ייבם אשת אחיו מאמו** also applies in the case of a **גר** and **גירת** who were previously married and then converted.

If this son was conceived before **גירות** and born after **גירות**, and then another son was born, obviously conceived after **גירות**, they are only considered **אחים מן האם**, brothers through their mother, because the first son is not considered the son of the father. If the second son passes away without children, the first son assuming that they are brothers **מאב** will perform **Yibum**, when in fact the **Yevamah** is only **מאמו** **אשת אחיו מאמו**, and he would be **כרת**.

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5 The Gemara proceeds to explain why three months.

After explaining that waiting less than three months, for example, anywhere between **חודש**, one month, to **שני חדשים ומחצה**, two-and-a-half months, would still result in a **ספק בן תשעה לראשון** **ספק בן שבעה לאחרון**

The Gemara asks;
ותמתין משהו ותנשא
Why doesn't she wait a short while before remarrying -
וכי מלו שלשה חדשים לבדקה

Then when three months pass from the time her husband passed away, she would be checked to see if she is **מעוברת**.

5 **Why Three Months**

ותמתין משהו ותנשא
וכי מלו שלשה חדשים לבדקה

רב ספרא
אין בודקין את הנשואות שלא יתגנו על בעליהן

אשה מחפה עצמה כדי שיירש בנה בנכסי בעלה
A woman will try to hide the fact that she is מעוברת - so that her child will inherit the assets of the second husband

Rav Safra answers;

אין בודקין את הנשואות

שלא יתגנו על בעליהן

We do not physically examine married women, because they might become repulsive in the eyes of their husbands.

To check their footprints would not be accurate, because

אשה מחפה עצמה

כדי שיירש בנה בנכסי בעלה

A woman will try to hide the fact that she is **מעוברת** so that her child will inherit the assets of the second husband.

6 Then the Gemara asks;
 היכא דקים לה דמעוברת היא תנשא
 In the case that we are aware that she is already
 מעוברת she should be permitted to remarry immedi-
 ately.

After discussing various reasons for the Halachah
 לא ישא אדם מעוברת חברו ומינקת חברו
 The Gemara concludes;

סתם מעוברת למניקה קיימא
 After birth, the average mother will nurse her child
 די למא איעברא ומעכר חלבה וקטלה ליה
 If she remarries and becomes מעוברת she will lose
 her milk. Her second husband won't want to
 provide nourishment for the child, and she would
 be too embarrassed to claim the expenses from the
 inheritors of her first husband. Without any food
 the child would eventually starve to death.

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6



**היכא דקים לה דמעוברת היא
 תנשא**

{ לא ישא אדם
 מעוברת חברו
 ומינקת חברו }

סתם מעוברת למניקה קיימא

די למא איעברא ומעכר חלבה וקטלה ליה
the child would eventually starve