

В

בס"ד Intro

Today we will בע"ה learn מסכת יבמות ס דף מסכת יבמות the topics we will learn about include.

When does the waiting period begin?

The reasons for imposing a waiting period on the various women



The reasons for imposing a waiting period on the various women

The final ruling in the הלכה of marrying through 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

Marrying through אירוסין during the waiting period

ספק בן תשעה לראשון ספק בן שבעה לאחרון

הלכה כסתם משנה





So let's review

We learned in the Mishna in the previous Daf היבמה לא תחלוץ ולא תתייבם היבמה לא תחלוץ ולא תתייבם עד שיש לה שלשה חדשים עד שיש לה שלשה חדשים ימום must wait three months before performing יבמה 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 קידושין until three months have passed.

The Gemara explains: בשלמא יבמה כדאמרן The reason that requires a יבמה כדאמו was already been explained - However, שאר נשים אמאי Why are all the other women required to wait three months?

Rav Nachman says in the name of Shmuel that the reason is based on a Posuk; להיות לך לאלקים ולזרעך אחריך The להיות לך לאלקים ולזרעך אחריד only rests on children who can be traced to their parents. Therefore, all women are required to wait וארעו של ראשון להבחין בין זרעו של שני 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 א מחל גירת 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 שלא בקדושה לזרע שנזרע שלא בקדושה

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





להבחין בין זרע שנזרע בקדושה לזרע שנזרע שלא בקדושה





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

One -

שמא 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 אשת, who is in fact his אשת אחיו מאמו, the wife of his brother only through his mother, in which he has NO היוב יבום. Therefore, she is actually an Ervah of m, and he would be אשת אחיו.

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 would read be a second husband.

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 יבמה לשוק nother case of an יבמה לשוק.



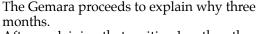




5

The reason of שמא ייבם אשת אחיו מאמו also applies in the case of a גיורת 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 מן האב will perform Yibum, when in fact the Yevamah is only אשת אחיו מאמו, and he would be חייב כרת.



After explaining that waiting less than three months, for example, anywhere between חודש, one month, to שני חדשים, 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 -

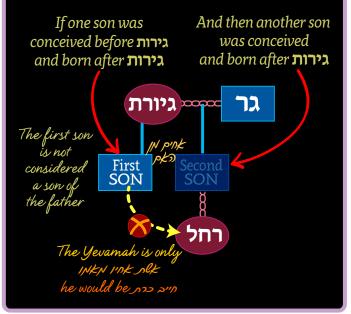
וכי מלו שלשה חדשים לבדקה

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

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.

שמא ייבם אשת אחיו מאמו also applies in the case of a גיורת and גיורת



Why Three Months

ותמתין משהו ותנשא

ובי נקאן לאלד חדליס אבדקד とうつつ っ? 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



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 immediately.

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 דילמא איעברא ומעכר חלבה וקטלה ליה

If she remarries and becomes multiplies 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.





