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Yevamos Daf 42

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Mishnah had stated: And similarly, all other previously married women may not be betrothed (*erusin*), or wed (*nisuin*) until they have three months.

The Gemora asks: It is understandable regarding a yevamah, as we had mentioned previously, but as for the other women, what is the necessity to wait three months?

Rav Nachman answers in the name of Shmuel: Because it is written in Scripture: To be a God to you, and to your offspring after you; to distinguish between the offspring of the first husband and the offspring of the second husband.

Rava asks from the following Baraisa: A male and a female convert who were married before the conversion must wait three months from the conversion before they resume having marital relations with each other. What is the necessity over here; she was married to the same man before and after the conversion?

The Gemora answers: It is necessary to distinguish between an offspring that was conceived in sanctity (*when she was Jewish*) to an offspring that was not conceived in sanctity.

Rava offers an alternative reason for the three month waiting period: We are concerned that the child will mistakenly marry his paternal sister, or perform a *yibum* with the wife of his maternal brother, or cause his mother to marry someone else (*when she is actually a yevamah, and cannot marry anyone until she is released by the yavam*), or he will exempt his mother from marrying someone else.

Rav Chananyah raised an objection: In all these I read a provision against an *ervah* [transgression], but here it is a

provision in favor of the child. Now, if this is tenable, all would be due to a provision against an *ervah* [transgression]! — The meaning of ‘a provision in favor of the child’ is that the child might not infringe a prohibition of an *ervah* [transgression]’. (42a1 – 42a3)

The Gemora asks: It is understandable why [a divorcee or widow] shall not marry after waiting a period of just two months because that would create a doubt as to whether the child is a nine-months one of the first or a seven-months one of the second; shouldn’t, however, it be sufficient to wait one month and then marry; if she gives birth after seven months, it would be evident that the child is a seven-month baby from the second husband (*since an eight-month baby cannot survive*), and if she gives birth after eight months, it would be evident that the child is a nine-month baby from the first husband?

The Gemora answers: If she would give birth after eight months, there is still a possibility that the child is a seven-month baby from the second husband because perhaps she only conceived one month after her marriage.

The Gemora asks: Shouldn’t it be sufficient to wait two and a half months and then marry; if she gives birth after seven months, it would be evident that the child is a seven-month baby from the second husband, and if she gives birth after six and a half months, it is evident that the child is a nine-month baby from the first husband, for if the child would have been fathered by the second husband, it would not be able to survive since the pregnancy lasted for only six and a half months?



The Gemora answers: If she would give birth after six and a half months, there is still a possibility that the child has been fathered by the second husband because Mar Zutra said: Even according to the opinion that a woman who gives birth at nine months cannot give birth in abbreviated months, a woman who gives birth at seven months may give birth in abbreviated months, for it is stated in Scripture: And it came to pass, after seasons and days, the minimum of 'seasons' is two, and the minimum of 'days' is two.

The Gemora asks: Shouldn't it be sufficient to wait a short amount of time and let her marry, and after three months, she should be examined to see if she has any signs of pregnancy; if she does, we will know that she is pregnant from the first husband?

Rav Safra answers: We do not examine married women so that they shall not appear offensive in the eyes of their husbands.

The Gemora asks: Let us examine her by her walking (*a deeper footprint in loose earth would indicate that she is carrying a fetus, and this is not an intimate examination*)?

Rami bar Chama answers: This is not a foolproof examination because she can cover up for herself (*by walking differently*) in order that her son (*from the first husband*) should inherit the property of her second husband. (42a3 – 42a4)

The Gemora states: It emerges that a woman who is definitely pregnant may get married immediately. Why then has it been taught in a Baraisa: One should not marry a pregnant [ex-wife] of his fellow or nursing [ex-wife] of his fellow, and if he did marry her, he must divorce her and he is prohibited from marrying her again.

The Gemora answers: The decree was established because we were concerned that she might conceive while she is pregnant, and the new fetus can crush the earlier fetus.

The Gemora asks: If so, there should be this decree even by someone's own child (*he should be forbidden from cohabitating with his wife while she is pregnant*)?

The Gemora answers: Either they would follow the opinion that said a pregnant woman should insert a wad into their bodies prior to cohabitating in order to prevent conception or they would follow the opinion that said these women should cohabit in the regular manner and Heaven will have compassion on them (*becoming pregnant in these situations is highly unusual and therefore we prohibit them from utilizing and type of contraceptive measures as it is written [Tehillim 116:6]: Hashem protects the fools*).

The Gemora asks: here also (regarding a pregnant woman), according to the opinion that said a pregnant woman should insert a wad into their bodies prior to cohabitating in order to prevent conception, let [them marry and] use a wad, and according to the opinion that said these women should cohabit in the regular manner and Heaven will have compassion on them, let [them marry and] Heaven will have compassion on them?

The Gemora offers a different explanation for the decree: It is because we are concerned that the second husband might mistakenly kill the fetus during cohabitation by exerting pressure on the woman's abdomen.

The Gemora asks: If so, let us be concerned that this might occur with his own pregnant wife?

The Gemora answers: He will have compassion on his own child and will be cautious during cohabitation.

The Gemora asks: Accordingly, he will be careful even when it is someone else's child?

The Gemora offers a different explanation for the decree: A pregnant woman will usually become a nursing woman, and we were concerned that she might become pregnant while

nursing, and her milk might spoil; this will cause the child to die.

The Gemora asks: If so, let us be concerned that this might occur with his own pregnant wife?

The Gemora answers: Regarding his own child, he will supply the child with milk and eggs.

The Gemora asks: Accordingly, he will provide milk and eggs even when it is someone else's child?

The Gemora answers: We are concerned that he will not supply her with the money to purchase these items.

The Gemora asks: Let us claim from the first husband's inheritors; they are obligated to take care of this child?

Abaye answers: A woman is embarrassed to come to Beis Din, and this will result in the death of her child. (42a4 – 42b1)

The Mishnah had stated: Both virgins and non-virgins. - Who are the virgins and who are the betrothed? Who are non-virgins and who are married women? — Rav Yehudah Replied: It is this that was meant: whether virgins or non-virgins who became widows or were divorced either after betrothal or after marriage. (42b1)

One day, Rabbi Elozar did not go to the Beis Medrash. Afterwards, he found Rabbi Assi, and he asked him: What did the Rabbis say in the Beis Medrash today? Rabbi Assi replied: Rabbi Yochanan said that the halachah is in accordance with Rabbi Yosi. (*Rabbi Yosi said: All women may enter into erusin except for the widow, because of the mourning.*)

The Gemora infers from here that a single Tanna disagrees with him, and not many Tannaim (*for otherwise, we would not rule according to Rabbi Yosi.*)

Yes, and the Gemora cites a Baraisa supporting this: A woman who regularly goes to her father's house (*and was there for an extended period of time prior to her husband's death*), or she was angry with him (*prior to her husband's death and didn't have relations with him*), or her husband was in jail, or her husband was old or sick, or if she was sick, or if she miscarried after her husband's death, or if she was a barren woman, or if she was old, or a minor, or an *aylonis*, or she was infertile, she is nevertheless required to wait three months before remarrying. These are the words of Rabbi Meir. Rabbi Yehudah said: She is permitted to marry immediately. (*It is evident that Rabbi Meir and Rabbi Yosi both maintain that she must wait even though there is no possibility of being pregnant.*)

Rabbi Chiya bar Abba said: Rabbi Yochanan later retracted and ruled against Rabbi Yosi.

Rav Yosef says that if he did, it was probably due to the braisa about the vineyard of Yavneh. The Gemora cites the braisa in which Rabbi Yishmael, son of Rabbi Yochanan ben Berokah, stating in the name of the Sages in the vineyard in Yavneh that all women must wait three months before remarrying.

Rabbi Yirmiyah said to Rabbi Zerika: When you go before Rabbi Avahu, ask him the following question: How could Rabbi Yochanan say that the halachah is in accordance with Rabbi Yosi? Isn't Rabbi Yochanan of the opinion that the halachah follows the ruling of an anonymous Mishna, and the following Mishna was stated anonymously: All other previously married women may not be betrothed (*erusin*), or wed (*nisuin*) until they have three months, whether they are virgins or not, whether divorced or widows, whether wed or betrothed. How can Rabbi Yochanan rule that the women entering *erusin* are not required to wait?

Rabbi Avahu said to Rabbi Zerika: Whoever asked you this contradiction did not care what he grinds. Whenever there is an anonymous ruling, and then an argument, the halachah is not in accordance with the anonymous ruling, for Rav

Pappa said, or other say that Rabbi Yochanan said: If first there is an argument, and then an anonymous ruling, the halachah follows the anonymous ruling. If, however, there is an anonymous ruling, and then an argument, the halachah is not in accordance with the anonymous ruling. (42b1 – 42b3)

#### DAILY MASHAL

##### **Nature is subjugated to the Torah and its chachamim**

Meoros HaDaf Yomi Vol. 296 brings the Gemara in Niddah which states something astounding. The nine months of pregnancy become shorter or longer according to how the Sanhedrin determines the calendar! The Gemara says that the shofar blown at the start of the month to announce the new month as determined by the beis din causes a new calculation concerning everything connected with calculating various dates.

The Rashba writes (Toras HaBayis, bayis 7, sha'ar 3, amud 9): "Certainly the shofar is the cause, because everything that beis din below does, the beis din on High agrees, as we are told: '(the appointed times) that you (beis din) shall call them'." Hashem gave power to the beis din below and gave them authority and responsibility to decide the length of months and declare leap years by adding a month.

The Rashba says that if beis din declares a leap year, they delay Pesach by a month: on the days that originally would have been Pesach it is allowed to eat chametz, and they fixed a new Pesach. The Rashba continues that the beis din above behaves according to the rulings of the beis din below. Even nature changes according to their decisions. We have gathered a few interesting examples to demonstrate this wonderful connection between people and the Heavenly beis din, by means of the Torah.

An infant suckles: A nursing mother is forbidden to re-wed till her infant becomes two years old (Yevamos 42a; Shulchan 'Aruch, E.H. 13:11) lest she become pregnant and cut off the source of her infant's sustenance while her

husband, who is not the infant's father, won't see to alternative food. In a leap year, the author of Terumas HaDeshen writes (Responsa, 216), she must wait 25 months, as the Gemara explains that the suckling period is two years and in the leap year the suckling period is prolonged according to the year! (We should point out that the Remo ruled the halachah only "to worry as a first preference" while others disagree; see Pischei Teshuvah, *ibid*, S.K. 16, and Responsa Chasam Sofer, E.H. 137).

Treifah: A treifah animal (whose body is defective such that it cannot live longer than 12 months) doesn't live longer than 12 months but some say that in a leap year it can live 13 months! (Shach, Y.D. 57, S.K. 18, and see Pri Chadash, *ibid*).

An animal's life depends on the chacham's ruling: The Chazon Ish *zt"l* writes (O.C. 39, os 15) wonderful things about the power of Torah: "But deciding the measure of an individual treifah was given to the chacham and what appears to him, is the root of the halachah said to Moshe at Mount Sinai... and it's possible that its life depends on the chacham's ruling, if the ruling was made during its life." Worms live long: Certain fruits have worms in them only while they're still attached to the tree. These fruits must be examined during 12 months after picking as the worm lives for six months and its body disintegrates after six more months and then there is no prohibition to eat it (Shulchan 'Aruch, Y.D. 84:8, and 'Aroch HaShulchan, *ibid*, se'if 66). However, in a leap year the worms live longer and the fruit should be examined for 13 months! (See Pri Megadim, *ibid*, and Gilyon Maharsha, *ibid*).