

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara questions the authorship of the Mishnah that allows many prohibitions to be violated with one act through various methods of overlapping prohibitions.

R' Yehudah in the name of Rav suggests that it is R' Meir.

The Gemara initially assumes that R' Meir follows the opinion of R' Eliezer that one who violated a prohibition while trying to perform a mitzvah is liable.

An additional suggestion is that even R' Yehoshua would agree that one is liable in this case.

This suggestion is unsuccessfully challenged.

Alternatively, the Gemara suggests that rather than following the opinion of R' Meir the Mishnah follows the opinion of R' Shimon who maintains that when the prohibitions take effect simultaneously they can overlap one another.

It is explained how all the prohibitions can come into effect simultaneously.

2) Becoming pregnant from the first relations

The Gemara challenges the Mishnah's ruling that these couples must separate for three months in case they are pregnant when it is not possible to become pregnant from the first relations.

R' Nachman, in the name of Rabbah bar Avuha, answers that the couples had relations multiple times before they became aware of the mix-up.

This explanation is unsuccessfully challenged.

The assertion that a woman cannot become pregnant the first time she has relations is unsuccessfully challenged from the incident of Tamar.

The assertion that Er and Onan had relations with Tamar in an unnatural fashion is unsuccessfully challenged.

A Beraisa records a dispute between R' Yehudah and Rabanan whether a bride or one who had relations in an unnatural way is exempted from the obligation to immerse after relations. The point of dispute is explained.

3) Becoming pregnant after being widowed for ten years

Ravin in the name of R' Yochanan asserts that a woman who was widowed for ten years before she remarried will not be capable of becoming pregnant.

R' Nachman qualifies this assertion by adding that it refers to where she did not intend to marry during those ten years.

Two related incidents are recorded.

4) Waiting three months to marry

Shmuel rules that all women must wait three months before marrying except for a minor who converted or was freed from slavery.

The Gemara infers that a Jewish-born minor who had relations out of wedlock must wait three months.

Distinctive INSIGHT

Fertility and a ten year delay after the death of a husband

שוב אינה יולדת

Our Gemara states that any woman who waits ten years after the death of her husband and then remarries will no longer be able to bear children.

Im (20) issued a ruling in a case where a woman waited for ten years after her husband died, and she then married a kohen and she became pregnant. He concludes that the fact that she was able to conceive proves that she must have had relations during the ten years with unknown characters, and that the current kohen husband must now divorce her, due to the chance that she is now disqualified to marry a kohen.

Erond wonders why this ruling of the Gemara and its repercussions are not cited in halacha. The halacha does note that a man has an obligation to fulfill the mitzvah of פרו ורבו, and he is therefore instructed not to marry an older woman or one who is unable to have children, as this would undermine his ability to have children. Why, though, is this halacha not mentioned as well in reference to a woman who has not been married for ten years after her husband's death?

Erond answers that our Gemara clarifies that the inability of a woman to bear children after being unmarried for ten years is only in effect if this woman did not have it in mind to remarry. The words of our Gemara are general, and any thoughts this woman might have had to hopefully remarry would be enough to avoid this condition. Because this condition is very subjective, the halacha does not categorically prohibit a man who needs to fulfill פרו ורבו from marrying her.

It is interesting that Im understands that the woman can only avoid becoming unable to bear children if she had in mind to marry the particular man whom she eventually married. It is only with him that the cursed condition can be alleviated. Therefore, if the man whom she later married was married to another woman during the ten-year wait (and we must assume that the widowed woman did not anticipate marrying him), or if these people did not know each other at all during this time period, the condition of losing her fertility cannot be avoided.

Respona אפרקסתא דעניא writes that although Rambam, Rosh, and Shulchan Aruch do not codify this halacha, it may be due to that fact that the nature of women has changed from the time of the Gemara. Although the situation as described in the Gemara was accurate, nowadays women might be able to conceive even after a ten-year delay. But this is only a ספק, and a man should rather choose a wife whose fertility is not doubtful. ■

HALACHAH Highlight

Becoming pregnant the first time a woman has relations

אין אשה מתעברת בביאה ראשונה

A woman cannot become pregnant the first time she has relations

A woman once married on the fifteenth of Av and gave birth to a viable child on the twenty-fifth of Shevat. Her husband was concerned that since the Gemara states that a woman cannot become pregnant the first time she has relations she must have had relations sometime before she was married. He therefore inquired of Rav Yechezkel Landau¹, the Noda B'Yehudah, whether he is permitted to remain married to his wife.

Noda B'Yehudah responded that nowadays it is possible for women to become pregnant the first time they have relations. Furthermore, even in the time of Chazal the principle did not indicate that it was impossible for a woman to become pregnant the first time she had relations, rather the principle was stated with regards to the majority. The majority of women would not become pregnant the first time they had relations, but there was always a minority of women who would become pregnant the first time they had relations. This approach was followed by Rav Moshe Sofer², the Chasam Sofer. Others³ write that in the time of Chazal the principle was absolute and the nature of people has changed (נשתנו הטבעים), which now allows women to become pregnant the first time they have relations. According to both approaches since nowadays it is possible for women to become pregnant the first time they have relations this type of suspicion is not grounds for divorce.

Rav Menashe Klein⁴, the Mishnah Halachos wrote about the custom in Baghdad to keep the lights on the first night a couple is married. It was suggested⁵ that the reason lights are normally off is because the Gemara states that having relations with the lights on

REVIEW and Remember

1. Is one liable to bring a Korban if he erred and sinned while attempting to do a mitzvah?
2. How is it possible for all the prohibitions of the Mishnah to occur simultaneously?
3. According to the Gemara's conclusion, why did Tamar not become pregnant while married to Er and Onan?
4. What can cause a woman to be unable to become pregnant?

will cause the children of that union to suffer from epilepsy. Since a woman cannot become pregnant the first time she has relations it is not necessary for the lights to be off. Mishnah Halachos disagreed with a number of aspects of this ruling, one of which relates to our Gemara. Even if this suggestion accurately reflects the origin of the custom, it cannot be followed anymore since Noda B'Yehudah and Chasam Sofer write that it is possible for women to become pregnant the first time they have relations. Thus, the general concern for producing epileptic children returns. ■

1. שו"ת נודע ביהודה קמא אה"ע סי' כ"ב
2. שו"ת חת"ס אה"ע ח"א סי' ו'
3. ע' שו"ת תשורת ש"י מהדו"ת סי' ע"ב ושו"ת מהרש"ם ח"ד סי' ע'
4. שו"ת משנה הלכות ח"ד סי' קצ"ז-קצ"ח
5. ע"ש שמביא דברי הרה"ג ישראל וועלץ שכתב כן על מנהג זו המובא בבן איש חי שנה ב' פרשת וירא ■

STORIES Off the Daf

The widow who waits

כל ששהתה אחר בעלה עשר שנים

By the time Rav Efraim Zalman Margolios, zt"l, was ten years old, he was already known to be uncommonly knowledgeable and wise. His understanding was so great that his father took him to the famous Beis Medrash of the city of Brody.

When father and son arrived, they heard the city's scholars arguing about the Gemara in Yevamos 34b which states that a woman who doesn't marry for ten years cannot have children. Rav Nachman, on the other hand, says that if she wants to get married, she can have children even if more than ten years pass after her husband

died.

The scholars of Brody argued about what Rav Nachman's source was. Each suggestion was heatedly rejected and the chachamim were left without a clear answer.

The ten year old Efraim then spoke up. "I think Rav Nachman's source is from a clear Gemara earlier in Yevamos which is based on a verse in the Torah itself!"

He continued to explain his reasoning to the group of scholars, who were astounded that he even understood the question, let alone that he had come up with a cogent answer. "The verse reads: **כי ישבו אחים יחדו** (Devarim 35:5). The Gemara on daf 17b explains that the word **יחדו**, together, comes to teach that the brothers had to have lived simultaneously in the world. This excludes a brother born after

the older married brother died. This is Rav Nachman's proof. If a woman who waits ten years to marry cannot have children in any event, we would not need a verse to prove that a brother who was only born after the married brother died is exempt. Since the object of yibum is to have children, this underage brother who was born only after the older brother died should be exempt just as an **איילונית** is not obligated in yibum. From the fact that we have a verse to discharge such a brother we see that sometimes a woman can have children even after ten years!"

When the famous sages of Brody heard this they were so impressed that they kissed the young prodigy on the head and praised him to the sky! ■

