

## 13.4.6

41a (משנה י') → 42b(והורגת את בנה)

1. ואם לא יחפץ האיש לקחת את יבמתו ועלתה יבמתו השערה אל הזקנים ואמרה ... דברים כה, ז  
 2. והקמתי את בריתי ביני ובינך ובין זרעך אחריו לדרתם לברית עולם להיות לך לאלהים ולזרעך אחריו: בראשית יז, ז  
 3. ויהי לתקפות הימים ותהר חנה ותלד בן ותקרא את שמו שמואל כי מה' שאלתי: שמואל א א, כ

- I הבחנה: requirement of waiting 3 months for משנה י'
- a אירוסין (מן האירוסין) בתולה and even for purposes of אירוסין ת"ק applies to any widow/divorcee, even a בתולה
- i includes ייבום and חליצה (which are parallel, as per v. 1)
- 1 Challenge: (to parallel) – מקודשת – חליצה and not ייבום ספק which sister was  
 (a) Defense: if we knew which sister it was, she would also have ייבום; here, even if we knew she wasn't pregnant, she'd still need 3 months – as we make a קטנה wait
- 2 Note: if חליצה was performed during 3 months, she must wait to marry until 3 months after death of husband – but not 3 months from moment of חליצה (unlike גט according to רב)  
 (a) Reason: from ק"ו ייבום (which has potential of איסור אשת אח is she is pregnant) – wait from הבעל מיתת
- ii Includes all other women
- 1 Reason #1: (שמואל) v. 2 – important to know ייחוס  
 2 Reason #2: (רבא) – to avoid consanguinity due to ignorance of paternity
- b ר' יהודה: if they were married, they may have קידושין; if only had קידושין, they may marry
- i exception: ארוסות ביהודה – sometimes have relations → may not marry until 3 months
- c ר' יוסי: אבילות may not marry due to אלמנה
- II Support of יבם שומרת
- a First 3 months – supported from deceased husband's estate
- b Afterwards - neither בעל nor יבם
- c If יבם is ordered by ב"ד to pay and flees, his estate funds
- d If the יבם is a קטן, she loses
- III Requirement of 3 months (and no less)
- a couldn't wait 1 month – if she gives birth after 8, it may be לאחרון ז' (and she became pregnant 1 month later)
- b couldn't wait 2.5 months – could give birth after 6.5 and still be from last; since premature births occur anytime during 7<sup>th</sup> month (as חנה – v. 3)
- c couldn't omit waiting and then check her after 3 months:
- i active checking – makes her unappealing to husband
- ii watching the way she walks – women have ways to conceal (so he'll be considered son of 2<sup>nd</sup> and inherit)
- d question: why enforce it if we know she's already pregnant at death or divorce? (dispute ר"מ/חכמים if he can remarry her)
- e answer: may kill foetus
- f challenge: why is it permissible to have relations with wife when she's pregnant?
- i Answer: מן שמים ירחמו or מוך (above 13a)
- ii Challenge: use מוך or שמים ירחמו for case of marrying already pregnant woman
- g Answer: if her milk dries up, she'll feed the baby; new husband won't pay food bill for other's baby and she'll be embarrassed to come to ב"ד to claim מזונות