



RABBI GIDEON WEITZMAN

Machon Puah for Fertility and
Gynecology in Accordance with Halacha

The Twin Boys

Last time we saw some “proofs” that the woman who gives birth to the baby is considered the halachic mother. But these proofs were allusions from Aggadic portions of the Talmud, such as the birth of Joseph and Dina, or the birth of Esther, which are not usually considered reliable sources for halachic decisions.

Another source has been quoted that also suggests that the mother is woman who gives birth and not the woman who supplies the egg, the genetic mother.

The Talmud (Yevamot 97b) discusses the case of two twin brothers and their mother who underwent a process of conversion. The Gemara presents three scenarios; a. the woman converts prior to becoming pregnant and she subsequently gives birth to twin boys, b. the woman gets pregnant, delivers the twin boys and then converts to Judaism, and c. the woman became pregnant and converted during the pregnancy.

In the first case, it is clear that the children are considered Jewish and brothers, since they were conceived and born to a Jewish woman. All of the obligations and prohibitions that exist for two brothers apply to them. They cannot marry each other's wife, and they are obligated in yibum, levirate marriage, that

were one of them to die childless, the other must marry the deceased brother's wife.

In the second case, since the boys were both conceived and delivered before the mother converted, even were the twins to convert they are not considered halachic brothers. Rashi explains that when a person converts it is as though they are reborn and any familial connections are erased.

The most fascinating case is the last one, since the mother converted during pregnancy the brothers are forbidden to marry each other's wife, but they are not obligated to perform levirate marriage. The reason for this discrepancy is that some of the filial responsibilities are paternal and some are maternal. A man cannot marry his brother's wife if they share the same mother, but is only obligated in levirate marriage in the case where they share the same father.

These twin boys have the same mother and father biologically, but their halachic status is different. They are considered maternal brothers, but not paternal brothers. Since the conversion erased all previous familial connections, they are not connected to their father.

This suggests that birth is the definitive factor in determining motherhood. If genetics was the deciding factor, then they would have neither paternal nor maternal connections, since the conversion would have erased both. But, since they are considered maternal siblings, this proves that they are connected to their mother and each other from birth.

More on this next time. ■