

13.16.1

119a (משנה א') → 120a (דאינסיב לכהן) ... שופטים טז.

7. ויאמר שמשון תמות נפשי עם פלשתים ויט בלח ויפל הבית על הסרנים ... שופטים טז.

- I status of צרה when she learns that her husband died
- a if husband travels with צרה, she may not remarry nor accept ייבום, must wait to learn if *that* צרה gave birth
 - i *observation*: only have to be worried about *that* צרה giving birth, not another (of whom we aren't aware)
 - b (if husband was childless but had no brothers) no need for concern that her mother-in-law gave birth
 - i if her mother-in-law left while pregnant:
 - 1 ת"ק – must wait to find out
 - 2 ר' יהושע – may remarry without finding out
- II Authorship
- a רישא indicates that it is ר"מ who takes minority probability into account
 - i *explanation*: she may not marry, even though most married women give birth (i.e. צרה likely had child)
 - ii *alternative suggestion*: perhaps רבנן would agree here and only use רוב when it is "in front of us"
 - 1 *example*: case of 10 stores, 9 selling שחוטה בשר
 - 2 *however*: in our case, it isn't a case of רוב that we can demonstrably quantify (e.g. 9/10 stores)
 - 3 *rejection*: רבנן employ רוב even when it isn't demonstrably quantifiable – e.g. ייבום קטן וקטנה
 - iii *challenge*: רישא seems to run against ר"מ, since we aren't concerned that the M-i-L gave birth to a living son
 - iv *defense*: once she has been מוחזקת לשוק as a מותרת לשוק, we aren't concerned
 - v *challenge*: in the רישא, she was מוחזקת as a ייבום, yet we don't allow ייבום
 - vi *answer1*: (רבנ"י) the רישא involves an איסור כרת (אשת אח) – we are stringent; the סיפא is a לאו (יבמה לשוק)
 - vii *answer2*: (רבא) – don't distinguish between איסור כרת and איסור לאו
 - 1 the רישא involves a conflict between [רוב (most women give birth) → marry out] and חזקה
 - (a) *result*: add the possibility of מפילות to the חזקה → 50/50
 - 2 the סיפא involves a חזקה לשוק (no brother) and a רובא לשוק (living sons are a minority of pregnancies)
 - (a) *result*: possibility of a living brother born is מיעוטא דמיעוטא – even ר"מ ignores that
- III Consequences of circumstances in משנה א' – how long must she wait to marry?
- a זעירי – 9 months; by then, the צרה either gave birth or never did – perform חליצה in any case
 - b ר' חנינא – never; since, if she performs חליצה and then we learn that the צרה gave birth, we'll allow her to marry a כהן and someone may not have known about the "uprooted חליצה" and will think that we're permitting לכהן
 - c *challenge*: משנה (ט:וה) – if she testifies that her husband or newborn child died first, we believe her
 - i *specific*: why not be concerned that witnesses will come forward that her husband died first, permitting her to כהונה etc.
 - ii *answer1*: circumstance – גרושה
 - iii *answer2*: circumstance – she testifies that it all happened in seclusion - no witnesses are possible
- IV משנה ב' two sisters-in-law's (2 women married to 2 brothers) testimony about their respective husbands
- a if each testifies that her husband died – both are אסורות because of the other's husband
 - i *explanation*: A's testimony is only valid vis-à-vis A, not for B; A's husband may still be alive to be מייבם B
 - b if A has witnesses to her husband's death and B doesn't – A is אסורה and B is מותרת
 - c if A has children and B has no children – A is מותרת and B is not
 - d if they were both מתייבם to brothers C&D who then died:
 - i חכמים: still אסורות – previous status holds
 - ii ר"א: once they became מותרות ליבם, they are also מותרות to others
 - 1 *analysis*: what is ר"א's reason?
 - (a) *Lemma1*: a woman's testimony is valid for her צרה OR
 - (b) *Lemma2*: a woman won't testify and thereby endanger herself
 - (c) *Split the difference*: can we marry off the צרה before the index wife (who testified) (1 – yes; 2 – no)
 - (d) *Inference*: from his wording, seems that we accept her testimony because she won't harm herself
 - (e) *Rejection*: ר"א's statement was geared to רבנן (who maintain that she would endanger herself – v.1)
 - (f) *Proof*: ר"א allows a צרה to marry on the testimony of the other wife who was permitted
 - (g) *Rejection*: other wife was permitted and married
 - (i) *Observation*: only works if she married a כהן; if not, she may have been divorced and is trying to harm the צרה
 - e variation: if B has witnesses and sons and A has neither – both מותרות