

5.1.11

13a (רבי יהודה אומר) → 14a (אטרודי מי לא מיטריד)

(1) וְהִקְרִיב אֶהָרֵן אֶת פֶּר הַחֲטָאִת אֲשֶׁר לוֹ וְכִפֹּר בְּעֵדוֹ וּבְעֵדוֹ בֵּיתוֹ: וְיִקְרָא טוֹ, ו  
 (2) ...לֹא תִהְיֶה אֲשֶׁת הַמֵּת הַחוּצָה... וְאִם לֹא יִחַפֵּץ הָאִישׁ לְקַחַת אֶת יְבָמֹתוֹ וְעַלְתָּהּ יְבָמֹתוֹ... וְנִגְשָׁה יְבָמֹתוֹ אֵלָיו לְעִינֵי הַזְּקֵנִים... דְּבָרִים כֹּה הֵט

- I. ר' יהודה vs. רבנן – the “understudy” wife
- a. Challenge to רבנן: רבנן are also concerned with happenstance (i.e. “כה” becoming invalid)
    - i. Answer: “sudden death” is unlikely, not so with “sudden impurity”
  - b. Position of ר' יהודה: defense against *reductio ad absurdum*: sudden death of 2 is unlikely, not so with 1
    - i. Challenge (against רבנן): *reductio* back to them
    - ii. Answer: “כה” can guard against טומאה, will be more careful with an understudy “in the wings”
- II. Investigating ר' יהודה's position
- a. ר' יהודה's solution: is insufficient:
    - i. If: he doesn't marry the 2<sup>nd</sup> (and 1<sup>st</sup> dies), he is still without ביתו
    - ii. If: he marries 2<sup>nd</sup> (and 1<sup>st</sup> doesn't die), he has 1 בתים – limited to 1 from ביתו
    - iii. If: he marries, then divorces 2<sup>nd</sup>, back to square one
  - b. Solutions: involving גט
    - i. #1: marries 2<sup>nd</sup>, gives her גט on condition that she doesn't die (by יוה"כ)
      1. Challenge: if the 1<sup>st</sup> dies, he has no בית (1<sup>st</sup> dead, 2<sup>nd</sup> divorced)
    - ii. #2: marries 2<sup>nd</sup>, gives her גט on condition that one of them dies
      1. Challenge: if neither dies, he has 2 בתים
      2. 2<sup>nd</sup> challenge: this is an invalid גט, as it is contingent on the life-span of another as per רבא
    - iii. #3: marries 2<sup>nd</sup>, gives her a גט on condition that her sister-wife doesn't die
      1. Challenge: if 1<sup>st</sup> wife dies in mid-עבודה, retroactively the גט was invalid,
        - a. And: the עבודה was performed with 2 בתים
    - iv. #4: marries 2<sup>nd</sup>, gives her a גט on condition that her sister-wife dies
      1. Challenge: if 1<sup>st</sup> dies, he has no בית
    - v. #5: gives גט to both, condition to 1 – if your sister-wife doesn't die;
      1. Then: to other, if you don't walk into the בית כנסת (i.e. unrelated condition)
      2. Challenge: if 1<sup>st</sup> dies and 2<sup>nd</sup> doesn't walk into בית כנסת – has 2 בתים
    - vi. #6: gives גט to both, as per above; condition to 1<sup>st</sup> – that I walk into בית כנסת
      1. Therefore: if he sees that 1<sup>st</sup> is dying, he walks into בית כנסת and remains married to 2<sup>nd</sup> only
  - c. Tangent: possible implications for ייבום (also “בית” – see v. 2)
    - i. Possibility: 2 יבמות from 1 brother should be exempt
      1. Rejected: יבמות x2 expands to include this case
    - ii. Possibility: ארוסה should be exempt
      1. Rejected: ארוסה includes ארוסה
- III. ר' יהודה and the understudy wife – peripheral considerations
- a. ר' יהודה continues worship as an אונן, but may not eat; ר' יהודה states “כל היום”
    - i. Suggested meaning: of כל היום: we bring him from out from his house to do עבודה
      1. Rejected: ר' יהודה states (against יוסי) that in mid-worship, he stops immediately
    - ii. Accepted meaning: of כל היום: we don't allow him to worship all day, lest he eat
      1. Challenge: ר' יהודה allows for a “כה” to worship on יוה"כ even if his wife died that morning
      2. Defense: no one else is eating on יוה"כ, he won't inadvertently eat
        - a. Tangential consideration: if his wife dies that day, גט is in effect → no אבלות
        - b. Answer: nonetheless, he is distracted with sadness, prohibited from eating קדשים