

13.3.2

27b (אמר רב הונא) → 29a (וקלא אית לה)

1. ואשה אל אחתה לא תקח לצרר לגלות ערוה עליה בחייה: ויקרא פרק יח פסוק יח

- I. Dispute between ר' יוחנן and ר' יוחנן regarding strength of זיקה vis-à-vis status of ... בה. כל יבמה שאין אני קורא בה.
- a. Setup: B1 and B2 married to S1 and S2
 - b. Case #1: B1 dies, then B2 dies, then S2 dies:
 - i. Ruling: all agree that B3 may marry S1, since she was originally מותר when she fell, was temporarily forbidden and then re-permitted
 - c. Case #2: B1 dies, then B2 dies, then S1 dies:
 - i. B3 may marry S2
 1. reason: ruling אסורה עולמית "יבמה יבא אליה" cannot be defined by זיקה
 - ii. B3 may not marry S2
 1. reason: ruling אסורה עולמית "יבמה יבא אליה" cannot be defined by זיקה
 - d. Challenge to ר' יוחנן:
 - i. our משנה (4 brothers, 2 married to 2 sisters etc...) may not perform ייבום
 1. challenge: why not have B perform חליצה on S2, then S1 reverts to her original היתר
 2. answer: ר' יוחנן could not explain who authored the משנה
 - a. Challenges: why not depict ruling in readable manner
 - b. Answer: wording indicates בדיעבד, both need חליצה only
 - c. cannot be authored by ר"א (who forbids any יבמה who ever was אסורה) since he is the author of the סיפא;
 - d. cannot be case where sisters fell simultaneously (since the תנא doesn't assume ג'ריה's position on simultaneity)
 - e. cannot be a case of doubt as to who fell first, since then 2nd brother could claim his is the correct wife to מייבם
 3. note: must explain end of משנה (if 1 sister was אסורה to 1 brother as an ערוה, he may perform ייבום on the other, but his brother may not) that the non-ערוה fell first
- II. continued explanation of א-ג משנה
- a. ר"א states that ב"ה insisted יוציא, but ב"ש maintained יקיימו
 - b. ר"ש: all agree יקיימו
 - c. אבא שאול: positions opposite that of ר"א's presentation
- III. explanations of added clauses in משנה – each with a צריכותא:
- a. in case 1 is an ערוה to 1:
 - i. in our case, there are 2 sisters, perhaps it makes אחות זקוקתו more or less obvious
 - b. in case 1 is איסור מצוה:
 - i. in our case, perhaps we should allow ייבום to "trump" איסור מצוה since there is a disconnect from sister
 - c. in case of the "cross-over" (when S1 is אסורה בערוה to B3 and S2 is אסורה בערוה to B4):
 - i. when there are 2, room to גזור and enforce חליצה only so as not to lead to אחות זקוקתו
 - ii. when there is only 1, room to be גזור, since there is no "opposite number" to prove the preference
- IV. all 15 in our משנה have applicability to לזה מותרת לזה (the cross-over) – ר' חייא ברייתא
- a. only last 9 (בתו etc. can only happen) – רב יהודה (באונסין)
 - b. all – (אשת אחיו שלא היה בעולמו) – אבוי
 - c. all – according to ר"ש, ר"ב, ר"ש could work – ר' ספרא
 - i. presents scenario where צרת צרה could work
- V. משנה ד'
- a. if 2 יבמות are עריות in combination – ת"ק: חליצה, ר"ש – פטורות (as per v. 1)
 - b. חליצה – איסור מצוה או איסור קדושה או אסור is 1
 - i. Here, ר"ש agrees that we enforce חליצה, precaution against איסור מצוה in a non-ערוה case