

13,3,4

30a (משנה ו') → 30b (סבירא ליה)

7. כי ישובו אחים יחדו ומת אחד מהם וכן אין לו לא תהיה אשת המת החוצה לאיש זר יבמה יבא עליה ולקחה לו לאשה ויבמה: דברים כה.ה.

- I. משנה ו' 2 similar rulings, the first less obvious than the 2nd
- a. *setup*: 3 brothers, 2 married to sisters and the third to an "outsider" (W)
 - i. *case #1*: B1 dies, B3 performs ייבום on S1, B3 dies
 - ii. *ruling*: S1 is פטורה (vis-à-vis B2) as אחות אשתו, W as צרתה
 1. *note*: if B3 had only done מאמר, W requires חליצה (but not ייבום)
 2. *observation* (ר' נחמן): if B3 had done nothing, W could have ייבום with B2 → בחד' אין זיקה אפי' בחד'
 - iii. *case #2*: B3 dies, B1 performs ייבום on W, B1 dies
 - iv. *ruling*: S1 is פטורה as אחות אשתו, W as צרתה
 1. *note*: if B1 had only done מאמר on W, she requires חליצה (but not ייבום)
- II. משנה ז' 3 brothers, 2 married to sisters and the 3rd to an "outsider" (W)
- a. *case #3*: B1 dies, B3 performs ייבום then S2 dies then B3 dies
 - b. *ruling*: S1 is still אסורה to B2, since she was אסורה at one point (when she fell the first time)
 - c. *reason*: (רב): any יבמה about whom I cannot state "יבמה יבא עליה" (v. 1) at the point of נפילה – always אסורה
 - i. *Justification* (#1): רב's statement might only be applied to a case where she was always אסורה throughout the time of the original נפילה; if her sister dies before B3 performs ייבום, I might think that she is not עולמית
 - ii. *Justification* (#2): in spite of ruling that 2 brothers, married to 2 sisters, and B1 dies and then S2 dies, S1 is still אסורה to B2 – only teaches since she was totally "rejected" from "household" of B2; unlike our case, where B3 was able to take her in.
- III. משנה ז' 3 brothers, 2 married to sisters and the 3rd to an "outsider" (W)
- a. *case #4*: B1 divorces S1 then B3 dies and B1 performs ייבום on W and then dies –
 - b. *ruling*: B2 may perform ייבום on W
 - c. *reason*: as per א:א – any of the (ערויות) who die or are divorced, the צרות (e.g. W) are מותר
 - i. *observation* (ר' אשי): reason for allowance is that divorce (B1 → S1) preceded death of B3
 - ii. *inference*: if B3's death (i.e. נפילה) preceded divorce, אסורה
 - iii. *implication*: יש זיקה – even if there are 2 brothers
 - iv. *complication*: challenges נחמן ר' assertion above (I a ii 2)
 1. *אשי*: first case above – even if he didn't perform מאמר, still no ייבום, only חליצה
 - a. *defense*: reason for introducing מאמר - to counter ב"ש (מאמר קונה קנין גמור) -
 2. *נחמן*: our case: even if B3 died before B1 divorced – צרות מותרות
 - a. *defense*: exclusivity clause in our משנה to block כנס ואח"כ גרש
 - i. *meaning*: if B3 died, B1 ייבם W, divorced S1 then died, then צרות אסורות
 - ii. *implication*: ר' נחמן ר' must accept ירמיה ר' that our משנה isn't authored by author of א:א – and this משנה is excluding רבא who maintains unified authorship and is included there; cannot accept רבא who maintains unified authorship and is excluded there; cannot accept רבא who maintains unified authorship and is excluded there
 - iii. *implication*: רבא must accept ר' אשי read and היא מת ואח"כ גרש excludes