

13.5.1

50a (משנה א-ה) → 51a (לא קניא ליה לכוליה שיורא דגט)

Note 1: our entire (short) chapter is devoted to one topic: the impact of any of the four possible actions that a **יבם** may take. Two of them are **קנינין דרבנן** – **גט** – **חליצה** and **יבום** – **חליצה**. However, there are two **קנינין דרבנן** – **מאמר** – that may have an absolute impact on the **זיקה**, such that any other action taken by another brother on that wife – or any other action taken by the active brother on another wife – would be meaningless. On the other hand, these **קנינים** may not be absolute and if followed by a similar **קנין** on another wife or by another brother, it may be meaningful.

Note 2: all of the **משניות** of the chapter are presented together at the beginning; however, we will only assay the first **משנה** as the **גמרא** in this section only deals with that – as each **סוגיא** follows the unfolding of the chapter, we will go back to the **משנה** and present it there.

- I. א. **משנה א** – none of the **יבום**-acts is meaningful if it has already been performed (see note)
 - a. **Dissent (חכמים)**: the 2 **רבנן** acts can be followed by a meaningful act, but not **יבום** or **חליצה**
- II. Clarifying general approach of **רבנן** – why **גט** and **מאמר**, as well as an act after **פסולה** are valid
 - a. **גט**: since **גט** is generally valid, if we don't make **גט** meaningful, people will assume:
 - i. **Just as**: **גט** is invalid, **חליצה** is also invalid, and they might have **ביאה** after **חליצה**
 - b. **מאמר**: since **מאמר** (קידושין::) is valid, if we don't make **מאמר** meaningful, people will assume:
 - i. **Just as**: **מאמר** is invalid, **ביאה** is also invalid and they might have a **ביאה** (with a different wife or brother) after **יבום**
 - c. **חליצה**: if **ביאה** after **גט** – precaution against **ביאה** after **חליצה**
 - i. **And if**: **ביאה** after **מאמר** (to another wife), precaution against **ביאה** after **ביאה** (to another)
 - d. **yet**: **חליצה** (after **גט** or **מאמר**) is final, and nothing afterwards is meaningful
 - i. **Reason**: if it is **גט** after **חליצה**, why would we need a precaution for **חליצה** after **חליצה**
 - ii. **And**: if it is **חליצה** after **מאמר**, as a precaution against **ביאה** after **חליצה**
 1. **But**: in either case, a **גט** is needed (to counter either **מאמר** or **ביאה**)
- III. Explanations of **ר"ג**'s position
 - a. **ר"ג** maintains that it is unclear if **גט** and **מאמר** are impactful (to push away or effect **קידושין**)
 - i. **Therefore**: if the 1st **גט** removes her from the **זיקה**, the 2nd does nothing
 1. **And**: if the 1st **גט** does nothing, neither does the 2nd
 - ii. **And**: if the 1st **מאמר** makes a full **קנין**, the 2nd is meaningless
 1. **And**: if the 1st **מאמר** does nothing, neither does the 2nd
 - (a) **Challenge (אב"י)**: **ר"ג** (תוספתא זב:ב) holds that **גט** and **מאמר** are meaningful:
 - (i) **After מאמר גט** is valid; even if after **ומאמר ביאה**
 - (ii) **After גט מאמר** is valid, even if after **וגט ביאה**
 - (iii) **But if**: **ר"ב**'s explanation is accurate, **ביאה** “in the middle” should trump all
 1. **Per**: **משנה ו** – **ביאה בתחילה** renders all further acts meaningless
 - b. **ר"ג** certainly holds that both are partially valid and **גט** and **מאמר** don't address the same “side”
 - i. **Therefore**: a **גט** after another **גט** is meaningless, as it attempts to push the same “side”
 1. **And**: the same can be said for **מאמר** after **מאמר**
 2. **However**: a **גט** after **מאמר** or **מאמר** after **גט** are meaningful as they address different “sides”
 3. **And**: **רבנן** hold that **חכמים** set up **גט** and **מאמר** as independent options for each brother
 4. **And**: **ביאה פסולה** is stronger yet weaker than **מאמר**
 - (a) **Stronger**: it is meaningful after **מאמר**
 - (b) **Weaker**: **מאמר** after **גט** completely “captures” what the **גט** elided
 - (i) **Yet**: **ביאה פסולה** does not do so → **מאמר** works afterwards