

13.5.2

51a (צריכה הימנו חליצה) → 52a (ת'ר כיצד אמר ר"ג)

- I. תוספתא יבמות ז: expanding ר"ג's position
- a. Example of גט אחר גט: if 2 יבמות fell to one יבם and he gave a גט to both (same applies to 1 יבמה and 2 brothers)
 - i. ר"ג: 1st one to receive גט requires חליצה and יבם is forbidden from her kin; 2nd is untouched by it
 - ii. חכמים: give חליצה to either and he is forbidden to marry kin of either
 - iii. Analysis: ר"ג's position seems to refute שמואל, who ruled that giving חליצה to הגט doesn't free צרה
 1. Defense (for שמואל): that is according to authority who holds אין זיקה ר"ג; יש זיקה ר"ג holds אין זיקה ר"ג
 - (a) Challenge: if ר"ג holds אין זיקה ר"ג → אין זיקה רבנן hold אין זיקה ר"ג
 - (b) But: in last clause, same rule was applied to case of 1 יבמה and 2 brothers
 - (i) In which case: it refutes רב, who ruled that חליצה פסולה must be done by all brothers
 - (ii) Defense (for רב"ה, who quoted ר"ג): both ר"ג and רבנן hold אין זיקה ר"ג
 1. Dispute: is only about גט אחר גט and מאמר אחר מאמר
 - b. Example of מאמר אחר מאמר: if 2 יבמות fell to one יבם and he gave מאמר to both (same if 1 יבמה and 2 brothers)
 - i. ר"ג: gives גט and חליצה to 1st מאמר-recipient, is forbidden to marry her kin but 2nd is unaffected
 - ii. חכמים: gives גט to both and חליצה to either and he is forbidden from marrying kin of either יבמה
 - iii. Analysis: since ר"ג holds מאמר אחר מאמר, אין, the first one should be able to have ייבום
 1. Answer: disallowing ייבום is a precaution against the possibility of his doing ייבום with 2nd
- II. ר"ג's conceptual collegium: ר"ג and ב"ש and ר"ש and ר' נחמיה and בן עזאי and ר' all agree that מאמר is a full קנין
- a. ר"ג: as we learned here
 - b. ב"ש: per ג:ה – 3 brothers, 2 married to 2 sisters and 3rd unmarried; B1 dies and B3 did מאמר on her and then B2 died, according to ב"ש, S1 may have ייבום with B3 and S2 goes free as אחות אשה (ה"ה rule that both are out)
 - c. ר"ש: (in case where 2 brothers, both above 9 but below 13, had ביאה with יבמה) – if the first one's ביאה is ביאה, then the 2nd one's is nothing; if the 1st's is nothing, so is the 2nd one's
 - i. And: ביאה of a 9+ year old is considered like מאמר
 - d. בן עזאי: per ברייתא, ruling that יש מאמר אחר מאמר if done by 2 brothers (even) on 1 יבמה, but not the inverse
 - e. ר' נחמיה: in our משנה (at the end) – ביאה or חליצה, at any point in the sequence, is a "closer"
 - i. But: ביאה פסולה (after e.g. גט) is equated to מאמר by רבנן
- III. משנה ב: example (of גט אחר גט or גט אחר מאמר) if he did מאמר and then gave her a גט, she requires חליצה
- a. And: if he did מאמר and then gave her חליצה, she still needs a גט
 - b. However: if he did מאמר and then had ביאה – that is the proper sequence and מצוה
 - c. Challenge: this is not an example of גט אחר גט
 - i. Answer (ר"ג יהודה): read as גט אחר גט and מאמר אחר מאמר, as already explained
 1. However: how do we "loosen" (permit) a lone יבם and lone יבמה?
 2. Answer: if he did מאמר and gave her a גט, she still requires חליצה