

13.5.3

52a (עשה מאמר ובעל) → 52b (תיקו)

7. אשה זנה וְחָלְלָה לֹא יִקְחוּ וְאִשָּׁה גְרוּשָׁה מֵאִשָּׁה לֹא יִקְחוּ כִּי קֹדֶשׁ הוּא לְאֱלֹהֵינוּ: וְיִקְרָא כֹהֵן ז

- I. Continued analysis of ב – משנה ב – if he did מאמר and then had ביאה – that is the proper sequence and מצוה
 - a. *Apparently supports*: ר' הונא, who contends that the מצוה is first to be מקדש, then ביאה
 - b. *Rejection*: our משנה merely states that if he did it in this order, it is *also* satisfactory
 - i. *Challenge*: this is obvious
 - ii. *Answer*: per the ruling that after מאמר, there is no more יבמין זיקת, rather ונישואין זיקת
 - 1. *Therefore*: we would think that there is no מצוה done here – קמ"ל
- II. Revisiting הונא's description of ideal יבום – מאמר followed by בעילה
 - a. *However*: if he did ביאה first, it is valid
 - b. *Challenge*: this is obvious
 - i. *Rather*: if he *only* did ביאה, still valid
 - ii. *Challenge*: מכות ברייתא rules that in such a case, he gets מכות
 - 1. *Answer*: these are מכות מרדות, as מכות דרבנן
 - (a) *Per*: רב would administer מכות מרדות for unseemly קידושין
 - (i) *Including*: קידושין in the public square, שידוכי w/o קיד, cancelling a גט, claiming a טא was made under duress, degrading a שליח ב"ד, someone who doesn't respond to a שמתא for 30 days and a man who lives in his mother-in-law's house.
 - 1. *Note*: only if he resides there → if he passes by, it is acceptable
 - a. *Challenge*: ר"ש gave מכות to a man who would pass by regularly
 - b. *Answer*: there were rumors about the two of them
 - (ii) *Alternate (נהדעי)*: רב only gave מכות for שידוכי בלא שידוכי
 - 1. *According to some*: even if there were שידוכי, as it is unseemly
 - III. Process of מאמר – ברייתא (א: ב:א)
 - a. שווה כסף or כסף גסף gives her גסף
 - b. שטר gives her a papyrus or potsherd, worth less than ש"פ, with "הרי את מקודשת לי" written on it
 - i. *אב"י*: question in ברייתא is about שטר כתובה (wording presented)
 - IV. אב"י's question of רבה – if a יבמה gave the גט, stipulating that she is not מותרת to anyone else
 - a. *Lemma1*: established רבנן גט along lines of דאורייתא יבמה – since such a גט would be invalid, same here
 - b. *Lemma2*: they "validated" this as a precaution against a proper יבמין גט and disallow him from subsequent יבום
 - c. *Answer (רבה)*: they declared it valid as a precaution
 - i. *Challenge (רבה בר חנן)*: then we should even declare a blank piece of paper to be "valid"
 - ii. *Defense*: that doesn't even render her unfit for כהונה, unlike a גט with that stipulation
 - 1. *Per*: v1 – even if she is only divorced from her husband; this is the "ריח הגט" that invalidates for כהונה
 - V. Realized question posed by רמי בר חמא – "advance גט" for יבמה
 - a. *Premise*: if someone instructs a סופר to write a גט for his ארוסה, valid after נישואין – it is a valid גט
 - i. *Reason*: he has the purview to divorce her at this point
 - ii. *But*: this doesn't work with a woman with whom he has not current relationship
 - iii. *Question*: would it work for a יבמה – if he writes it when she is לר זקוקה, to take effect after יבום (תיקו)
 - 1. *Lemma1*: since she is linked to him (זיקה) she is like his ארוסה (→valid) OR
 - 2. *Lemma2*: since he didn't perform מאמר on her (yet), invalid
 - VI. Related question posed by ר' חנניה – if he wrote a גט to break only זיקה or only מאמר (not both) – valid? (תיקו)
 - a. *Lemma1*: מאמר "rides" atop זיקה and it is as if he divorced half a woman (→meaningless) OR
 - b. *Lemma2*: perhaps each component is separate (→meaningful)
 - c. *Question*: why not resolve it from ruling of רבא: if he gave a גט for his מאמר, the צרה is freed
 - i. *Answer*: this matter is obvious to רבא, but not to ר' חנניה