

אבל סיפא דקתני שאין קיום הגט אלא בחותמיו אימא רבי מאיר היא –
However the סיפא, which states, ‘that the ratification of a *Get* is only through its signatories’, I could say it is according to ר"מ

OVERVIEW

Our גמרא explained why it was necessary for שמואל to clearly establish all three¹ in cases of a טופס without a תורף and according to ר' אלעזר. Regarding the second משנה (of הכל כותבין) since the משנה concludes בחותמיו אלא הגט (which is the view of ר"מ), we might have assumed that the beginning of that משנה (which is the view of ר"מ) is also according to ר"מ, therefore שמואל teaches that it is according to ר"א and הכל כותבין means only the טופס but not the תורף. Our תוספות reconciles our גמרא with a seemingly contradictory גמרא.

asks: תוספות

תימה דבסוף פרק שני לעיל (דף כג,א) מוקי לה רבי זריקא אמר רבי יוחנן כרבי מאיר -
It is astounding; for previously in the end of the second פרק, we find that ר"ז
ר"ז - ר"מ"א establishes that² (הכל כשרים) of משנה 2 אמר ר"י

ופריך עלה מההיא דמחובר³ דאמר רבה בר בר חנה אמר רבי יוחנן רבי אלעזר היא -
And the גמרא challenged this ruling of ר"ז אמר ר"י from the משנה regarding
ר"א - ר"א stated that the משנה there is according to ר"א, where מחובר

ודחק לשנויי אמוראי נינהו אליבא דר' יוחנן -
And the גמרא was forced to answer that the two אמוראים (namely ר"ז and רבב"ה)
argue as to the opinion of ר"י (whether he establishes the משניות according to ר"א or
according to ר"מ); תוספות concludes his question -

ומאי קושיא הא משמע הכא דאף על גב דמוקמינן ההיא דמחובר כרבי אלעזר -
But what is the difficulty; the גמרא here indicates that even though we have
established that ר"א like אין כותבין על המחובר of משנה

מכל מקום מוקמינן שפיר ההיא דהכל כשרים כרבי מאיר -
Nevertheless we can rightfully establish that ר"מ like הכל כשרים of משנה

(of משנה the first established שמואל even though here we see that even though גמרא In summation;

¹ הכותב טופסי גיטין (כו,א) (3, הכל כשרים (כב,ב), 2) אין כותבין על המחובר (כא,ב) (1)

² That is משנה # 2 (see footnote # 1).

³ This is משנה # 1 (see footnote # 1)

⁴ The גמרא in this question seemingly assumes that both משניות follow the same תנא, and since ר' יוחנן ר"ז אמר ר' יוחנן rules in ר"א like רבב"ה אמר ר' יוחנן # 1 משנה, how is it that in משנה # 2 like ר"מ, ר"א. It is a contradiction in the two rulings of ר"י (even though they are different משניות). See 'Thinking it over'.

ר"מ like (הכל כותבין) of משנה (nevertheless he still could establish the second like (מחובר) ר"א (therefore he needs to be very specific and inform us that nevertheless he is establishing the second like ר"א). Why then does the גמרא previously find it difficult to understand that ר"י in the first משנה rules like ר"א, and in the second משנה he rules like ר"מ (since this is exactly what the גמרא says here regarding שמואל that he could have done the very same thing); why is there a contradiction in the rulings of ר' יוחנן?!

answers: תוספות

ואומר רבינו יצחק דאף על פי שעושה צריכותא⁵ בזה מכל מקום מיסתבר דאתיא כחד תנא⁶ -
And the ר"י answers that even though the גמרא here makes a צריכותא regarding the second משנה, but nevertheless logically both משניות should follow one תנא –

continues:⁷ תוספות

אבל הך דפירקין ודאי רבי יוחנן מוקי לה כרבי מאיר משום טעמא דמסיק⁸ -
However regarding this משנה (of (הכותב וכו') in our פרק, certainly ר"י establishes it according to ר"מ because of the concluding reasoning, namely -
מדסיפא רבי אלעזר רישא לאו רבי אלעזר⁹ -
Since the סיפא of our משנה mentions ר"א therefore the רישא is not according to ר"א –

תוספות goes on to show that ר"י follows this reasoning (of (רישא לאו וכו') (מדסיפא וכו') רישא לאו וכו'):

דמטעם זה קאמר רבי יוחנן בפרק ד' אחין (יבמות דף כז, ב) אחיות איני יודע מי שנא¹⁰ -

⁵ צריכותא or necessity refers to the reason why it was necessary for שמואל to repeat his ruling in all the משניות.

⁶ There is a difference between the logic of a צריכותא and the logic in the 'real' world. A צריכותא is used to forewarn a mistaken opinion, like in our case here; meaning that if שמואל would have only stated in the first משנה that it is according to ר"א, one may have mistakenly assumed that the second משנה could be according to ר"מ, therefore in order to prevent this mistaken assumption, שמואל felt it necessary to repeat himself. However in actuality there is no logic in assuming that two משניות which follow each other in the same פרק (and may be part of one משנה) should be according to two different תנאים. Therefore the גמרא rightfully asked how can ר"י rule differently in these two משניות that one is according to ר"א and the next one is according to ר"מ.

⁷ We have just concluded that regarding the first two משניות (which are מחובר and כשרים) there is a dispute between אמוראים whether ר"י established both of them according to ר"א or according to ר"מ.

⁸ The גמרא on this עמוד concludes the צריכותא of שמואל that it was necessary for him to state that our משנה is according to ר"א, because one may have thought since in the סיפא the name of ר"א is mentioned specifically (ר"א (מכשיר בכולן וכו') it would stand to reason that the רישא (where no name is mentioned) is not ר"א, therefore שמואל insists that also the רישא is according to ר"א.

⁹ This logic is mentioned in regards to a צריכותא, which תוספות just told us does not bind us in the real world, therefore one might assume that the מחלוקת between the two אמוראים in the opinion of ר"י (whether the first two משניות are according to ר"א or ר"מ), would carry over to this משנה as well; therefore תוספות negates this notion and states that regarding our משנה there is no dispute; all agree that ר"י will establish the משנה according to ר"מ, because ר"י agrees strongly with the סברא of the צריכותא that ר"א לאו ר"א as מדסיפא ר"א רישא לאו ר"א as תוספות points out.

¹⁰ See 'Appendix'. ר' יוחנן maintains that the רישא of the משנה of אחיות (in (יבמות כו, א) is incomprehensible unless it follows the view of ר' אליעזר; however it cannot be that the רישא is ר"א, since the סיפא is ר"א, therefore we must

For it is on account of this reasoning (מדסיפא וכו' רישא לאו וכו') פרק ר"י asserts in פרק 'ד' אהין ועוד¹¹ דבתרתי קמייתא דמתניין בחדא פירקא איכא קפידא טפי¹² לאוקמינהו כחד תנא:

And additionally; regarding the first two משניות (which are הכל כשרים, מחובר, הכל כשרים) פרק, there is a greater urgency to establish them according to one תנא; however our משנה which is in a different פרק, there is no such urgency that it should follow the same תנא as the משניות in the previous פרק.

SUMMARY

The logic of a צריכותא need not be that compelling.

THINKING IT OVER

ר"י asks, why does the גמרא assume that the two אמוראים in the name of ר"י argue whether the משניות are according to ר"א or ר"מ perhaps they agree with the משנה (because the משנה concludes שאין קיום הגט אלא בחותמיו). However one may argue that there is no comparison, for ר"א establishes מחובר like ר"א (even though that the המשנה follows ר"מ, because ר"מ rules like ר"מ, however once ר"י ruled like ר"מ by הכל כותבים (indicating that the הלכה is like ר"מ), why would he establish מחובר like ר"א when the המשנה follows ר"מ?!¹³

APPENDIX¹⁴

The משנה states¹⁵ if there were four brothers (ראובן, שמעון, לוי, יהודה) two of them married two sisters (רחל to שמעון and לאה to ראובן); then ראובן died first (childless) making his wife ליבום to לאה זקוקה ליבום (and neither לוי or יהודה were חולץ or לוי ויהודה to זקוקה רחל also זקוקה to לאה) then שמעון died (childless) making his wife רחל also זקוקה ליבום.

ignore this משנה. It is evident that since according to ר"י, this concept of ר"א רישא לאו ר"א (which the גמרא cites here [merely] as a צריכותא) is so powerful that it negates a stated משנה, it is surely therefore strong enough to teach us that our משנה here cannot be ר"א, but rather according to ר"מ.

¹¹ is offering an additional explanation why he assumes that in our משנה there is no מחלוקת between the two אמוראים regarding the view of ר"י (all will agree that this משנה is כר"מ), even though previously (see footnote # 6) insisted that all these משניות should follow the same תנא. See (however) the רש"י who deletes the word ועוד.

¹² Regarding the first two משניות (מחובר and הכל כותבין) which are both in the same פרק, therefore each of the אמוראים will maintain that both משניות are according to the same תנא (either ר"א or ר"מ); however our משנה which is in a different פרק there is not that strong of a reason to assume that it must follow the same תנא as in the previous פרק.

¹³ See זיו הים and פני יהושע.

¹⁴ See footnote # 10.

¹⁵ יבמות כו, א.

¹⁶ זיקת יבום is not זקוקה to שמעון since שמעון's wife רחל is לאה's sister so there is no יבום.

The משנה rules that the two sisters need to receive חליצה but they are not permitted לוי ויהודה since each one of them is אחות זקוקתו, which is אסור מדרבנן.¹⁷ If לוי were לאה ורחל (respectively) they must divorce them. The משנה then continues (in the סיפא)¹⁸ that אליעזר ר' maintains that this is actually a מחלוקת between ב"ש and ב"ה whether they are required to divorce them.

לוי rules in a similar case¹⁹ with only three brother (we'll remove יהודה) that לוי can perform חליצה on רחל (whose husband שמעון died second) and then he can be מייבם לאה, whose husband (ראובן) died first, but not the other way around.²⁰ The reason is that when ראובן died לוי was permitted to be מייבם לאה since שמעון was still alive and there was no אחות זקוקתו, so even though when שמעון died, לאה did become אחות זקוקתו, nevertheless once לוי was חולץ רחל so לאה is no longer אחות זקוקתו therefore she is מותרת ללוי.²¹ In short ר"י maintains that a יבמה שהותרה (the status of לאה after ראובן died), and was then נאסרה (her status after שמעון died as an אחות זקוקתו), and was finally חזרה והותרה (when לוי was חולץ רחל), the rule is חזרה מייבם לאה so לוי can be מייבם לאה.

The גמרא there asked on ר"י why does our משנה rule that לא מתייבמות. Let one brother (לוי) be חולץ the second יבמה (רחל), so לאה will be ליבום?! To which ר"י responded, 'אחיות איני יודע מי שנאן'; he does not accept this as a valid משנה, since יבמה שהותרה ונאסרה וחזרה והותרה חוזרת להיתירה הראשון.

The גמרא then asked,²² let us say that the תנא of our משנה (which prohibits ליבום) is ר' אליעזר who maintains, כיון שעמדה עליו שעה אחת באיסור נאסרה עליו עולמית, and argues with ר"י who maintains יבמה שהותרה ונאסרה וחזרה והותרה חוזרת להיתירה הראשון. To which ר"י responded that the תנא of (the רישא of) the משנה cannot be ר"א, since ר"א disregarded the משנה completely!²³ Therefore ר"י disregarded the משנה completely!

¹⁷ The רבנן consider a יבמה who is זקוקה ליבום as if she were sort of (quasi) married already to her יבם. Therefore לוי (for instance) cannot be מייבם לאה, since רחל is also זקוקה לוי, so he is marrying זקוקתו (his 'virtual wife's' sister).

¹⁸ See footnote # 23

¹⁹ כז, ב.

²⁰ He cannot be חולץ לאה and then be מייבם רחל.

²¹ However if he was first חולץ לאה (after שמעון died) he cannot be מייבם רחל, since as soon as רחל was ליבום, she was אסורה because of אחות זקוקתו (of לאה) and if a יבמה was initially ליבום אסורה she can never become מותרת ליבום.

²² כח, א.

²³ See footnote # 18.