

הַמְּבִיא גֵט בְּאֶרֶץ יִשְׂרָאֵל, אֵינוֹ צָרִיךְ שְׂאֵמֵר "בְּפָנַי נִכְתָּב וּבְפָנַי
נִחְתָּם". וְאִם יֵשׁ עָלָיו עוֹרְרִים, יִתְקַיֵּם בְּחֹתְמָיו.

5

One who brings a bill of divorce from one place to another **within Eretz Yisrael** is not required to say: **It was written in my presence and it was signed in my presence.** And if there are those who contest it, i.e., if the husband objects by saying that the bill of divorce is a forgery, **it should be ratified through its signatories.** The court must authenticate the signatures of the witnesses in order to ratify the document.

גְּמָרָא מַאי טַעְמָא? רַבָּה אָמַר:

6

GEMARA: The mishna teaches that one who brings a bill of divorce from a country overseas to Eretz Yisrael must say: It was written in my presence and it was signed in my presence. The Gemara asks: **What is the reason** for this declaration? **Rabba says:**

2b

לְפִי שֶׁאֵין בְּקִיָּאִין לְשִׁמָּה.

7

It is **because** the people who live overseas **are not experts** in writing a bill of divorce **for her sake.** It is not sufficient for a bill of divorce to be written in a technically correct manner. It must also be written for the sake of the man and the woman who are divorcing. Therefore, when the witness comes before the court and says that it was written and signed in

his presence, he is testifying that the writing and the signing of the bill of divorce were performed for the sake of the man and woman in question.

רְבָא אָמַר: לְפִי שְׂאִין עֵדִים מְצוּיִין לְקִיּוּמוֹ. 2

Rava says a different reason: It is **because there are no witnesses available to ratify it**. Since the bill of divorce was written in a distant place, it is possible that the husband, or someone else, might later claim that the bill of divorce is a forgery. For this reason the agent must say that the bill of divorce was written and signed in his presence, a declaration that bars any subsequent objection on the part of the husband.

מַאי בִּינְיָהוּ? אִיכָּא בִּינְיָהוּ דְאַתְיוּהוּ בֵּי תְרֵי. אִי נָמִי, מִמְּדִינָה לְמְדִינָה
בְּאֶרֶץ יִשְׂרָאֵל. 3

The Gemara asks: **What is** the difference **between** these two explanations? The Gemara answers: **There is** a difference **between them** with regard to a case **where two** people **brought** the bill of divorce. In this case, two witnesses are available to ratify the bill of divorce if someone objects to its validity. **Alternatively**, the difference concerns a case where the agent brings the bill of divorce **from one region to another region within Eretz Yisrael**. Here there is no concern that the bill of divorce might not have been written for her sake, as the residents of Eretz Yisrael are aware of this requirement. However, witnesses are not necessarily available to confirm the document.

אִי נָמִי, בְּאוֹתָהּ מְדִינָה בְּמְדִינַת הָיִם. 4

Alternatively, there is a difference between the two explanations in a case where the agent brings the bill of divorce **within that same region in a country overseas**. According to the opinion of Rabba, who says the concern is that the people there might not know that the document must be written for her sake, this problem is equally relevant in this case. However, according to the opinion of Rava, who says that the reason is because witnesses are not available, if the bill of divorce is brought in the same region then the witnesses will be available to ratify it.

5 וְלִרְבָּה דְאָמַר לְפִי שְׂאִין בְּקִיָּאִין לְשִׁמָּה – לִיבְעֵי תְרִי, מִיַּדִּי דְהוּא אֶכְל עֵדוּת שְׁבַתוֹרָה! עַד אֶחָד נְאָמָן בְּאִיסוּרִין.

The Gemara asks: **And according to the opinion of Rabba, who said that the reason is because they are not experts in writing a bill of divorce for her sake, let us require two witnesses to testify about this, just as is the case with regard to all testimonies in the Torah.** The Gemara answers: **One witness is deemed credible with regard to prohibitions.** In other words, if there is uncertainty as to whether a matter is prohibited or permitted, in the case of the heretofore married woman, the testimony of one witness is sufficient.

6 אִימּוֹר דְאָמְרִין עַד אֶחָד נְאָמָן בְּאִיסוּרִין, כְּגוֹן חֲתִיכָה סֶפֶק שֶׁל חֵלֶב סֶפֶק שֶׁל שׁוֹמֵן, דְּלֹא אִיתְחִזַּק אִיסוּרָא;

The Gemara asks: One can say that we say **one witness is deemed credible with regard to prohibitions** in a case **such as** where there is a **piece** of fat, and it is **uncertain** if it is forbidden **fat** [*helev*] and **uncertain** if it is permitted **fat**. In this situation the piece can be rendered

permitted by a single witness, **as there is no presumption** that it is **forbidden**. Therefore, as there is an uncertainty, and one witness said it is permitted, he is deemed credible.

אָבֵל הֶכָּא, דְּאִיתְחִזַּק אִיסוּרָא דְּאִשְׁתּ אִישׁ, הָוֵי דְּבָר שְׁבַעְרוּהּ; וְאִין דְּבָר
שְׁבַעְרוּהּ פְּחוּת מְשָׁנִים!

7

However, here, where there is a **presumption** that this woman is **forbidden**, as she is a **married woman**, a status she retains until it is established that she has received a bill of divorce, if so, this **is a matter of forbidden sexual relations**, and the general principle is that **there is no matter** of testimony **for forbidden sexual relations** that can be attested to by **fewer than two** witnesses.

רוּב בְּקִיאִין הֵן. וְאֶפִּילוּ לְרַבִּי מֵאִיר דְּחֵיִישׁ לְמִיעוּטָא – סְתָם סְפָרִי
דְּדִינֵי מִיגְמָר גְּמִירִי, וְרַבָּנָן הוּא דְּאֶצְרוּד; וְהֶכָּא

8

The Gemara answers: Rabba's concern is not equivalent to a case of uncertainty, as **most** Jewish people **are experts** in the requirement that a bill of divorce must be written for the woman's sake. **And** this is so **even according to** the opinion of **Rabbi Meir, who is generally concerned about a minority** in a matter of forbidden sexual relations. In this case Rabbi Meir concedes that one need not be concerned for the minority, as **ordinary judicial scribes**, who write bills of divorce, **are learned** in this *halakha*, and know that a bill of divorce must be written for the woman's sake. **And it is the Sages who required** testimony about this matter, as an extra precaution. **And here**, with regard to this testimony,

3a

מִשּׁוּם עֵיגוּנָא אֶקִּילוּ בֵּהּ רַבָּנָן. 1

due to the possibility of **desertion**, i.e., that she may become like a deserted wife, **the Sages were lenient with her** by saying that the agent who brought the bill of divorce is deemed credible, despite the fact that he is a single witness. This is to prevent women from becoming uncertain of their marital status as a result of the lack of testimony needed to ratify the bill of divorce.

הֲאִי קוּלָּא הוּא?! חוּמְרָא הוּא! דְּאִי מְצַרְכַּת לִיהּ תְּרִי – לָא אָתִי בְּעַל
מְעַרְעֵר וּפְסִיל לִיהּ; חַד – אָתִי בְּעַל וּמְעַרְעֵר וּפְסִיל לִיהּ! 2

The Gemara asks: **Is this ruling a leniency? It is a stringency, since if you require two** witnesses to testify **with regard to** the bill of divorce, her **husband cannot come to contest and invalidate it**, as his testimony will not be accepted against that of the two witnesses. However, if only **one** agent brings the bill of divorce, the **husband can come and contest and invalidate** the document.

כִּיּוֹן דְּאָמַר מָר: בְּפָנֵי פְּמָה גּוּתְנוּ לָהּ? רַבִּי יוֹחָנָן וְרַבִּי חֲנִינָא; חַד אָמַר:
בְּפָנֵי שְׁנַיִם, וְחַד אָמַר: בְּפָנֵי שְׁלֹשָׁה; מְעִיקְרָא מִיֶּדֶק דְּיִיק, וְלָא אָתִי
לְאֹרְוֵי נְפִשִׁיהּ. 3

The Gemara answers: **Since the Master says: In the presence of how many people must the agent who brings the bill of divorce give it to the**

woman? **Rabbi Yoḥanan and Rabbi Ḥanina** disagreed with regard to this issue. **One said** that he must deliver it to her **in the presence of** at least **two** people, **and one said** that he must deliver it to her **in the presence of** at least **three** people, as three individuals are considered a court.

Therefore, **at the outset** the agent is **careful** to clarify the matter fully, **and he will not act to his own detriment** by bringing an invalid bill of divorce.

וְלִרְבָּא דְאָמַר לְפִי שְׂאִין עֵדִים מְצוּיִין לְקִיּוּמוֹ – לִיבְעֵי תִרִי, מִיַּדֵּי דְהוּהּ
אַקְיִים שְׁטָרוֹת דְּעֵלְמָא! עַד אֶחָד נְאָמֵן בְּאִיסוּרִין.

4

The Gemara asks: **And according to** the opinion of **Rava**, who said that the agent must say: It was written in my presence and it was signed in my presence, **because there are no witnesses available to ratify it, let us require two** witnesses, **just as is** the practice with regard to the **typical** case of **ratification of legal documents**, which must be performed via two witnesses. The Gemara answers as above: **One witness is deemed credible with regard to prohibitions.**

אִימַר דְּאָמְרִין עַד אֶחָד נְאָמֵן בְּאִיסוּרִין, כְּגוֹן חֲתִיכָה סֶפֶק שֶׁל חֶלֶב
סֶפֶק שֶׁל שׁוֹמֵן, דְּלֹא אִיתְחִזַּק אִיסוּרָא; אֲבָל הֵכָא אִיתְחִזַּק אִיסוּרָא
דְּאִשְׁתּ אִישׁ – הוּי דְּבַר שְׁבַעְרָוּהּ, וְאִין דְּבַר שְׁבַעְרָוּהּ פְּחוֹת מִשְׁנַיִם!

5

Again the Gemara asks: One can **say that we say that one witness is deemed credible with regard to prohibitions** in a case **such as** where there is a **piece** of fat, and it is **uncertain** if it is forbidden **fat** and **uncertain** if it is permitted **fat**. In this situation, the piece can be

permitted by a single witness, **as there is no presumption** that it is **forbidden. However, here there is a presumption** that this woman is **forbidden as a married woman.** If so, this **is a matter of forbidden sexual relations, and there is no matter** of testimony **for forbidden sexual relations** that can be attested to by **fewer than two** witnesses.

בְּדִין הוּא דְּבִקְיוֹם שְׁטָרוֹת נְמִי לָא לִיבְעִי, כְּדִרִישׁ לְקִישׁ – דְּאָמַר רִישׁ לְקִישׁ: עֵדִים הֶחֱתוּמִים עַל הַשְּׁטָר, נַעֲשׂוּ כְּמִי שֶׁנִּחְקְרָה עֵדוּתוֹ בְּבֵית דִּין – וְרַבָּנָן הוּא דְּאֶצְרוּד; וְהֵכָא מְשׁוּם עֵיגוּנָא אֶקִּילוּ בֵּה רַבָּנָן.

The Gemara answers: **By right** it should be **that with regard to** the **ratification of legal documents as well**, the court **should not require** two witnesses, **in accordance with** the opinion **of Reish Lakish.** **As Reish Lakish says: Witnesses signed on** a legal **document become like** a pair of witnesses **whose testimony has been examined in court**, and the document should be accepted without further ratification. **And it is the Sages who required** the court to ratify documents. **And here**, with regard to bills of divorce, **the Rabbis were lenient with her** by allowing the document to be ratified through the agent's testimony alone, **due to** the possibility of **desertion.**

הֲאִי קוּלָא הוּא?! חוּמְרָא הוּא! דְּאִי מִצְרַכְתָּ לִיָּה תִּירִי – לָא אָתִי בְּעַל מְעַרְעַר וּפְסִיל לִיָּה; חַד – אָתִי בְּעַל וּמְעַרְעַר וּפְסִיל לִיָּה! כִּיּוֹן דְּאָמַר מָר: בְּפָנֵי כַּמָּה נוֹתְנֵנוּ לָהּ? רַבִּי יוֹחָנָן וְרַבִּי חֲנִינָא; חַד אָמַר: בְּפָנֵי שְׁנַיִם, וְחַד אָמַר: בְּפָנֵי שְׁלֹשָׁה; מֵעֵיקְרָא מִדְּקָ דְּיִיק וְלָא אָתִי לְאֹרְוֵי נַפְשִׁיָּה.

The Gemara again asks: **Is this ruling a leniency? It is a stringency, since if you require two witnesses to testify with regard to the bill of divorce, then her husband cannot come to contest and invalidate it, whereas if there is only one agent, her husband can come and contest and invalidate it.** Once again the Gemara answers: **Since the Master says: In the presence of how many people must the agent who brings the bill of divorce give it to the woman? Rabbi Yohanan and Rabbi Hanina disagreed with regard to this issue. One said that he must deliver it to her in the presence of at least two people, and one said that he must deliver it to her in the presence of at least three people, as three individuals are considered a court. Therefore, at the outset the agent is careful to clarify the matter fully, and he will not act to his own detriment by bringing an invalid bill of divorce.**

וְרַבָּא, מַאי טַעְמָא לָא אָמַר כְּרַבָּה? אָמַר לָדָּ: מִי קָתַיִי "בְּפָנַי נִכְתָּב לְשָׂמָה, בְּפָנַי נִחְתָּם לְשָׂמָה"!? 8

After clarifying the basic dispute, the Gemara discusses the reasons for each opinion. **And as for Rava, what is the reason that he did not say like Rabba, that the reason the agent must declare: It was written in my presence and it was signed in my presence, is due to the concern that the bill of divorce was not written for the woman's sake? The Gemara answers that Rava could have said to you: Is it taught in the mishna that the agent must say: It was written in my presence for her sake, and it was signed in my presence for her sake? Since the agent does not testify that it was written for her sake, this indicates that the Sages did not institute**

the requirement that he state this declaration to ensure that it was written for her sake.

9 וְרַבָּהּ? בְּדִין הוּא דְלִיתַי הָכִי, אֶלָּא דְאֵי מִפְּשֵׁת לִיה דִּיבּוּרָא – אֶתִּי לְמַגְזִייהּ.

The Gemara asks: **And** how does **Rabba** respond to this claim? The Gemara answers: **By right** it is so **that** the mishna should **teach** in **this** manner. **However**, the Sages did not require him to say this, **as if you increase** the agent's requirement to **speak**, by obligating him to state this lengthy declaration, **he will** likely **come to shorten it**. If he has too much to remember, he might forget some of the formula, and his error will render the bill of divorce invalid.

10 הַשְּׁתָּא נָמִי אֶתִּי לְמַגְזִייהּ! חָדָא מִתְּלַת גְּאִיזוּ, חָדָא מִתְּרֵתִי לָא גְּאִיזוּ.

The Gemara asks: **Now too**, with regard to the formula as it stands, **he will come to shorten it** by omitting either it was written in my presence or it was signed in my presence. The Gemara answers: He is likely to **shorten** it by omitting **one** term out of **three**, such as: For her sake, from the three-term clause: It was written, in my presence, for her sake. However, **he will not shorten** his declaration by omitting **one** term of **two**. Consequently, when asked if it was written in his presence, he will answer with the full statement, and the same is true when he is asked if it was signed in his presence.

11 וְרַבָּהּ, מַאי טַעְמָא לָא אָמַר כְּרַבָּא? אָמַר לָךְ: אִם כֵּן נִיתַי "בְּפָנֵי נְחֻתָם" וְתוּ לָא; "בְּפָנֵי נְכַתְב" לָמָּה לִּי? שָׁמַע מִינָהּ בְּעֵינָן לְשָׁמָּה.

תָּנוּ: הַמְבִיא גִט מְמַדִּינַת הַיָּם, וְאִינוּ יָכוֹל לֹמַר "בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם", אִם יֵשׁ עָלָיו עֵדִים – יִתְקַיֵּים בְּחֹתְמָיו. וְהוֹיֵן בֵּה: מַאי "וְאִינוּ יָכוֹל לֹמַר"?

18

§ We learned in a mishna (9a): With regard to an agent **who brings a bill of divorce from a country overseas, and he is unable to say: It was written in my presence and it was signed in my presence, if the bill of divorce has witnesses signed on it then it shall be ratified by its signatories**, i.e., it can be ratified by validating the witnesses' signatures. **And we discussed this halakha: What is the meaning of the phrase: And he is unable to say?**

5a

אֵילִימָא חֲרִישׁ, חֲרִישׁ בַּר אֵיתוּי גִיטָא הוּא!? וְהִתְנוּ: הַכֹּל כְּשָׂרִים לְהַבִּיא אֶת הַגִּט, חוּץ מִחֲרִישׁ שׁוֹטָה וְקָטָן!

1

If we say that this is referring to a **deaf-mute, is a deaf-mute fit to bring a bill of divorce? But didn't we learn in a mishna (23a): Anyone is fit to serve as an agent to bring a bill of divorce to a woman except for a deaf-mute, an imbecile, and a minor**, all of whom may not be appointed as agents at all, as they are not intellectually competent according to *halakha*.

וְאָמַר רַב יוֹסֵף: הֵכָא בְּמַאי עֲסָקִינָן – כְּגוֹן שְׁנִתְנוּ לָהּ כְּשֶׁהוּא פְּקִיחָה, וְלֹא הִסְפִּיק לֹמַר "בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם" עַד שְׁנִתְחַרְשׁ. לְרַבָּא גִיטָא, לְרַבָּה קִשְׂיָא!

2

the woman **had** already **married** again after having received the bill of divorce, and the Sages did not want to enforce their decree at the expense of forcing her to get divorced. The Gemara questions this explanation: **If so**, the explanation provided by the *Tosefta* for the ruling in the mishna, that the reason **is** because the Sages **did not require him to say: It was written in my presence and it was signed in my presence, so as to be stringent with her. Rather**, they required the agent to state this declaration so as **to be lenient with her**, is not accurate. Instead, the true reason for this leniency **is because she had** already **married** someone else.

הַכִּי קֵאָמַר: וְכִי תִימָא לְהַחְמִיר עָלֶיהָ וְלִפְקָהּ, הָיִי לֹא הוּצְרָכוּ לִזְמַר 17
 "בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם" לְהַחְמִיר עָלֶיהָ אֶלָּא לְהַקֵּל עָלֶיהָ,

The Gemara answers: **This is what** the *tanna* of the *baraita* **is saying: And if you would say** that one should **be stringent with her and remove her** from her new husband, to counter that claim the *tanna* adds: This **is** because the Sages **did not require him to say: It was written in my presence and it was signed in my presence, so as to be stringent with her. Rather**, they required the agent to state this declaration so as **to be lenient with her.**

5b

טַעמָא מַאי – דִּילְמָא אָתִי בְּעַל מְעַרְעַר וּפְסִיל לִיָּה; הַשְׁתָּא בְּעַל לָא 1
 קָא מְעַרְעַר, אָנָּן נִיקוּם וּנְעַרְעַר עָלֶיהָ!?

6b

1 וְאִי עֲבָדָתָּ – אֶהְיִיתָ. מֵאִי "אִי עֲבָדָתָּ אֶהְיִיתָ"? דָּאֵי אָתִי בְּעַל מְעָרְעֵר,
לֹא מִשְׁגָּחִינָן בֵּיהּ.

But if you do this then **you provide benefit**. The Gemara asks: **What** is the meaning of the expression: **If you do** this **you provide benefit**? This means **that if the husband comes to contest** the validity of the bill of divorce, **we pay no attention to him** and his claim.

2 כְּדַתְּנִיא: מַעֲשֵׂה בְּאָדָם אֶחָד שֶׁהֵבִיא גִּט לְפָנֵי רַבִּי יִשְׁמַעְיָאֵל, אָמַר לוֹ:
צָרִיךְ אָנֹכִי לֵאמֹר "בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם", אוֹ אֵינִי צָרִיךְ? אָמַר לוֹ: בְּנִי,
מֵהֵיכָן אַתָּה? אָמַר לוֹ: רַבִּי, מִכְּפָר סִיסַי אָנִי. אָמַר לוֹ: צָרִיךְ אַתָּה
לֵאמֹר "בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם", שְׁלֹא תִיזְקַק לְעֵדִים.

As it is taught in the *Tosefta* (1:3): **An incident** occurred **involving a man** who brought a bill of divorce before **Rabbi Yishmael**, and **said to him**: **Am I required to say**: It was written in my presence and it was signed in my presence, or **am I not required** to state that declaration? **Rabbi Yishmael said to him**: **My son**, where are you from? **He said to Rabbi Yishmael**: **My teacher**, I am from the village of **Sisai**. **Rabbi Yishmael said to him**: You are required to say: It was written in my presence and it was signed in my presence, so that **you will not** cause the woman to **need to find witnesses** if the husband contests its validity.

11a

בְּשֵׁמוֹת מוֹבְהָקִין. 1

We are dealing **with unambiguous** gentile **names**, in which case there is no need to be concerned that people might rely on these individuals as witnesses for the transfer, as it is evident that they are gentiles.

הֵיכִי דְּמֵי שֵׁמוֹת מוֹבְהָקִין? אָמַר רַב פָּפָא, כְּגוֹן: הוֹרְמִיז, וְאַבּוּדִינָא, בַּר שִׁיבֵתַי, וְבַר קִידְרִי, וּבָאֲטִי, וּנְקִים אֹנָא. 2

The Gemara clarifies: **What are the circumstances of unambiguous gentile names? Rav Pappa said:** This is referring to names **such as Hurmiz, and Abbudina, bar Shibbetai, and bar Kidri, and Bati, and Nakim Una.**

אָבֵל שֵׁמוֹת שְׂאִין מוֹבְהָקִים מֵאִי – לָא? אִי הָכִי, אֲדַתְנִי סִיפָא: לֹא הוֹזְכְרוּ אֶלָּא בְּזִמְן שְׁנַעְשׂוּ בְּהֶדְיוּט; לְפָלוּג וְלִיתְנִי בְּדִידָה: בְּמָה דְּבָרִים אָמּוּרִים – בְּשֵׁמוֹת מוֹבְהָקִין, אָבֵל שֵׁמוֹת שְׂאִין מוֹבְהָקִין – לָא! 3

The Gemara infers: **However**, if the bill of divorce or manumission was signed by gentile witnesses with **ambiguous names**, **what** is the *halakha*? Is this **not** a valid document? **If so, instead of teaching in the latter clause** of the mishna: These two types of documents are **mentioned only when they are prepared by a common person**, not in court, **let him distinguish and teach** the distinction **within** the case of gentile courts **itself**, as follows: **In what case is this statement**, that gentile signatures

its last line, and it is not so in the case of Persian documents. The Gemara answers: Rava's statement applies **in** a case **where it returned** to review the essential topic of the document in the final line.

אִי הָכִי מִמְשַׁעְבְּדֵי נְמִי! לִית לִיה קְלָא. 13

The Gemara asks: **If so**, he should be able to collect **from liened** property **as well**, as this document is equivalent to one written by a Jew. Why doesn't Rava say that it can be used to collect from liened property as well? The Gemara answers: The reason is that this document does **not** generate **publicity**, i.e., a legal matter that is performed in a Persian court will not become publicized among Jews. Therefore, this case is similar to a loan by oral agreement, where the transaction is not publicized. In this case the lender can collect only from non-liened property, as purchasers from the debtor would not have been aware of his debt and consequently taken sufficient measures to ensure that the money would not be claimed from their purchase.

בְּעָא מִיַּיָּה רֵישׁ לְקִישׁ מֵרַבִּי יוֹחָנָן: 14

Reish Lakish raised a dilemma before Rabbi Yoḥanan:

11b

עֲדִים הַחֲתוּמִין עַל הַגֵּט וְשִׁמוֹתֵן כְּשִׁמוֹת גּוֹיִם, מֵהוּ? אָמַר לִיה: לָא בָּא לְיַדְנָו אֶלָּא לּוֹקוּס וְלוּס, וְהַכְּשָׁרְנוּ. 1

With regard to **witnesses who signed a bill of divorce and whose names are like the names of gentiles, what is the halakha?** Rabbi Yoḥanan said

They said to Rabbi Elazar: Didn't an incident of this kind occur **with regard to the mother of the family of the sons of Rokhel, who was ill, and she said: Give**

15a

כְּבִינָתִי לְבִתִּי, וְהִיא בְּשָׁנִים עָשָׂר מָנָה", וַיִּמָּתָהּ, וַקְּיִימוּ חֲכָמִים אֶת דְּבָרֶיהָ! אָמַר לָהֶם: בְּנֵי רוֹכֵל תִּקְבְּרוּם אַמָּם.

my brooch [kevinati] to my daughter, and the brooch is worth **twelve hundred dinars. And** this woman subsequently **died, and the Sages fulfilled her statement.** Rabbi Elazar **said to them** that **the sons of Rokhel should be buried by their mother,** i.e., he cursed them. Rabbi Elazar meant that it is not possible to bring a proof from this incident, as these sons were wicked people. Consequently, when dealing with them the Sages did not act in accordance with the *halakha*, but allowed their mother to give this valuable piece of jewelry to their sister, circumventing the *halakhot* of inheritance.

תָּנָא קַמָּא כְּרַבִּי אֶלְעָזָר; וְרַבִּי נָתַן וְרַבִּי יַעֲקֹב נָמִי כְּרַבִּי אֶלְעָזָר – אַף עַל גַּב דְּמִית, לָא אָמְרִינָן מְצָוָה לְקַיִּים דְּבַרֵּי הַמַּת; וְ"יֵשׁ אוֹמְרִים" – כְּרַבָּנָן;

The Gemara states: **The first tanna** holds **in accordance with** the opinion of **Rabbi Elazar**, who holds that there must be an actual act of acquisition or the money still belongs to the giver. **And Rabbi Natan and Rabbi Ya'akov also hold in accordance with** the opinion of **Rabbi**

to the sender, not to his heirs, as this is referring to a case where the sender had not died.

7

הִדְרוּ עָלָיו הַמְבִיא קָמָא

הַמְבִיא גִט מִמְדִּינַת הַיָּם, וְאָמַר: "בְּפָנַי נִכְתָּב אָבֵל לֹא בְּפָנַי נִחְתָּם";
 "בְּפָנַי נִחְתָּם אָבֵל לֹא בְּפָנַי נִכְתָּב"; "בְּפָנַי נִכְתָּב כּוּלּוֹ וּבְפָנַי נִחְתָּם
 חֻצְיוֹ"; "בְּפָנַי נִכְתָּב חֻצְיוֹ וּבְפָנַי נִחְתָּם כּוּלּוֹ" – פְּסוּל.

15a,

8

MISHNA: With regard to **one who brings a bill of divorce from a country overseas and says:** The bill of divorce was written in my presence but it was not signed in my presence; or if he said: It was signed in my presence but it was not written in my presence; or: All of it was written in my presence and half of it was signed in my presence, i.e., he observed the signing of only one witness; or: Half of it was written in my presence and all of it was signed in my presence, in all these cases the document is **invalid**.

אֶחָד אוֹמֵר "בְּפָנַי נִכְתָּב" וְאֶחָד אוֹמֵר "בְּפָנַי נִחְתָּם", פְּסוּל. שְׁנַיִם
 אוֹמְרִים "בְּפָנַיִנוּ נִכְתָּב" וְאֶחָד אוֹמֵר "בְּפָנַי נִחְתָּם", פְּסוּל; וְרַבֵּי יְהוּדָה
 מְכַשֵּׁיר. אֶחָד אוֹמֵר "בְּפָנַי נִכְתָּב" וְשְׁנַיִם אוֹמְרִים "בְּפָנַיִנוּ נִחְתָּם", כָּשֵׁר.

9

If **one** agent bringing a bill of divorce **says: It was written in my presence, and one** other agent **says: It was signed in my presence**, it is **invalid**. If **two** agents **say: It was written in our presence, and one says: It was signed in my presence**, it is **invalid**. And Rabbi Yehuda deems the document **valid**. If **one** agent **says: It was written in my presence, and two** agents **say: It was signed in our presence**, it is **valid**.

גַּמְ' הָא תוּ לְמָה לִי? הָא תָּנָא לִיהּ חֲדָא זִימְנָא – הַמְבִיא גֵט מִמְדִּינַת הַיָּם, צָרִיד שְׂיֵאמַר "בְּפָנַי נִכְתַּב וּבְפָנַי נִחְתַּם!" אִי מַהֲהִיא הָוּה אָמִינָא: צָרִיד, וְאִי לָא אָמַר כְּשֵׁר; קָא מִשְׁמַע לֵן.

10

GEMARA: The Gemara asks with regard to the entire mishna: **Why do I** need all **these further** examples? **Didn't it teach** these *halakhot* **once**, as the mishna states (2a): **One who brings a bill of divorce from a country overseas is required to say: It was written in my presence and it was signed in my presence?** This indicates that if one did not state this declaration, then the bill of divorce is invalid. The Gemara explains: **If the halakha** were derived **from that** mishna alone, **I would say:** He is **required** to issue this statement *ab initio*, **but if he did not say** it the bill of divorce is nevertheless **valid** after the fact. Therefore, this mishna **teaches us** that the bill of divorce is invalid.

"בְּפָנַי נִכְתַּב חֲצִיו וּבְפָנַי נִחְתַּם כּוּלוּ", פְּסוּל. הֵי חֲצִיו? אֵלִימָא חֲצִיו רַאשׁוֹן, וְהָאֵמַר רַבִּי אֶלְעָזָר: אֶפִּילוּ לֹא כָתַב בּוֹ אֶלָּא שְׂיֵטָה אַחַת לְשִׁמָּה, שׁוּב אֵינּוּ צָרִיד! אֶלָּא אָמַר רַב אֲשִׁי: חֲצִיו אַחֲרוֹן.

11

people attesting to the validity of the signatures of both witnesses, **or it** must be **entirely** ratified **via** the **rabbinic decree** that the agent is deemed credible when he states: It was written in my presence and it was signed in my presence.

מִתְקִיף לָהּ רַבָּא: מִי אֵיכָּא מִיַּדֵּי דְאִילוּ אָמַר חַד, כְּשֵׁר; הִשְׁתָּא דְאֵיכָּא
תִּרִי, פְּסוּל?! אֵלָּא אָמַר רַבָּא: אֶפְילוּ

14

Rava objects to this: Is there any situation in which if one person said it, the document is **valid**, i.e., if the agent would have attested to the signature of the second witness the bill of divorce would be valid, and **now that there are two** witnesses who attest to the signatures it is **invalid**? **Rather, Rava says: Even if**

15b

הוּא וְאַחַר מְעִידִין עַל חֲתִימַת יַד שְׁנַי – פְּסוּל. מַאי טַעְמָא? אֲתוּ
לְאִיחְלוּפֵי בְּקִיּוֹם שְׁטָרוֹת דְּעֵלְמָא, וְקָא נְפִיק נְכִי רִיבְעָא דְמָמוֹנָא אֶפְוּמָא
דְּחַד סְהָדָא.

1

he, i.e., the agent, **and another** person **testify with regard to the signature of the second** witness, the bill of divorce is **invalid**. **What is the reason** for this? Perhaps people **will come to confuse it with the typical** case of **ratification of legal documents**, and will rely on one witness who testifies about his own signature and that of the other signatory, while another witness joins with him to testify with regard to the other signature. **And** as a result of this, **the full sum of money, minus**

רַבָּה בַּר בַּר חַנָּה חֲלַשׁ, עוֹל לְגַבִּייה רַב יְהוּדָה וְרַבָּה, לְשִׁילֵי בֵיהּ. בְּעוֹ
 מִינֵיהּ: שְׁנַיִם שָׁהֲבִיאוּ גִט מִמְּדִינַת הַיָּם, צָרִיכִין שְׂיֵאמְרוּ "בְּפָנֵינוּ נִכְתַּב
 וּבְפָנֵינוּ נִחְתַּם", אוֹ אֵין צָרִיכִין? אָמַר לָהֶם: אֵין צָרִיכִין – מָה אֵילוּ
 יֵאמְרוּ "בְּפָנֵינוּ גִירְשָׁה", מִי לָא מְהִימְנִי?! אֲדַהְכִי, אַתָּא הֵהוּא

§ The Gemara relates: **Rabba bar bar Hana was weak**, and **Rav Yehuda and Rabba entered** to visit him and to inquire about his well-being. While they were there, **they raised a dilemma before him**: With regard to **two people who brought a bill of divorce from a country overseas**, are they required to say: **It was written in our presence and it was signed in our presence**, or are they not required to issue this declaration? **He said to them**: They are not required to say it, for the following reason: **What if they said: She was divorced in our presence, wouldn't they be deemed credible?** Therefore, they do not have to state the declaration. **In the meantime**, while they were sitting there, **in came a certain**

17a

חֲבָרָא, שְׁקֵלָה לְשֶׁרָגָא מִקְמֵייהוּ. אָמַר: רַחֲמָנָא! אוֹ בְּטוּלָךְ, אוֹ בְּטוּלָא
 דְּבַר עֵשׂוּ.

Persian priest [*habbara*] and **took the lamp** [*sheragga*] **from before them**. It was a Persian holiday on which the Persians prohibited the public from maintaining light outside their temple. Rabba, who was from Eretz

instituted an ordinance that bills of divorce must be dated because she needs to be able to establish the time of the divorce in case the husband sold or consumed the produce of fields that belong to her after the divorce. If there is no date on the bill of divorce, he will be able to claim that the produce was sold or consumed before the divorce took place.

רִישׁ לְקִישׁ, מַאי טַעְמָא לָא אָמַר כְּרַבִּי יוֹחָנָן? אָמַר לָךְ:

13

The Gemara asks: **What is the reason** that **Reish Lakish did not say in accordance with** the opinion of **Rabbi Yoḥanan**? The Gemara answers: Reish Lakish could have **said to you**:

17b

זְנוּת לָא שְׂכִיחָא.

1

Adultery is infrequent, and the Sages would not institute the dating of a bill of divorce to avoid an infrequent problem.

וְרַבִּי יוֹחָנָן, מַאי טַעְמָא לָא אָמַר כְּרִישׁ לְקִישׁ? קִסְבֵּר: יֵשׁ לְבַעַל פִּירוֹת
עַד שְׁעַת נְתִינָה.

2

The Gemara asks: **And what is the reason** that **Rabbi Yoḥanan did not say in accordance with** the reason of **Reish Lakish**? The Gemara answers that **he holds the produce belongs to the husband until the time of the giving** of the bill of divorce, and only afterward does the woman have the rights to the produce of her property. If she attempts to collect the value of the produce sold after her divorce, she will be asked to prove when she

received the bill of divorce. Therefore, in terms of assisting her to collect these monies, the dating of the bill of divorce does not serve any purpose.

בְּשִׁלְמָא לְרִישׁ לָקִישׁ, מִשּׁוּם הָכִי קָא מְכַשֵּׁיר רַבִּי שְׁמַעוֹן. אֵלָא לְרַבִּי יוֹחָנָן, מַאי טַעְמָא דְרַבִּי שְׁמַעוֹן – דְּמְכַשֵּׁיר?

3

The Gemara continues and asks: **Granted, according to Reish Lakish, due to that** reason **Rabbi Shimon deems valid** a bill of divorce that was signed on the day after it was written, because he holds that the rights to the produce of usufruct property revert to the woman the moment the bill of divorce is written. She is therefore within her rights to collect these monies from the date written in the bill of divorce, even if it was given at a later date. **However, according to Rabbi Yohanan, who holds that the reason for writing the date is to prevent the husband from shielding his wife from punishment for her infidelity, what is the reason that Rabbi Shimon deems it valid?** There is still a concern that he will have the bill of divorce written and dated earlier in order to protect her.

אָמַר לָךְ רַבִּי יוֹחָנָן: אֵלִיבָא דְרַבִּי שְׁמַעוֹן לָא קָאֲמִינָא, כִּי קָאֲמִינָא אֵלִיבָא דְרַבָּנָן.

4

The Gemara answers: **Rabbi Yohanan** could have **said to you: I am not speaking in accordance with** the opinion of **Rabbi Shimon**, as he clearly is not concerned with the husband's shielding his wife from punishment. **When I speak, it is in accordance with** the opinion of **the Rabbis**, who hold that if the bill of divorce was signed on the night following its writing, it is invalid.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, הֵיִינוּ דְאִיכָא בֵּין רַבִּי שְׁמַעוֹן לְרַבָּנּוּ; אֶלָּא לְרִישׁ
לְקִישׁ, מַאי אִיכָא בֵּין רַבִּי שְׁמַעוֹן לְרַבָּנּוּ?

5

The Gemara asks: **Granted, according to Rabbi Yoḥanan, this is the difference between the opinion of Rabbi Shimon and the opinion of the Rabbis. However, according to Reish Lakish, what difference is there between Rabbi Shimon and the Rabbis?**

פִּירִי דְמִשְׁעַת כְּתִיבָה וְעַד שְׁעַת חֲתִימָה אִיכָא בֵּינֵיהּוּ.

6

The Gemara answers: The practical difference **between them** pertains to the **produce** of the wife's property **from the time of the writing until the time of the signing**. According to the Rabbis, the rights to the produce revert to the wife only once the bill of divorce is signed, and the bill of divorce must be dated then. According to Rabbi Shimon, the woman's rights to the produce go into effect the moment the bill of divorce is written, and the date on which it was signed is irrelevant.

וְהָא אִיכָכָא שְׁמַעֲיָנָן לְהוּ! דְאֶתְמַר: מֵאִמְתִּי מוֹצִיאִין לְפִירוֹת? רַבִּי יוֹחָנָן
אָמַר: מִשְׁעַת כְּתִיבָה, וְרִישׁ לְקִישׁ אָמַר: מִשְׁעַת נְתִינָה!

7

The Gemara challenges the explanation as to why Rabbi Yoḥanan does not agree with Reish Lakish: **But didn't we hear** Rabbi Yoḥanan and Reish Lakish **say the opposite** of this? **As it is stated** that they had a dispute with regard to the question: **From when does the court remove the property from the possession of the husband, i.e., when does he lose his right to the produce? Rabbi Yoḥanan said: From the time of the writing of the bill of divorce, and Reish Lakish said: From the time of**

Rava said to him: A person does not hasten a calamity on himself and will not ordinarily prepare a bill of divorce in advance. Rather, he will wait until he is ready to divorce his wife. Since this scenario is unlikely, the Sages did not see a need to institute an ordinance pertaining to it.

אָמַר לִיה רָבִינָא לְרַב אֲשִׁי: גִּיטִין הַבָּאִים מִמְּדִינַת הַיָּם, דְּמִיכְתָּבֵי בְּנִיסָן
וְלֹא מָטוּ עַד תְּשֻׁרֵי – מָה הוֹעִילוּ חֻכְמִים בְּתַקְנָתָם? אָמַר לִיה: הִנְהוּ,
קָלָא אֵית לְהוּ.

3

Ravina said to Rav Ashi: When there are bills of divorce that come from a country overseas which are written, for example, in the month of Nisan, and they do not reach the woman until the month of Tishrei, what did the Sages accomplish with their ordinance to date the bill of divorce? All of the concerns about an undated bill of divorce still apply. He said to him: Concerning these bills of divorce from overseas, it is public knowledge that they do not take effect from the date on which they were written. Therefore, if there is a conflict over produce the husband has sold, the woman must bring witnesses to testify as to when she received her bill of divorce.

אֵיתָמַר: מֵאִמְתִּי מוֹנִין לַגִּט? רַב אָמַר: מְשַׁעַת נְתִינָה, וְשְׂמוּאֵל אָמַר:
מְשַׁעַת כְּתִיבָה.

18a,

4

§ The Sages decreed that it is prohibited for a woman to remarry within three months of her divorce or her becoming a widow, in order to prevent a situation of doubt concerning the paternity of a child. It was stated: From when does one begin counting the three months with regard to a

bill of divorce? Rav says: From the time of the giving of the bill of divorce, **and Shmuel says: From the time of the writing** of the bill of divorce.

מִתְקִיף לֵיהּ רַב נָתַן בֵּר הוֹשְׁעִיא לְשִׁמוּאֵל, יֹאמְרוּ: שְׁתֵּי נָשִׁים בְּחֶצֶר
אֶחָת – זֶה אֶסְוֶרָה וְזֶה מוֹתְרַת! אָמַר לֵיהּ אַבְיִי: זֶה זְמַן גִּיטָה מוֹכִיחַ
עָלֶיהָ, וְזֶה זְמַן גִּיטָה מוֹכִיחַ עָלֶיהָ.

5

Rav Natan bar Hoshaya objects to this: According to the statement of **Shmuel**, now people **will say: If two women** who live **in one courtyard** received their bills of divorce at the same time, but the first document was written at the time of the divorce and the second one was written earlier, then **this woman is still prohibited** from remarrying, as three months have not yet passed from when her bill of divorce was written; **and that** woman is already **permitted** to remarry. This does not seem reasonable. **Abaye said to him: This is not difficult.** With regard to **this woman, the date of her bill of divorce proves concerning her** that she may not remarry yet; **and** with regard to **that woman, the date on her bill of divorce proves concerning her** that she may remarry already.

תִּנָּיָא כּוּוֹתִיָּה דְרַב, תִּנָּיָא כּוּוֹתִיָּה דְשִׁמוּאֵל. תִּנָּיָא כּוּוֹתִיָּה דְרַב: הַשּׁוֹלֵחַ
גִּט לְאִשְׁתּוֹ, וְנִשְׁתְּתָהּ שְׁלִיחַ בְּדֶרֶךְ שְׁלִשָּׁה חֳדָשִׁים, כְּשֶׁהִגִּיעַ גִּט לְיָדָהּ –
צְרִיכָה לְהַמְתִּין שְׁלִשָּׁה חֳדָשִׁים; וְלִגִּט יָשָׁן אֵין חוֹשְׁשִׁין, שְׁהָרִי לֹא
נִתְיַיְחַד עִמָּהּ.

6

The Gemara comments: It **is taught** in a *baraita* **in accordance with** the opinion of **Rav**, and it **is taught** in a *baraita* **in accordance with** the

opinion of **Shmuel**. The Gemara explains: It **is taught** in a *baraita* in accordance with the opinion of **Rav** that the three-month count begins from when the bill of divorce is given: In the case of **one who sends a bill of divorce to his wife, and the agent tarries on the way for three months, once the bill of divorce reaches her hand she must wait three months** before remarrying. **And one need not be concerned that it is an outdated bill of divorce**, i.e., that the husband and wife were secluded after it was written, rendering the bill of divorce invalid, **because he was not secluded with her** during the time the bill of divorce was being delivered.

תְּנִיָּא כּוּוֹתִיָּה דְּשִׁמוּאֵל: הַמְּשַׁלֵּיֵשׁ גֵּט לְאִשְׁתּוֹ, וְאָמַר לוֹ: אֵל תִּתְּנֶהוּ לָהּ
 אֶלָּא לְאַחַר שְׁלֹשָׁה חֳדָשִׁים, מִשְׁנַתְּנֹנוּ לָהּ – מוֹתְרַת לִינִשְׂא מִיָּד; וּלְגִט
 יִשָּׁן אֵין חוֹשְׁשִׁין, שְׁהָרִי לֹא נִתְּיַחַד עִמָּה.

7

It **is taught** in another *baraita* in accordance with the opinion of **Shmuel** that the count begins from the time of the writing: In the case of **one who** is about to travel and **deposits a bill of divorce for his wife** with a trustee and **says to him: Give it to her only after three months, once he gives it to her, she is permitted to marry immediately** and is not required to wait an additional three months. **And one need not be concerned that it is an outdated bill of divorce, as he was not secluded with her** in the interim.

רַב כְּהֵנָּא וְרַב פִּי וְרַב אָשִׁי – עֲבָדֵי מִשְׁעַת כְּתִיבָה, רַב פֶּפְא וְרַב הוּנָא
 בְּרִיָּה דְּרַב יְהוֹשֻׁעַ – עֲבָדֵי מִשְׁעַת נִתְּנָה. וְהִלְכְּתָא: מִשְׁעַת כְּתִיבָה.

8

It is told that **Rav Kahana and Rav Pappi and Rav Ashi would in practice** count three months **from the time of the writing**, but **Rav Pappa and Rav Huna, son of Rav Yehoshua, would in practice** count these three months **from the time of the giving**. And the *halakha* is that the counting begins **from the time of the writing**.

אִתְּמַר: מֵאֵימְתִי כְּתוּבָה מִשְׁמַטָּת?

9

§ The Gemara discusses another dispute between Rav and Shmuel with regard to documents. According to the terms of a marriage contract, a widow is entitled to payment of its value upon the death of her husband. By Torah law, all outstanding debts are canceled at the close of the Sabbatical Year. A woman need not take her marriage settlement as soon as her husband dies. The issue at hand is at what point the marriage contract generates a concrete debt that will be canceled by the Sabbatical Year. **It was stated: From when** is the debt established by **a marriage contract canceled** in the Sabbatical Year?

רַב אָמַר: מִשְׁתַּפְּגוּם – וְתִזְקוּף. וְשְׂמוּאֵל אָמַר: פְּגָמָה – אַף עַל פִּי שְׁלָא זְקָפָה, זְקָפָה – אַף עַל פִּי שְׁלָא פְּגָמָה.

10

Rav says: The marriage contract becomes like a debt and will be canceled in the Sabbatical Year **from** the time **when** the woman **collects partial payment and establishes** the rest as a debt in court. **And Shmuel says:** This occurs when **she** either **collects partial payment although she did not establish** it as debt, or **she established** the entire value of the marriage contract as a debt in court **although she did not collect partial payment**.

Torah scroll is processed with gall water, it is not possible to write something with gall water that will remain permanently on the parchment itself. Therefore, there is no concern that he wrote a bill of divorce on the parchment.

20a

אֵי מְשׁוּם כְּרִיתוֹת דְּאִית בֵּיהּ – הָא בְּעֵינָא "וְכָתַב לָהּ" – לְשִׁמָּה, וְלִיכָא.

If there is a concern that the Torah scroll can effect a divorce **due to** the verses concerning **severance** of marriage **that there are in** it, as it is written: “And he writes her a scroll of severance” (**Deuteronomy 24:1**), this is also not problematic, since **it is required**, as it states: “**And he writes her.**” This indicates that the bill of divorce must be written **for her sake**, i.e., it must be written for the express intent of being used to effect divorce between this specific man and this specific woman, **and** this is **not** so in the case of a Torah scroll.

וְכִי תִימָא, לִיחֻוּשׁ דִּילְמָא אֶקְדִּים וִיְהִי לִיהּ זִוְנָא לְסַפְרָא מְעִיקְרָא; הָא בְּעֵינֵן "נְשִׁינָה שְׁמוֹ וְשִׁמָּה, שֵׁם עִירוֹ וְשֵׁם עִירָה", וְלִיכָא.

And if you would say that there is reason **to be concerned** that **perhaps he first gave a dinar to the scribe at the outset**, when he wrote the Torah scroll, and told him to write the verses discussing divorce for his wife’s sake, **isn’t there a need** for other things to be written in a bill of divorce as well, as the mishna (80a) teaches: If the scribe **changed his name or her**

be that the woman transferred ownership of the slate to the husband, and he then gave it back to her.

אָמַר רַבָּא: וּמַאי קוּשְׁיָא? דִּילְמָא

19

Rava said: And what is the difficulty? How can one prove anything from the mishna? **Perhaps**

21a

זְקוּן שְׂאֵנִי, דִּידַע לְאַקְנוּיִי.

1

a knowledgeable **old man is different, as he understands** the need to **transfer** the documents, and this may not be true in the case of a woman and the bill of divorce.

אָלָא אָמַר רַבָּא: מִהֲכָא – עָרַב הַיּוֹצֵא לְאַחַר חֵיתוּם שְׁטָרוֹת, גּוֹבֶה מִנְכֶּסִּים בְּנֵי הוֹרֵינָן!

2

Rather, Rava said: A proof may be brought **from here:** If there was a **guarantor** whose commitment **emerged after the** promissory **note was signed**, then the creditor may **collect** only **from** the guarantor's **unsold property**. However, he does not have a lien on the guarantor's property with which he could collect from property sold after he signed on as a guarantor. Rava's proof is that it must be that ownership of the promissory note was transferred to the guarantor before he signed it, in order for his commitment to take effect. It may therefore be seen from this *baraita* that the participants understand the need to transfer ownership of the document.

(*Shabbat* 78b): The measure that determines liability for carrying out this **hide** is **equivalent** to that which is used **to make an amulet**.

דִּיפְתָרָא – דְּמְלִיחַ וְקָמִיחַ, וְלֹא אַפִּיז. לְמַאי הִילְכְתָּא? לְהוֹצֵאת שַׁבַּת.
וְכַמָּה שְׂעוּרוֹ? כְּדֵי לְכַתּוֹב עָלָיו אֶת הַגֵּט.

18

Diftera is hide that is salted, and treated with flour, and not treated with gallnuts. For what *halakha* was this type of leather mentioned? There is a *halakha* that mentions the minimum measure of this type of leather for which one is liable if he carries it out from one domain to another on **Shabbat**. And how much is the measure that determines liability for carrying out this hide on Shabbat? The measure that determines liability for carrying it out is **equivalent to** the amount on which a bill of divorce is written.

וְחֲכָמִים מְכַשְׂרִין: מֵאֵן חֲכָמִים? אָמַר רַבִּי אֶלְעָזָר:

19

The mishna taught that **the Rabbis deem valid** bills of divorce that were written on erased paper or on unfinished leather. The Gemara asks: **Who are these Rabbis?** The *amora* **Rabbi Elazar said:**

22b

רַבִּי אֶלְעָזָר הֵיא, דְּאָמַר: עֵדֵי מְסִירָה כְּרְתִי.

1

It is the opinion of the *tanna* **Rabbi Elazar, who says: Witnesses of the transmission** of the bill of divorce **effect** the divorce. Since the witnesses read the bill of divorce before it is transmitted in their presence, they may be relied upon to confirm the contents of the bill of divorce in court.

Therefore, even if it was written on erased paper, there is no possibility that it would be forged, as the witnesses read what was written before it is given.

וְאָמַר רַבִּי אֶלְעָזָר: לֹא הִכְשִׁיר רַבִּי אֶלְעָזָר אֶלָּא לְאַלְתֵּר, אָבֵל מִכָּאן עַד עֶשְׂרֵה יָמִים – לָא; חֵיִשְׁיָנָא דִּילְמָא הָוָה בֵּיהּ תְּנָאָה וְזִיִּפְתִּיהּ.

2

And the *amora* Rabbi Elazar says: The *tanna* **Rabbi Elazar** deemed such a bill of divorce **valid only** when it was taken to court in order to confirm the contents **immediately** after it was transferred to the woman.

However, if the witnesses testify **from now until ten days**, i.e., sometime later, he did **not** deem it valid. Why? **We are concerned** that **perhaps** the bill of divorce **had a stipulation** written on it **and she forged it** by erasing the stipulation, as this bill of divorce was written on material that enables a person to easily alter what is written. Only if the witnesses testify immediately can the court be sure that they did not forget what is written.

וְרַבִּי יוֹחָנָן אָמַר: אֶפִּילוּ מִכָּאן עַד עֶשְׂרֵה יָמִים; דָּאֵם אִיתָא דִּהָוָה בֵּיהּ תְּנָאִי – מִיְדְּכֶר דְּכִירִי.

3

And Rabbi Yoḥanan says: Even if they testify **from now until ten days** it is valid, as, **if it is so that it had a stipulation**, then the witnesses **will remember** it, as they would not forget something so obvious. Therefore, if the woman erased the stipulation, the witnesses would not verify the bill of divorce.

וְאָמַר רַבִּי אֶלְעָזָר: לֹא הִכְשִׁיר רַבִּי אֶלְעָזָר אֶלָּא בְּגִיטִין, אָבֵל בְּשֶׁאֵר שְׁטָרוֹת – לָא, דְּכִתְיִב: "וַיִּנְתְּמָם בְּכֹלֵי חֶרֶשׁ לְמַעַן יַעֲמְדוּ יָמִים רַבִּים".

4

opinion of **Rabbi Meir**, who **says: Signatory witnesses** on the bill of divorce **effect** the divorce.

וְהָאֵמַר רַבָּה בַּר בַּר חַנָּה, אָמַר רַבִּי יוֹחָנָן: רַבִּי אֶלְעָזָר הִיא! אָמוּרָאֵי
נִינְהוּ וְאֵלִיבָא דְרַבִּי יוֹחָנָן.

12

The Gemara asks: **But didn't Rabba bar bar Hana say** earlier that **Rabbi Yoḥanan said** that the mishna **is** in accordance with the opinion of **Rabbi Elazar**? How, then, can Rabbi Abba say that according to Rabbi Yoḥanan, the mishna is in accordance with the opinion of Rabbi Meir? The Gemara answers: **They are amora'im and disagree with regard to** the opinion of **Rabbi Yoḥanan**, whether he explains the mishna in accordance with the opinion of Rabbi Meir or that of Rabbi Elazar.

מִתְנִי' הַכֹּל כְּשֵׁרִין לְהַבִּיא אֶת הַגֵּט, חוּץ מִחֵרֶשׁ, שׁוֹטֵה, וְקֶטָן,
וְסוּמָא, וְגוֹי.

13

MISHNA: Anyone is fit to serve as an agent **to bring a bill of divorce** to a woman **except for a deaf-mute, an imbecile, or a minor, or a blind person, or a gentile.**

קִיבֵּל הַקֶּטָן וְהַגְּדִיל; חֵרֶשׁ וְנִתְפַקֵּחַ; סוּמָא וְנִתְפַתֵּחַ; שׁוֹטֵה וְנִשְׁתַּפֶּה; גוֹי
וְנִתְגַיֵּיר – פְּסוּל.

14

If a **minor received** the bill of divorce **and** then **reached** the age of **majority**, or one received it when he was a **deaf-mute and** then **became able to hear**, or one received it when he was **blind and** then **became able to see**, or one received it when he was **an imbecile and** then **became**

halakhically **competent**, or one received it when he was **a gentile and** then **converted**, in all of these cases he is **unfit** to bring the bill of divorce.

אָבֵל פִּקֵּחַ וְנִתְחַרְשׁ וְחֹזֵר וְנִתְפַקֵּחַ; פְּתוּיָהּ וְנִסְתַּמָּא וְחֹזֵר וְנִתְפַתַּח; שְׂפוּי וְנִשְׁמַטָּה וְחֹזֵר וְנִשְׁתַּפָּה – כָּשֵׁר. זֶה הַכֹּלֵל: כָּל שֶׁתְּחִילָתוֹ וְסוּפוֹ בְּדַעַת – כָּשֵׁר.

15

However, if one received it when he was **able to hear, and** then **became a deaf-mute, and** then **again became able to hear**; or if one received it when **he was able to see, and** then **became blind, and** then **again became able to see**; or one received it when he was halakhically **competent, and** then **became an imbecile, and** then **again became halakhically competent**, in all of these cases he is **fit** to bring the bill of divorce. **This is the principle: Anyone who is halakhically competent in the beginning and in the end is fit**, even if there was time in the interim when he was unfit.

גְּמָרָא בְּשֵׁלְמָא חֵרֶשׁ, שׁוֹטֵה וְקָטָן – דְּלֹא בְּנֵי דִיעָה נִינְהוּ; גּוֹי נָמִי – דְּלֹא בֵּר הֵייתִירָא הוּא; אָלָא סוּמָא, אַמַּאי לָא? אָמַר רַב שִׁשְׁתִּי: לְפִי שְׂאִינוּ יוֹדַע מְמִי נוֹטְלוּ וְלָמִי נוֹתְנוּ.

16

GEMARA: The Gemara asks with regard to those the mishna lists as not being qualified to bring a bill of divorce: **Granted, a deaf-mute, an imbecile, and a minor** are not qualified because **they are not** halakhically **competent**, and only one who is competent can be appointed as an agent. Additionally, **a gentile also** is not qualified, **as he is not subject to** the *halakhot* that **permit** a woman to remarry via a bill of divorce. A person

cannot serve as an agent for a matter that does not apply to him. **But why isn't a blind person** qualified to bring a bill of divorce? **Rav Sheshet says: Because he does not know from whom he takes it and to whom he gives it**, and since he is unaware of this he will not be able to testify about it.

מִתְקִיף לָהּ רַב יוֹסֵף: הֲיֵאָדָּם סוּמָא מוֹתֵר בְּאַשְׁתּוֹ? הֲיֵאָדָּם בְּנֵי אָדָם
מוֹתֵרִים בְּנִשְׁוֹתֵיהֶם בְּלֵילָה? אֵלָּא בְּטְבִיעוֹת עֵינָא דְקָלָא, הֲכָא נָמִי
בְּטְבִיעוֹת עֵינָא דְקָלָא!

17

Rav Yosef objects to this: If there is a concern that a blind person cannot distinguish between different people, then **how is a blind man permitted to** have sexual relations with **his wife?** How does he know that she is in fact his wife? Similarly, **how are all people permitted to** have sexual relations with **their wives at night?** If it is dark, they cannot see them. **Rather**, you must say that they are permitted **through voice recognition** [*teviut eina dekala*]. They can recognize each other based on their voices. **Here too**, with regard to a blind person, he can recognize the giver and receiver of the bill of divorce **through voice recognition**.

אֵלָּא אָמַר רַב יוֹסֵף: הֲכָא בְּחוּצָה לְאֶרֶץ עֶסְקִינּוּ; דְּבַעֵי לְמִימַר: "בְּפָנַי
נִכְתָּב וּבְפָנַי נִחְתָּם", וְלֹא מְצִי לְמִימַר.

18

Rather, Rav Yosef says: Here we are dealing with a husband who sends a bill of divorce to his wife **outside of Eretz Yisrael**, where the agent **needs to say: It was written in my presence and it was signed in my presence**,

The Gemara explains: **From where** does Rav Yosef infer this? **From** the fact **that it teaches** in the mishna: **What is** the difference **between a bill of divorce and death**, that certain women are deemed credible to testify about one but not the other? With regard to a bill of divorce, it is so **that the writing proves** that the husband is divorcing his wife. The mishna does not teach **that the writing and statement prove** this. Consequently, the statement of: It was written in my presence, is not needed. This indicates that the mishna is discussing a case that takes place in Eretz Yisrael.

הָאִשָּׁה עֵצְמָה מְבִיאָה וְכוּ': אִשָּׁה, מִכִּי מָטִי גִיטָה לְיָדָהּ אִיגְרָשָׁה לָּהּ!
 אָמַר רַב הוּנָא: בְּאוֹמֵר "לֹא תִתְגַּרְשִׁי בּוֹ אֶלָּא בְּפָנַי בֵּית דִּין פְּלוֹנִי". סוּף
 סוּף, כִּי מָטִיא הֵתָם – אִיגְרָשָׁה!

§ The mishna teaches that **the woman herself may bring** her own bill of divorce and state that it was written and signed in her presence. The Gemara asks: Why does she need to bring it and testify that it was written and signed in her presence? With regard to this **woman, once her bill of divorce reaches her hand, she is divorced. Rav Huna says:** This mishna is referring **to one who says** to his wife: **You will be divorced through it only in the presence of such and such court**, and the divorce does not take effect when she receives the bill of divorce. The Gemara asks: **Ultimately, once she arrives there**, to that court, **she is** immediately **divorced through it**, as she has fulfilled the condition set forth by her husband. Why, then, is it necessary for her to bring the bill of divorce and to testify?

אָלֵא אָמַר רַב הוּנָא בַר מָנוּחַ מִשְׁמִיָּה דְרַב אַחָא בְרִיה דְרַב אִיקָא:
דְּאָמַר לֶיהּ: כִּי מָטִית הָתָם, אֲתַנְחִיָּה אֲאַרְעָא וְשָׁקְלִיָּה.

6

Rather, Rav Huna bar Manoaḥ said in the name of Rav Aḥa, son of Rav Ika: This mishna is referring to a case **where he said to her: When you arrive there, place the bill of divorce on the ground and take it.** Consequently, the divorce does not take effect immediately upon her arrival.

אִי הָכִי, הָוָה לִיָּהּ: "טָלִי גִיטִיךָ מֵעַל גַּבִּי קַרְקַע", וְאָמַר רַבָּא: "טָלִי
גִיטִיךָ מֵעַל גַּבִּי קַרְקַע" – לֹא אָמַר כְּלוּם!

7

The Gemara challenges: **If that is so, isn't it** like the case where he said to his wife: **Take your bill of divorce from off the ground, and Rava says:** If a husband says to his wife: **Take your bill of divorce from off the ground,** then it is as though **he said nothing.** He is not considered to have given her a bill of divorce; rather, she has taken it on her own.

אָלֵא דְאָמַר לֶיהּ: הָוִי שְׁלִיחַ לְהוֹלְכָהּ עַד דְּמָטִית הָתָם, וְכִי מָטִית הָתָם
הָוִי שְׁלִיחַ לְקַבְּלָהּ, וְקַבְּלִי אֶת גִּיטִיךָ.

8

Rather, the mishna should be explained as follows: This is referring to a case **where he said to** his wife: **Be my agent for delivery** of the bill of divorce **until you arrive there. And when you arrive there, be your own agent for receipt, and receive your bill of divorce** as an agent.

9 וְהָא לֹא חֲזָרָה שְׁלִיחוֹת אֶצֶל הַבַּעַל! דְּאָמַר לָהּ: הֲוֵי שְׁלִיחַ לְהוֹלֵכָה עַד
דְּמָטִית הֵתָם, וְכִי מָטִית הֵתָם שְׁוֵי שְׁלִיחַ לְקַבְּלָהּ.

The Gemara challenges: **But the agency has not returned to the husband.** In other words, the first agency, where she acted as the agent for delivery, has not ended, because an agent must have the ability to complete his involvement in the act, return to the person who appointed him, and inform him that the agency has been carried out. In this case, once she arrives at the court, her agency ends when she assumes the role of the recipient of the bill of divorce, and her involvement does not end. Therefore, the appointment of the agent itself is deficient, and the divorce should not take effect. Rather, the mishna should be explained that he **said to her: Be an agent for delivery until you arrive there, and when you arrive there, appoint an agent for receipt** on your behalf and give him the bill of divorce.

10 הַנִּיחָא לְמֵאן דְּאָמַר: אִשָּׁה עוֹשָׂה שְׁלִיחַ לְקַבֵּל גִּיטָה מִיַּד שְׁלִיחַ בַּעֲלָהּ.
אָלָא לְמֵאן דְּאָמַר: אֵין הָאִשָּׁה עוֹשָׂה שְׁלִיחַ לְקַבֵּל גִּיטָה מִיַּד שְׁלִיחַ
בַּעֲלָהּ, מַאי אִיכָּא לְמִימַר?

The Gemara asks: **This works out well according to the one who said: A woman can appoint an agent to receive her bill of divorce from the hand of the agent of her husband,** and it is not required that she receive the bill of divorce herself. **However, according to the one who says: A woman cannot appoint an agent to receive her bill of divorce from the hand of the agent of her husband, what can be said?**

טַעֲמָא מַאי – מְשׁוּם דְּאִיכָא בְּזִיוּן דְּבַעַל, וְהָכָא בַּעַל לָא קָפִיד. 11

The Gemara answers: **What is the reason** of the one who said that the woman cannot appoint an agent to receive her bill of divorce from the agent of her husband? **Because there is degradation of the husband** in doing this, as he wishes to give the bill of divorce directly to the woman and not to an agent. **And here the husband is not particular** about the matter, as he instructed her to do so.

הַנִּיחָא לְמַאן דְּאָמַר: מְשׁוּם בְּזִיוּן דְּבַעַל; אֶלָּא לְמַאן דְּאָמַר: מְשׁוּם תְּצַרְהָ הַבְּאָה לְאַחַר מִיכּוֹן, מַאי אִיכָא לְמִימַר? 12

The Gemara clarifies: **This works out well according to the one who said:** The reason for this *halakha* is **due to** the concern about the **degradation of the husband. But according to the one who says** that this *halakha* is a decree **due to** the case of **her courtyard that comes afterward, what can be said?** Some say that the reason for the *halakha* that the woman cannot appoint an agent to receive the bill of divorce from the agent of her husband is that there was a concern that if she were able to do so, then the courts may eventually allow her to be divorced by purchasing a courtyard into which her husband had placed the bill of divorce. In the latter case, the divorce does not take effect. The courtyard needs to be an extension of the hand of the woman, into which the husband places the bill of divorce, but it does not act as her agent. In any event, according to this opinion, the fact that the husband is not particular does not prevent this *halakha* from applying, as it does not depend on him.

13 דָּאָמַר לָהּ: הֲוֵי שְׁלִיחַ לְהוֹלֵכָה עַד דְּמַטִּית הָתָם, וְכִי מַטִּית הָתָם שְׂוֵי שְׁלִיחַ לְהוֹלֵכָה, וְקַבְּלִי אֶת גִּיטֶיךָ מִיָּנִיהַ.

The Gemara answers: According to this opinion, the mishna should be explained as discussing a case **when he said to her: Be an agent for delivery of this bill of divorce until you arrive there, and when you arrive there, appoint another agent for delivery, and receive your bill of divorce from him.**

14 וְאִיבַעִית אִימָא, דָּאָמַר לָהּ: הֲוֵי שְׁלִיחַ לְהוֹלֵכָה עַד דְּמַטִּית הָתָם, וְכִי מַטִּית הָתָם אִימַר קַמִּי בֵּי דִינָא "בְּפָנֵי נִכְתָּב וּבְפָנֵי נִחְתָּם", וּמְשֻׁי בֵּי דִינָא שְׁלִיחַ, וְלִיתְבוּהַ נִיהֲלִיךְ.

And if you wish, say that **he said to her: Be an agent for delivery until you arrive there, and when you arrive there, say before the court: It was written in my presence and it was signed in my presence, and you should then appoint the court as an agent, and they will give the bill of divorce to you.**

הַדְרֹן עָלֶיךָ הַמְּבִיא גִט

16 כָּל גִּט שֶׁנִּכְתָּב שְׁלֵא לְשׁוּם אִשָּׁה, פְּסוּל. פִּיּוּד, הִיא עוֹבֵר בְּשׁוּק וְשָׁמַע קוֹל סוֹפְרִים מְקָרִין: "אִישׁ פְּלוֹנִי מְגַרֵּשׁ אֶת פְּלוֹנִית מִמְּקוֹם

פְּלוֹנִי", וְאָמַר: זֶה שְׁמִי וְזֶה שֵׁם אִשְׁתִּי; פָּסוּל לְגֵרֶשׁ בּוֹ.

MISHNA: Any bill of divorce that was not written for the sake of a specific woman is **invalid**. How so? In a case of a man who was passing through the marketplace and heard the sound of scribes who write bills of divorce dictating the text to their students: The man so-and-so divorces so-and-so from the place of such and such; and the man said: This is my name and that is the name of my wife, and he wishes to use this bill for his divorce, this bill is **unfit** for him to divorce his wife with it, as it was not written for the sake of any woman.

יֵתֵר מֵיֵכֵן – כָּתַב לְגֵרֶשׁ אֶת אִשְׁתּוֹ וְנִמְלָהּ, מִצָּאוּ בֶן עִירוֹ וְאָמַר לוֹ: 17
שְׁמִי כְּשִׁמְךָ וְשֵׁם אִשְׁתִּי כְּשֵׁם אִשְׁתְּךָ; פָּסוּל לְגֵרֶשׁ בּוֹ.

Moreover, if one wrote a bill of divorce with which to divorce his wife but later reconsidered, and a resident of his town found him and said to him: My name is the same as your name, and my wife's name is the same as your wife's name, and we reside in the same town; give me the bill of divorce and I will use it; the bill of divorce is **unfit** for the second man to divorce his wife with it.

24b

יֵתֵר מֵיֵכֵן – הָיוּ לוֹ שְׁתֵּי נָשִׁים וְשִׁמוֹתֵיהֶן שְׁוֹת, כָּתַב לְגֵרֶשׁ אֶת הַגְּדוּלָה – לֹא יִגְרֶשׁ בּוֹ אֶת הַקְּטָנָה.

Moreover, if one had two wives and their names were identical, and he wrote a bill of divorce to divorce the older one and then reconsidered, he

Gittin

The William Davidson Talmud (Koren - Steinsaltz)

32a

שׁוֹפֵתָא בְּקוֹפִינָא דְמָרָא – רַפְיָא. רַב יוֹסֵף אָמַר: אֶפִּילוּ סִיכְתָא בְּדַפְנָא
– רַפְיָא. רַב אֶהָא בַר יַעֲקֹב אָמַר: אֶפִּילוּ קִנְיָא בְּכוֹפְתָא – רַפְיָא.

the handle in the hole [*kofina*] of the hoe [*mara*] becomes loose
[*rafya*], as he understands the word *yafri* to refer to separating connected
items. Similarly, **Rav Yosef said: Even the peg hammered into the wall
becomes loose. Rav Aḥa bar Ya'akov said: Even the reed woven into the
basket becomes loose.**

הַדְּרוּ עֲלֶיךָ כָּל גֵּט

הַשּׁוֹלֵחַ גֵּט לְאִשְׁתּוֹ וְהִגִּיעַ בְּשָׁלִיחַ אוֹ שִׁשְׁלַח אַחֲרָיו שְׁלִיחַ וְאָמַר לוֹ
גֵּט שְׁנַתְתִּי לָךְ בְּטֵל הוּא הֵרִי זֶה בְּטֵל קִידָם אֵצֶל אִשְׁתּוֹ אוֹ שִׁשְׁלַח
אֵצֶלָה שְׁלִיחַ וְאָמַר לָהּ גֵּט שִׁשְׁלַחְתִּי לָךְ בְּטֵל הוּא הֵרִי זֶה בְּטֵל אִם
מִשְׁהִגִּיעַ גֵּט לְיָדָהּ שׁוֹב אֵינּוּ יָכוֹל לְבַטְלוֹ

MISHNA: In the case of **one who sends a bill of divorce to his wife**
with an agent, **and he reached the agent, or where he sent another agent**

after him, and he said to the agent delivering the bill of divorce: **The bill of divorce that I gave you, it is void**, then **this bill of divorce is hereby void**. Similarly, if the husband reached **his wife before** the bill of divorce reached her, **or** in a case **where he sent an agent to her, and he said**, or had the agent say, **to his wife: The bill of divorce that I sent to you, it is void**, then **this bill of divorce is hereby void**. However, **if he stated this once the bill of divorce had entered her possession, he can no longer render it void**, as the divorce had already taken effect.

בְּרֵאשׁוֹנָה הָיָה עוֹשֶׂה בֵּית דִּין מִמָּקוֹם אַחֵר וּמִבֵּטְלוֹ הִתְקִין רַבִּן גַּמְלִיאֵל
הַזֶּקֶן שְׁלֹא יְהִי עוֹשֵׂין כֵּן מִפְּנֵי תִיקוּן הָעוֹלָם

4

The mishna relates that **initially**, a husband who wished to render the bill of divorce void **would convene a court elsewhere and render** the bill of divorce **void** in the presence of the court before it reached his wife.

Rabban Gamliel the Elder instituted an ordinance **that one should not do this, for the betterment of the world**. The Gemara will explain what this means.

גַּמְ' הִגִּיעוּ לָא קְתַנִּי אָלָא הִגִּיעַ וְאֶפְּלוּ מִמֵּילָא וְלֹא אָמְרִינָן לְצַעֲוֵרָה
הוּא דְקָא מִיכְּוִין

5

GEMARA: The mishna states that if one sends a bill of divorce with an agent and then meets the agent and renders void the bill of divorce in his presence, then it is void. The Gemara points out: The mishna **does not teach: He reached** the agent after pursuing **him; rather: He reached** the agent, meaning **and even** if he reached him **incidentally**, without intent,

he renders the bill of divorce void with his statement. **And we do not say** that in that case **he intends** only to **vex** his wife and does not actually intend to render the bill of divorce void.

או שְׁשָׁלַח אַחֲרָיו שְׁלִיחַ לְמָה לִּי מֵהוּ דְּתִימָא לָא אֵלִימָא שְׁלִיחוּתִיה
דְּבִתְרָא מְשָׁלִיחוּתִיה דְּקָמָא דְּלִבְטָלִיה קָא מְשָׁמַע לֵן

6

The Gemara asks: **Why do I** need the mishna to state that the bill of divorce is void when he reached the agent, **or** in a case **where he sent** another **agent after him**? The legal status of a person's agent is like that of himself, so it seems obvious that just as the husband can nullify the agency of the first agent, so too, can the second agent nullify the agency of the first agent. The Gemara answers: This principle was stated **lest you say** that **the agency of the latter**, the second agent, **is not stronger than the agency of the former**, and **that** the latter agent cannot **nullify** the agency of the first agent and only the husband can nullify it. Therefore, the mishna **teaches us** that the second agent can nullify the agency of the first agent.

קָדָם הוּא אֵצֶל אִשְׁתּוֹ לְמָה לִּי מֵהוּ דְּתִימָא כִּי לָא אָמְרִינוּ לְצַעוּרָה קָא
מִיכּוּוֹן הָנִי מִיְלֵי לְשָׁלִיחַ אֲבָל לְדִידָהּ וְדָאֵי לְצַעוּרָה קָא מִיכּוּוֹן קָא
מְשָׁמַע לֵן

7

The Gemara continues and asks: **Why do I** need the mishna to teach a case where a husband reached **his wife before** the bill of divorce reached her? It is obvious that a husband can render void the bill of divorce before it reaches his wife. The Gemara explains: This principle was stated **lest**

3464

שִׁגְרַשׁ אֶת אִשְׁתּוֹ שְׂבִייהוּדָה בְּשֵׁמוֹ שְׂבִייהוּדָה וְשֵׁם דְּגָלִיל עָמוּ וְאֶת
 אִשְׁתּוֹ שְׂבִיגָלִיל בְּשֵׁמוֹ שְׂבִיגָלִיל וְשֵׁם דִּיהוּדָה עָמוּ יֵצֵא לְמָקוֹם אֲחֵר
 וְגֵרַשׁ בְּאֶחָד מֵהֵן מְגוֹרֶשֶׁת

The Gemara adds: It is taught in a *baraita* in accordance with the opinion of Rav Ashi: If a husband has two wives, one in Judea and one in the Galilee; and he has two names, one that he is known by in Judea and one that he is known by in the Galilee; and he divorces his wife who is in Judea with a bill of divorce listing the name that he is known by in Judea, and he divorces his other wife who is in the Galilee with a bill of divorce listing the name that he is known by in the Galilee, then neither of his wives is divorced until he divorces his wife who is in Judea with a bill of divorce listing the name that he is known by in Judea and the name used by the people of the Galilee appended to it, and he also divorces his wife who is in the Galilee with the name that he is known by in the Galilee and the name used by the people of Judea appended to it. If he leaves to a different place, and divorces his wife with a bill of divorce listing one of these names, then she is divorced.

וְהֶאֱמַרְתָּ שֵׁם דְּגָלִיל עָמוּ אֶלָּא שָׁמַע מִיֵּנָה הָא דְאִתְחַזַּק הָא דְלָא
 אִתְחַזַּק שָׁמַע מִיֵּנָה

The Gemara asks: **But didn't you say** that even in Judea his name used by people of the Galilee must be appended to it? Why then is he not required to list all of the names that he is known by? **Rather, learn from it** that there is a difference between the two cases: **This** former case is one where he is known to have several names, for example when those in

GEMARA: Rav Yosef bar Minyumi says that Rav Nahman says: And the *halakha* stated in the mishna, which says that in certain cases a man who divorces his wife may not remarry her, **is only applicable when he said to her explicitly: I am removing you from the house due to your bad reputation,**

46a

מִשּׁוֹם נֶדְרָא אֲנִי מוֹצִיאָךְ קִסְבָּר טַעֲמָא מֵאֵי מִשּׁוֹם קְלָקוּלָא אֵי אָמַר לָהּ
הָכִי מֵצִי מְקַלְקֵל לָהּ וְאֵי לָא לָא מֵצִי מְקַלְקֵל לָהּ

or: **I am removing you** from the house **due to a vow**. The Gemara explains that Rav Nahman **holds: What is the reason** that he is prohibited from remarrying her? This is **due to** potential **harm** caused to her. If he would wish to remarry her after she had married someone else, he may cast aspersions on the validity of the bill of divorce by claiming that he gave it under a false impression. This may lead to her child from her second marriage to be considered a *mamzer*. Therefore, **if he said to her** at the time of the divorce that **this** is the reason he is divorcing her, then **he will be able to cause this harm to her, but if** he did **not** state this explicitly at the time of the divorce, **he will not be able to cause this harm to her**, as his claim will be disregarded.

אִיכָּא דְאָמְרֵי אָמַר רַב יוֹסֵף בְּרַ מִנְיֻמִּי אָמַר רַב נַחֲמָן צָרִיךְ שְׂיֹאמַר לָהּ
הָוֵי יוֹדַעַת שְׂמִשּׁוֹם שֵׁם רַע אֲנִי מוֹצִיאָךְ וּמִשּׁוֹם נֶדְרָא אֲנִי מוֹצִיאָךְ קִסְבָּר

טַעֲמָא מַאי כְּדִי שְׁלֵא יְהוּ בְּנוֹת יִשְׂרָאֵל פְּרוּצוֹת בְּעֲרִיּוֹת וּבְנִדְרִים הֶלְכָּךְ
צָרִיד לְמִימַר לָהּ הֵכִי

There are those who say a different version of Rav Yosef bar Minyumi's statement. Rav Yosef bar Minyumi said that Rav Nahman said: He must say to her: Be aware that I am removing you from the house due to your bad reputation, or: Be aware that I am removing you from the house due to a vow. The Gemara explains that Rav Nahman holds: What is the reason that he is prohibited from remarrying her? So that Jewish women will not be promiscuous with regard to forbidden sexual relations or lax with regard to vows. The Sages penalized these women who acted improperly by instituting that if they were divorced due to their actions, they cannot return to their husbands. Therefore he must say this to her: Be aware. It will therefore serve as a warning for other women.

תְּנִיא כְּלִישָׁנָא קִמָּא וְתִנְיָא כְּלִישָׁנָא בְּתֵרָא

3

The Gemara comments: It is taught in a *baraita* in accordance with the first version of Rav Yosef bar Minyumi's statement citing Rav Nahman, and it is taught in another *baraita* in accordance with the latter version.

תְּנִיא כְּלִישָׁנָא קִמָּא אָמַר רַבִּי מֵאִיר מְפִנֵּי מָה אָמְרוּ הַמוֹצִיא אֶת אִשְׁתּוֹ
מִשׁוּם שֵׁם רַע לֹא יִחְזֹר וּמִשׁוּם נִדָּר לֹא יִחְזֹר שְׁמָא תִּלְךְ וְתִנְיָא
לְאַחַר וְנִמְצְאוּ דְבָרִים בְּדִאִין וַיֹּאמֶר אֵילוּ הֵייתִי יוֹדֵעַ שְׂכֵן הוּא אֶפִּילוּ
אִם הָיוּ נוֹתְנִים לִי מֵאָה מָנָה לֹא הֵייתִי מְגַרְשָׁה וְנִמְצָא גַט בְּטֵל וּבִנְיָה

4

מִמְזֵרִין לְפִיכָךְ אוֹמְרִים לוֹ הֵי יוֹדֵעַ שֶׁהַמוֹצִיא אֶת אִשְׁתּוֹ מִשּׁוֹם שֵׁם רַע
 לֹא יִחְזֵר וּמִשּׁוֹם נֶדֶר לֹא יִחְזֵר

It is taught in a *baraita* (*Tosefta* 3:4) in accordance with the first version: **Rabbi Meir said:** For what reason did they say that a man who divorces his wife due to her bad reputation may not remarry her, and one who divorces his wife due to a vow may not remarry her? Perhaps she will go and marry another man, and later the matter will be found to have been fabricated, i.e., he will find that the rumor was false or that it was possible to dissolve the vow, and he will say: If I would have known that it is like this, then even if they would have given me one hundred times one hundred dinars to divorce her I would not have divorced her; and the bill of divorce will be found to be void, and her children from her second husband will be considered *mamzerim*. Therefore, one says to him from the outset: Be aware that a man who divorces his wife due to her bad reputation may not remarry her, and one who divorces his wife due to a vow may not remarry her.

תַּנְיָא כְּלִישְׁנָא בְּתָרָא אָמַר רַבִּי אֶלְעָזָר בְּרַבִּי יוֹסִי מִפְּנֵי מָה אָמְרוּ
 הַמוֹצִיא אֶת אִשְׁתּוֹ מִשּׁוֹם שֵׁם רַע לֹא יִחְזֵר וּמִשּׁוֹם נֶדֶר לֹא יִחְזֵר וְשֵׁלֵא
 יְהוּ בְּנוֹת יִשְׂרָאֵל פְּרוּצוֹת בְּעֵרִיּוֹת וּבְנִדְרִים לְפִיכָךְ אוֹמְרִים לוֹ אָמור לָהּ
 הֵי יוֹדֵעַת שֶׁמִּשּׁוֹם שֵׁם רַע אָנִי מוֹצִיאָךְ וּמִשּׁוֹם נֶדֶר אָנִי מוֹצִיאָךְ

It is taught in a *baraita* (*Tosefta* 3:4) in accordance with the latter version: **Rabbi Elazar, son of Rabbi Yosei, said:** For what reason did they say that a man who divorces his wife due to her bad reputation may not remarry her, and one who divorces his wife due to a vow may

not remarry her? So that **Jewish women will not be licentious with regard to forbidden sexual relations or lax with regard to vows.**

Therefore, in order to publicize this matter, **one says to him** upon divorcing his wife: **Say to her: Be aware that I am removing you** from the house **due to your bad reputation, or: I am removing you** from the house **due to a vow.**

רַבִּי יְהוּדָה אָמַר כָּל נָדָר שֶׁיִּדְעוּ בּוֹ רַבִּים לֹא יִחְזֹר וְשָׁלָא יִדְעוּ בּוֹ
 רַבִּים יִחְזֹר אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי מֵאִי טַעְמָא דְרַבִּי יְהוּדָה דְכָתִיב
 וְלֹא הִכּוּם בְּנֵי יִשְׂרָאֵל כִּי נִשְׁבְּעוּ לָהֶם נְשִׂאֵי הָעֵדָה

6

§ The mishna taught that **Rabbi Yehuda says:** If he divorced her due to **any vow that the public was aware of, he may not remarry her, but** if he divorced her due to a vow **that the public was not aware of, he may remarry her.** **Rabbi Yehoshua ben Levi said:** **What is the reason of Rabbi Yehuda?** Based on what does he make the distinction of whether the public is aware of the vow or not? **As it is written** in the Torah portion describing the interaction of the Jews with the people of Gibeon: **“And the children of Israel did not strike them, for the leaders of the congregation swore to them”** (Joshua 9:18). This teaches that a vow taken in the presence of the public cannot be dissolved. In this case as well, if she took an oath that is known by the public, it cannot be dissolved.

וְרַבֵּנּוּ הָתָם מִי חָלָה שְׁבוּעָה עֵילוּיִיהוּ כָּלֵל כִּיּוֹן דִּיאֲמַרוּ לְהוּ מֵאֲרָץ
 רְחוֹקָה בָּאֲנוּ וְלֹא בָּאוּ לָא חֵיילָה שְׁבוּעָה עֵילוּיִיהוּ כָּלֵל וְהָאִי דְלֹא
 קִטְלִינְהוּ מִשּׁוּם קְדוּשַׁת הַשֵּׁם

7

Gittin

The William Davidson Talmud (Koren - Steinsaltz)

55a

וּמַאי שָׁנָא מְדַרְבֵּי אַמֵּי הָתָם אֵיכָּא לְמִימַר טְעֵי בְּדַרְבֵּי יְרֵמְיָה הָכָא פִּינּוּן
דְּקָא מִפְסִיד כּוּלֵּיהּ אַגְרִיהּ וְאַתָּא וְאַמַּר אֵימּוֹר קוּשְׁטָא קְאָמַר

The Gemara asks: **And** in **what** way **is** this case **different from** the case in which **Rabbi Ami** said that the scribe is not deemed credible to disqualify the Torah scroll? The Gemara answers: **There it can be said** that the scribe was lying and merely wished to distress the purchaser of the Torah scroll. He claimed that he had written God's names without the proper intention because **he made the mistake of Rabbi Yirmeya**. He thought, as Rabbi Yirmeya did, that as a result of his purported admission he would lose only his wage for writing the holy names, but he would still receive payment for the rest of the scroll. **Here**, by contrast, **since** the scribe knows **that** by claiming that he did not process the parchment with the proper intention, **he causes the loss of his entire wage, and** he nevertheless **comes and says** this, you should **say** that **he speaks** the **truth** and should be deemed credible. Since he is deemed credible and there is no concern that he merely wished to distress the purchaser, the Torah scroll is disqualified.

מִתְנִי' הָעִיד רַבִּי יוֹחָנָן בֶּן גּוּדְגָדָא עַל הַחֲרָשֶׁת שֶׁשִּׂיאָהּ אָבִיָּהּ שֶׁהִיא
יוֹצֵאָהּ בְּגִיט

MISHNA: Rabbi Yoḥanan ben Gudgeda testified before the Sages **about** the case of a **deaf-mute woman who was married off by her father** when she was a minor, so that her marriage took effect by Torah law. He said **that she can be released** from her marriage **through a bill of divorce**, whether as a minor or after she reaches adulthood. Although as a deaf-mute woman she is not legally competent to give her consent, the divorce is effective because divorce does not require the woman's consent.

וְעַל קִטְנָה בֵּית יִשְׂרָאֵל שֶׁנִּשְׂאָת לְכֹהֵן שְׂאוּכָלֶת בְּתֵרוּמָה וְאִם מֵתָה
בְּעֵלָהּ יוֹרְשָׁהּ

3

And similarly, he testified **about** the case of the **minor daughter of a non-priest who** was orphaned from her father and then **married off to a priest** by her mother or brother, so that her marriage took effect by rabbinic law. He said **that** nevertheless **she may partake of *teruma***, although by Torah law it is prohibited for one who is not in a priestly household to partake of *teruma*. **And** furthermore **if** this girl **dies**, then **her husband inherits her** estate. It is not said that because the validity of the marriage is by rabbinic law and not Torah law he is not entitled to inherit from her.

וְעַל הַמְרִישׁ הַגָּזוּל שֶׁבָּנְאוּ בְּבֵירָה שֶׁיִּטּוֹל אֶת דָּמָיו מִפְּנֵי תַקְנַת הַשָּׁבִים

4

And Rabbi Yoḥanan ben Gudgeda further testified **about a stolen beam that was already built into a large building [*bira*]**, that the victim of the robbery **receives** only **the value** of the beam but not the beam itself, **due to an ordinance** instituted **for the penitent**. By Torah law, a robber is obligated to return any stolen item in his possession, provided that its

form has not been altered. If one stole a beam and incorporated it into a building, then by Torah law he would have to destroy the building and return the beam. In order to encourage repentance, the Sages were lenient and allowed a robber to return the value of the beam.

וְעַל חֲטָאת הַגְּזוּלָה שֶׁלֹּא נֹדְעָה לְרַבִּים שֶׁהִיא מְכַפֶּרֶת מִפְּנֵי תִיקוּן
הַמִּזְבֵּחַ

5

And lastly, Rabbi Yoḥanan ben Gudgeda testified **about a sin-offering that** was obtained **through robbery** but **that was not publicly known** to have been obtained in that manner. He said **that it effects atonement** for the robber who sacrifices it, **for the benefit of the altar**, as will be explained in the Gemara.

גַּמְ' אָמַר רַבָּא מֵעֵדוּתוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן גּוּדְגָדָא אָמַר לְעֵדִים רְאוּ גִט
זֶה שְׂאֵנִי נוֹתֵן לָהּ וְחֹזֵר וְאָמַר לָהּ כְּנִסִּי שְׂטֵר חוֹב זֶה הָרִי זֶה מְגוֹרְשֵׁת
מִי לָא אָמַר רַבִּי יוֹחָנָן בֶּן גּוּדְגָדָא לָא בְּעֵינֵי דְעֵתָה הָכָא נָמִי לָא בְּעֵינֵי
דְעֵתָה

6

GEMARA: Rava says: Learn from the testimony of Rabbi Yoḥanan ben Gudgeda in the mishna that if the husband secretly **says to witnesses: See this bill of divorce that I am about to give to my wife, and then he says** to his wife: **Take this promissory note**, then **she is divorced** even when she herself does not know that the document in her hand is a bill of divorce. **Didn't Rabbi Yoḥanan ben Gudgeda say that we do not require** the woman's **consent** for a bill of divorce, as the divorce takes effect even

when she is a deaf-mute, who is not legally competent to give her consent?

Here too, one should say that **we do not require** the woman's **consent**.

פְּשִׁיטָא מְהוּ דְּתִימָא כִּיּוֹן דְּאָמַר כְּנִסִּי שְׁטַר חוּב זֶה בְּטוּלִי בְּטָלִיָּה קָא
מִשְׁמַע לֵן אִם אֵיתָא דְּבְטָלִיָּה לְעֵדִים הָוֵה אָמַר לְהוּ וְהָאֵי דְּקָאֲמַר הָכִי
מְשׁוּם כִּיסוּפָא

The Gemara asks: **Isn't this obvious?** Why would the divorce not be valid? The Gemara explains: **Lest you say: Since he said** to his wife: **Take this promissory note**, after talking to the witnesses, he meant to **cancel** the bill of divorce with these words, Rava therefore **teaches us: If it is so that** he meant to **cancel** the bill of divorce, **he would have told** the **witnesses** that this was his intention. The fact that he did not do so indicates that he had no intention of canceling it. **And the reason he said** to his wife that he was handing her a promissory note is **due to embarrassment**, as he was ashamed to tell her that he was giving her a bill of divorce. Consequently, he gave it to her in such a way that she did not immediately know that it was a bill of divorce that she received.

וְעַל קְטַנָּה בֵּת יִשְׂרָאֵל וְאֵילוּ חֲרָשָׁת לָא אָכְלָה מֵאֵי טַעְמָא גְּזִירָה שְׁמָא
יֶאֱכִיל חֲרָשׁ בְּחֲרָשָׁת

§ The mishna teaches that Rabbi Yoḥanan ben Gudgeda testified **about** the case of **a minor daughter of a non-priest** who was married to a priest, and said that she may partake of *teruma*. The Gemara comments: This indicates that only the minor daughter can partake of *teruma*, **while** one can infer from this that **a deaf-mute woman** who was married to a

priest **may not partake** of *teruma*. The Gemara explains: **What is the reason** for this? The Sages **decreed** that a deaf-mute woman married to a priest may not partake of *teruma* **lest a deaf-mute** priest come to **feed *teruma* to his deaf-mute** wife, as it is common for deaf-mute men to marry deaf-mute women, but their marriage is not effective by Torah law.

וְלִיכּוֹל קֶטַן אוֹכֵל נְבִלּוֹת הוּא 9

The Gemara asks: Why does this matter? **And let him feed** her *teruma*. Isn't she like **a minor** who **eats forbidden animal carcasses**? Since the deaf-mute woman is not considered to be legally competent, she is not subject to the prohibition against partaking of *teruma*. As in the case of a minor who is eating forbidden food, there is no requirement to prevent her from doing so.

גְּזֵרָה שְׂמָא יֶאֱכִיל חֵרֶשׁ בְּפִיקְחָת 10

The Gemara answers: Rather, the Sages **decreed** that a deaf-mute woman married to a priest may not partake of *teruma* **lest a deaf-mute** priest come to **feed *teruma* to his halakhically competent** wife. Since the validity of their marriage is by rabbinic law, it is therefore prohibited for the woman to partake of *teruma*, as by Torah law, she is not the wife of a priest. There is a concern that a distinction will not be made between the marriage of a halakhically competent man and deaf-mute woman, in which case the woman is permitted to partake of *teruma*, and the marriage of a deaf-mute man and a halakhically competent woman, in which case the woman is prohibited from partaking of *teruma*. Owing to this error, a

Gittin

The William Davidson Talmud (Koren - Steinsaltz)

62b

הָאוֹמֵר הַתְּקִיבֵל גִּטְ זֶה לְאִשְׁתִּי אוֹ הוֹלִיךְ גִּטְ זֶה לְאִשְׁתִּי אִם רָצָה
לְחַזֵּר יִחְזֹר הָאִשָּׁה שְׂאֵמְרָה הַתְּקִיבֵל לִי גִיטִי אִם רָצָה לְחַזֵּר לֹא יִחְזֹר

MISHNA: With regard to **one who says** to another: **Receive this bill of divorce for my wife, or: Deliver this bill of divorce to my wife** as my agent, **if** the husband **seeks to retract** his designation and cancel the agency, **he can retract** it until the document reaches his wife's possession. However, in the case of **a woman who said** to an agent: **Receive my bill of divorce for me**, and the husband handed the bill of divorce to her agent, **if** the husband **seeks to retract** his decision to divorce his wife upon receipt of the bill of divorce by the agent, **he cannot retract** it. Once the bill of divorce is transferred to her agent, its legal status is like that of a bill of divorce that was handed directly to her, and the divorce takes effect immediately.

לְפִיכָף אִם אָמַר לוֹ הַבֵּעַל אִי אֵיפְשִׁי שְׂתִקְבֵּל לָהּ אֶלֶּא הוֹלִיךְ וְתַן לָהּ
אִם רָצָה לְחַזֵּר יִחְזֹר

Therefore, if the husband **said to** the agent whom the woman designated to receive the bill of divorce: **I do not want [ee ifshi] for you to receive** the bill of divorce **for her; rather, deliver** it **and give** it **to her**, then **if** the husband **seeks to retract** his designation and cancel the agency, **he can**

פ"ב.

הַנִּי מִיְלֵי לְחֻמְרָא אֲבָל לְקוּלָּא לָא 1

The Gemara answers: **This matter**, the presumption that an agent performs his agency, applies only when its application leads **to stringency**, as there is a concern that the agent performed his agency. **However**, when its application leads **to leniency, no**, the presumption does not apply.

וְלִיהִמְנֵה לְדִידָהּ מְדַרְבַּב הַמְּנוּנָא דְאָמַר רַב הַמְּנוּנָא הָאִשָּׁה שְׂאָמְרָה 2
לְבַעֲלָהּ גִירְשָׁתַנִּי נְאֻמָּת חֻזְקָה אֵין הָאִשָּׁה מְעִיזָה פְּנֵיהָ בְּפָנֵי בַעֲלָהּ

The Gemara asks: **But let one deem the wife herself credible**, based on the statement of **Rav Hamnuna**, as **Rav Hamnuna says**: A woman who **said to her husband: You divorced me**, is deemed credible, as there is a **presumption** that a woman would **not be insolent in the presence of her husband** and lie.

הַנִּי מִיְלֵי הֵיכָא דְלִיכָא דְקָא מְסִייעַ לָהּ אֲבָל הֵיכָא דְמְסִייעַ לָהּ מְעִיזָה 3
וּמְעִיזָה

The Gemara answers: **This matter applies only** in a case **where there is no factor that supports her claim**, as the presumption is that she would not be so insolent as to tell a lie that has no basis. **However**, in a case **where there is a factor that supports her claim**, as in this case both the husband and the third party claim that the husband sent a bill of divorce, **she would indeed be insolent**. Therefore, her claim that she was divorced is accepted only if she can produce the bill of divorce.

4
מִתְנִי' נְעֵרָה הַמְאֻרְסָה הִיא וְאָבִיהָ מְקַבְּלִין אֶת גִּיטָהּ אָמַר רַבִּי יְהוּדָה
 אֵין שְׁתֵּי יָדַיִם זֹכֹת כְּאַחַת אֶלָּא אָבִיהָ מְקַבֵּל אֶת גִּיטָהּ בְּלִבָּד וְכֹל
 שְׂאִינָה יְכוּלָה לְשָׁמֹר אֶת גִּיטָהּ אֵינָה יְכוּלָה לְהַתְּגַרְשׁ

MISHNA: With regard to a **betrothed young woman**, she and her **father** are each eligible to **receive her bill of divorce**, and the divorce takes effect at the moment that either of them receives the bill of divorce. **Rabbi Yehuda said: Two hands do not** have the right to **acquire** an item on behalf of one person **as one**. Rather, **her father alone receives her bill of divorce** on her behalf. **And** there is another principle: **Any female who is unable to safeguard her bill of divorce is unable to be divorced**.

5
גָּמַ' בְּמַאי קָמִיפְּלָגִי רַבָּנָן סְבָרִי יָדָא יִתְרַתָּא זְכִי לָהּ רַחֲמָנָא וְרַבִּי
 יְהוּדָה סָבַר בְּמִקּוּם אָבִיהָ יָד דִּילָהּ לָאוּ כְּלוּם הִיא

GEMARA: The Gemara asks: **With regard to what do** the Rabbis, who stated the unattributed first opinion in the mishna, and Rabbi Yehuda **disagree? The Rabbis hold: The Merciful One grants** the betrothed young woman **an additional hand**, beyond the hand of her father, who can receive the bill of divorce on her behalf. **And Rabbi Yehuda holds: In a place**, i.e., situation, where **her father** is alive, **her hand is nothing** and she is ineligible to receive her bill of divorce.

6
 וְכֹל שְׂאִינָה יְכוּלָה לְשָׁמֹר אֶת גִּיטָהּ תְּנִי רַבָּנָן קְטַנָּה הַיּוֹדֵעַת לְשָׁמֹר
 אֶת גִּיטָהּ מִתְּגַרְשָׁת וְשְׂאִינָה יוֹדֵעַת לְשָׁמֹר אֶת גִּיטָהּ אֵינָה מִתְּגַרְשָׁת

Gittin

The William Davidson Talmud (Koren - Steinsaltz)

72b

אִי אָמַר רַבִּי יוֹסֵי בְּעַל פֶּה אִי לָא אָמַר 1

if **Rabbi Yosei** says that the date on which a document is written proves when it takes effect even when the husband stated a **verbal** condition as he handed it over, or **if Rabbi Yosei does not say** his principle in such a case.

וּבְמִי מְסַפְקָא לִיָּה וְהִתְנַן הָרִי זֶה גִּיטִיךָ אִם לֹא בְּאִתִּי מִכָּאן וְעַד שְׁנַיִם 2
 עֶשְׂרֵת חֳדָשׁ וּמֵת בְּתוֹךְ שְׁנַיִם עֶשְׂרֵת חֳדָשׁ אִינוּ גִט וְתַנִּי עָלֶיהָ רַבּוֹתֵינוּ
 הַתִּירוּהָ לְהִינָשֵׂא

The Gemara asks: **But is** Rav Huna **uncertain** with regard to this matter? **But didn't we learn** in a mishna (76b): If one says to his wife: **This is hereby your bill of divorce if I have not come back here from now until the conclusion of twelve months, and he died within twelve months,** then **it is not** a valid **bill of divorce** because the bill of divorce does not take effect until the end of twelve months, which is after the husband's death? As a result, she is bound by a levirate bond if her husband has no children. **And it is taught with regard to** that mishna: **Our Rabbis** disagree, and **they** rendered it **permitted** for **her to marry**, because they are of the opinion that there is no levirate bond in this case.

3
 וְאָמְרֵינוּ מֵאֵן רַבּוֹתֵינוּ אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל בֵּי דִינָא דְשָׂרוּ
 מִיִּשְׁחָא וְסַבְרֵי לֵה כְּרַבֵּי יוֹסֵי דְאָמַר זְמַנּוּ שְׁלֵשָׁתָּה מוֹכִיחַ עָלָיו

And we say: **Who** represents the opinion cited as **our Rabbis**? Rav Yehuda says that Shmuel says: It is **the court that permitted** the consumption of **oil** manufactured by gentiles, **and they hold in accordance with** the opinion of **Rabbi Yosei, who says: The date written in a document proves** when it takes effect. Evidently, according to Rabbi Yosei this principle applies even when the husband made a verbal condition with regard to the bill of divorce.

4
 אֵלָא מְסַפְקָא לִיה אִי הֲלָכָה כְּרַבֵּי יוֹסֵי בְּעַל פֶּה אוֹ אִין הֲלָכָה

Rather, it is necessary to say as follows: Rav Huna is **uncertain** if the *halakha* is **in accordance with** the opinion of **Rabbi Yosei** when the husband adds a **verbal** condition when giving the document, **or** if the *halakha* is **not** in accordance with Rabbi Yosei's opinion in such a case.

5
 וּמִי מְסַפְקָא לִיה וְהָאָמַר רַבָּא הָרִי זֶה גִּיטִיךְ אִם מִתִּי וְשֶׁאֲנִי מִת הָרִי זֶה
 גִּט כְּשֶׁאֲמוֹת וְלֹאֲחֵר מִיָּתָה אִין זֶה גִּט

The Gemara asks: **But is** Rav Huna **uncertain** with regard to this matter? **But didn't Rava say:** If one says to his wife: **This is hereby your bill of divorce if I die, or:** "This is your bill of divorce **when I am dead**, then **this is a valid bill of divorce?** If he said to her: **When I die**, or: **After my death**, then **this is not a valid bill of divorce.**

twelve months, it is not a valid bill of divorce. Rabbi Yosei disagrees and says: A case like this is a valid bill of divorce.

זֶה גִּיטֵיךָ מֵהַיּוֹם אִם מָתִי מֵחֻלִּי זֶה וְעָמַד וְהָלַךְ בְּשׁוּק כּוֹי' ^{72b.} 15

§ The mishna teaches: If one says to his wife: **This is your bill of divorce from today if I die from this illness**, and he recovered, and he arose and walked in the market and became ill again and died, then it must be assessed whether he died from the first illness and it is therefore a valid bill of divorce. But if he did not die from this illness then it is not a valid bill of divorce.

אָמַר רַב הוּנָא גִיטוֹ כְּמִתְנָתוֹ מָה מִתְנָתוֹ אִם עָמַד חוּזֵר אֵף גִּיטוֹ אִם
עָמַד חוּזֵר 16

Rav Huna said: With regard to a person on his deathbed, the *halakhot* of his bill of divorce are the same as the *halakhot* of his gift. The Sages instituted that when a person on his deathbed gives a gift, no formal act of acquisition is required. **Just as** with regard to his gift, if he arose and was cured from his illness the gift he granted while on his deathbed is **retracted**, as he gave it only based on the assumption that he was about to die, **so too**, with regard to his bill of divorce, if he arose and was cured from his illness, the bill of divorce is **retracted** and nullified, as he gave his wife her bill of divorce only because he thought he was about to die and he wanted to exempt her from a levirate bond.

וּמָה גִּיטוֹ אֵף עַל גַּב דְּלָא פְּרִישׁ כִּיּוֹן דְּאָמַר כְּתוּבוֹ אֵף עַל גַּב דְּלָא אָמַר
תְּנוּ אֵף מִתְנָתוֹ כִּיּוֹן דְּאָמַר תְּנוּ אֵף עַל גַּב דְּלָא קָנוּ מִיַּיְנִיה 17

Rav Huna continues: **And just as** in the case of **his bill of divorce**, where, **even though he did not explicitly say** his full intention, **once he said: Write** the bill of divorce, his statement is interpreted to mean that the court should give the bill of divorce to his wife **even though he did not say: Give** the bill of divorce to my wife, which a healthy man would need to state, **so too**, this is the *halakha* with regard to **his gift**. **Once he said: Give** the gift, then **even though** the recipients **did not acquire** it from **him**, which finalizes a gift from a healthy person, because he is dying the *halakha* takes into account his intention without all the necessary legal requirements.

תָּנִן זֶה גִּיטִיךָ מֵהַיּוֹם אִם מָתִי מִחֻלִּי זֶה וְעָמַד וְהָלַךְ בְּשׁוּק וְחָלָה וּמָת
 אֹמְדִים אוֹתוֹ אִם מִחֻמַּת חוּלִי הִרְאִישׁוֹן מִתְּהֵרִי זֶה גִּט אִם לֹא אֵינּוּ גִט
 וְאִי אָמַרְתָּ אִם עָמַד חוּזֵר לְמָה לִּי אֹמְדָנָא הֵרִי עָמַד

18

The Gemara challenges: **We learned** in the mishna: If a man said: **This is your bill of divorce from today if I die from this illness**, and he recovered, **and he arose and walked in the market, but then became ill again and died**, the court **assesses him**. **If he died because of the first illness** then **this is** a valid **bill of divorce**, but **if not** then it is **not** a valid **bill of divorce**. **And if you say** that **if he arose** and was cured of his illness the bill of divorce is **retracted**, then **why do I** need **assessment** at all? **He arose** from his sickbed, so the bill of divorce should automatically be nullified.

אָמַר מֶר בְּרִיָּה דְרַב יוֹסֵף מִשְׁמִיָּה דְרַבָּא שְׁנִיתָק מִחוּלִי לְחוּלִי

19

Mar, son of Rav Yosef, says in the name of Rava: This is referring to a case **where**, instead of recovering completely, **he proceeded from one illness** immediately **to** another **illness**, and the assessment is to ascertain whether he died from the first illness or from the second one.

וְהָא עָמַד קַתְנֵי עָמַד מִחֻלֵּי זֶה וְנָפַל לְחֻלֵּי אַחֵר וְהָא הָלַךְ בְּשׁוּק קַתְנֵי
הָלַךְ עַל מְשַׁעְנָתוֹ

20

The Gemara challenges: **But isn't it taught** in the mishna: **He arose** from his illness, which indicates that he was completely cured? The Gemara answers: No, it means that he **arose from this illness but fell into another illness**. The Gemara challenges: **But isn't it also taught** in the mishna: **He walked in the market?** The Gemara answers: This means that **he walked with his staff** for support, meaning that he was not fully recovered from his illness but was able to walk only with assistance.

73a

וְהָא קָא מְשַׁמַּע לֵן דְּהָלַךְ עַל מְשַׁעְנָתוֹ הוּא דְּבַעֲיֵינָן אִידָּךְ אִידָּךְ
אִידָּךְ אִידָּךְ אִידָּךְ אִידָּךְ אִידָּךְ אִידָּךְ אִידָּךְ אִידָּךְ

1

And this teaches us that we require assessment only in a case **where he walked with his staff**. But in **another** case, where he did not arise from his illness and walk but immediately became ill again, **we do not even require assessment**, as it is clear that his death from the second illness was a result of the first illness.

שְׁמַעְתָּ מִינָה שְׁכִיב מְרַע שְׁנִיתָק מִחֻלֵּי לְחֻלֵּי מִתְּנָתוֹ מִתְּנָה אֵין דְּאָמַר
 רַבִּי אֶלְעָזָר מְשַׁמֵּיהָ דְרַב שְׁכִיב מְרַע שְׁנִיתָק מִחֻלֵּי לְחֻלֵּי מִתְּנָתוֹ מִתְּנָה

2

The Gemara asks: Can **you conclude from it** that in the case of **a person on his deathbed who proceeded from one illness** immediately to another **illness, his gift** is a valid **gift**, as he ultimately died as a result of the first illness? The Gemara answers: **Yes, as Rabbi Elazar says in the name of Rav:** In the case of **a person on his deathbed who proceeded from one illness** immediately to another **illness, his gift** is a valid **gift**.

רַבָּה וְרַבָּא לָא סְבִירָא לְהוּ הָא דְרַב הוּנָא גְזִירָה שְׁמָא יֵאמְרוּ יֵשׁ גֵּט
 לְאַחַר מִיתָה

3

The Gemara notes: **Rabba and Rava do not hold** in accordance with **this halakha** stated by **Rav Huna**, that if the husband was healed of his illness then the bill of divorce is nullified even if did not specify such a condition. They hold that there is a rabbinic **decree** in place **lest** people **say** that **there** can be a valid **bill of divorce** given **after death**. Since people will see that in this case the bill of divorce took effect only once the husband died, in the future they may mistakenly consider a bill of divorce to be valid even though the husband explicitly made a condition that it would take effect only after his death.

וּמִי אֵיכָא מִיַּדֵּי דְמִדְאֹרְיִיתָא לָא הָוֵי גִיטָא וּמְשֻׁם גְזִירָה שְׁרִינֵן אִשְׁת
 אִישׁ לְעֵלְמָא

4

The Gemara asks: **And is there anything that by Torah law is not a valid bill of divorce, but due to a rabbinic decree we permit a married woman to marry anyone,** even though by Torah law she remains married to her husband? Both Rabba and Rava agree that by Torah law the bill of divorce is nullified once the husband is healed from his illness, yet they treat the bill of divorce as valid. How can this be?

אין כל דמקדש אדעתא דרבנן מקדש ואפקעניהו רבנן לקדושין מיניה 5

The Gemara answers: **Yes,** the Sages have the ability to nullify even a marriage that took effect by Torah law, because **anyone who betroths a woman betroths her contingent upon the will of the Sages, and** when one fails to conform to their will in matters of marriage and divorce **the Sages expropriated his betrothal from him** retroactively. Consequently, it is permitted for the woman to remarry.

אמר ליה רבינא לרב אשי תינח דקדיש בכספא קדיש בביאה מאי איכא למימר אמר ליה שויה רבנן לבעילתו בעילת זנות 6

Ravina said to Rav Ashi: This **works out well** in a case **where he betrothed** his wife **with money,** as it is possible to say that the Sages expropriated the money used for the betrothal from the possession of its owner, resulting in a retroactive cancellation of the betrothal. But if **he betrothed her by means of sexual intercourse** then **what is there to say?** Rav Ashi **said to him:** **The Sages declared his sexual intercourse** to be **licitious sexual intercourse,** which does not create a bond of betrothal.

uncommon, unavoidable accident for the Malka River to be dammed, and the sailors did not accept responsibility for this case.

מִתְנִי' לֹא תִתְיַיְחַד עִמּוֹ אֶלָּא בְּפָנֵי עֵדִים

19

MISHNA: If a woman's ill husband gave her a bill of divorce, and made a condition that it should take effect from today if he dies from his illness, then **she may be secluded with him only in the presence of two witnesses**, lest they end up engaging in sexual intercourse.

אֶפִּילוֹ עַל פִּי עֶבֶד אֶפִּילוֹ עַל פִּי שְׂפָחָה חוּץ מִשְׂפָּחָתָהּ מִפְּנֵי שְׁלֵבָהּ גַּם
בָּהּ בְּשִׂפְחָתָהּ

20

This applies to being secluded in the presence of not only valid witnesses; it is permitted for her to be secluded with him **even in the presence of a slave** or **even in the presence of a maidservant, except for** the wife's personal **maidservant**. And it is prohibited for the wife to be secluded in the presence of the latter **because she is accustomed to her maidservant**, and there is concern that she will engage in sexual intercourse with her husband even though the maidservant is present.

מָה הִיא בְּאוֹתָן הַיָּמִים רַבִּי יְהוּדָה אוֹמֵר

21

What is the halakhic status of the wife **during these days** between when the bill of divorce was given but before the condition has been fulfilled with the death of the husband? **Rabbi Yehuda says:** She is

כַּאֲשֶׁת אִישׁ לְכֹל דְּבָרֶיהָ רַבִּי יוֹסֵי אוֹמֵר מְגוֹרְשֶׁת וְאִינָהּ מְגוֹרְשֶׁת

like a married woman with regard to all of her matters, and she remains forbidden to other men. **Rabbi Yosei says:** It is uncertain whether she is divorced or whether she is not divorced.

גְּמָ' תָּנוּ רַבָּנָן רְאוּהָ שְׁנַתְיִיחָדָה עָמוּ בְּאֶפֶלָה אוֹ שְׁיִשְׁנָה עָמוּ תַּחַת
מְרַגְלוֹת הַמָּטָה אֵין חוֹשְׁשִׁין שָׁמָּא נְתַעְסְקוּ בְּדָבָר אַחַר וְחוֹשְׁשִׁין מִשּׁוּם
זְנוּת וְאֵין חוֹשְׁשִׁין מִשּׁוּם קִדּוּשִׁין רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר אִף
חוֹשְׁשִׁין מִשּׁוּם קִדּוּשִׁין

GEMARA: The Sages taught in a *baraita* (*Tosefta* 7:4): If, after the giving of this bill of divorce witnesses saw that she secluded herself with her husband in the dark, or that she slept with him under the foot of the bed, one is not concerned that perhaps they were engaged in another matter, i.e., sexual intercourse. And one is concerned due to their action of licentiousness but one is not concerned that due to their actions they performed a betrothal. **Rabbi Yosei, son of Rabbi Yehuda, says:** One is also concerned that due to their actions they performed a betrothal.

מֵאֵי קָאָמַר אָמַר רַב נִחְמָן אָמַר רַבָּה בְּרַ אֲבוּהָ הָכִי קָאָמַר רְאוּהָ
שְׁנַבְעָלָה חוֹשְׁשִׁין מִשּׁוּם קִדּוּשִׁין נָתַן לָהּ כְּסָפִים חוֹשְׁשִׁין מִשּׁוּם זְנוּת
דְּאָמְרִינוּ בְּאֶתְנַנְנָה נָתַן לָהּ וְאֵין חוֹשְׁשִׁין מִשּׁוּם קִדּוּשִׁין רַבִּי יוֹסֵי בְּרַבִּי
יְהוּדָה אוֹמֵר אִף בְּזוֹ חוֹשְׁשִׁין מִשּׁוּם קִדּוּשִׁין

The Gemara asks: **What is the *baraita* saying?** Rav Naḥman said that **Rabba bar Avuh said: This is what the *baraita* is saying:** If they saw that **she engaged in sexual intercourse** with her husband, then **there one is concerned** that **due to** their actions there was a **etrothal** and perhaps through this act he intended to remarry her. If **he gave her money** immediately following the sexual intercourse **one is concerned due to licentiousness, wherein we say: He gave this money as hire for a prostitute, but one is not concerned** that **due to** their actions they performed a **etrothal**. **Rabbi Yosei, son of Rabbi Yehuda, says: Even in this case one is concerned** that **due to** their actions they performed a **etrothal**, i.e., one is concerned that he gave her the money as betrothal.

כְּמֵאן אֲזָלָא הָא דְאָמַר רַבָּה בַר בַּר חֲנָה אָמַר רַבִּי יוֹחָנָן מִחֲלוּקָתָא
כְּשֶׁרְאוּהָ שֹׁנְבֵעֵלָה אָבֵל לֹא רְאוּהָ שֹׁנְבֵעֵלָה דְבַרִּי הַכֹּל אֵין צְרִיכָה
הֵימָנוּ גִט שְׁנֵי כְּמֵאן

4

Based on this explanation of the *baraita*, **in accordance with whose opinion is that which Rabba bar bar Ḥana says that Rabbi Yoḥanan says**, that **the dispute** between Beit Shammai and Beit Hillel (81a) is relevant only **when they saw that she engaged in sexual intercourse** with her husband, but if **they did not see that she engaged in sexual intercourse** with him, **everyone agrees that she does not require a second bill of divorce from him?** In the case of a divorced woman who was secluded with her husband after the divorce, Beit Shammai are of the opinion that she does not require a second bill of divorce, while Beit Hillel are of the opinion that she does. **In accordance with whose opinion mentioned in the *baraita* is this?**

כְּדַבְּרֵי הַכֹּל

5

The Gemara explains: It is **in accordance with everyone**. It is in accordance with the opinion of both the first *tanna* and Rabbi Yosei, son of Rabbi Yehuda, who hold that when they did not see that she engaged in sexual intercourse one is not concerned that they are betrothed, and she does not need a second bill of divorce.

מִתְקִיף לָהּ אָבִי מִיָּדֵי כְּסָפִים קְתָנִי

6

Abaye objects to this understanding of the *baraita*, according to which the first *tanna* and Rabbi Yosei, son of Rabbi Yehuda, disagree about a case where he gave her money after they engaged in sexual intercourse: **Is anything** with regard to **money taught** in the *baraita*?

אָלָא אָמַר אָבִי הֵכִי קָאָמַר רָאוּהָ שְׁנַבְעָלָהּ חוֹשְׁשִׁין מִשּׁוּם זְנוּת וְאִין
חוֹשְׁשִׁין מִשּׁוּם קִידוּשִׁין רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר אִף חוֹשְׁשִׁין מִשּׁוּם
קִידוּשִׁין

7

Rather, Abaye said: This is what the *baraita* is saying: If they saw that she engaged in sexual intercourse one is concerned due to licentiousness, but one is not concerned that due to their actions there was a betrothal. Rabbi Yosei, son of Rabbi Yehuda, says: One is also concerned that due to their actions there was a betrothal.

כִּמְאֵן אֲזֵלָא הָא דְאָמַר רַבָּה בַּר בַּר חֲנָה אָמַר רַבִּי יוֹחָנָן מִחֲלוּקָת
כְּשֶׁרָאוּהָ שְׁנַבְעָלָהּ אָבֵל לֹא רָאוּהָ שְׁנַבְעָלָהּ דְּבַרֵּי הַכֹּל אִין צְרִיכָה

8

הֵימְנוּ גַט שְׁנֵי כְּמֵאן

If so, **in accordance with whose opinion is that which Rabba bar bar Hana says that Rabbi Yoḥanan says: The dispute** between Beit Shammai and Beit Hillel applies only **when they saw that she engaged in sexual intercourse** with him. **But if they did not see that she engaged in sexual intercourse** with him then **everyone agrees that she does not require a second bill of divorce from him.** In accordance **with whose opinion is this statement?**

כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה

9

It is **in accordance with** the opinion of **Rabbi Yosei, son of Rabbi Yehuda**, as he holds in accordance with Beit Hillel, that if they saw that she engaged in sexual intercourse one is concerned that she may be betrothed to him and she requires a second bill of divorce. By contrast, according to the first *tanna*, even when they saw that she engaged in sexual intercourse one is not concerned that she may be betrothed.

מִתְקִיף לָהּ רָבָא אִם כֵּן מַאי אָף

10

Rava objects to this: If so, what is the meaning of the expression used by Rabbi Yosei, son of Rabbi Yehuda: There is **also** concern that due to their actions they performed a betrothal? If there is concern about betrothal there should be no concern with regard to licentiousness.

אֵלָּא אָמַר רָבָא הֵכִי קֹאֲמַר רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר אָף לֹא רָאוּהָ

11

שֶׁנִּבְעָלָהּ חוֹשֵׁשִׁין מִשּׁוּם קִידּוּשִׁין

Rather, Rava said that **this is** what the *baraita* is saying: Rabbi Yosei, son of Rabbi Yehuda, says: Even if they did not see that she engaged in sexual intercourse, one is concerned that **due to** their actions they performed a betrothal.

כִּמְאֵן אֲזָלָא הָא דְאָמַר רַבָּה בַר בַּר חֲנָה אָמַר רַבִּי יוֹחָנָן מִחֲלוּקָתָא
כְּשֶׁרְאוּהָ שֶׁנִּבְעְלָה אֲבָל לֹא רְאוּהָ שֶׁנִּבְעְלָה דְבַרִּי הִכֵּל אֵינָה צְרִיכָה
הֵימְנוּ גִט כְּמֵאן

12

And if so, **in accordance with whose opinion is that which Rabba bar bar Hana says that Rabbi Yoḥanan says: The dispute** between Beit Shammai and Beit Hillel applies only **where they saw that she engaged in sexual intercourse** with him. **But if they did not see that she engaged in intercourse** with him, then **everyone agrees that she does not require a second bill of divorce from him.** In accordance with whose opinion is this statement?

דְּלֵא כְּחַד

13

This is **not in accordance with any one** of the *tanna'im*, for according to Rava the first *tanna* is not concerned about betrothal even when they saw that she engaged in sexual intercourse, and Rabbi Yosei, son of Rabbi Yehuda, is concerned even when they did not witness that she engaged in sexual intercourse.

מָה הִיא בְּאוֹתָן הַיָּמִים רַבִּי יְהוּדָה אֹמֵר כְּאִשְׁתַּי אִישׁ לְכֹל דְּבַרִּיהָ רַבִּי
יוֹסֵי אֹמֵר מְגוֹרְשָׁתָא וְאֵינָה מְגוֹרְשָׁתָא

14

§ The mishna teaches: **What is her status during these days? Rabbi Yehuda says:** She is like a married woman with regard to all of her matters. **Rabbi Yosei says:** It is uncertain whether she is divorced or whether she is not divorced.

תָּנָא וּבְלִבְדּוּ שְׂמִימוֹת וּלְכִי מֵיִית הָוֵי גִיטָא וְהָא קִיָּמָא לֵן דְּאִין גִּט לְאַחַר
מִיִּתָּה אָמַר רַבָּה בְּאוֹמַר מַעַת שְׂאֲנִי בְּעוֹלָם

15

The Sages **taught** in reference to the opinions of Rabbi Yehuda and Rabbi Yosei stated in the *baraita*: Their dispute with regard to her status in the interim is stated **provided that he dies**. The Gemara clarifies: **And when he dies, is this a valid bill of divorce?** Do they hold that the bill of divorce takes effect after the husband's death? **But don't we maintain that there is no bill of divorce after death? Rabba says** that this is referring to a case **where the husband says:** This should be a valid bill of divorce **from the last moment that I am in the world**, meaning that it should take effect a moment before he dies.

תָּנּוּ רַבִּנּוּן יָמִים שְׂבִינְתִים בְּעֵלָה זָכָאֵי בְּמִצִּיאָתָהּ וּבְמַעֲשֵׂה יָדֶיהָ וּבְהַפְרָת
נְדָרֶיהָ וְיִוֹרְשָׁהּ

16

The Sages taught (*Tosefta* 7:4): In a case where the husband said: This is your bill of divorce from now if I die from this illness, **during the days between**, before he dies, **her husband is entitled to** anything that **she finds**, i.e., any lost item that cannot be returned to its owner, in accordance with the rabbinic principle that any lost item found by a wife belongs to her husband. **And** he is entitled to the profits from **her**

earnings, and he is entitled to **annul her vows** (see Numbers 30:7–9), and **he inherits** from **her** if she predeceases him,

74a

וּמִטְמֵא לָהּ כָּלְלוּ שֶׁל דְּבַר הָרִי הִיא כְּאִשְׁתּוֹ לְכָל דְּבַר אֶלָּא שְׂאִינָה
צְרִיכָה הֵימָנוּ גֵּט שְׁנֵי דְּבָרֵי רַבִּי יְהוּדָה

and he becomes ritually impure for her if he is a priest. The principle of the matter is as follows: At that time she is like his wife in every sense, but she does not require a second bill of divorce from him when he dies. This is the statement of Rabbi Yehuda.

רַבִּי מֵאִיר אוֹמֵר בְּעִילְתָּהּ תְּלוּיָהּ רַבִּי יוֹסֵי אוֹמֵר בְּעִילְתָּהּ סִפֵּק וַחֲכָמִים
אוֹמְרִים מְגוֹרְשָׁת וְאִינָה מְגוֹרְשָׁת וּבִלְבָד שְׂיָמוֹת

Rabbi Meir says: If she engages in sexual intercourse with another man, the legal status of **her sexual intercourse depends** on whether or not her husband dies from this illness. If he dies, she is considered to have been divorced from the time the bill of divorce was given, and her sexual intercourse is not deemed adulterous. **Rabbi Yosei says:** **Her sexual intercourse** has an **uncertain** status. **And the Rabbis say:** There is uncertainty whether **she is divorced** or whether **she is not divorced**, and this is an uncertainty **provided that he dies** from this illness. If he does not, they are certainly not divorced.

מֵאִי אֵיכָּא בֵּין רַבִּי מֵאִיר לְרַבִּי יוֹסֵי

The Gemara clarifies: **What difference is there between** the opinion of **Rabbi Meir**, who says that the status of her sexual intercourse depends on whether or not her husband dies from his illness, **and** the opinion of **Rabbi Yosei**, who says that the status of her sexual intercourse is uncertain?

אָמַר רַבִּי יוֹחָנָן אֲשֶׁם תְּלוּי אֵיכָא בִּינֵיהוּ לְרַבִּי מֵאִיר לָא מִיִּיתֵי אֲשֶׁם
תְּלוּי וְלְרַבִּי יוֹסֵי מִיִּיתֵי אֲשֶׁם תְּלוּי

4

Rabbi Yoḥanan said: The practical difference **between them is** with regard to the bringing of a **provisional guilt-offering**, which is brought by one who is uncertain as to whether he committed a sin that requires a sin-offering. **According to** the opinion of **Rabbi Meir**, the paramour **does not bring a provisional guilt-offering** (see **Leviticus 5:17–19**), because, although there was uncertainty at the time of the act of sexual intercourse, the matter will eventually be clarified once the husband either dies or recovers from his illness. If the husband survives her paramour must bring a sin-offering, and if the husband dies the other man is exempt from bringing any offering. **And according to** the opinion of **Rabbi Yosei** her status is uncertain, and even if the husband dies from this illness Rabbi Yosei is uncertain when the bill of divorce took effect. Therefore, her paramour must **bring a provisional guilt-offering**.

וְחֻכָּמִים אוֹמְרִים מְגוֹרְשָׁת וְאֵינָהּ מְגוֹרְשָׁת חֻכָּמִים הֵיִינוּ רַבִּי יוֹסֵי אֵיכָא
בִּינֵיהוּ דְרַבִּי זִירָא דְאָמַר רַבִּי זִירָא אָמַר רַבָּה בַּר יִרְמְיָהּ אָמַר שְׁמוּאֵל
כָּל מְקוֹם שֶׁאָמְרוּ חֻכָּמִים מְגוֹרְשָׁת וְאֵינָהּ מְגוֹרְשָׁת בְּעֵלָהּ חַיִּיב
בְּמִזְוֹנוּתֶיהָ

5

The *baraita* taught: **And the Rabbis say:** There is uncertainty whether **she is divorced or whether she is not divorced.** The Gemara comments: Apparently, the opinion of **the Rabbis is** the same as the opinion of **Rabbi Yosei.** Why are they recorded as having a dispute? The Gemara answers: **There is** a practical difference **between them** with regard to the halakhic ruling transmitted **by Rabbi Zeira.** **As Rabbi Zeira says that Rabba bar Yirmeya says that Shmuel says: Wherever the Sages said:** There is uncertainty whether **she is divorced or whether she is not divorced, her husband is obligated to provide her with sustenance.** This formulation is stated only by the Rabbis, and Rabbi Zeira's *halakha* would apply only according to them, not according to Rabbi Yosei.

מתני' הרי זה גיטך על מנת שתתני לי מאתים וזו הרי זו מגורשת ותמו

6

MISHNA: If a husband says to his wife: **This is your bill of divorce on the condition that you will give me two hundred dinars, then she is divorced and must give** two hundred dinars in order to fulfill the condition of the bill of divorce.

על מנת שתתני לי מיכן ועד שלשים יום אם נתנה לו בתוך שלשים יום מגורשת ואם לאו אינה מגורשת

7

If a husband says to his wife: This is your bill of divorce **on the condition that you will give me money from now until the conclusion of thirty days, if she gives the money to him within thirty days she is divorced. And if not she is not divorced.**

Rav Ashi said: In accordance with **whose opinion is this baraita?** It is in accordance with the opinion of **Rabbi Yehuda HaNasi**, as **Rav Huna says** that **Rav says: Anyone who states** a condition employing the language: **On the condition**, is like one who **states:** The agreement will take effect retroactively **from now**, even though the condition is fulfilled only later on. Consequently, the bill of divorce is effective immediately, even if the woman will later be required to return the document itself to him.

אֲתִקִּין שְׁמוּאֵל בְּגִיטָא דְשָׁכִיב מְרַע אִם לֹא מָתִי לֹא יִהְיֶה גֵט וְאִם מָתִי
יִהְיֶה גֵט

75b

3

§ With regard to conditions in a bill of divorce, **Shmuel instituted** that in a **bill of divorce of a person on his deathbed** the following expression should be written: **If I do not die this will not be a valid bill of divorce, and if I die it will be a valid bill of divorce.**

וְלִמָּא אִם מָתִי יִהְיֶה גֵט וְאִם לֹא מָתִי לֹא יִהְיֶה גֵט לָא מְקַדִּים אִינִישׁ
פּוֹרְעָנוּתָא לְנַפְשֵׁיהּ

4

The Gemara asks about the wording used here: **But let us say** this statement in a more intuitive order: **If I die it will be a valid bill of divorce, and if I do not die this will not be a valid bill of divorce.** The Gemara explains: **A person does not hasten a calamity upon himself.** Consequently, he does not wish to mention his death first.

וְלִמָּא לֹא יִהְיֶה גֵט אִם לֹא מָתִי בְּעֵינֵי תַנַּאי קוֹדָם לְמַעֲשֵׂה

5

The Gemara asks: Why did Shmuel use this phrasing? **But let us say** the condition using the following formulation: **It will not be a valid bill of**

אם לא מתִי לא יהא גֵט לא מקִדים איניש פּוֹרְעָנוּתָא לְנַפְשִׁיהָ אִם מֵתִי
 יהא גֵט אם לא מתִי לא יהא גֵט בְּעֵינֵי הוּן קוּדָם לְלֵאוּ

8

The Gemara explains the necessity for such a formulation: The husband first says: **If I do not die this will not be a bill of divorce**, because a **person does not hasten a calamity upon himself**. Therefore, he first mentions the possibility that he will not die. Then he states the compound condition in the following order: **If I die this will be a bill of divorce**, and **if I do not die this will not be a bill of divorce**. This is because **we require** that **the affirmative precedes the negative**.

מֵתִנִּי הָרִי זֶה גֵיטִיךְ עַל מְנַת שְׁתַּשְׁמְשִׁי אֶת אָבִא עַל מְנַת שְׁתַּנִּיקִי אֶת
 בְּנֵי כַּמָּה הִיא מְנִיקְתּוֹ שְׁתֵּי שָׁנִים רַבִּי יְהוּדָה אוֹמֵר שְׁמֹנֶה עָשָׂר חֳדָשׁ
 מֵת הַבֵּן אוֹ שְׁמֵת הָאָב הָרִי זֶה גֵט

75b,

9

MISHNA: If a husband says to his wife: **This is your bill of divorce on the condition that you will serve my father**, or: **On the condition that you will nurse**, i.e., breastfeed, **my son**, without specifying a time period, **how long** is **she** required **to nurse him** in order to fulfill the condition? She is required to nurse the baby for **two years** from his birth, which is the length of time generally designated for nursing. **Rabbi Yehuda says:** The time for nursing is only **eighteen months**. If **the baby son died** or **the husband's father died**, **this is a valid bill of divorce**, even though the condition was not fulfilled.

The reason for this is because he reached the Galilee and returned to Judea within the time he had allotted.

הָרִי זֶה גִּיטֵיךָ אִם לֹא בָאתִי מִכָּאן עַד שְׁלֹשִׁים יוֹם וְהָיָה הוֹלֶךְ מִגָּלִיל לַיהוּדָה וְהִגִּיעַ לְכַפָּר עוֹתְנַי וְחָזַר בְּטֵל תְּנֵאוּ 17

Similarly, if a resident of the region of the Galilee intending to embark on a journey to Judea said to his wife: **This is your bill of divorce if I do not come back from now until the conclusion of thirty days, and he was going from the Galilee to Judea, and he reached Kefar Otnai and returned** immediately, **his condition is void** and his wife is not divorced, even if he subsequently returns to Judea for longer than thirty days.

הָרִי זֶה גִּיטֵיךָ אִם לֹא בָאתִי מִכָּאן עַד שְׁלֹשִׁים יוֹם וְהָיָה הוֹלֶךְ לְמַדִּינַת הַיָּם וְהִגִּיעַ לְעַכּוֹ וְחָזַר בְּטֵל תְּנֵאוּ 18

Similarly, if a resident of Eretz Yisrael intending to embark on a journey to a country overseas said to his wife: **This is your bill of divorce if I do not come back from now until the conclusion of thirty days, and he was going to a country overseas, and he reached Akko and returned** immediately, **his condition is void** and his wife is not divorced, even if he subsequently travels to a country overseas for longer than thirty days.

הָרִי זֶה גִּיטֵיךָ כָּל זְמַן שְׂאֵעֶבֹר מִכְּנָגְד פְּנִיךָ שְׁלֹשִׁים יוֹם הָיָה הוֹלֶךְ וּבָא הוֹלֶךְ וּבָא הוֹאִיל וְלֹא נִתְיַחַד עִמָּה הָרִי זֶה גִּט 76a. 19

If a husband said to his wife: **This is your bill of divorce if at any time I will depart from your presence for thirty consecutive days**, then even if

he was continually going and coming, going and coming, since he was not secluded with her during these thirty days, this is a valid bill of divorce.

גַּמְרָא לְמִימְרָא דְאַנְטִיפָרְס בְּגַלִּיל הָוָה קַיִמָּא וְרַמְיָנָהּ אֲנְטִיפָרְס בִּיהוּדָה
וּכְפָר עוֹתְנַאי בְּגַלִּיל בֵּינְתֵימָם מְטִילִין אוֹתוֹ לְחוּמְרָא מְגוֹרְשָׁת

20

GEMARA: The Gemara asks: **Is this to say that Antipatris was in the Galilee?** It appears from the mishna that Antipatris was on the border of the Galilee, since the condition of the resident of Judea became void by his reaching Antipatris and returning. **And** the Gemara **raises a contradiction** based on what is taught in a *baraita* (*Tosefta* 7:9): **Antipatris is in Judea, and Kefar Otnai is in the Galilee.** And with regard to the area **between them, a stringent ruling is placed on it**, and it is treated as though it is located in both Judea and the Galilee. If the husband who made such a condition reached this area and returned home, it is uncertain whether the condition attached to the bill of divorce was fulfilled. Therefore, there is uncertainty whether **she is divorced**

76b

וְאִינָהּ מְגוֹרְשָׁת

1

or whether **she is not divorced.**

אָמַר אַבְיִי תִרִי תְנַאי קָאָמַר לֵה אִי מְטִינָא לְגַלִּיל לְאַלְתֵּר לִיהוּי גִיטָא
וְאִי מְשִׁתְּהִינָא בְּאוֹרְחָא תְלָתִין יוֹמִין וְלֹא אֲתִינָא לִיהוּי גִיטָא הֲגִיעַ

2

courtyard is **like her actual hand**, and **just as her hand is secured with her knowledge, so too**, only **her courtyard that is consciously secured by her** can acquire a bill of divorce for her. This serves to **exclude her courtyard that is not consciously secured by her**, i.e., that she has no control over, which cannot acquire a bill of divorce for her, since it is not similar to her hand.

ההוא גברא דזרק לה גיטא לדביתהו הוה קיימא בחצר אזל גיטא נפל
 בפּיסְלָא אָמַר רב יוסף חזינן אי הוּיָא אַרְבַּע אַמּוֹת עַל אַרְבַּע אַמּוֹת פְּלַג
 ליה רשותא לנפשיה ואי לא חדא רשותא היא

77b,
16

§ The Gemara relates that there was a **certain man who threw a bill of divorce to his wife while she was standing in a courtyard. The bill of divorce went and fell onto a board of wood. Rav Yosef said: We see the precise circumstance: If the board encompassed an area of four cubits by four cubits, it** thereby is considered to be a **separate domain of its own** and is not included in the courtyard within which she was standing, and she is consequently not divorced. **And if the board was not that large, it is** part of the courtyard and it is all **one domain**, and she is therefore divorced.

בְּמַאי עֲסָקִינָן אִילִימָא בְּחֻצְרָא דִּידָהּ כִּי הָוִי אַרְבַּע אַמּוֹת מֵאֵי הָוִי אֶלְא
 בְּחֻצְרָא דִּידָהּ כִּי לָא הָוִי אַרְבַּע אַמּוֹת מֵאֵי הָוִי

17

The Gemara clarifies: **With what are we dealing** here? **If we say** that the incident occurred **in her courtyard, if the board had** an area of **four cubits, what of it?** Since the board belongs to her as well, it should still be

78a

שֵׁם לְוֵי אֶבֶל אֵית לִיה שֵׁם לְוֵי אֶף עַל גַּב דְּלֵא גְבוּהָ עֶשְׂרֵה וְאַף עַל
 גַּב דְּלֵא הָי אַרְבַּע אַמּוֹת

a **modifier**, meaning that this board is not referred to by a unique name. **But if it has a modifier, even though it is not ten** handbreadths **higher** than the courtyard, **and even though** the board did **not have** an area of **four cubits**, it is still considered to be a separate domain, and it would therefore not be an effective divorce.

אֶפִּילוּ הוּא עָמָה בְּמִטָּה כּוֹי אָמַר רַבָּא לֹא שָׁנוּ אֶלָּא בְּמִטָּה שְׁלוֹ אֶבֶל
 בְּמִטָּה שְׁלָהּ מְגוֹרְשָׁת

§ It was taught in the mishna that if he throws a bill of divorce to his wife while she is in his house, she is not divorced, **even if** the bill of divorce **is with her in the bed**, i.e., he throws it onto the bed in which she is sitting or lying. **Rava says: They taught this only** in a case where he throws the bill of divorce to her and it is with her **in his bed**. **But** if he throws the bill of divorce to her and it is with her **in her bed**, then **she is divorced**.

תַּנְיָא נְמִי הָכִי רַבִּי אֶלְיעֶזֶר אוֹמֵר בְּמִטָּה שְׁלוֹ אֵינָהּ מְגוֹרְשָׁת בְּמִטָּה
 שְׁלָהּ מְגוֹרְשָׁת

This is also taught in a *baraita*: **Rabbi Eliezer says:** If he throws the bill of divorce to her when she is **in his bed**, **she is not divorced**; if he throws it to her when she is **in her bed**, **she is divorced**.

4
 וּבְמִטָּה שְׁלָהּ מְגוֹרֶשֶׁת כָּלִיו שֶׁל לֹקַח בְּרִשּׁוֹת מוֹכֵר הוּא שֹׁמֵעַתָּ מִיָּנֵה
 כָּלִיו שֶׁל לֹקַח בְּרִשּׁוֹת מוֹכֵר קָנָה לֹקַח

The Gemara asks: And if he throws the bill of divorce to her **in her bed, is she divorced?** But the bed **is** like **vessels of a buyer** that are **in the domain of the seller**, since the bed that belongs to her is in the house of the husband. Can **you conclude from** here that even if the **vessels of a buyer** are **in the domain of the seller, the buyer acquires** anything that is deposited into his vessels? This issue is disputed elsewhere. Some hold that when a vessel of the buyer is in the domain of the seller, the vessel cannot serve to acquire an item on behalf of the buyer.

5
 לֹא צָרִיכָא דְגָבוּהָ עֲשָׂרָה וְהָאִכָּא מְקוּם פְּרָעֵי אִמְקוּם פְּרָעֵי לָא קָפְדִי
 אִינְשֵׁי

The Gemara answers: **No**, it is **necessary** to state this *halakha* in a case **where** the bed is **ten** handbreadths **high**, as then the bed is considered to be its own domain. The Gemara challenges this: **But there is the place** on which the **legs** of the bed are standing; the legs are standing in the husband's domain. The Gemara answers: **People are not particular** about **the place of the legs** of the bed since it is so small. Therefore, since the bed is considered to be its own domain, it is not considered to be within the domain of the husband.

6
 לְתוֹךְ חִיקָהּ אוֹ לְתוֹךְ קַלְתָּהּ מְגוֹרֶשֶׁת אִמָּאֵי כָלִיו שֶׁל לֹקַח בְּרִשּׁוֹת
 מוֹכֵר הוּא