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Gittin Daf 80

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

If a letter of divorce was dated according to the reign of the Unworthy Kingdom (*the Roman Empire*), according to the Kingdom of Media, or according to the Kingdom of Greece, according to the building of the Beis Hamikdosh, or the destruction of the Beis Hamikdosh, or if he was in the East and he wrote that he was in the West, or he was in the West and he wrote that he was in the East, she must leave her first and her second husband (*if she remarried based on this defective document from her husband*). She loses her rights to her *kesuvah* payment; she is not entitled to the enactment of usufruct (*compensation, such as the husband’s obligation to ransom her if she was taken captive, for the produce consumed from her property*), nor maintenance, nor to the worn-out clothing, not from this one or from this one. And if she took from this one or from this one, she must return it. And the offspring from this one and from this one is a *mamzer*. Neither this one nor this one may render himself *tamei* (*if he is a Kohen*) for her; and neither this one nor this one has a right to her findings, or to her earnings, or to annul her vows. If she was the daughter of a *Yisroel*, she is disqualified from the *Kehunah*. If she was the daughter of a *Levi*, she is disqualified from *ma’aser*. If she was the daughter of a *Kohen*, she is disqualified from *terumah*. And the heirs of neither this one, nor of this one inherit her *kesuvah*. And if they died, the

brothers of this one and the brothers of this one perform *chalitzah* but they do not perform *yibum*.

If he changed his name or her name, the name of his city or the name of her city, she leaves this one and this one, and all the penalties (*enumerated in the Mishna*) are applicable to her.

If the co-wives of any of the forbidden relatives concerning whom it has been said that they exempt their co-wives from *yibum* and *chalitzah* went and married, and any such forbidden relatives were found to be an *aylonis*, the co-wife must leave her husband and the *yavam* and all the penalties (*enumerated in the Mishna*) are applicable to her.

If a *yavam* married his brother’s wife, and her co-wife went and married another man, and then the brother’s wife was found to be an *aylonis* (*incapable of procreation*), the co-wife must leave her husband and the *yavam* and all the penalties (*enumerated in the Mishna*) are applicable to her.

If a scribe wrote a *get* for the man and a receipt for the woman, and he erred and gave the *get* to the woman and the receipt to the man, and they gave them to each other, and after some time, the *get* emerged from the hand of the man, and the receipt by the woman, she must leave this one and this one, and all the penalties (*enumerated in the Mishna*) are applicable to her.

Rabbi Eliezer says: If it emerges immediately, it is not a *get*; if it was produced after some time, then it is a *get*, for it is not in the power of the first to render void the right of the second. (79b – 80a)

Explaining the Mishna

The Gemora asks: What is the Unworthy Kingdom.

The *Gemora* explains: This refers to the Roman Empire. And why is it called the Unworthy Kingdom? It is because it did not have its own alphabet or language.

Ulla said: Why did the Rabbis institute that the years of the kings should be used when writing a *get*? It is because this will promote peaceful relations with them.

The *Gemora* asks: Is peaceful relations with kings a sufficient reason to decree that the woman must leave her husband, and that the offspring from this marriage should be regarded as a *mamzer* (in a case when a *get* was written without adhering to this Rabbinical decree)?

The *Gemora* answers that Rabbi Meir (the author of the *Mishna*) is in accordance with his own reasoning, for Rav Hamnuna said in the name of Ulla: Rabbi Meir used to say that whoever deviates from the method decreed by the Sages for *gittin*, the child (if the woman remarries based upon this *get*) will be a *mamzer*.

The *Mishna* had stated: According to the Kingdom of Greece.

The *Gemora* notes: All (these improperly dated *Gittin*) had to be mentioned, for if he (the Tanna) would have

taught only the Unworthy Kingdom, I might have thought that the objection to it (and why the *get* is disqualified) is that it (the Roman Kingdom) reigns (and that is why the Persian Kingdom would resent the fact that the *get* was dated according to the Roman Kingdom), but in regard to the Kingdom of Media and the Kingdom of Greece, I might have thought that what has passed has passed (and the Persian kingdom would not resent such a *get* at all). And if he (the Tanna) would have taught only the Kingdom of Media and the Kingdom of Greece, I might have thought that the objection to it (and why the *get* is disqualified) is because they were once kingdoms, but as regards to (a *get* being dated according to the years since) the construction of the Temple, what has passed has passed (and the Persian kingdom would not resent such a *get* at all). And if he (the Tanna) would have taught only the case of the construction of the Temple, I might have thought that the objection to it (and why the *get* is disqualified) is because they might say, “The Jews are recalling their former glory” (and that is why the Persian Kingdom would resent the fact that the *get* was dated according to the Temple), but regarding the mention of the destruction of the Temple, which recalls their sorrow, I would say that the *get* is not disqualified. Therefore, all were necessary. (80a)

The *Mishna* had stated: If he was in the East and he wrote that he was in the West, or he was in the West and he wrote that he was in the East.

The *Gemora* asks: Who (was in one place and was mentioned as being in a different place)? If you will say that we are discussing the husband, this should be the same as the case where he (the scribe) changed his (the husband’s) name or her name, the name of his city or the name of her city (and the *Mishna* discusses this case later)!? Rather, it must be referring to the scribe. And

this is as Rav said to his scribes, and Rav Huna, similarly, said to his scribes: When you are writing and signing documents in Shilei, write “in Shilei,” although the instructions were given to you in Hinei, and when you are in Hinei, write, “in Hinei,” although the instructions were given to you in Shilei. (80a)

Rav Yehudah said in the name of Shmuel: This (*that the date on a get must be recorded according to the years of the king*) is the opinion of Rabbi Meir. The *Chachamim*, however, say that even if the date on the *get* is recorded according to the years of the town’s land registrar (i.e., as to when he took office), she is divorced.

There was a *get* in which the date was recorded according to years of the Bashkar governor. Rav Nachman bar Rav Chisda asked Rava: What is the *halachah* in this case? Rava replied: In this case, even Rabbi Meir would concede that the *get* is valid, because the governor is an official from that kingdom.

The *Gemora* asks: And why is this different from the case of the town’s land registrar?

The *Gemora* explains: There (in the case of the town’s land registrar), it is degrading to the king (*since he is the lowest ranking official*). Here (regarding the case of the governor), however, it is an honor to the king (*for he has a prominent position*). (80a – 80b)

Rabbi Abba said in the name of Rav Huna who said in the name of Rav: This (*that if date on a get is not recorded according to the years of the king, the children born from a marriage based upon this get are mamzeirim*) is the opinion of Rabbi Meir. The *Chachamim*, however, say that the children are legitimate. The *Chachamim* concede to Rabbi Meir that

if he changed his name or her name, the name of his city or the name of her city (*and she remarries based upon this get*), the children will be *mamzeirim*.

Rav Ashi said: Proof to this can be brought from our *Mishna*: If he changed his name and her name, the name of his city or the name of her city, she leaves this one and this one, and all the penalties (*enumerated in the Mishna*) are applicable to her. Now, who authored this section of the *Mishna*? If it was Rabbi Meir, why did he not include it with the other cases of the *Mishna* (*and list them all as one unit*)? It must be that this is the *Chachamim*’s opinion, which proves that they agree in this case. (80b)

The *Mishna* had stated: If the co-wives of any of the forbidden relatives concerning whom it has been said that they exempt their co-wives from *yibum* and *chalitzah* went and married, and any such forbidden relatives were found to be an *aylonis*, the co-wife must leave her husband and the *yavam* and all the penalties (*enumerated in the Mishna*) are applicable to her.

The *Gemora* infers from the language of the *Mishna* that they become prohibited to the *yavam* and their new husbands only if they married them, but if they cohabited without marriage, they would still be permitted. This would seemingly be a refutation of Rav Hamnuna, for Rav Hamnuna said: A *yevamah* who is awaiting *yibum*, who has an illicit relationship with another man, is prohibited to be married to the *yavam*!?

The *Gemora* replies: In truth, the *Mishna*’s *halachah* would apply to an illicit relationship as well. The *Mishna* used the term “marriage” because this is a polite expression.

The *Gemora* cites another version of the above discussion: When the *Mishna* said, “they married,” it includes a case of an illicit relationship as well. This would be a proof to Rav Hamnuna, for Rav Hamnuna said: A *yevamah* who is awaiting *yibum*, who has an illicit relationship with another man, is prohibited to be married to the *yavam*!

The *Gemora* rejects the proof: The *Mishna’s halachah* applies only to a case of marriage, because this case resembles the case of a woman whose husband went abroad (and based upon a false testimony that her husband died, she went and remarried; she is forbidden to return to her first husband; the case of an illicit relationship is not similar to this, and therefore does not have the same *halachah*). (80b)

The *Mishna* had stated: If a *yavam* married his brother’s wife [and her co-wife went and married another man, and then the brother’s wife was found to be an *aylonis* (incapable of procreation), the co-wife must leave her husband and the *yavam* and all the penalties (enumerated in the *Mishna*) are applicable to her].

The *Gemora* notes: Both cases are necessary, for if he (the Tanna) would have taught only the first case (of a widow who remarried thinking that she was the co-wife of a forbidden relative), that (the reason they are penalized) is because the mitzvah of *yibum* has not been carried out, but here (in the second case, where a widow remarried thinking that *yibum* was performed with the co-wife), where the mitzvah of *yibum* has (seemingly) been carried out, I might say that she should not be penalized. And if he (the Tanna) would have taught only this case (where a widow remarried thinking that *yibum* was performed with the co-wife), that (the reason they are penalized) is because she has

fallen to the *yavam* (for *yibum*), but there (where the widow remarried thinking that she was the co-wife of a forbidden relative), where she (thinks that she) has not fallen to the *yavam*, I might say that she should not be penalized. Therefore, both cases were necessary. (80b)

The *Mishna* had stated: If a scribe wrote a *get* for the man and a receipt for the woman, and he erred and gave the *get* to the woman and the receipt to the man, and they gave them to each other, and after some time, the *get* emerged from the hand of the man, and the receipt by the woman, she must leave this one and this one, and all the penalties (enumerated in the *Mishna*) are applicable to her. Rabbi Eliezer says: If it emerges immediately, it is not a *get*; if it was produced after some time, then it is a *get*, for it is not in the power of the first to render void the right of the second.

The *Gemora* asks: what does “immediately” mean, and what does “after some time” mean?

Rav Yehudah in the name of Shmuel explained: “Immediately” means that they are still sitting and dealing with the divorce. “After some time” means that they stood up (and they might have had a change of heart since then).

Rav Adda bar Ahavah said: “Immediately” means that she did not remarry yet. “After some time” means that she remarried based upon this *get*.

The *Gemora* asks on the first explanation from our *Mishna*: For it is not in the power of the first to render void the right of the second. According to Rav Adda bar Ahavah, the term “second” is understandable (for it is because she is now remarried to a “second” that we



suspect a conspiracy). However, according to Shmuel, what is the meaning of the “second”?

The *Gemora* answers: It means the rights that a second man has in marrying her. (80b – 81a)

DAILY MASHAL

THE UNWORTHY KINGDOM

The *Gemora* refers to the Kingdom of Rome as the Unworthy Kingdom because it lacks its own alphabet or language.

Why does a powerful kingdom like Rome lack its own alphabet or language?

The *Maharal* answers: There are seventy languages that correspond to the seventy nations. Rome, which is Edom, is not one of the seventy nations. At the time of the *Dor Haflagah* (Generation of Dispersion), the people were split into seventy nations and that was long before Edom became a nation.

He adds that the languages also correspond to the heavenly angels who rule the nations. The angel assigned to Edom is Sama-el, and he is not included in the seventy angels who surround the Heavenly Throne. Therefore, they have no independent language.

The *Chasam Sofer* says that each nation uses the language in accordance with the nature of their country and the nature of their heavenly *Mazal*. However the language for Rome is not in accordance with that criteria and instead a person by the name of *Latinus* created the Latin language that was used by the Romans. [Revach l’Daf]

QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF to refresh your memory

Q: In what case will she be divorced when she is standing by the edge of the roof, and her husband throws her the *get*?

A: Either it is a roof which has a fence around it, or the *get* came to the air space within three handbreadths of the roof.

Q: If he is above (*on the roof*) and she is below (*in her courtyard*) and he threw the *get* to her, in what case will she be divorced as soon as it left the domain of the roof, even if it was erased or burned?

A: If the lower walls (*of her courtyard*) extend over the upper walls (*of the roof*), and the *get* was burned when it was on its way down, and only when the fire broke out after the *get* entered the airspace of her courtyard.

Q: What is an “old *get*”?

A: It is one where the husband secludes himself with her after the writing of the *get* (*but before it was given to her*).