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Gittin Daf 83

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

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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

The Four Questioners

The *braisa* states: After the death of Rabbi Eliezer, four elders started to rebut his words. They were: Rabbi Yosi Ha’Glili, Rabbi Tarfon, Rabbi Elozar ben Azaryah, and Rabbi Akiva. Rabbi Tarfon said: If this woman (*who received a Get that she is permitted to everyone besides So-and-so*) goes and marries the brother of the person she is forbidden to, and he dies without having children, this original *Get* would end up uprooting a Torah *mitzvah* of *yibum*! This clearly shows that such a *Get* cannot be called “*krisus*” -- “cutting off.”

Rabbi Yosi Ha’Glili said: How can it be that she is forbidden to one person and permitted to another? If she is forbidden, she is forbidden to everyone, and if she is permitted, she is permitted to everyone! This is clearly not “*krisus*.”

Rabbi Elozar ben Azaryah said: *Krisus* is something that cuts off all connection between them. [*Being that his influence still lingers after the Get as she is forbidden to a person because of him,*] This is not “*krisus*.”

Rabbi Akiva said: What happens if after this *Get*, she marries a man and has children from him, and then subsequently he divorces her or dies? If she now goes and marries the man that her first husband forbade her to marry, this would make her first *Get* invalid and the children from her second marriage would be rendered *mamzeirim*! This is clearly not *krisus*. Another claim is

that if the person he forbids her to marry is a *Kohen*, and her husband dies after giving her the *Get*, the woman is only a widow to the *Kohen* (*as her husband never “divorced her” from the Kohen*) but a divorcee to everyone else. Accordingly, we can say that if a divorcee, which is only a regular negative prohibition to a *Kohen*, is prohibited as long as she has been divorced from her husband (*even if she is still forbidden to someone else*), certainly a woman who is still “married” to someone is considered married to everyone (*and should be forbidden*)! This is clearly not “*krisus*.”

Rabbi Yehoshua said: One cannot ask questions on the lion after his death.

Rava said: All of these questions have questions on them that can negate them, besides the question of Rabbi Elozar ben Azaryah that has no answer. The following *braisa* supports this. Rabbi Yosi states: I see that Rabbi Elozar ben Azaryah’s question is better than all of them.

Rabbi Tarfon said: If this woman (*who received a Get that she is permitted to everyone besides So-and-so*) goes and marries the brother of the person she is forbidden to, and he dies without having children, this original *Get* would end up uprooting a Torah *mitzvah* of *Yibum*!

The *Gemora* asks: Is the husband uprooting anything?

The *Gemora* answers: He means that the husband makes a condition that uproots a *mitzvah*.

The *Gemora* asks: Did the husband say that she cannot marry the brother of her husband?

The *Gemora* answers: Rather he caused a *mitzvah* from the Torah to be uprooted.

The *Gemora* asks: If this is the claim against Rabbi Eliezer's position, then a person should also not be able to marry his brother's daughter! If he would die without children, he would cause his wife to be unable to have *yibum* done (*because the potential Yavam is her father*)! This is the question that negates Rabbi Tarfon's question.

The *Gemora* inquires: How did Rabbi Tarfon understand Rabbi Eliezer's argument with the *Chachamim*? If the case was (*you are permitted to everyone*) "besides So-and-so," Rabbi Eliezer would permit the *yibum*! The *braisa* states: Rabbi Eliezer admits that if he says "besides So-and-so" and she marries someone else, and is subsequently divorced or widowed, she is now permitted to So-and-so. It must be that Rabbi Tarfon understood that they argue regarding the case of "on condition."

Rabbi Yosi Ha'Glili said: How can it be that she is forbidden to one person and permitted to another? If she is forbidden, she is forbidden to everyone, and if she is permitted, she is permitted to everyone! This is clearly not "*krisus*."

The *Gemora* asks: Why is this an impossible concept? We find that *terumah* and *kodoshim* is also forbidden to some and permitted to some!

The *Gemora* answers: He meant that we do not find this regarding women for marriage.

The *Gemora* asks: What about relatives (*that are forbidden to relatives but not to non-relatives*)?

The *Gemora* answers: We are referring to marriage.

The *Gemora* asks: What about a married woman (*who is permitted to her husband and forbidden to everyone else*)? This is the question that negates Rabbi Yosi's question.

The *Gemora* inquires: How did Rabbi Yosi Ha'Glili understand the argument between them? It cannot be a case of "on condition," as he still permitted her to be promiscuous with him (*he did not totally forbid her to have relations, just not to marry him*)! It must be that he understood their argument was in a case of "besides So-and-so."

Rabbi Akiva said: What happens if after this *Get*, she marries a man and has children from him, and then subsequently he divorces her or dies? If she now goes and marries the man that her first husband forbade her to marry, this would make her first *Get* invalid and the children from her second marriage are rendered *mamzeirim*!

The *Gemora* asks: According to this question all conditions made in *gittin* should not be valid, as she could always marry someone first, have children, and then not fulfill the condition! This is the question on Rabbi Akiva's question.

The *Gemora* inquires: How did Rabbi Akiva understand their argument? If the case was (*you are permitted to*

everyone) “besides So-and-so,” Rabbi Eliezer would permit the *yibum*! The *braisa* states: Rabbi Eliezer admits that if he says “besides So-and-so” and she marries someone else, and is subsequently divorced or widowed, she is now permitted to So-and-so. It must be that Rabbi Akiva understood that they argue regarding the case of “on condition.”

Another claim is that if the person he forbids her to marry is a *Kohen*, and her husband dies after giving her the *Get*, the woman is only a widow to the *Kohen* but a divorcee to everyone else. Accordingly, we can say that if a divorcee, which is only a regular negative prohibition to a *Kohen*, is prohibited as long as she has been divorced from her husband, certainly a woman who is still “married” to someone is considered married to everyone (*and should be forbidden*)!

The *Gemora* inquires: How did Rabbi Akiva (*in this version*) understand their argument? It cannot be a case of “on condition,” as he still permitted this *Kohen* to be promiscuous with this divorcee! It must be the case was “besides So-and-so.”

The *Gemora* asks: How can we understand Rabbi Akiva? If he held it was a case of “besides So-and-so,” he should only address this possibility. If he held it was a case of “on condition,” he should only address that possibility.

The *Gemora* answers: Rabbi Akiva heard that there is an argument how to understand Rabbi Eliezer and the *Chachamim*’s argument, and therefore gave a question according to each opinion.

The *Gemora* asks: What is the question on Rabbi Akiva’s second question? If it is that there is no proof from a divorcee, as a divorcee could be more stringent

as it deals with a *Kohen* (*who has more commandments*), this does not seem to be a question. This is because Rabbi Eliezer himself derives his opinion from a *Kohen*!

The *Gemora* answers: Rava (*who earlier negated this question as well*) must have understood, as did Rabbi Yanai in the name of an elder that the source of Rabbi Eliezer’s law was not from the laws of a *Kohen*.

Rabbi Yehoshua said: One cannot ask questions on the lion after his death.

The *Gemora* asks: Does this mean that Rabbi Yehoshua agrees with Rabbi Eliezer? The *braisa* quoted later clearly states that Rabbi Yehoshua also asked a question on Rabbi Eliezer! Rather, Rabbi Yehoshua meant that although we all have question, one cannot ask questions on a lion after his death.

The *Gemora* inquires: What was Rabbi Yehoshua’s question? The *braisa* states: Rabbi Yehoshua stated that a woman’s status before her second marriage should be the same as before her first marriage. Just as before her first marriage, she was not tied to anyone else, so too, after her second marriage, she cannot be tied to anyone else. (83a – 83b)

Permitting a Divorcee to Marry a Man Excluded in the Get

The *Gemora* discusses a previous statement (*from a braisa*). The *braisa* states: Rabbi Eliezer admits that if he says “besides So-and-so” and she marries someone else, and is subsequently divorced or widowed, she is now permitted to So-and-so.

Rabbi Shimon ben Elazar asked: According to Rabbi Eliezer, where do we have a precedent of one person



forbidding something and another person permitting it?

The *Gemora* asks: Don't we have a case of *yibum*, where a husband who dies without children forbids his wife to marry, and the *yavam* permits her to marry?

The *Gemora* answers: In this case the *yavam* himself was the one who forbade her, as if he did not exist, she would be permitted to marry whoever she wants!

The *Gemora* asks: There is an example of *nedarim* (vows) where the one who makes the vow creates the prohibition, and the one who permits it is the *chacham* (expert scholar)!

The *Gemora* answers: The *chacham* himself only permits this if the person who makes the vow establishes that he regrets doing so.

The *Gemora* asks: What about a wife who makes a vow and her husband permits it?

The *Gemora* answers: This is answered based on the statement of Rav Pinchas in the name of Rava, that any married woman makes vows on condition that her husband will agree.

Rabbi Elazar ben Azaryah said: *Krisus* is something that cuts off all connection between them. [Being that his influence still lingers after the *Get* as she is forbidden to a person because of him,] This is not "*krisus*."

The *Gemora* asks: Why didn't the other *Chachamim* who asked questions understand "*krisus*" in this fashion (and they therefore asked other questions on Rabbi Eliezer)?

The *Gemora* answers: They understand it as presented in the following *braisa*. The *braisa* states: If someone says to his wife, "This is your *Get* on condition that you do not drink wine, or that you do not go to your father's house forever, this is not *krisus*." If he only says she cannot go for thirty days, this is *krisus*.

The other opinion (*Rabbi Elozar ben Azaryah*) derives this from the word "*kares*" within the word *krisus*, while the opinions above did not hold that the word "*kares*" within the word "*krisus*" could be teaching us a different law. (83b)

INSIGHTS TO THE DAF

Uprooting a Torah Law

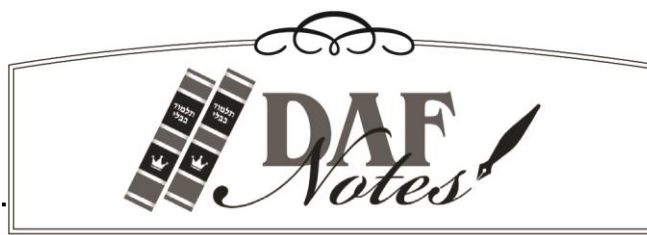
Rava said: If he says, "This is your *Get* on condition that you do not drink wine for the rest of my life," this is not *krisus*. If he says, "For the rest of someone else's life," it is *krisus*. What is the difference? If it is someone else's life, it is possible for the condition to be fulfilled.

The *Gemora* asks: Isn't it possible for him to die?

The *Gemora* answers: Rather, Rava said that if he says she cannot drink wine all the days of her life the *Get* is invalid (as she will never be divorced). However, if he says all of the days of my life or someone else's life, it is a valid *Get*. (83b)

Rava said: All of these questions have questions on them that can negate them, besides the question of Rabbi Elozar ben Azaryah that has no answer. The following *braisa* supports this. Rabbi Yosi states: I see that Rabbi Elozar ben Azaryah's question is better than all of them.

Rabbi Tarfon said: If this woman (who received a *Get* that she is permitted to everyone besides So-and-so)



goes and marries the brother of the person she is forbidden to, and he dies without having children, this original *Get* would end up uprooting a Torah *mitzvah* of *Yibum*!

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The *Gemora* asks: If this is the claim against Rabbi Eliezer's position, then a person should also not be able to marry his brother's daughter! If he would die without children, he would cause his wife to be unable to have *yibum* done (*because the potential Yavam is her father*)! This is the question that negates Rabbi Tarfon's question.

The Rashba asks: What is this case different than one where the husband said, "Here is your *get* on the condition that you will eat pork"? The *halachah* is that if she eats the pork, she is divorced, and there is no *Tanna* who disagrees, saying that this is not regarded as a *krisus*!?

He answers that the only time that this issue concerns us is when the husband's condition uproots something which is written in the Torah. The *Chachamim* did not want his "sending out" to be with an automatic stumbling block. However, in the "pork" case, his condition does not uproot anything! On the contrary, perhaps he does not want to divorce her and his desire

is that she should not eat from it. It is the wife who will be uprooting a Torah law by eating the pork. In the *Gemora's* case, where he stipulates that she should not be permitted to So-and-so, this happens by itself, without anyone performing any action whatsoever. Consequently, it is regarded as his condition is causing a Torah law to be uprooted.

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

Q: If a man said to his wife when he gave her a *get*, "You are permitted to every man 'ela' to So-and-so," what is the *halachah*?

A: According to Rabbi Eliezer, she is permitted to every man except So-and-so, and according to the *Chachamim*, she is not divorced until he takes the *get* back and gives it to her again, saying, "You are permitted to every man."

Q: What are the two possible explanations in his stipulation of "ela to So-and-so"?

A: Either he means, "besides that man," or he meant, "on the condition that you don't marry that man."

Q: Does the argument of Rabbi Eliezer and the *Chachamim* (regarding "ela") apply by *kiddushin* as well, and why?

A: Yes, because we compare *kiddushin* to *gerushin*.