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Gittin Daf 85

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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

### **Mishna**

If a man divorces his wife by saying, “You are permitted to everyone besides to my father and your father, my brother and your brother, to a slave and to a gentile,” and to anyone else with whom *kiddushin* would not be effective, the *Get* is valid. If he says, “besides for a widow to marry a *Kohen Gadol*, a divorcee to marry a regular *Kohen*, a *mamzeres* or *nesinah* to a Jew, a Jewess to a *mamzer* or *nasin*,” or to anyone else with whom *kiddushin* would be effective, even if it is a sin, it is invalid. (85a)

### **Restrictive Conditions**

The *Gemora* explains: When the *Mishna* says, “And to anyone else with whom *kiddushin* would not be effective,” it includes all other relations which would be punishable by *kares*. When the *Mishna* says, “And to anyone else with whom *kiddushin* would be effective,” it includes all other relations which are negative prohibitions.

Rava asked Rav Nachman: What if he says, “besides the *kiddushin* of a minor?” Do we say that this is not someone she can have *kiddushin* with, or do we say that since he will eventually grow up and would be able to be *mekadesh* her, it is considered someone she can have *kiddushin* with?

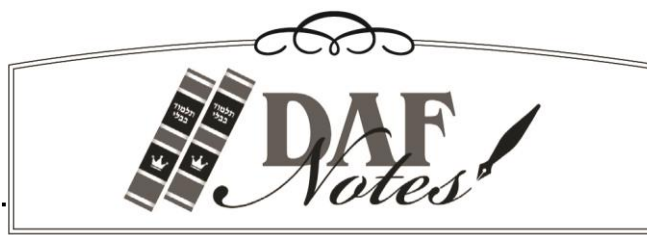
Rav Nachman answered: The *Mishna* says that a minor can accept a *Get* (after her father is dead) to become

divorced from the marriage arranged by her father. Why should this be? Shouldn’t she only be allowed to get divorced if she is eligible for betrothal (as we compare *kiddushin* to *gittin*)? It must be that this is not a question because she eventually will be able to marry on her own. So too, in our case, a minor should be considered someone with whom it is possible to have *kiddushin*.

Rava asked: What if the divorce is given, “besides for those who are not yet born?” Do we say that as they are not born yet, they cannot possibly have *kiddushin*, or do we say that since they will eventually be born, the condition is a valid one (since the woman will be forbidden to these men because of her first marriage)?

Rav Nachman answered: The *Mishna* says that a *get* with the condition of “besides to a slave and a gentile,” is valid. If we would figure all people who are potentially relevant to *kiddushin*, it is possible that a slave and gentile will become full-fledged Jews (and thereby relevant to *kiddushin*)!

The *Gemora* rejects this proof, as while those who are going to be born Jews are innately relevant to *kiddushin*, a slave or gentile is not automatically relevant to *kiddushin*.



Rava asked: What if he says, “besides for your sister’s husband?” Although he cannot marry her now while her sister is alive, he may marry her if her sister dies.

Rav Nachman answered: The *Mishna* says that a *get* with the condition of “besides to a slave and a gentile,” is valid. If we would figure all people who are potentially relevant to *kiddushin*, it is possible that a slave and gentile will become full-fledged Jews (and thereby relevant to *kiddushin*)!

The *Gemora* rejects this proof, as while conversion is not so common, death is common.

Rava asked: What if he says, “besides that you are not allowed to have promiscuous relations?” Perhaps this is not a problem, as he did not forbid her from marrying anyone? Or perhaps it is a problem as he excluded her from having certain relations?

Rav Nachman answered: The *Mishna* states, “besides from my father and your father” (is a valid *Get*). It is not possible that he has to exclude her from these marriages, as she cannot possibly marry his father or her father! The *Mishna* must be discussing promiscuity, and is stating that excluding their fathers’ from promiscuity does not invalidate the *Get*, as they cannot possibly marry them. This implies that if they could marry the people mentioned, the *Get* would be invalid.

The *Gemora* rejects this proof, as it is possible that the *Mishna* is referring to marriage. It is merely saying that in case she sins and “marries” her father. the *Get* is still valid as there is no *kiddushin*. The *Get* is not valid if it was not a relative, as there could be *kiddushin*.

Rava asked: What if he said, “besides having relations in an abnormal fashion?” Do we say this is not

considered forbidding her from anyone, or do we say that the verse says: *the copulations of a woman*, implying that abnormal relations are like normal relations? [*Inasmuch as she cannot be forbidden from having normal relations and the Get remains valid, she cannot be forbidden from having abnormal relations as well.*]

Rava asked: What if he said, “besides for the annulling of your vows?” Do we say that because he did not forbid her from marrying anyone there is no problem, or do we say that because the verse states: *her husband should uphold them and he should annul them*, it is like he is keeping his status as a husband?

Rava asked: What if he said, “besides for your *terumah* (that you cannot eat it if you marry a *Kohen*)?” Do we say that he did not forbid her from marrying anyone, or do we say that because the verse describes a wife being allowed to eat *terumah* as “*kinyan kaspo*” -- “the acquisition of his money,” perhaps he is not allowing her *Kohen* husband to fully acquire her?

Rava asked: What if he said, “besides for your inheritance (if you die, I will inherit you, not your husband)?” Do we say that he did not forbid her to marry anyone, or do we say that because the verse says, “to his *she’air* (wife)...and he will inherit her,” this implies she is still his wife?

Rava asked: What if he said, “besides that you cannot receive *kiddushin* from someone else via a document (acquisition, known as *shtar*)?” Do we say that being that everyone can still betroth her with money and relations; he did not leave anything out? Or do we say that we compare *gittin* to *kiddushin*, and therefore all ways must be available? The *Gemora* leaves these questions unresolved. (85a)

### **Mishna**

The main part of a *Get* states: “You are permitted to all men.” Rabbi Yehudah says: “And this document you should have from me, a *sefer* (*book*) of banishment, a letter of leaving and a *Get* of exemption, so you can marry any man.” The main part of the document freeing a slave is, “You are a free woman,” or “You are to yourself.” (85a – 85b)

### **Appropriate Terms of Divorce**

The *Gemora* asks: It is obvious that if someone says to his wife, “You are a free woman,” he has not said anything. Likewise, if he said to his slavewoman, “You are free to marry any man you wish,” he has not said anything. If he said to his wife, “You are to yourself,” what is the law? Did he mean that she is totally be herself now (*meaning divorced*), or did he mean this regarding her work?

Ravina said to Rav Ashi: We can prove this from the *Mishna*. The *Mishna* states: The main part of the document freeing a slave is, “You are a free woman,” or “You are to yourself.” If when a person owns a slave and he says, “You are to yourself,” the servant acquires his body, a person whose body is not owned by her husband should certainly be set free by these words!

Ravina asked Rav Ashi: What is the law if a master said to his slave, “I have no more dealings with you”?

Rav Chanin said to Rav Ashi, and some say Rav Chanin from Chuzna’ah said to Rav Ashi: Let us prove this from the following *braisa*. The *braisa* states: If someone sells his slave to a gentile, the slave automatically goes free, but he requires an emancipation document from his first master. Rabban Shimon ben Gamliel says: This is only if he did not write an “*ono*” -- “sale document”

when he sold him to a gentile. If he did, the sale document is his bill of freedom.

What does the word “*ono*” mean? Rav Sheishes explains: It means that he wrote to the slave, “When you run away from him, I will have no more dealings with you.” (85b)

### **Text of the Get**

The *Mishna* had stated: The main part of a *Get* states: “You are permitted to all men.” Rabbi Yehudah says: “And this document you should have from me, a *sefer* (*book*) of banishment, a letter of leaving and a *Get* of exemption, so you can marry any man.”

The *Gemora* inquires: What is the argument between the Rabbis and Rabbi Yehudah in the *Mishna*? The Rabbis hold that a partial declaration that does not clearly indicate something can still be deemed a proper declaration. Accordingly, even though he does not write, “And this is your *Get*,” it is obvious that he is divorcing her with this *Get*. Rabbi Yehudah holds that a partial declaration that does not clearly indicate something is not deemed a proper declaration. The reason the *Get* is valid is because he writes “And this is your *Get*.” If he does not write, “And this is your *Get*,” it is not obvious that he is divorcing her with this *Get*. One might think that the main divorce was done orally, and this document is merely a proof that it was done.

Abaye says: Someone who is writing a *Get* should not write, “*v'dein*” (*with a yud*) -- “and this,” as this also implies that he must divorce her by law (*another meaning of the word din*). He also should not write “*Igeres*” (*with a yud*) -- “letter” (*as this implies a roof*), rather he should write it without a *yud*. He should also not write the word “*limhach*” (*with a yud*), as this implies “this (*being a wife*) is from me,” but rather

without a *yud*. He should also make sure that the *hay* in this word is clearly written as a *hay* and not a *ches*, as this implies that this is a joke. The words “*di’yisyehavyan*” and “*di’yisyetzevyan*” should have three *yudin* at the end. The letter *vav* of the words “*seiruchin*,” and “*shvukin*” should be lengthened in order to ensure they do not look like a *yud*. So too, with the word “*k’doo*.” He also should not write that this is “*l’isnasba*” which implies she will not get remarried (*lo isnasba*), but rather “*l’hisnasba*.” (85b)

Rava inquired: What if the divorce is given, “besides for the ‘*noladim*’”? Do we say that as they are not born yet, they cannot possibly have *kiddushin*, or do we say that since they will eventually be born, the condition is a valid one (*since the woman will be forbidden to these men because of her first marriage*)?

#### DAILY MASHAL

##### Who is a Wise Man?

The Gemora in Nedarim (30b) concludes that the word ‘*noladim*’ connotes those who were born already and those who will be born.

The Chasam Sofer uses this to explain the Mishna in Avos: Who is a wise man? One who sees the ‘*nolad*.’ Why didn’t the Tanna use the ordinary verbiage of ‘*asid lavo*’ – ‘that which will come in the future’? He answers: since we have established that the word ‘*nolad*’ refers to those who were born already and those who will be born, the Tanna was precise in his language; for a wise man is someone who sees and learns from an experience in the past, and through that, he can determine what will transpire in the future. He is indeed a wise man. One who “sees” the future, but ignores the past – he is not wise at all.

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

Q: What is the *halachah* if a husband divorces a *get* with a condition that she should ascend to the sky?

A: It is a *machlokes Tannaim* if the *get* is valid or not.

Q: Why does Rava say that the condition is valid when the husband stipulates that she should eat pig meat?

A: It is possible for her to eat it and receive lashes for it.

Q: Why would Rava instruct the scribes to make sure that the husband is quiet until the main part of the *Get* is already written?

A: In order that he should not make any stipulations that would invalidate the *get*.