

1 Adar II 5776
March 11, 2016



Gittin Daf 89

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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

Rumors

Rava says: If there was a rumor in the city that she had been promiscuous, we do not suspect (*that she had an affair and therefore must get divorced from her husband*). Why? People probably saw her act in a loose fashion (*and made it into a rumor that she actually had marital relations with someone other than her husband*).

This is akin to the following argument amongst the *Tannaim*. The *braisa* states: If she was eating, walking haughtily, or nursing in the marketplace, Rabbi Meir says regarding all such cases that she should must leave her husband. Rabbi Akiva says: [She is not required to leave her husband] Unless the women who knit in the moonlight start talking about her. Rabbi Yochanan ben Nuri said to him: If so, you will not allow a daughter of Avraham Avinu to dwell securely with her husband. And the Torah states: [A man should divorce his wife] *If he found in her an adulterous “davar” -- “matter,”* and it also states: *By the word of two witnesses or by the word of three witnesses a matter will be established.* Just as there (in the second verse), it requires a definite matter (one that has been established by the testimony of two witnesses), so too, here, it (for a woman to become forbidden to her husband) requires two witnesses (and not merely a rumor).

The Gemora cites a *braisa*: If there is a rumor in the city that a woman (who was presumed to be a virgin) is not a virgin, we are not concerned for it (and it may be disregarded).

If there is a rumor that a woman (who was presumed to be unmarried) is married (and has been for some time), we are not concerned for it.

If there is a rumor that a woman (who was presumed to be unmarried) is betrothed (and has been for some time), we are not concerned for it.

If there is a rumor that [a woman was betrothed on that day, but] it did not state, “To So-and-so,” we are not concerned for it (as it is unclear).

If there is a rumor that [a woman was betrothed on that day] in a different city, we are not concerned for it.

If there is a rumor that a woman is a *mamzeres*, we are not concerned for it.

If there is a rumor that a woman is a slave, we are not concerned for it.

If there is a rumor that someone consecrated his property, or that someone made his property ownerless, we are not concerned for it.

Ulla says: It (the Mishna which recognizes rumors that a woman is married) is not when they heard the sound of an echo, but (rather) they saw candles burning and beds (*to eat on*) were made and people were going in and out saying, “So-and-so is becoming betrothed today.”

The *Gemora* asks: She is going to be betrothed!? Perhaps she did not end up becoming betrothed?

The *Gemora* answers: Rather, the people coming in and out of the house said, “So-and-so was betrothed today.”

Levi taught a braisa like that: It (that we recognize a rumor that a woman is married) is not when they heard the sound of an echo, but (rather) they saw candles burning and beds (*to eat on*) were made and people were going in and out saying, "So-and-so is becoming betrothed today."

The *Gemora* asks: She is going to be betrothed!? Perhaps she did not end up becoming betrothed?

Rav Pappa answers: Rather, the people coming in and out of the house said, "So-and-so was betrothed today."

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: It (that we recognize a rumor that a woman is married) is not when they heard the sound of an echo, but (rather) they saw candles burning and beds (*to eat on*) were made and people were going in and out. If they said something ("So-and-so was betrothed today"), this is a rumor (and we must be concerned for it), but if they did not say anything, this is a mitigating factor (and we are not concerned for the rumor).

The *Gemora* asks: They did not say anything!? But they did not say anything at all (so why would we need to "break" the rumor)?

The *Gemora* answers: This excludes the position of Rabbah bar Rav Huna, who says that a mitigating factor (to break the rumor) can even be found ten days after the rumor was established. Rabbi Yochanan therefore said that if they did not say (something clear, as the initial rumor included the mitigating factor), this is a mitigating factor, but if they did say (something, and the rumor did not include the mitigating factor), it is not a mitigating factor.

Rabbah says in the name of Rav Huna, who said it in the name of Rav: It (that we recognize a rumor that a woman is married) is not when they heard the sound of an echo, but (rather) they say, "And So-and-so, from where did he

hear it?" From So-and-so. And So-and-so heard it from So-and-so." And they continue to check until they reach something definite.

The *Gemora* asks: Soemthing definite!? This would be valid testimony!

Rather, when Rav Shmuel bar Yehuda arrived, he said: Rabbah says in the name of Rav Huna, who said it in the name of Rav: It (that we recognize a rumor that a woman is married) is not when they heard the sound of an echo, but (rather) they say, "And So-and-so, from where did he hear it?" From So-and-so. And So-and-so heard it from So-and-so." [And upon checking, they discovered] But they (who started the initial rumor) have went overseas (and cannot be reached).

Abaye asked Rav Yosef: Do we dispel rumors or not? Rav Yosef answered: Being that Rav Chisda said that we need to hear a rumor (to be recognized) from qualified witnesses, we dispel a (false) rumor.

Abaye asked: On the contrary! Being that Rav Sheishes said that a rumor is recognized even if we hear it from women, we see that we do not dispel a (false) rumor!

Rav Yosef replied: Towns have different customs. In Sura they did dispel such rumors, but not in Nehardea.

There was a rumor that a girl accepted *kiddushin* from a certain scholar. Rav Chama asked her father what happened. He answered that she had received *kiddushin* from him on condition that he would not go to Chuzai, which he ended up doing. Rav Chama said: Being that when the rumor started, there was no reason to negate it (*accompanying it*), there cannot be a reason for it now as well.

There was a rumor that a woman received as *kiddushin* the remnant of the date left on date seeds in Eina d'Bei



Shifi. Rav Idi bar Avin sent Abaye a question: What is the law in this case?

Abaye answered: Even according to the opinion that we normally do not dispel rumors, this one we dispel. This is because one could assume that such a *kiddushin* was not worth a *perutah* (the minimal value for a *kiddushin* to be valid).

There was another woman who rumor had it that she became betrothed to one of a certain person's sons. Rava said: Even according to the opinion that we normally do not dispel rumors, this one we dispel. This is because one could assume that this *kiddushin* was from a son who was a minor.

There was another woman who rumor had it that she had become betrothed to a minor who looked like an adult. Rav Mordechai said to Rav Ashi: There was a similar incident, about which it was said he did not yet acquire "*I'flagos Reuven*," meaning wisdom. This is as the verse states: "*I'flagos Reuven*" -- "for the separation of Reuven," adults who investigate the heart are required."

Rabbah bar Rav Huna said: The reason to dispel the rumor can even be established up to ten days after the rumor. Rav Zevid said: When there are grounds for a justifying factor (as to why the rumor should not be listened to), we take that into account (even though it was not actually reported). Rav Papa asked Rav Zevid: Didn't we say previously that as long as there is no reason the rumor is valid? Rav Zevid answered: It means when there is no reason to assume any justifying factor.

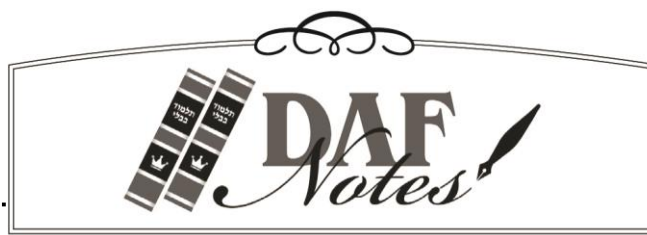
Rav Kahana said to Rav Papa: Do you not agree? Doesn't the *Mishna* state that if a woman received *kiddushin* (because a witness testified that her husband had died) and then her husband came back, that she may return to her first husband? Isn't this because we say that she only accepted the second *kiddushin* conditionally?

The *Gemora* answers: That case is clearly different, as her husband is alive and well and says that he never divorced her. If so, why don't we allow her to return to her first husband if they actually married? The *Gemora* answers: Where she transgressed and actually married the man, she received a fine. [This is because when the Rabbis permitted her to remarry, they did so because it was understood that she would check that her husband was indeed dead before remarrying.] When she did not yet marry him (and just became betrothed), she did not receive a fine.

Rav Ashi says: Any rumor that was not established to be true by a *Beis Din* is not valid. He additionally said: Any rumor made after a woman is married is not suspected to be true. This implies that if she was merely betrothed, we do suspect it to be true. Rav Chaviva stated: Even rumors after betrothal we do not suspect are true. The law is that we do not suspect they are true.

Rabbi Yirmiyah bar Aba said: They sent from the house of Rav to Shmuel: Teach us, our master. If a rumor was founded that she married someone, and she then accepted *kiddushin* from a second person. Do we suspect the rumor is correct?

Rav said: She should get divorced, but the matter must be checked out and let me know. What did he mean? If he meant that they should check that the first betrothal was invalid and we will therefore dispel the rumor, this contradicts the fact that Shmuel lived in Neharda where the ruling was that we do not dispel rumors! Rather, it must mean that if you find the first *kiddushin* was valid, she does not even need a *Get* from the second person. This argues on Rav Huna, who says that if someone is married and she accepts *kiddushin* from another man, she is married (meaning that she must get a *Get* from the second person). He based this on a comment of Rav Hamnuna, who said that if a woman says to her husband



that he divorced her she is believed, as a woman would not otherwise be so brazen to say this to her husband.

The other opinion (*Rav*) says that this cannot be derived from Rav Hamnuna's law, as his law is that if she says this *in front* of her husband she is believed. If she is not in front of him, she will indeed lie.

The *Gemora* asks: What if they never find out if the rumor is true or false? Rav Huna says: She can divorce the first person and marry the second, but she cannot divorce the second and marry the first. Why? People will say that one can remarry someone they divorced, even though she was betrothed in between.

Rav Shinina, the son of Rav Idi says: She can even divorce the second and marry the first. People will say that the Rabbis looked into the second *kiddushin* and ruled it was a mistaken *kiddushin*.

The *Gemora* asks: What if a rumor spread that she accepted *kiddushin* from one man, and then another man? Rav Papa says: Even this one can receive a divorce from the first one and marry the second (*but not the other way around*). Ameimar says: She is permitted to either one. This is the law. (89a- 89b)

DAILY MASHAL

Reuven's Wisdom

There was another woman, who rumor had it, that she had become betrothed to a minor who looked like an adult. Rav Mordechai said to Rav Ashi: There was a similar incident, about which it was said he did not yet acquire "*I'flagos Reuven*," meaning wisdom. This is as the verse states: "*I'flagos Reuven*" -- "for the separation of Reuven," adults who investigate the heart are required."

Why is the intellectual wisdom that is attained through maturity associated with Reuven?

The Netziv explains: It is natural for young boys to show their findings to their father, However, Reuven, displayed a level of maturity different from other children. When he found the flowers, he did not show them to his father; rather, he understood that this is something his mother should see. He therefore brought them to her.

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

Q: Until how many generations can one use his family's surname in a *get*?

A: It is *machlokes* if it is until three generations or ten.

Q: Why was the generation of Hoshea punished?

A: It was because he dismissed the sentries that Yeravam had placed on the roadsides in order that the Jewish people should not ascend to Yerushalayim during *Yom Tov*, but nevertheless, they still did not go up.

Q: When will a forced *get* be valid, even if it was done through an idolatrous court?

A: If they were instructed to do so by a *Beis Din*.