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Gittin Daf 35

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

### **A Widow Collecting**

The *Mishnah* had stated: There came a time that they refrained from imposing an oath on her (*and hence, they were not able to collect their kesuvah*).

The *Gemora* asks: What was the reason for this? If it was because an episode reported by Rav Kahana, or others say that it was Rav Yehudah in the name of Rav; for during a year of famine, a certain man deposited a *dinar* of gold with a widow, who placed it in a jar of flour. Subsequently, she baked the flour (*forgetting that the dinar was there*) and gave the loaf of bread to a poor man. A few days later the owner of the *dinar* came and said to her, “Give me back my *dinar*,” and she said to him, “May the poison of death seize upon one of my children if I have derived any benefit for myself from your *dinar*!” They said over that several days passed, and behold one of her children died. When the *Chachamim* heard of the incident, they remarked: If such is the fate of one who swears truthfully, what must be the fate of one who swears falsely!

The *Gemora* interjects: Why was she punished? [*She did not benefit from the dinar at all!*]

The *Gemora* answers: It was because she had gained from the place of the *dinar* (*that she didn’t have to use the corresponding amount of flour*).

The *Gemora* asks: How then could the *Chachamim* speak of her as one who had sworn truthfully?

The *Gemora* answers: They meant that she was similar to one who has sworn truthfully (*for she believed that she was swearing the truth*).

The *Gemora* asks: If that is the reason (*for perhaps she will mistakenly swear that she did not receive payment for the kesuvah from her husband*) why the Rabbis refrained from imposing an oath, why only to a widow? Shouldn’t the same concern be by a divorced woman as well? And yet we find that Rabbi Zeira said in the name of Shmuel that this rule applies only to a widow, but to a divorced woman, an oath is administered!?

The *Gemora* answers: There is a special reason in the case of a widow, because she justifies her oath (*although she was partially paid*) for herself on account of the trouble she has taken on behalf of the orphans (*managing their affairs*). [*For this reason, we do not allow her to swear. A divorcee, who does not manage the affairs of the orphans, still swears. Rabban Gamliel decreed that the widow should make an oath instead. Although, she will still be making a false oath, the punishment is not as severe.*]

Rav Yehudah said in the name of Rabbi Yirmiyah bar Abba: Rav and Shmuel both said that they refrained from imposing an oath on the widow only in a *Beis Din*; however, she can be compelled to swear outside of the *Beis Din*. [*An oath outside of a Beis Din does not to be taken when holding a Torah scroll or any other sacred objects. Therefore, it is regarded as a Rabbinical oath; not as a Biblical one. Accordingly, the punishment for*

*swearing falsely is not as severe, and therefore, we were not so concerned about this.]*

The *Gemora* asks: Can this report be true? But we know that Rav never allowed a widow to collect her *kesuvah* payments from the property of the orphans!? [Obviously, this was because she could not swear at all!?!]

The *Gemora* concludes that this is indeed a difficulty.

In *Sura*, they reported Rav Yehudah's statement in the above manner. However, in *Nehardea*, they reported it as follows: They refrained from imposing an oath on the widow only in a *Beis Din*; however, she can be compelled to swear outside of the *Beis Din*. However, Rav said that she did not take an oath outside of *Beis Din* either. For Rav has ruled that a widow cannot collect her *kesuvah* payments from the property of the orphans!

The *Gemora* asks: But at least allow her to make a vow (like was mentioned in the *Mishnah*)!?

The *Gemora* answers: In Rav's days, they treated vows lightly (and therefore, we would not rely on her vow in order to take the orphans property).

There was a widow who came before Rav Huna to collect her *kesuvah* from the property of the orphans. He said to her, "What can I do for you, seeing that Rav would not award payment of a *kesuvah* to a widow?" She said to him, "Isn't the only reason for this because you are concerned that perhaps I have already received part of my *kesuvah*? As Hashem, Master of Hosts lives, I swear that I have not received anything from my *kesuvah*!" Rav Huna said, "Rav would admit that we award payment where the widow jumped forward and took the oath spontaneously."

There was a widow who came before Rabbah bar Rav Huna to collect her *kesuvah* from the property of the

orphans. He said to her, "What can I do for you, seeing that Rav would not award payment of a *kesuvah* to a widow? And my father, my master, would also not." She said to him, "At least, can I be sustained from my husband's estate?" He responded, "You do not have a right to that either, for Rav Yehudah said in the name of Shmuel: A widow who demands her *kesuvah* in *Beis Din* forfeits her right for support." She proclaimed, "Overturn his chair! [She cursed Rabbah bar Rav Huna that he should die.] He has issued rulings according to the stringencies of two opinions!" They quickly turned his seat over (in order to prevent the curse from affecting him) and put it straight again, but even so, he did not escape an illness.

Rav Yehudah said to Rabbi Yirmiyah Bira'ah: Impose a vow on the widow in *Beis Din* and administer an oath to her outside *Beis Din*, and see that the report reaches my ears, since I want this to become a precedent. (35a1 – 35a3)

The *Gemora* had stated: Rabbi Zeira said in the name of Shmuel: This rule applies only to a widow, but to a divorced woman, an oath is administered.

The *Gemora* asks: Do we not allow a divorcee to collect her *kesuvah* with a vow? But there was the following document sent from *Eretz Yisroel* to *Bavel*: So-and-so the daughter of So-and-so received a *get* from the hand of Acha the son of Hidya, who is also known as Ayah Mari, and she took a vow binding herself to abstain from all produce of the world if she should be found to have received of her *kesuvah* anything besides a coat, a scroll of *Tehillim*, a scroll of *Iyov* and *Mishlei* that was worn. We have evaluated these items to be worth five *maneh*. When she comes before you, she may collect the remainder of her *kesuvah*. [Evidently, a widow can collect through taking a vow!?!]

Rav Ashi answers: The "get" discussed in this incident was a *get* from a *yavam* (who divorced her instead of performing *yibum* with her; and the *kesuvah* to which she



was entitled was the one given by the first husband, and therefore she claimed it as a widow and not as a divorced woman). (35a3 – 35b1)

### **If She Remarried**

The *Mishnah* had stated: Rabban Gamliel the Elder decreed that she should make a *neder* (a vow) on whatever the orphans want (a certain object will be prohibited to her if she did receive payment), and then, she may collect her *kesuvah*.

Rav Huna said: If she already married another man, we do not allow her to make a vow in order for her to collect a *kesuvah*.

The *Gemora* asks: If the reason is because the husband will revoke the vow for her, this should apply even if she is presently not married, for when she does marry, her husband can revoke it then!?

The *Gemora* answers: The husband does not have the authority to revoke vows that his wife made before they were married.

The *Gemora* asks: But let us be concerned that she will get a sage to annul the *neder* for her!?

The *Gemora* answers: It is because Rav Huna maintains that a person seeking for a *neder* to be annulled must specify all the details of the *neder* (and obviously, if she tells him the circumstances, he will not annul her *neder*).

Rav Nachman disagrees and holds that she may vow to collect her *kesuvah* even if she remarried.

The *Gemora* explains: She makes the vow in public (before ten people and such a *neder* cannot be revoked).

An objection [against Rav Huna's ruling] was raised [from the following Baraisa]: If she has married again, she may recover her *kesuvah* provided she has taken a vow. Does not this mean 'if she takes a vow now'? — No; it means, if she has taken a vow before [the second] marriage. But has it not been taught: If she marries again, she can take a vow and recover her *kesuvah*? — There is a difference on this point between Tannaim, since there is one Tanna who holds that a vow which has been taken in public can be annulled, and there is one Tanna who holds that it cannot be annulled. (35b1 – 35b2)

### **Annulling Vows**

The *Gemora* inquires: When one wants a sage to annul his *neder*, is he required to specify all the details surrounding the *neder* or not?

Rav Nachman said: It is not necessary. Rav Pappa said: it is necessary.

The *Gemora* explains their dispute: Rav Nachman said that it is not necessary, because if you say that it is, it may happen that he will not state all the particulars of the case and the sage will act on what he has been told. Rav Pappa said it is necessary in order to prevent the vower from sinning in a case where the *neder* involved forbidden matters.

The *Gemora* asks on Rav Nachman from the following *Mishnah*: A *Kohen* who marries a woman in sin is disqualified from performing the Temple service until he vows to have no benefit from his forbidden wife (until he divorces her). And in connection to this, the following *braisa* was taught: He can make the vow, perform the service and divorce her when he descends. Now if you say that it is not necessary to state all the particulars of the vow, is there not a possibility that he may apply to a sage to be released from his *neder*?



The *Gemora* answers: He makes the vow in public (*before ten people and such a neder cannot be annulled*).

The *Gemora* asks: This is understandable according to the one who holds that a *neder* made in public may not be annulled, but how will it be explained according to the one who holds that such a *neder* can be annulled?

The *Gemora* answers: The *Kohen* must make the *neder* according to our understanding. For Ameimar said: Even according to the one who holds that a *neder* made in public can be annulled, but a *neder* made according to the understanding of the public cannot be annulled.

The *Gemora* qualifies this ruling: This applies only for an optional purpose, if, however, he needs the *neder* annulled for an obligatory purpose, the *neder* can be annulled. A case in point is that of the schoolteacher whom Rav Acha bound by a vow on the understanding of the public (*not to teach any more*) because he mistreated the children (*by hitting them excessively*), but Ravina reinstated him (*after annulling his neder*) because no other teacher could be found as precise as he was. (35b2 – 36a1)

## INSIGHTS TO THE DAF

### Liability

The *Gemora* related an incident: During a year of famine, a certain man deposited a *dinar* of gold with a widow, who placed it in a jar of flour. Subsequently, she baked the flour (*forgetting that the dinar was there*) and gave the loaf of bread to a poor man. A few days later the owner of the *dinar* came and said to her, “Give me back my *dinar*,” and she said to him, May the poison of death seize upon one of my children if I have derived any benefit for myself from your *dinar*!” They said over that several days passed, and behold one of her children died. When the *Chachamim* heard of the incident, they remarked: If such

is the fate of one who swears truthfully, what must be the fate of one who swears falsely!

The Chazon Ish writes that her claim was not a valid one, for it is regarded as if she said, “I do not know where I placed it,” and that is considered a negligence!?

The Beis Aharon answers that she remembered that she placed it there. Her claim was that it is lost or stolen, and for that, she will be exempt from paying.

The Geresh Yerachim asks that the mere fact that she placed it in a flour jug for safekeeping is a negligence, for we rule that the only safe place to guard money is to bury it in the ground!?

Reb Moshe Feinstein writes that perhaps she was truly liable in this case. The *Gemora* did not say that she was exempt from paying. The incident happened that she swore thinking that she would be exempt from paying.

## DAILY MASHAL

### Precious Stone Donators

The *Gemora* related an incident: During a year of famine, a certain man deposited a *dinar* of gold with a widow, who placed it in a jar of flour. Subsequently, she baked the flour (*forgetting that the dinar was there*) and gave the loaf of bread to a poor man. A few days later the owner of the *dinar* came and said to her, “Give me back my *dinar*,” and she said to him, May the poison of death seize upon one of my children if I have derived any benefit for myself from your *dinar*!” They said over that several days passed, and behold one of her children died. When the *Chachamim* heard of the incident, they remarked: If such is the fate of one who swears truthfully, what must be the fate of one who swears falsely!



The *Gemora* asks: Why was she punished? [*She did not benefit from the dinar at all!*]

The *Gemora* answers: It was because she had gained from the place of the *dinar* (*that she didn't have to use the corresponding amount of flour*).

The *Gemora* asks: How then could the *Chachamim* speak of her as one who had sworn truthfully?

The *Gemora* answers: They meant that she was similar to one who has sworn truthfully (*for she believed that she was swearing the truth*).

The Chasam Sofer uses this *Gemora* to explain the following: It is written [[Shmos 35:27]: *And the Nesi'im brought the shoham stones and the filling stones for the ephod and the choshen*. The question is asked that the *Gemora* in Yoma (75a) states that precious stones and pearls fell down with the manna. Rashi explains that the Nesi'im brought the stones which they collected daily to the Mishkan to be used for the *ephod* and the *choshen*. If so, why does the Torah consider it that the Nesi'im brought them; the stones actually came from Heaven!?

The Chasam Sofer answers that the Nesi'im were missing the amount of manna that was displaced because of the stones that fell down with the manna. It emerges that the Nesi'im were shortchanged on their measure of the daily manna. This is why it is regarded as if they were the donators of the stones.

#### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: When does Rav Nachman apply the principle of the authority of the *Beis Din* must be upheld and when does he not?

A: Only by monetary matters; not by prohibitions.

Q: In the case where the husband was running after the witnesses, why did it help that they closed their ears? Didn't they see that the husband was running after them (*presumably to cancel the get*)?

A: Abaye says that it's because showing intent to cancel is not sufficient. Rava says that it's because he might be running after them to hurry them up and put him out of his misery.

Q: When do they have to write all of their names on a *get*?

A: Only in a place where it is known that they have these names.