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Gittin Daf 81

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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 one wrote a *Get* to divorce his wife and he then changed his mind, Beis Shammai says that he has disqualified her from the Kehunah (she is now unfit to marry a *Kohen*). Beis Hillel says: Even if he gave her the *Get* with a condition and the condition was never fulfilled, he has not disqualified her from the Kehunah. (81a)

Rumors

Rav Yosef, the son of Rav Menasheh from the city of Dvil, sent a message to Shmuel: May our master please teach us what would be the law regarding a *Kohen* who it is known wrote a *Get* for his wife, but she continued to live with him. [*Is he allowed to stay married to her, or do we say that it will give the appearance that a Kohen is allowed to remarry his divorcee?*]

Shmuel replied: She should leave him, but the matter must be checked into thoroughly.

The *Gemora* asks: What must be checked into? If it is a matter of whether or not *Beis Din* quiets down a false rumor, we know that Shmuel presided over the city of Nehardea, and that the *Beis Din* there did not quiet down rumors. [*This was in order to keep the credibility of the Beis Din, so people should not think that they are conspiring to cover up people's sins.*]

The *Gemora* answers: The matter that must be checked into is whether or not people in Dvil mean “writing” when they say someone “gave” a *Get* for his wife, or whether they mean that he wrote it and gave the *Get*.

The *Gemora* asks: Why would this establish a rumor? Do they not call writing alone as “writing?” [*In other words, how would they tell the difference between writing and giving a Get and just writing a Get? Being that they can't, what establishes a rumor?*]

The *Gemora* answers: Although this is true, if they normally refer to writing and giving as just writing, this is enough to create a rumor as people might assume the *Get* was written and given.

The *Gemora* asks: Didn't Rav Ashi say that we are not concerned for any rumor (that begins to circulate) after marriage?

The *Gemora* answers: The law that she must get divorced means that if she subsequently married a second *Kohen* (and her first *Kohen* husband died after the rumor was established), she must leave her second husband (who married her after the rumor was established).

The *Gemora* asks: If this is allowed, it will also create rumors about the legitimacy of her children from her

first husband (*causing them to be deemed unfit for the Kehunah*)!?

The *Gemora* answers: No such aspersions will be cast on those children. Being that we are only taking her away from the second husband and we did not take her away from the first one, people will say that the first husband must have divorced her just before he died.

Rabbah bar bar Chanah said in the name of Rabbi Yochanan, who said the following statement in the name of Rabbi Yehudah bar Ilai: Come and see how the earlier generations were unlike the later generations. The earlier generations refer to Beis Shammai (*who forbade a woman, to whom a Get was written for, from ever marrying a Kohen*), and the later generations to Rabbi Dosa, for it was taught in a *braisa*: A woman who was taken captive may still eat *terumah*; these are the words of Rabbi Dosa. Rabbi Dosa said: What did this Arab (captor) do to her anyway (that she should be forbidden from eating *terumah*); because he pressed her between her breasts, should she be forbidden to eat *terumah*?!

Rabbah bar bar Chanah said in the name of Rabbi Yochanan, who said the following statement in the name of Rabbi Yehudah bar Ilai: Come and see how the earlier generations were unlike the later generations. The earlier generations would bring their produce (into their houses) through the main entrance in order to make them subject to (the obligation of) *ma'aser*. The later generations would bring their produce (into their houses) by way of their rooftops or storage yards in order that they should not be obligated in *ma'aser*.

This is based on Rabbi Yannai's statement that untithed produce is not obligated in *ma'aser* unless it "sees" the front of the house. This is as alluded to in the verse: /

have removed the sacred from the house. Rabbi Yochanan said: Even a courtyard can establish an obligation of *ma'aser*, as the verse states: *And they shall eat in their gateways and be satisfied.* (81a)

Mishna

If someone divorces his wife, and she sleeps with him at an inn overnight, Beis Shammai says that she does not require a second *Get*. Beis Hillel says: She requires another *Get*. When does this argument apply? It applies only when she was divorced from him after *nisuin*. If she was divorced after *erusin*, Beis Hillel agrees that she does not need a second *Get* from him, as he does not feel so at ease with her (as if they had been married). (81a)

Examining the Case

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: Their argument is when it was seen (by witnesses) that she cohabited with him. Beis Shammai holds: A man will perform his act of cohabitation as a non-marital act of cohabitation (and we do not assume he meant his cohabitation to be for Kiddushin), whereas Beis Hillel says that a man would not perform his act of cohabitation as a non-marital act of cohabitation. If, however, witnesses did not see that she cohabited with him, everyone agrees that she does not need a second *Get* from him.

The *Gemora* asks on Rabbi Yochanan from our Mishna: If she was divorced after *erusin*, Beis Hillel agrees that she does not need a second *Get* from him, as he does not feel so at ease with her (as if they had been married). Now, if the case of the Mishna is where it was seen (by witnesses) that she cohabited with him, why

does it make a difference if she was divorced from erusin or nisuin?

The *Gemora* answers: [See below for more explanation.] Rather, the Mishna is referring to a case where witnesses did not see that she cohabited with him, and Rabbi Yochanan (who said exactly the opposite) said like the following Tanna, for it was taught in a *braisa*: Rabbi Shimon ben Elazar said: Beis Shammai and Beis Hillel did not argue regarding a case where witnesses did not see that she cohabited with him, that (in that case) she would not require another *Get* from him. Regarding which case do they argue? It is regarding a case where it was seen (by witnesses) that she cohabited with him. Beis Shammai holds: A man will perform his act of cohabitation as a non-marital act of cohabitation (and we do not assume he meant his cohabitation to be for Kiddushin), whereas Beis Hillel says that a man will not perform his act of cohabitation as a non-marital act of cohabitation.

And according to our Mishna, which we have established to be referring to a case where witnesses did not see that she cohabited with him, what is their argument? Their argument is in a case where there are witnesses that they were secluded, but there are not witnesses that they cohabited. Beis Shammai says: We do not say that witnesses to their seclusion is in effect witnesses to their cohabitation, while Beis Hillel says: We say that witnesses to their seclusion is in effect witnesses to their cohabitation. [And since a man would not perform his act of cohabitation as a non-marital act of cohabitation, we may assume that it was performed for Kiddushin, and therefore, she would need a second get from him in order to marry someone else.] [And the Mishna continues:] Beis Hillel agrees that if she was divorced from erusin that she would not require a second get from him, for since he is not at

ease with her, we do not say that witnesses to their seclusion is in effect witnesses to their cohabitation.

The *Gemora* asks: Did Rabbi Yochanan really say this? But Rabbi Yochanan said that the law follows the anonymous *Mishna*, and we have established that our Mishna refers to a case where witnesses did not see that she cohabited with him [Rabbi Yochanan seems to be arguing on the Mishna, as the *Gemora* says that he holds like the *braisa* regarding the argument of Beis Shammai and Beis Hillel, implying that he argues on the Mishna's understanding of their argument.]

The *Gemora* answers: There is an argument among Rabbi Yochanan's disciples whether or not he holds that the law always follows this type of *Mishna*.

[The *Ritva* explains that there are two ways to understand this *Gemora*. One explanation is that of the *Rif*, that Rabbi Yochanan clearly takes the *braisa's* understanding of the argument between Beis Hillel and Beis Shammai, not that of the *Mishna*. However, the *Rambam* seemingly understands this *Gemora* as stating that Rabbi Yochanan can be in agreement with the *Mishna*. (81a – 81b)]

Mishna

If a person divorced his wife with "a bald *Get*," (see definition below) she must leave both of them (the husband she received the divorce from, and if she remarried due to this *Get*, her second husband as well). All of these ways apply to her (meaning that children from the second marriage are illegitimate, see later 86a).

Regarding a bald *Get* – anyone (even someone who is ordinarily disqualified from being a witness) may

complete it (by signing on one of the folds); these are the words of Ben Nanas. Rabbi Akiva says: We cannot complete it (with disqualified witnesses) except with a relative, who is fit to testify elsewhere.

What is a bald *Get*? A (tied) *Get* whose folds are more than its witnesses. [A "*Get mekushar*" -- "*tied Get*" is a *Get* that has many folds, and on each fold there is the signature of a witness. A "*bald Get*" is when there is no signature of a witness on one of the folds.] (81b)

The *Gemora* asks: Why is a bald *Get* invalid?

The *Gemora* answers: It is a decree (that invalidates it), being that there is a possibility that (there were other witnesses present and) the husband said to them, "All of you should sign."

The Mishna had stated: Regarding a bald *Get* – anyone (even someone who is ordinarily disqualified from being a witness) may complete it (by signing on one of the folds) [these are the words of Ben Nanas. Rabbi Akiva says: We cannot complete it (with disqualified witnesses) except with a relative, who is fit to testify elsewhere].

The *Gemora* asks: According to Rabbi Akiva, what is the reason that a slave cannot sign? If you will say that we are concerned that people will say he is fit to testify, a relative as well – we should be concerned that people will say he is fit to testify?

The *Gemora* answers: Rather, the reason is in fact because perhaps people will come to elevate him to (a state of) genealogical acceptability (*and will thus allow him to marry a Jewish woman*).

The *Gemora* asks: But a robber, who is genealogically acceptable, he should be allowed to sign (the extra fold)! Why then does Rabbi Akiva say in the *Mishna*: We cannot complete it (with disqualified witnesses) except with a relative, who is fit to testify elsewhere? This implies – a relative - yes, but a robber – no!?

The *Gemora* answers: Rather, the reason why a slave cannot sign is because people will come to say that his master freed him (rendering him a full-fledged Jew, and then they will allow him to testify regarding other matters as well). Regarding a robber as well, people will say that he has repented (and will then mistakenly allow him to testify regarding other matters). But regarding a relative, what is there to be said? Regarding a relative, everyone knows that he is a relative.

Rabbi Zeira said in the name of Rabbah bar Sheilta, who said in the name of Rav Hamnuna the Elder, who said in the name of Rav Adda bar Ahavah: A bald *Get*, where there are seven folds and six witnesses, or six folds and five witnesses, or five folds and four witnesses, or four folds and three witnesses, it is up to here where the argument exists between Ben Nanas and Rabbi Akiva. However, if it has three folds and two witnesses, everyone agrees that we cannot complete it (with disqualified witnesses) except with a relative.

Rabbi Zeira said to Rabbah bar Sheilta: Let us see: All three (witnesses) in a tied *Get* correspond to two (witnesses) in a plain one (whereas, in both cases, there are the minimum amount of witnesses required). Just as there (by a plain *Get*), a relative may not sign, here as well (by a tied *Get*), a relative should be forbidden from signing!?

He replied: I was also perplexed by this, and I asked it to Rav Hamnuna, and Rav Hamnuna asked it to Rav

Adda bar Ahavah, and he (Rav Adda bar Ahavah) said to him (Rav Hamnuna): Don't bother about three on a tied Get, since these are not required by Biblical law (and therefore, the third witness may be a relative).

The Gemora notes: A braisa has been taught to the same effect: A bald *Get*, where there are seven folds and six witnesses, or six folds and five witnesses, or five folds and four witnesses, or four folds and three witnesses, it is up to here where the argument exists between Ben Nanas and Rabbi Akiva. Now (in all these cases), if it was completed by a slave (and, based upon this Get, the woman remarries), Ben Nanas says that the child is legitimate, while Rabbi Akiva says that the child is a mamzer. If, however, it has three folds and two witnesses, everyone agrees that we cannot complete it (with disqualified witnesses) except with a relative.

Rav Yosef taught (the statement said in the name of Rav Adda bar Ahavah) that the (third) witness must be a qualified (witness, and not even a relative).

The Gemora asks: But the *braisa* stated a relative?

Rav Pappa answered: The correct text should read a qualified (witness).

Rabbi Yochanan said: Only one relative is permitted to sign on a bald *Get*, but two relatives cannot sign, for perhaps they (a court) will come to authenticate (the *get*) through the two relatives and one qualified witness (*for when such a get is challenged, we require the authentication of at least three of the witnesses' signatures*).

Rav Ashi said: This may be proven from the wording of the *braisa*, for he (the Tanna) always reduces the

amount of missing witnesses from the folds one by one (*and not by more than that*).

Abaye said: We can prove from the *Mishna* that when the relative signs, if he wishes, he may sign either at the beginning, or the middle, or at the end. From where is this known? From the fact that the *Mishna* did not specify a place (where he should sign).

Abaye continues: We can also prove that (regarding a tied Get) we may authenticate any three signatures, and we do not require the authentication of three consecutive signatures, for if it would enter your mind that we do require them to be consecutive, a place could be assigned to the relative at the beginning or in the middle or at the end (so long as in any group of three consecutive witnesses, there will be only one relative), and many relatives should be allowed.

When they came before Rabbi Amsi (*with a bald get*), he said to them: Go and complete the signatures with a slave from the market (*indicating that the halachah follows Ben Nanas*). (81b – 82a)

WE SHALL RETURN TO YOU, HAZOREIK

INSIGHTS TO THE DAF

Scent of a Get

If he wrote a *Get* to divorce his wife and he then changed his mind, Beis Shammai says that he has made her unfit for marrying a *Kohen*. Beis Hillel says: Even if he gave her the *Get* with a condition and the condition was never fulfilled, he has not made her unfit for marrying a *Kohen*.



The Tosfos Yom Tov explains Beis Shmai's reasoning: It is because they were stringent with regards to the sanctity of the *Kehunah*. The Rabbis decreed that when a *get* is written, it creates a "scent of a *get*," and that prohibits the woman to a *Kohen*.

The Chasam Sofer writes that she is not forbidden to a *Kohen* on account of being a divorcee; rather, it is because she is rumored to be a *zonah* (*harlot*). The following is the way he explains the argument between Beis Shammai and Beis Hillel: Beis Shammai holds that a man may not divorce a woman unless he found in her an act of adultery. This is why the rumors spread that she is an adulteress even when he merely wrote the *get*, although he did not deliver it. Beis Hillel, however, holds that a man may divorce his wife even if she burned his food. Accordingly, there are no rumors that she is a *zonah* when he writes a *get* for her.

DAILY MASHAL

Our Gemora stated: Come and see how the earlier generations were unlike the later generations. The earlier generations would bring their produce (into their houses) through the main entrance in order to make them subject to (the obligation of) *ma'aser*. The later generations would bring their produce (into their houses) by way of their rooftops or storage yards in order that they should not be obligated in *ma'aser*.

Rav Moshe Twersky, may God avenge his soul, said the following in a shiur: I saw the following question: If an idolater is coercing a Jew to commit a sin in front of ten Jewish people, do we say that one of them should run away so the person would not be required to give up his life (as the obligation to give up one's life is only when there are ten Jews present)? Regarding the

person himself, the Rambam is clear that if he is able, he must run away.

Rabbi Twersky was inspired to inquire in the opposite direction: If there are only nine, can you call out "atzenter!"? May you reach out for a tenth person? Is it prohibited to do so? Perhaps it would even be a mitzvah to do so!