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### Conditions

The *Baraisa* states: If someone said, “This is your *Get* on condition you marry So-and-so,” she may not marry him, but if she does, then she does not have to get divorced.

The Gemora asks: What does this mean?

Rav Nachman explains: She may not marry this person (*the one specified by the husband*), for perhaps they (people) might say that their wives are given away (by their husbands) as gifts (to others). If she marries someone else, she does not need to leave him (in order to show this condition is not appropriate).

The *Gemora* asks: Is it possible that on account of a Rabbinic decree, we do not remove her (from the man she married), and we permit a married woman to marry someone else? [*In other words, the condition was not fulfilled, and therefore the Get should be invalid!*]

Rather, Rav Nachman said that the Tanna was saying as follows: She may not marry this person (*the one specified by the husband*), for perhaps they (people) might say that their wives are given away (by their husbands) as gifts (to others). But if she did marry him, she does not need to leave him, as we do not remove a

woman from her husband on account of a Rabbinic decree.

Rava said to him: The implication of the *Baraisa* is that she may not marry him (*the one specified by the husband*), but she may marry someone else. But isn’t she required to fulfill the condition of the *Get*?

And if you will say that she may marry (the other person) today, get divorced from him tomorrow, and then fulfill the condition (by marrying the man who her husband specified). This would be compared to the case where you argue with Rav Yehudah (and we are not concerned that someone might not fulfill a future condition), for it was taught: If someone says, “My eyes are *konam* (forbidden) regarding sleep today, if I sleep tomorrow,” Rav Yehudah says: He may not sleep today lest he sleep tomorrow (and it will emerge that he retroactively has violated his vow). Rav Nachman says: He can still sleep today, and we are not concerned that he will sleep tomorrow. [*Accordingly, here as well, we are confident that she will eventually marry that specified man.*]

Rava disagrees: Now, is this so? [The two cases are not comparable.] There (regarding sleeping), it (the fulfillment of the condition) is in his hands, for if he wants, he can poke himself (the entire day) with a thorn to ensure that he does not fall sleep; however, here, is it in her hands to become divorced (so how can we

allow her to marry another man before marrying the specified man)?

Rather, Rava said: She may not marry anyone, neither him (the specified man) nor another. She may not marry him (the specified man), or perhaps they (people) might say that their wives are given away (by their husbands) as gifts (to others). She may not marry another man, as she needs to fulfill this condition.

[The Baraisa continues according to Rava's explanation:] But if she did marry – if she married him (the specified man), she does not need to leave him, as we do not remove a woman from her husband on account of a Rabbinic decree. If she married another man, she indeed must leave him, as she needs to fulfill the condition.

The Gemora cites the following *Baraisa* which supports Rava: She may not marry anyone, neither him (the specified man) nor another. But if she did marry – if she married him (the specified man), she does not need to leave him. If she married another man, she indeed must leave him. (84a1 – 84a2)

The Gemora cites a Baraisa: [If a husband says] “This is your *get* on condition that you go up to the sky,” “that you go down to the depths of the earth,” “that you swallow a reed of four cubits,” “that you bring me a reed one hundred cubits long,” “that you walk over the Great Sea with your feet,” it is not a valid *get*. Rabbi Yehudah ben Teima says: Something such as this is a *get*. Rabbi Yehudah ben Teima said the following rule: Any condition that cannot eventually be fulfilled and the husband stipulates at the outset, he is just putting her off with words (he is merely doing that to pain his wife), and the *get* is therefore valid.

Rav Nachman said in the name of Rav that the *halachah* is in accordance with Rabbi Yehudah ben Teima. Rav Nachman bar Yitzchak said: It can be proven like that from our *Mishnah*, which states: And any condition which can be eventually fulfilled and the condition was made in the beginning, his condition is valid. We can infer from there that if the condition cannot eventually be fulfilled, the condition is void. This indeed is a proof. (84a2)

The *Gemora* inquires: If someone says, “This is your *Get* on condition you eat pig meat,” what is the law (is it valid or not)? Abaye says: This is the same argument as the previous *Gemora* (and the condition is void). Rava says: It is possible for her to eat it and receive lashes (*and therefore even R' Yehudah Ben Teima would agree the condition is valid*).

The Gemora notes: According to Abaye, “this is the general rule” (said by R' Yehudah ben Teima) includes the case of pig meat. According to Rava, when he said “something such as,” he meant to exclude the case of pig meat.

The *Gemora* asks a question from the following *Baraisa*: If someone says, “This is your *Get* on condition that you have relations with So-and-so,” if she fulfills the condition, then the *Get* is valid; but if not, it is not. If he says, “On condition that you will not have relations with neither my father nor your father,” the *Get* is valid, and we do not suspect that she might have relations with them (and she is permitted to marry).

The Gemora explains: However, the *Baraisa* did not give a case where he said, “On condition that you have relations with my father or your father.” [Evidently, this would not be a valid condition.] This is understandable according to Abaye (for he invalidates any condition

that involves a transgression), but is difficult according to Rava (who maintains that as it is possible to fulfill the condition, it is valid)!?

Rava answers: It is understandable regarding pig meat, as she may eat it and receive lashes. Regarding (a condition that she have relations with) So-and-so as well (it is understandable), as it is possible for her to bribe him with money (to have relations with her, and this could even be done without sinning, as they could marry). However, regarding (the condition that she have relations with) “my father or your father” (how can this be binding); is this in her hands at all; even if she is willing to commit a sin, would “my father and her father” be willing to commit a sin?

[The Gemora returns to explain the Baraisa:] According to Rava, “this is the general rule” (said by R’ Yehudah ben Teima) includes the case of (the condition of having relations with) “my father or your father” (as that is a non-binding condition). And when he said “something such as,” he meant to exclude the case of pig meat (for that would be a valid condition). According to Abaye, “this is the general rule” (said by R’ Yehudah ben Teima) includes the case of pig meat (as that is a non-binding condition). And when he said “something such as,” he meant to exclude the case of (the condition of having relations with) So-and-so (for that would be a valid condition).

The *Gemora* asks a question from the following *Baraisa*: If someone says, “This is your *Get* on condition that you eat pig meat,” or if she was a non-*Kohenes* and he said, “on condition that you eat *terumah*,” or if she was a *nezirah* and he said, “on condition that you drink wine,” if she fulfills the condition, the *Get* is valid; if not, it is invalid.

This is understandable according to Rava (for he maintains that as long as it is possible to fulfill the condition, the condition is valid), but according to Abaye it is difficult (for he invalidates any condition that involves a transgression)!?

Abaye answers: Did you think that this (the Baraisa) is according to (the viewpoint of) everyone? Whose view is it? It is the opinion of the *Chachamim* (who argue on Rabbi Yehuda ben Teima, and hold that a condition is validated – even if it is impossible to fulfill).

The *Gemora* asks: But let us say (that these conditions are invalid) because they are conditions against that which is written in the Torah, and if one stipulates contrary to that which is written in the Torah, his condition is void?

Rav Ada the son of Rav Ika answers: When do we say that when one stipulates contrary to that which is written in the Torah, his condition is void? That is, for example, when a husband stipulates that he will not provide (for his wife) food, clothing, or relations, as he is the one uprooting the Torah law. However, here, she would be the one uprooting the law (if she fulfills the conditions). [As the one who is making the condition is not the one who is uprooting the law, the condition is valid.]

Ravina asks: But is she not uprooting the law only to fulfill his condition? It emerges, then, that he is uprooting the law (by making the condition)!?

Rather, Ravina said: When do we say that when one stipulates contrary to that which is written in the Torah, his condition is void? That is, for example, when a husband stipulates that he will not provide (for his wife) food, clothing, or relations, as he is definitely



uprooting the Torah law (for as soon as he betroths her, he is obligated to uphold these obligations). However, here, did he tell her that she is required to eat? Let her not eat and she would not be divorced! (84a2 – 84b1)

### **Giving the Get Again**

The *Mishnah* had stated: If someone divorces his wife and says, “You are permitted to any man besides So-and-so,” Rabbi Eliezer permits this. The *Chachamim* forbid it. What should the person do? He should take the *Get* back, give to her anew, and merely say, “You are permitted to any man.”

The *Gemora* asks: Who is the Tanna (that holds that the *Get* must be given a second time)?

Chizkiyah says: It is Rabbi Shimon ben Eliezer, for it was taught in a Baraisa: Rabbi Shimon ben Elozar says (regarding a case where a man gave a *Get* to his wife but he did notify her that he is giving a *Get*): The *get* is invalid until he takes it back from her and gives it to her again, and then says, “Here is your *get*.”

Rabbi Yochanan says: It (the *Mishnah*) could even be (according to the opinion of) Rebbe (*who argues on Rabbi Shimon ben Elozar*), for your scholar (*Rav Kahana*) said: Here it is different, as her first acceptance of the *Get* made her invalid to marry a *Kohen*. [Even though she is not yet divorced, she is treated as a divorcee and must not marry a *Kohen* should the husband die without giving her the *Get* a second time as required. In R’ Shimon’s case, however, the first divorce is completely invalid, and therefore, a new act of divorce is not required.] (84b1 – 84b2)

<sup>1</sup> Literally: the revealed part (i.e., the main part); it contains the name of the husband and the wife, the date, and the primary declaration of the *get*, “You are hereby permitted to any man.”

### **Conditions Written in the Get**

The *Mishnah* had stated: If the condition (“*You are permitted to any man besides So-and-so*”) was written in the *Get* itself, even if it was later erased, the *Get* is invalid.

Rav Safra says: The case is where it was written inside the *Get* (*the condition stated in the Mishnah*).

The *Gemora* asks: This is obvious, as it is explicitly stated in the *Mishnah*!?

The *Gemora* answers: You might have said that this (that the *get* is valid if the restriction was not written in the *Get*) is the case only (if he made this stipulation) after the *toref*<sup>1</sup> was written; however (if the restriction was stipulated), before the *toref* was written, even an oral stipulation would disqualify the *Get*; Rav Safra therefore teaches us (that this is not the case, and the *Get* would be valid).

And Rava said: They taught this (that the *get* is valid if the restriction was not written in the *Get*) only in the case (if he made this stipulation) after the *toref* was written; however (if the restriction was stipulated), before the *toref* was written, even an oral stipulation would disqualify the *Get*.

The *Gemora* notes: Rava is consistent with another opinion of his, for Rava used to instruct those who wrote *gittin*. Make sure the husband is quiet (*without making any conditions*) until you have written the *toref* of the *Get*.

The Gemora cites a Baraisa: All conditions (written) in a Get make it invalid; these are the words of Rebbe. The Sages, however, say that a condition which would render it invalid if stated orally (at the time that the Get is given) invalidates it if written, but one which does not invalidate it if stated orally does not invalidate it if written. Therefore, the word ‘except,’ which invalidates the divorce (if expressed) orally also invalidates it when it is written (into the Get), whereas ‘on condition,’ which does not invalidate the divorce (if expressed) orally does not invalidate it when it is written (into the Get).

Rabbi Zeira said: They disagree only (where the condition is inserted) before the toref (was written), for Rebbe holds that we decree (to invalidate a stipulation of) ‘on condition’ on account of (confusing it with a stipulation of) ‘except’ (which would Biblically invalidate the Get), while the Rabbis maintain that we do not decree (to invalidate a stipulation of) ‘on condition’ on account of (confusing it with a stipulation of) ‘except’ (which would Biblically invalidate the Get). If, however, (the condition is inserted) after the toref (was written), everyone would agree that the Get is still valid. As for the Mishnah which teaches us (that the Get is invalid) if he wrote it (the condition) in the Get, and which we have established to be referring to (a condition of) ‘except,’ so that (we may imply that) ‘on condition’ would not invalidate the Get, if you like I can say that it is referring to a case (where the condition was inserted) before the toref (was written), and it concurs with the (opinion of the) Rabbis (who do not invalidate a Get when it contains a stipulation of ‘on condition’), or if you like I can say that it is referring to

a case (where the condition was inserted) after the toref (was written), and it concurs with (the opinion of) all.

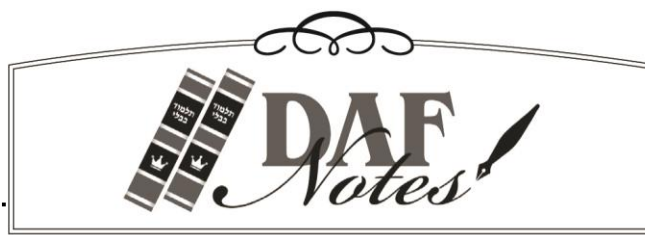
Rava, however, said: They disagree only (where the condition is inserted) after the toref (was written), for Rebbe holds that we decree (to invalidate a stipulation written) after the toref on account of (confusing it with a stipulation written) before (which would Rebbinically invalidate the Get<sup>2</sup>), while the Rabbis maintain that we do not decree (to invalidate a stipulation written) after the toref on account of (confusing it with a stipulation written) before (as this would constitute a “decree to safeguard another decree”). If, however, (the condition is inserted) before the toref (was written), everyone would agree that the Get is invalid. As for the Mishnah which teaches us (that the Get is invalid) if he wrote it (the condition) in the Get, and which we have established to be referring to (a condition of) ‘except,’ so that (we may imply that) ‘on condition’ would not invalidate the Get, it is referring to a case (where the condition was inserted) after the toref (was written), and it concurs with (the opinion of) the Rabbis.

The father of Rabbi Avin taught the following Baraisa before Rabbi Zeira: If one wrote a Get with a condition, everyone agrees that it is invalid.

[R’ Zeira exclaimed:] Everyone agrees that it is invalid!? How can this be, seeing that there is a dispute (between Rebbe and the Rabbis) on the subject?

Rather, what you must say is: Everyone agrees that it is valid. And in what circumstances? If the words are inserted after the toref (was written).

<sup>2</sup> See Tosfos as to why this is not regarded as a “decree to safeguard another decree.”



The Gemora asks: Why didn't R' Zeira say to him: What you must say is that it is invalid, but it is according to Rebbe?

The Gemora answers: Rabbi Zeira reasoned that the Tanna had been taught, "everyone agrees," and that he might confuse 'valid' and 'invalid' (for that is a distinct possibility, but that he would not confuse 'this is (invalid)' with 'everyone agrees.' (84b2 – 85a1)

### DAILY MASHAL

#### *Fly like a Bird*

The Gemora cites a Baraisa: If he says (*this is your Get*), "On condition that you go up into the sky," "that you go to the depths of the earth," "that you swallow a reed of four cubits," "that you bring me a reed one hundred cubits long," "that you walk over the Great Ocean with your feet," the *Get* is invalid. Rabbi Yehudah ben Teima says: Something such as this is a *Get* (*see below for why he used this terminology*). He said: Any condition that cannot eventually be fulfilled and the husband stipulates anyway, he is just doing that to pain his wife, and (*the document*) is therefore valid.

There is another case brought down in the Tosefta: If the husband said, "On condition that you fly in the air."

Reb Yosef Engel in Gilyonei HaShas asks: Isn't this something that is possible? Don't we find such an occurrence by Alexander the Great? And in today's age (*of Reb Yosef Engel*), people fly in the air using air balloons!?

He answers that the language "fly" connotes "by himself," similar to a bird, and floating in the air using

exterior devices is not what he had in mind. A condition must be fulfilled according to the language of the stipulator!

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

Q: What was Rabbi Eliezer's case that the four *Tannaim* challenged him on?

A: A man can stipulate that his wife should be divorced with respect to everyone except one man.

Q: Why can a *Tanna (lion)* not be challenged after his death?

A: For if he would be alive, he would be able to respond.

Q: Why is a *get* valid when the husband stipulates that his wife should not drink wine as long as he is alive (*it should not be regarded as a severance*)?

A: She might become free of the condition, for she may live longer than him.