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Gittin Daf 90

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Daf Notes is currently being dedicated to the neshamot of

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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

Mishna

Beis Shamai says: A person should not divorce his wife unless he finds that she is involved in promiscuous things. This is as the verse states, “For he found in her a promiscuous matter.” Beis Hillel says: Even if she burned his food he may divorce her. This is as the verse states, “For he found in her a promiscuous thing.” Rabbi Akiva says: He may even divorce her if he finds one prettier than her, as the verse states, “And if she will not find favor in his eyes.”

Explaining the Dispute

The *Gemora* cites a *braisa*: Beis Hillel said to Beis Shamai: Doesn’t the verse say, “matter?” Beis Shamai replied: Doesn’t the verse say “promiscuous?” Beis Hillel replied: If the verse would only say “promiscuous,” we would agree. It added “matter” to say that any good reason is valid. If it would only say “matter,” we would think that only someone who got divorced for a regular matter and not promiscuity could marry someone else after their divorce. However, perhaps a woman who was promiscuous in marriage should not be allowed to marry anyone at all! The verse therefore states “promiscuous” as well.

The *Gemora* asks: What does Beis Shamai do with the word “matter?” It says “matter” here and in the verse, “According to the mouth of two or three witnesses a matter will be established.” Just as in that case two witnesses are required (*to mandate a divorce*), so too here, two witnesses are required.

The *Gemora* asks: How does Beis Hillel refute this?

The *Gemora* answers: They can reply that the verse does not say “promiscuity by a matter (*meaning by the word of witnesses*),” but rather a promiscuous matter.

The *Gemora* asks: How does Beis Shamai reply?

The *Gemora* answers: Does it say “either promiscuity or a matter?”

The *Gemora* asks: How does Beis Hillel reply?

The *Gemora* answers: They say that the verse stated “a promiscuous matter” to imply both (*promiscuity and anything else*). (90a)

Reasons for Divorce

The *Gemora* asks: What is their argument? The *Gemora* answers: They argue regarding Rish Lakish’s

statement that the word “Ki” can mean four things. It can mean: if, less, rather, or that. Beis Shamai understands that the verse “ki matza ba ervas davar” means “that he found in her a promiscuous matter.” Rabbi Akiva says: It means “or if he found in her a promiscuous matter” (*but beauty would also be an acceptable reason*).

Rav Papa said to Rava: If he did not find promiscuity or a “matter,” what is the law (*do we force him to take her back*)?

Rava replied: Being that the Torah says regarding a rapist, “He is unable to divorce her all of her days,” it implies that this is the only case that we force him to take her back, not someone who divorced a woman without a good reason (*even though he should not have done so*).

Rav Mesharshiya said to Rava: If a person has in mind to divorce his wife, but in the meantime they are living together as man and wife, is he sinning?

Rava says: Regarding this situation the verse states, “Do not think evil plans about your friend, and he is sitting safely with you.” (90a)

Freedoms for a Wife

The *braisa* states: Rabbi Meir says: Just as there are opinions regarding foods, there are opinions regarding women. There are some people who if a fly falls into their cup, they will throw out the drink and refuse to drink it. This is the attribute of Papas ben Yehuda, who would lock the door when he left the house (*to ensure his wife would not talk with any*

man). [*This is not a good thing according to Rashi, as this promotes promiscuity when she has the chance.*] Some people will just throw the fly away and drink the cup. This is the attribute of most people who let their wives talk to her brothers and relatives and let her be. There are some people who when a fly falls into their cup, they suck on the fly and eat it. This is an evil person, who sees his wife going with her hair uncovered, knitting in the marketplace, her flesh (*elbows*) can be seen from both sides of her body, and she bathes with men.

The *Gemora* asks: Does she really bathe with men (*this would clearly mean she is promiscuous and should be forbidden to him*)?! Rather it means that she bathes in places where the men are present.

It is a Torah *mitzvah* to divorce such a woman, as the verse states, “For he found in her a promiscuous matter and he will send her from his house...and she will go and be to another man.”

The verse calls him “acher” -- “another” to teach that this was not the real mate of the first husband. *He sent this evil lady away from his house and this other person took her in.* If the second one merits doing so, he will also send her away. This is as the verse states, “And the second person will hate her.” If he does not send her away, she will bury him. This is as the verse states, “Or the second man will die.” It is fitting that he died, as the first person divorced this evil woman, and he took her in. (90a – 90b)

No Compelling Reason



It is written: "For he sent the hated one." Rabbi Yehuda says: This indicates that if you do not like her, send her away (*as per the opinion of Rabbi Akiva*). Rabbi Yochanan says: The sender is hated by God (*if a man divorces his wife without a compelling reason*).

The *Gemora* notes: They do not argue. One is referring to a first marriage and the second to a second marriage. This is as Rabbi Elozar says: When someone divorces his first wife, even the altar sheds tears. This is as the verse states, "And this is the second thing you should do, the altar of Hashem is covered with tears and wailing that makes it unable for Hashem to turn towards your flour offerings so that they should be wanted (*by Him*). You say, "Why is this?" It is because Hashem has testified regarding you and the wife of your youth that you have betrayed, and she was your friend and the woman of your covenant." (90b)

WE SHALL RETURN TO YOU, HAMEGARESH

AND TRACTATE GITTIN IS CONCLUDED

DAILY MASHAL

Burning his Food

The *Mishna* had stated: Beis Shamai says: A person should not divorce his wife unless he finds that she is involved in promiscuous things. This is as the verse states, "For he found in her a promiscuous matter." Beis Hillel says: Even if she burned his food he may divorce her. This is as the verse states, "For he found in her a promiscuous thing." Rabbi Akiva says: He may even divorce her if he finds one prettier than

her, as the verse states, "And if she will not find favor in his eyes."

Why is the wife's burning of the food grounds for divorce?

Reb Yaakov Kamenetzky explained: the *Mishna's* words are precise. She burned *his* food. It was only the food that she prepared for her husband that was burnt. Her own food was fine. This is grounds for divorce.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: What *halachah* are we concerned about when the *Gemora* states that we dispel a rumor about a woman's virginity?

A: She is still permitted to a *Kohen Gadol*.

Q: In what case do we believe a rumor that a woman is married?

A: If candles were lit and beds (*to eat on*) were made and people were going in and out saying that So-and-so was betrothed today.

Q: Why is a woman believed that she got divorced?

A: She would not otherwise be so brazen to say this to her husband.