



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Mem Vuv

MISHNA

- If someone divorces his wife based on rumors that she was mezaneh, he may never remarry her. If he divorces her because of nedarim that she made, he may never remarry her. **R' Yehuda** says this is only so if the neder was known to the public. If it was not, he may remarry her. **R' Meir** says, if he divorced her because of any neder that needs to be annulled by a chochom, he may not remarry her. If it does not need a chochom to be annulled, he may remarry her. **R' Elazar** says, he may not remarry her if the neder needs a chochom to annul it only as a gezeira for the case of where a chochom is not needed, in which case it would surely be assur to remarry her. **R' Yose the son of R' Yehuda** said, it once happened in Tzidon that a man made a neder on himself that he will divorce his wife, and he divorced her, and the **Chachomim** allowed him to remarry her. This was done for the benefit of the world.

GEMARA

- **R' Yosef bar Menyumei in the name of R' Nachman** said, he may not remarry her only if at the time of the divorce he told her "I am divorcing you because of the rumors of your zenus" or "because of the neder that you have made".
 - This is because he holds that the reason he may not remarry her is that if after the divorce he finds out that the rumors were untrue, he may say "Had I known they were untrue I never would have divorced you". This would make the whole divorce questionable, and if she had already married someone else and had children, those children would be thought of as mamzeirem. Therefore, the **Rabanan** instituted that he may not remarry her, so that he knows it is final and forever if he divorces her and cannot bring the get into question. Based on this, the situation would only be problematic if he stated the reason for the divorce at the time of the divorce.
 - **Others** say that **R' Yosef** said that he must tell the wife when he divorces her "You should know, I am divorcing you because of the rumors" or "because of the neder". This is because he holds the reason we don't let them remarry is so that women should understand the severity of these actions and not engage in them. Therefore, he must tell her so that she understands why she is being treated so severely.
 - There is a Braisa that explains the reason as is explained initially. There is another Braisa that explains the reason as explained by the "Others".

R' YEHUDA OMER KOL NEDER SHEYADU BO RABBIM...

- **R' Yehoshua ben Levi** said, **R' Yehuda's** view (that a neder made in public cannot be annulled) is based on a pasuk that says that the Yidden didn't kill the Givonim, because the leader of the Yidden swore that they would not kill them. We see that a neder made in public cannot be annulled. The **Rabanan** (who argue) say, that was not even a neder at all, because the Yidden were fooled into thinking that the people were someone that they weren't. It wasn't a neder that prevented them from killing them, it was to prevent chilul Hashem (because they promised, albeit mistakenly, with Hashem's Name).
- **Q:** How many people constitute "a public" for this purpose? **A:** **R' Nachman** says 3 people, as we find the word "rabbim" is understood to refer to 3 in other places. **R' Yitzchak** says 10 people, since the pasuk of the drasha with the Givonim uses the word "eidah", which generally refers to 10 people.

R' MEIR OMER KOL NEDER SHETZARICH...

- A Braisa says, **R' Elazar** said he may not remarry her when her neder is of the type that needs a chochom to annul it, because of a case where the neder is of the type that does not need a chochom to annul it.
 - **Q:** What is the machlokes between **R' Meir** and **R' Elazar**? **A:** **R' Meir** says a person would take his wife to Beis Din to have her neder annulled, and therefore there is the concern that he would say the divorce was only given because he didn't know it could be annulled. **R' Elazar** says a person would not take his wife to Beis Din to have her neder annulled and would therefore not claim that the divorce was only because he thought it could not get annulled.

AMAR R' YOSE B'R' YEHUDA MAASEH B'TZIDON...

- **Q:** Which ruling of the Mishna prompted this (seemingly unrelated) story? **A:** The Mishna is missing words and should be read as follows: All these rulings are where *she* made the neder. However, if *he* was the one who made a neder, there would be no ban on remarriage. In fact, it once happened where he made a neder and the **Rabanan** allowed them to remarry.
- **Q:** What is meant by the Mishna that the man said "konam if I do not divorce you"? **A:** **R' Huna** said, the husband said "All the fruits in the world should be assur on me if I do not divorce you".

V'HETIRU LO SHEYACHZIRENA

- **Q:** Why would we think that we should not allow remarriage in this case? None of the previously explained reasons apply here!? **A:** We would think that since **R' Nossan** says that making a neder and following through on it is such a terrible thing (it is as if he built a bamah and brought a korbon on it), we should penalize him for doing so and prohibit him to remarry her.

MIPNEI TIKUN HA'OLAM

- **R' Sheishes** said, this is referring to the enactment not to remarry a woman who was divorced based on rumors or for a neder (the benefit for the world is so that the husband not annul the divorce or so that women realize the severity of the conduct). **Ravina** said, this is referring to the case where the husband made the neder, and the Mishna is saying, in this case there is no reason to prohibit remarriage, because there is no concern that it would adversely affect the "tikun ha'olam".

MISHNA

- If a man divorces his wife because she is an "aylunis", **R' Yehuda** says he may not remarry her, and the **Chachomim** say that he may remarry her.
 - If she then marries another man and has children with him and therefore goes to Beis Din and demands payment on her kesubah from the first marriage (since she is now proven not to have been an aylunis), **R' Yehuda** says, the first husband can tell her, "Your silence is better than your talking" (if you insist on your demand I will say that the divorce was given on a mistaken belief that you were an aylunis).

GEMARA

- **Q:** From this Mishna it seems that **R' Yehuda** is the one concerned that the woman will get remarried, have children, and the original divorce will then be called into question, and the **Rabanan** are not concerned. However, in the earlier Mishna it was the **Rabanan** who were concerned and it was **R' Yehuda** who was not concerned!? **A:** **Shmuel** said, we must reverse the shitos in this Mishna.
 - **Q:** The end of the Mishna says that **R' Yehuda** says the husband can tell her "Your silence is better than your talking", which clearly shows **R' Yehuda** is concerned for the issue!? **A:** We must change that part of the Mishna so that it be the view of the **Rabanan**.
 - **A:** **Abaye** said, we do not have to reverse the views. The reason **R' Yehuda** is not concerned in the previous Mishna is only in the case of her neder, and the reason he is not concerned is that he holds like **R' Meir** (that there is no concern in a case where a

chochom is not needed to annul the neder) and he also holds like **R' Elazar** (that there is no concern in a case where a chochom is needed to annul the neder).

- **Q: Rava** asked, that deals with the contradiction of **R' Yehuda**, but not with the contradiction of the **Rabanan!**? **A: Rava** therefore said, that the **Rabanan** in this Mishna (of aylunis) follow **R' Meir**, who says that a condition must be two sided (stated in the positive and the negative) in order for it to take effect, and the condition that he was divorcing her because she was an aylunis was not stated in the two sided way, which is why it does not take effect and could not serve to annul the divorce.

MISHNA

- If one sells himself and his children to goyim, we do not redeem him. However, we do redeem the children after the death of their father.

GEMARA

- **R' Assi** said, this is only if he sold himself and his children after being redeemed once, and then again after being redeemed a second time.
- There were people who borrowed from goyim and were taken as slaves when they couldn't repay. They went to **R' Huna** and asked him to redeem them. He told them, the Mishna says that we cannot do that. **R' Abba** asked, we have learned that we don't redeem them only if they have sold themselves numerous times? **R' Huna** said, these people do this all the time, so they fall into this category.
- There was a person who sold himself to goyim who were cannibals. He asked **R' Ami** to redeem him. **R' Ami** said, we have learned that we redeem the children to save them (from assimilating). In this case the person is surely to be killed as well, so we must redeem him. The **Rabanan** asked **R' Ami**, we have seen this person eat neveilos on purpose! **R' Ami** then told the person, "Go, because the **Rabanan** do not let me redeem you".
 - The Gemara tells the story of how **Reish Lakish** went ahead and killed these cannibalistic people. He allowed himself to be captured and when they granted him a last wish before killing him he asked them to tie themselves up and allow him to hit them with a bag that he had. He had a metal ball in the bag, and when he hit them, he killed them.