



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

### Gittin Daf Pey Beis

#### PEREK HAMEGAREISH -- PEREK TESI'I

##### MISHNA

- If a man divorces his wife, and as he gives her the get he says to her "You are hereby mutar to any man but so-and-so", **R' Eliezer** says she is divorced and may marry anybody except the man mentioned, and the **Chachomim** say she is not divorced at all. According to the **Chachomim**, the husband can validate this get by taking it back, giving it back to her, and this time saying "you are hereby mutar to any man". If the restriction was actually written into the get, then even if he took it back and erased the restriction, the get is passul.

##### GEMARA

- **Q:** Is the word "but" in the restriction meant as "except" or does it mean "on the condition"? If it means "except", then we would say that the **Rabanan** only argue in this case, because they argue that "except" makes the get less than a complete separation and is therefore passul. However, if he had said "on condition" they would agree that the get is valid like any other condition of a get. Or maybe, "but" means "on condition" and it is only there that **R' Eliezer** argues. However, if he had said "except" he would agree that the get is passul. Which one is correct? **A: Ravina** said, a Mishna says all houses can become tamei from tzaraas "but" for those of goyim. This must clearly mean "except for", because saying it means "on condition" in this context makes no sense at all!? **HEMA MINAH** that "but" means "except".
  - Our Mishna argues on a Braisa, where **R' Yose the son of R' Yehuda** clearly says that the machlokes applies only when he said "on condition", but if he said "except", all would agree that the get is passul.
    - According to the version of the Braisa, **R' Eliezer** would say "on condition" is valid just as any other condition. The **Rabanan** say this condition is different in that it does not allow for a total severance from her husband (since she may not marry a certain man). Therefore, it is passul.
    - According to our Mishna, **R' Eliezer** holds that the get is valid even where he says "except". **R' Yanai** in the name of an elder explained, this is based on the pasuk that says "v'yatza v'huysa l'ish acheir" – even if she may only marry one other man ("ish acheir") it is considered to be a valid get. The **Rabanan** say, that the word "ish" means "every man" and that is why this get would be passul.
      - **R' Yochanan** said, the basis for **R' Eliezer** is the pasuk that says that a Kohen may not marry a woman who is "grusha mei'isha" – even if she is only divorced from her husband, but may not marry any other man, she is still assur to a Kohen, which proves that the get is still valid. The **Rabanan** say that the issur of a divorcee to Kohanim is more stringent and that is why a Kohen couldn't marry such a woman, but in reality the divorce is passul.
  - **Q: R' Abba** asked, what would be the halacha in the parallel case of kiddushin (he gave her kiddushin and said "you are mekudeshes to me and are assur to all other men except for so-and-so")? This is a question according to **R' Eliezer**, because maybe he only allows it by a get based on the drasha of the pesukim, but a kiddushin needs a full kinyan, which is lacking in this case. Or maybe the hekesh from gittin to kiddushin teaches that this kiddushin is valid as well? It is also a question according to the **Rabanan**, because maybe they say the get is passul because it doesn't fully sever, but kiddushin would be valid. Or maybe the hekesh from gittin to kiddushin teaches

that this kiddushin is not valid as well? **A:** He then answered, that according to all, the hekesh would teach that kiddushin is just like gittin.

- **Abaye** said, even if you hold like **R' Abba**, that **R' Eliezer** would say this kiddushin is effective, if Reuven gave a woman kiddushin and told her she is now assur to every man except his brother Shimon, and Shimon then gave her kiddushin and told her she is now assur to every man except his brother Reuven, and Reuven and Shimon both died childless, she would be subject to yibum to their brother Levi, and she is not considered to be “a wife of two men who have passed away” (which would be patur from yibum), because the kiddushin of Reuven was effective, but the kiddushin of Shimon was not (it did not make her assur to anybody that she wasn't already assur to). The case of “a wife of two men who have passed away” would be if Shimon had given her kiddushin without stating any exception. In that case, since the kiddushin of Shimon accomplishes to make her assur on Reuven it is somewhat of a kiddushin and she is therefore considered to be the wife of two men who have passed away.
- **Q: Abaye** asked, if the husband gave her the get and said “You are hereby mutar to any man except for Reuven and Shimon” and he then said “you are mutar to Reuven and Shimon”, does he mean to leave everyone else mutar and add them as being mutar as well, or does he mean to make them mutar but everybody else assur? If you say he means to add Reuven and Shimon, then what about where he only added “you are mutar to Reuven”, does he mean to make Reuven *and* Shimon mutar, and he only mentioned Reuven because he was first, or does he mean to single out Reuven? If you will say he means to single out Reuven, what about if he only added “you are mutar to Shimon”, does he mean to single him out or do we say that he was the last in the group so he used his name, but actually refers to Reuven as well? **R' Ashi** asked, what if he added “you are mutar *even* to Shimon”, does he mean to say Reuven as well or does he mean to add Shimon to the rest of men in the world, who she is mutar to (but does not mean that she should become mutar to Reuven) as well? **TEIKU**.