



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

### Gittin Daf Pey Gimmel

- A Braisa says, after **R' Eliezer** passed away, 4 Chachomim came together to refute his halacha – **R' Yose Haglili, R' Tarfon, R' Elazar ben Azarya, and R' Akiva**.
  - **R' Tarfon** said **R' Eliezer** can't be right, because if the woman is allowed to marry in that case, she may go ahead and marry the brother of the man she is not allowed to marry, and if her husband then dies without children, she would be incapable of performing the mitzvah of yibum. It cannot be that a get would be valid when it could possibly uproot a mitzvah in the Torah!
  - **R' Yose Haglili** said **R' Eliezer** can't be right, because how can it be that something is assur to one person but mutar to another? Either it is assur to everybody or mutar to everybody. Therefore, it must be that such a divorce is a not a valid divorce.
  - **R' Elazar ben Azarya** said **R' Eliezer** can't be right, because a get must be something that totally severs the bond between husband and wife, and this husband and wife are still connected.
  - **R' Akiva** said **R' Eliezer** can't be right, because according to him, this woman can get married to another man and have children, and if she is then widowed or divorced again, and then goes and marries the man that she wasn't allowed to marry under the first get, it will turn out that she was never divorced from the first husband, and all her children from the second husband then become mamzeirem! Clearly such a get cannot be valid. **Another reason** is, if the man that the husband said she may not marry is a Kohen, and after receiving this divorce the husband then died, it turns out that she is a widow with regard to this Kohen and a divorcee with regard to every other man, and yet she would be assur to this Kohen. If she becomes assur to the Kohen because of the part of her that is a divorcee (which is only a lav for the Kohen) then surely she should be assur to all men when there is a restriction in her divorce, which essentially leaves her as being a partly married woman (which is subject to the death penalty)! It must be that the divorce is not valid.
  - **R' Yehoshua** said to all of them, we do not refute the lion after his death!
  - **Rava** said all these arguments can be refuted except for the argument of **R' Elazar ben Azarya**. **R' Yose** said this in a Braisa as well.
  - The Gemara goes through each of the 4 statements of the **Chachomim** and explains them.
    - The statement of **R' Tarfon**. The Gemara asks, he is not actually uprooting a mitzvah!? The Gemara explains, it means he is making a condition with the result that a mitzvah will be uprooted. The Gemara asks, the husband is not requiring her to marry the brother of the man who is assur to her under the get, so he is not stipulating to uproot something from the Torah!? The Gemara says, this means he is causing the possibility that the mitzvah will be uprooted. The Gemara asks, if so a person should not be allowed to marry a woman who is an ervah to his brother so that he not possibly uproot the mitzvah of yibum if he were to die without children!? The Gemara says, this is actually exactly what **Rava** meant when he said that **R' Tarfon** can be refuted.
      - We find that **R' Eliezer** agrees that if the husband said "you are mutar to every man *except* for so-and-so", once she marries another man and her second marriage terminates, she would even be allowed to marry the man who was made assur in her first get. Therefore, **R' Tarfon** must hold that **R' Eliezer** was referring to a case where the husband said "on

condition”, in which case it continues in effect even after a subsequent marriage.

- The statement of **R’ Yose Haglili**. The Gemara asks, we find that *terumah* and *kodashim* are *mutar* to some and *assur* to others!? The Gemara says, he was referring to the *issur* of a woman. The case of *arayos* is a case of a woman being *assur* to some and *mutar* to others!? He was referring to the *issur* caused by a marriage. A married woman is *mutar* to her husband and *assur* to everyone else!? That is what **Rava** meant that this statement can be refuted.
  - **R’ Yose** must hold that **R’ Eliezer** refers to where the husband said “except”, because if he said “on condition” she would not be totally *assur* to the man, because the *get* does not make *zenus* with him *assur*.
- The statement of **R’ Akiva**. The Gemara asks, based on this concern we should not allow any condition for a *get*!? The Gemara says, that is what **Rava** was referring to when he said that this can be refuted.
  - We find that **R’ Eliezer** agrees that if the husband said “you are *mutar* to every man *except* for so-and-so”, once she marries another man and her second marriage terminates, she would even be allowed to marry the man who was made *assur* in her first *get*. Therefore, **R’ Akiva** must hold that **R’ Eliezer** was referring to a case where the husband said “on condition”, in which case it continues in effect even after a subsequent marriage.
- The second reason of **R’ Akiva**. This reason must hold that **R’ Eliezer** refers to where the husband said “except”, because if he said “on condition” she would not be totally *assur* to the man, because the *get* does not make *zenus* with him *assur*.
  - According to this, one reason of **R’ Akiva** is based on when the husband says “except” and the other is based on when he says “on condition”. This was done, because **R’ Akiva** heard that some people understand **R’ Eliezer** as referring to “except” and others understand him as referring to “on condition”. Therefore, he asked a question for each possibility.
  - **Rava’s** refutation of this reason is that you can’t compare the *issur* of *Kehuna* to other *issurim*. **Rava** must hold like **R’ Yanai’s** version of the basis for **R’ Elazar**, which is not based on the *issur* of *Kehuna*.
- **R’ Yehoshua** had said that we can’t refute the lion after his death. Although we find a *Braisa* where **R’ Yehoshua** himself also disagrees with **R’ Elazar**, he says that we cannot refute **R’ Elazar** after his death.
  - **R’ Yehoshua’s** issue with **R’ Elazar’s** *halacha* is quoted in a *Braisa*. He said that there is a *hekes* from the woman’s status before her first marriage to her status before her second marriage – just as before her first marriage she is not bound to any man, so too before her second marriage she must not be bound to any man.
- We quoted a *Braisa* above that said, **R’ Eliezer** agrees that if the husband said “you are *mutar* to every man *except* for so-and-so”, once she marries another man and her second marriage terminates, she would even be allowed to marry the man who was made *assur* in her first *get*. **R’ Shimon bar Elazar** disagreed and said, it can’t be that one person makes something *assur* and another person can come along and make it *mutar*!
  - **Q:** We find that a husband makes his wife *assur* to other men, and yet the *yavam* can make her *mutar* to other men!? **A:** The *issur* for a *yevama* to marry is based on the *yavam*, and that is why he can release her. If the *issur* was based on the first husband, his death would have released her.
  - **Q:** We find that a person can make an *issur* with a *neder* and a *chochom* can release him!? **A:** **R’ Yochanan** has said that the release only comes from the person himself regretting the *neder* that he made, so it is he who releases himself.
  - **Q:** We find that a husband can release the *issur* of his wife with *hafara*!? **A:** The reason for that is like **R’ Pinchas in the name of Rava** said, that a woman only

makes a neder subject to the consent of her husband. It is that condition of her own that releases her neder.

- **R' Elazar ben Azarya** gave the reason that a get must be something that totally severs (based on the word "krisus"), and a restricted get does not do so, which is why it is passul.
  - **Q:** How do the **Rabanan** darshen the word "krisus"? **A:** The **Rabanan** use the word "krisus" to teach that it must be a document that fully severs the relationship (it can't be made on a condition that obligates the woman to do something forever or not to do something forever).
    - **R' Elazar** will learn this from the word krisus as well, because the pasuk could have said "kareis" and instead says "krisus", which allows for a second drasha. The **Rabanan** don't darshen in this way and therefore only have one drasha.
- **Rava** said, if a man tells his wife "this is your get on the condition that you don't drink wine for as long as I live", it is not a full severance and is therefore a passul get. If he said "for as long as so-and-so lives", it would be a valid get.
  - **Q:** Why are the two cases different? In both cases she may outlive the subject of the condition and thereby may fulfill the condition and achieve complete severance!? **A:** The first case should be changed to where he says that she may not drink wine for as long as *she* lives.
- **Q:** **Rava** asked **R' Nachman**, if a man tells his wife, this is your get for today, but tomorrow you should no longer be divorced, what is the halacha? This is a question according to **R' Eliezer**, because it may be that he allows a restrictive get only when she becomes mutar to the other people on a permanent basis, but in this case it is only temporary. Or maybe there is no difference and it would be a valid get? This is a question according to the **Rabanan**, because it may be that they disallow a restrictive get when it is not a complete severance, but this is a complete severance, and therefore the get will take effect forever? **A:** **Rava** then answered, it would make sense that according to everybody this get would be effective in making her divorced forever (not just for the one day).