



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

Gittin Daf Pey Daled

- A Braisa says, if a man gives a get and says “this is your get on condition that you marry so-and-so”, she may not get married, but if she does, she does not need to leave the second husband.
 - **R' Nachman** said, the Braisa means that she may not marry that man who is the subject of the condition, so that people not say that men give away their wives as gifts, but if she marries another man she need not divorce him.
 - **Q:** Can we say that for this gezeirah we will make the get valid and allow this married woman to stay married to another man!? **A: R' Nachman** therefore said, the Braisa means that she may not marry the man named in the condition, as a gezeira that doing so would lead people to say that husbands gift their wives to other men. However, if she did marry this man we do not make her divorce, because we will not make her divorce for the sake of a gezeirah.
 - **Q: Rava** asked, saying “she may not marry the man named in the condition” suggests that she may marry other men. How can she do so if she did not fulfill the condition!? Do not think to say that we are comfortable that one day this marriage will terminate and she will then marry the man named in the condition, thereby fulfilling the condition, as we see that **R' Nachman** says, if a person says I promise not to sleep today if I sleep tomorrow we allow him to sleep today because we are confident that he will then not sleep tomorrow. Our case cannot be compared to the case of **R' Nachman**!? In the case of sleep, one can see to it that he will not sleep, but she cannot see to it that her marriage will be terminated thereby affording her the opportunity to then marry the man who is the subject of the condition, because she does not have the power to issue the divorce!? **A: Rava** therefore said, the Braisa means that she may not get married to that man or any other (she cannot marry that man as a gezeira so that people not say men gift their wives, and she cannot marry any other man, because she has not fulfilled the condition). However, if she does marry that man we do not force her to divorce, because we will not force a divorce on the basis of a gezeira, but if she marries any other man we do force her to divorce, because she has never fulfilled the condition. A Braisa clearly says like this as well.
- A Braisa says, if a man says “here is your get on condition that you go up to the sky” or “that you go down to the depths” or do some other physically impossible feat, it is not a valid get. **R' Yehuda ben Teima** says a get “like this” is a get. **R' Yehuda ben Teima** said a general rule, whenever a condition is made that is impossible to satisfy, he is simply trying to torment her, and the get is valid.
 - **R' Nachman in the name of Rav** paskened like **R' Yehuda ben Teima**. **R' Nachman bar Yitzchak** said, a Mishna suggests this as well.
 - **Q:** What is the halacha if the husband says “this is your get on condition that you eat pig meat”? **A: Abaye** said this is another case of impossibility and would have the same result as the previous conditions (like going to the sky, etc.). **Rava** said, it is physically possible for her to eat the meat (for which she would then get malkus) and therefore the condition takes effect.
 - According to **Abaye**, when **R' Yehuda** said his “general rule” he meant to include this type of case. According to **Rava**, when **R' Yehuda** said “a get like this”, he meant to exclude a case like this.

- **Q:** A Braisa says, if a man gives a get and says “here is your get on condition that you have relations (legally or illegally) with so-and-so”, if the condition is fulfilled the get is valid, and if not, the get is not valid. If he said “on condition that you do not have relations with my father or your father” we are not concerned that she will have relations with them and the get is therefore valid. Now, the Braisa does not give the case of where he said “on condition that you have relations with my father or your father”. According to **Abaye** this makes sense, because such a condition would not take effect, but according to **Rava** this condition should take effect and the Braisa should therefore mention it!? **A:** **Rava** would say, when dealing with eating pig meat, that is solely up to her and can therefore be fulfilled. When she must have relations with a particular person she can pay him to marry her and thereby fulfill that condition as well. However, having relations with a father is not something that she can make happen, because she will never convince him to have relations with her. Therefore, even **Rava** agrees that this condition would not take effect.
 - Based on this, according to **Rava**, when **R’ Yehuda** gave a general rule it was coming to include a condition to have relations with a father, and when he said “a get like this” he meant to exclude a condition to eat pig meat. According to **Abaye**, the general rule meant to include the case of eating pig meat, and “a get like this” meant to exclude where the condition was that she have relations with so-and-so.
- **Q:** A Braisa says that a condition that she eat pig meat is effective!? **A:** **Abaye** would answer, that Braisa only follows the view of the **Rabanan** who argue on **R’ Yehuda ben Teima**.
- **Q:** A condition which can only be fulfilled by doing an aveirah should be ineffective, because the person is making a condition against something written in the Torah, and any such condition is batul!? **A:** **R’ Ada the son of R’ Ika** said, in this case it is she who is doing something contrary to the Torah, not him, and therefore his condition stands.
 - **Q:** **Ravina** asked, she is only violating the Torah because of his condition, so it is he who is causing this violation!? **A:** **Ravina** said, the only time a condition becomes batul is when the Torah will definitely be violated (e.g. I will marry you on the condition that I don’t have to give you food and clothing), but in this case the violation is not definite, because she can choose not to violate and not get divorced.

KEITZAD YAASEH YITLENU HEIMENAH...

- **Chizkiya** said, the Mishna, which requires the get to be taken back and re-given, follows **R’ Shimon ben Elazar**, who says in a Braisa that when a get is given to a woman on the premise that it is a promissory note, the get must be taken back and re-given with the understanding that it is a get. **R’ Yochanan** said that our Mishna can even follow **Rebbi** who argues in that Braisa and says the get need not be taken back, because in the Mishna, since the get accomplishes to make her assur to a Kohen, she was koneh it in some sense, and it therefore must be taken back and re-given.

KASVO B’TOCHO

- **R’ Safra** said, the Mishna means that if the condition is written into the get, the get becomes passul.
 - **Q:** That is exactly what the Mishna clearly says!? **A:** We would think that such an oral condition does not make the get passul only if the toref of the get was written before the condition was stated. **R’ Safra** is teaching, that if the condition is oral, then even if it was said before the toref was written, the get is valid.
 - **Rava** said, the oral condition doesn’t make the get passul only if the toref was already written at the time. If it was not, the get would become passul.
- A Braisa says, **Rebbi** says any condition written into a get makes it passul. The **Chachomim** say, a condition that would make the get passul if stated orally (like if he says “you are mutar to marry anybody except for so-and-so”), also makes the get passul if written. If a condition would not

make the get passul if stated orally (if he says “on condition”) then it is not passul if written into the get either.

- **R’ Zeira** said, the machlokes is regarding a condition written before the toref. In that case **Rebbi** says we must be goizer even by a case of “on condition” for a case of “except for”, whereas the **Rabanan** say we do not need to be goizer like that. However, if it is written after the toref, all would agree that the get is valid. Based on this, the Mishna which we explained as referring to a case of “except for” can be explained either as being written before the toref, in which case it follows the view of the **Rabanan**, or it can be understood as referring to when it is written after the toref, and it follows **Rebbi** as well. **Rava** said, the machlokes is only when it is written after the toref. In that case **Rebbi** is goizer for a case when it is written before the toref and the **Rabanan** are not goizer. However, when it is written before the toref, all would agree that the get would be passul. According to this, the Mishna is referring to a condition written after the toref and can only follow the **Rabanan**.
- **R’ Avin’s** father taught a Braisa in front of **R’ Zeira** that said, if a get was written with a condition all agree that it is passul. **R’ Zeira** asked, we have learned that **Rebbi** and the **Rabanan** argue!? He told **R’ Avin’s** father to change the Braisa to say “all agree that the get is valid” and the Braisa must be talking about where the condition was written after the toref.
 - **Q:** Why couldn’t he keep the phrase of “it is passul” and say that the Braisa follows **Rebbi**? **A:** **R’ Zeira** felt that it is more likely that a mistake was made from saying that it is passul to saying that it is valid, than to say a mistake was made and instead of saying “all agree” it actually only follows a single view.