



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

### Gittin Daf Pey Hey

#### MISHNA

- If a man gives a get to his wife and says "You are hereby mutar to every man except for my father and your father" or "my brother or your brother" or "a slave or a goy" or to anyone else with whom a kiddushin would not be effective, the get is valid.
- If he gave her the get and says "You are hereby mutar to every man except for, since you are a widow, the Kohen Gadol" or "since you are a divorcee or chalutza, a regular Kohen" or "since you are a mamzeres or nesinah, a regular Yid", or "since you are a regular Yid, a mamzer or nasin", or anybody else with whom kiddushin would be effective even if only through an aveirah, the get is passul.

#### GEMARA

- The general rule (i.e. "or to anyone else...") of the first part of the Mishna comes to include all other relationships that would bring on a kares liability. The general rule of the second part of the Mishna comes to include all other relationships that would bring a chiyuv lav.
- **Q: Rava** asked **R' Nachman**, what if the husband says "You are mutar to all people except regarding accepting kiddushin from a particular minor"? Do we say that now he is not someone capable of making a kiddushin and the get is therefore valid, or do we say that since he will one day be capable of giving kiddushin the get is passul? **A: R' Nachman** said, a Braisa says that a minor girl can accept a get to be divorced from the kiddushin accepted on her behalf by her father (which is D'Oraisa). This is so, even though this girl could not accept kiddushin on her own and therefore, through the hekesh, should not be able to accept a get either. We see, that since she one day will be capable of accepting kiddushin, she can accept a get today. Similarly, in **Rava's** case, since he will be able to accept kiddushin, the get would be passul.
  - **Q:** What if the husband says "except for men who are yet to be born"? Do we say that now they are not here and therefore the get is valid, or do we say that since they will eventually be here, the get is passul? **A: R' Nachman** said, the Mishna said that if he says "except for slaves or goyim" the get is valid. Now, those slaves or goyim may eventually convert to Judaism, and we see that the get is still valid. Obviously, we look at the current situation, and not who may be here at a later date.
    - **Q:** Slaves and goyim are not necessarily going to convert, but unborn babies will certainly be born!?
  - **Q:** What if he says "except for your sister's husband". Do we say that since right now a kiddushin with him would not take effect (he is assur to her with kares unless her sister were to die), the get is valid, or do we say that since if the sister were to die he would become mutar, the get is therefore passul? **A: R' Nachman** answered, the Mishna said that if he says "except for slaves or goyim" the get is valid. Now, those slaves or goyim may eventually convert to Judaism, and we see that the get is still valid. Obviously, we look at the current situation, and not at a later date.
    - **Q:** Conversion is not a common thing, whereas death is, so the cases can't be compared!?
  - **Q:** What if the husband says, "you are mutar to all men except with regard to having zenus? Do we say that she is mutar in marriage to all men so the get is valid, or do we say that her marriage to the first man still exists regarding a matter of bi'ah, and therefore the get is passul? **A: R' Nachman** said, the Mishna says, if he said "except for your father or my father" the get is valid. Now, that case must be talking about zenus, because they are assur in marriage, and yet we see that only with such people does a

restriction on her zenus not invalidate the get, but with other people it seems that it would.

- **Q:** It may be that this refers to marriage, not zenus, and he is stating that she may not go through the actions of a marriage with them, although the actions would not be effective.
- **Q:** What if the husband says, “you are mutar to all men except with regard to having bi’ah in an unnatural way”? Do we say that she is mutar to all men with regular bi’ah, and the get is therefore valid, or do we say that the pasuk of “mishkivei isha” teaches to compare all forms of bi’ah, and therefore he has left out a matter of bi’ah, and the get is therefore passul?
  - **Q:** What if the husband says, “you are mutar to all men except with regard to having them be meifer your nedarim”? Do we say she is mutar to all men and the get is valid, or do we say that since hafarah is a fundamental part of marriage, restricting that right would make the get passul?
  - **Q:** What if the husband says, “you are mutar to all men except with regard to eating terumah”. Do we say she is mutar to all men and the get is valid, or do we say that since eating terumah is a fundamental part of marriage to a Kohen, restricting that right would make the get passul?
  - **Q:** What if the husband says, “you are mutar to all men except with regard to them inheriting you”. Do we say she is mutar to all men and the get is valid, or do we say that since inheritance is a fundamental part of marriage, restricting that right would make the get passul?
  - **Q:** What if the husband says, “you are mutar to all men except with regard to accepting kiddushin with a document”. Do we say she is mutar to all men by accepting kiddushin of money or bi’ah, and the get is therefore valid, or do we say that since all forms of kiddushin are compared to each other with a hekesh, he is considered to be restricting her right to kiddushin and the get is therefore passul?
  - In all these cases, the Gemara says **TEIKU**.

#### MISHNA

- The essential part of the get is the phrase “You are hereby mutar to any man”. **R’ Yehuda** says the get must also say “and this document should be to you from me a document of banishment, a letter of abandonment, and a document of release, to go and marry any man that you want”.
- The essential part of a get shichrur is the phrase “You are hereby a free woman” or “You are hereby to yourself”.

#### GEMARA

- **Q:** It is clear that if he writes to his wife in the get “You are hereby a free woman”, the get is not valid. Similarly, if he writes to his slave “You are hereby mutar to every man” the get shichrur is not valid. What if he writes in the get to his wife “You are hereby to yourself”? Does he mean that the marriage is over and the get is valid, or does he mean that she can keep her earnings, but the marriage continues? **A: Ravina** told **R’ Ashi**, our Mishna says that this phrase suffices to free a slave, who is totally owned by its master. Certainly then, this phrase would totally “free” the woman, who is not owned by the husband, and the marriage would terminate.
- **Q: Ravina** asked **R’ Ashi**, what if he writes to his slave “I have no dealings with you”? **A: R’ Chanin** said to **R’ Ashi**, we see from a Braisa that when such language is used it serves as a get shichrur.

#### R’ YEHUDA OMER V’DEIN D’YEHEVEI LEICHI MINAI...

- The machlokes is that the **Rabanan** hold that partial declarations (“yados”) are effective even if they are less than absolutely clear. Therefore, these additional phrases are not needed. **R’ Yehuda** says that yados are only effective when absolutely clear, and therefore these additional phrases are necessary to say that the divorce is being effectuated by this document.
- **Abaye** said, special care should be given so that the words in the get be spelled in a way so that it cannot suggest another reading and understanding (he gives a number of examples).

- **Q:** Do we pasken like **R' Yehuda** (who requires the additional phrases) or like the **Rabanan**? **A:** We find that **Rava** instituted a text for gittin that did not include all the extra phrases. The text was "I release and banish my wife, who was my wife prior to this, from this day and forward".
  - The Gemara says that is no proof, because the text of **Rava** did not even contain "harei aht muteres l'chol adam"! Obviously, there was more to the text than was presented. Therefore, it may be that all of **R' Yehuda's** phrases were meant to be included as well and were just not presented in the teaching.
  - **Rava's** use of the words "from this day" comes to exclude **R' Yose**, who says that the date on the document tells us that the get is automatically effective from that date.
    - The phrase of "and forward" excludes the case of where a man divorces his wife only for the day.

GUFO SHEL GET SHICHRUR HAREI AHT BAS CHORIN HAREI AHT L'ATZMEICH

- **R' Yehuda** instituted for sale documents of slaves that the following should be written "Our slave is destined to remain a slave, and is separated and removed from any freedom, and from any claims, and from any claims by the king or queen, and no other person has ownership over him, and he is free from any mum, and from boils that may come out on his face until 2 years after this sale whether new or old.