

The Soncino Babylonian Talmud



GITTIN

BOOK II

Folios 48b-90b

CHAPTERS V- IX

TRANSLATED INTO ENGLISH WITH NOTES

BY MAURICE SIMON, M.A.

**UNDER THE EDITORSHIP OF
RABBI DR. I. EPSTEIN B.A., Ph.D., D. Lit.**

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GITTIN – 48b-90b

Gittin 48b

where it says, According to the number of years of the crops he shall sell unto thee.¹ A Baraitha, as it has been taught: A firstborn son receives a double portion of a field which [was due to] be restored to his father at the Jubilee.²

Abaye said: We have it on tradition that a husband [before going to law] about property belonging to his wife requires authorization from her.³ This, however, is the case only if the suit does not concern the produce. But if the suit concerns the produce, while he is putting forward claims to the produce he can put forward claims to the land itself as well.

CHAPTER V

MISHNAH. COMPENSATION FOR DAMAGE⁴ IS PAID OUT⁵ OF [PROPERTY OF] THE BEST QUALITY, A CREDITOR OUT OF LAND OF MEDIUM QUALITY, AND A WOMAN'S *KETHUBAH* OUT OF LAND OF THE POOREST QUALITY. R. MEIR, HOWEVER, SAYS THAT A WOMAN'S *KETHUBAH* IS ALSO PAID OUT OF MEDIUM [QUALITY LAND]. PAYMENT CANNOT BE RECOVERED FROM MORTGAGED PROPERTY WHERE THERE ARE FREE ASSETS AVAILABLE, EVEN IF THEY ARE ONLY LOWEST GRADE LAND. PAYMENT FROM ORPHANS CAN BE RECOVERED ONLY FROM LOWEST GRADE LAND. INDEMNIFICATION FOR PRODUCE CONSUMED⁶ AND FOR THE BETTERMENT OF PROPERTY [DURING WRONGFUL TENURE] [AND PAYMENT] FOR THE MAINTENANCE [BY A MAN'S HEIRS] OF HIS WIDOW AND DAUGHTERS⁷ IS NOT ENFORCED FROM MORTGAGED PROPERTY, TO PREVENT ABUSES.⁸ THE FINDER OF A LOST ARTICLE CANNOT BE REQUIRED TO TAKE AN OATH, TO PREVENT ABUSES.⁸

GEMARA. [COMPENSATION ... PROPERTY OF THE BEST QUALITY.] Is

this only an ordinance to prevent abuses?⁹ It derives from the Scripture, as it is written, The best of his field and the best of his vineyard he shall pay!¹⁰ — Abaye replied: This statement holds good only if we take the view of R. Ishmael who said that according to the Torah the assessment is made on the property of the claimant of damage;¹¹ we are then told here that to prevent abuses¹² we make the assessment on the property of the defendant. What statement of R. Ishmael is referred to? — As it has been taught: 'The best of his field and the best of his vineyard he shall pay': [that is to say,] the best of the field of the claimant and the best of the vineyard of the claimant.¹³ So R. Ishmael. R. Akiba said: The whole purpose of the text is to allow compensation for damage to be recovered from the best property [of the defendant]; and all the more so in the case of the Sanctuary.¹⁴

Now according to R. Ishmael,¹⁵ if [a man's beast] ate the vegetables from a rich bed, he [naturally] repays the value of a rich bed, but if it ate from a poor bed is he to repay the value of a rich one? — R. Idi b. Abin said: We are dealing here with a case where it ate one bed out of a number and we do not know whether it was a rich one or a poor one; in this case he repays the value of the best. Said Raba. Seeing that if where we know that it ate a poor one he repays only the value of a poor one, here, where we do not know, is he to pay the value of a rich one? Does not the onus probandi fall on the claimant? — R. Aha b. Jacob therefore suggested

1. Lev. XXV, 15. This indicates that, at the time of the Jubilee, the crops were sold, not the land.
2. A firstborn takes a double portion only of property which was actually in possession of the father at the time of death, not of that which is to accrue subsequently. If, therefore, he takes a double portion of this field, it shows that his father, in spite of having sold it, was still reckoned as owner.
3. Because although he owns the produce (v. [Glos.](#) s.v. *Mulug*), this is not equivalent to owning the land itself.
4. Cf. Ex. XXII, 4.

GITTIN – 48b-90b

5. Lit., 'they value'.
6. [If A wrongfully acquires a field from B and sells it to C who was unaware that it was stolen and C spends money on improving it and a crop is produced, B may come and seize the field, crop and improvements, after paying C his costs in connection with the improvements. B is then entitled to recover from A the price he paid him for the field even from A's mortgaged property, but the value of the crop and increased value of the field due to the improvements only from A's unmortgaged property.]
7. V. Keth. 52b.
8. Lit., 'for the good order of the world'. [This refers to all the rulings given in this Mishnah and supplies the connecting link between this chapter and the preceding one, as well as the reason for its inclusion in this tractate (v. Tosaf).]
9. I.e., is its sanction only Rabbinic?
10. Ex. XXII, 4.
11. I.e., he can claim only property of the same quality as the best of his own, even if this is not equal to the best of the defendant's.
12. The abuse to be prevented is explained lower down.
13. The meaning of this is discussed presently.
14. B.K. 6b. This is explained lower down.
15. Who apparently says that according to Scripture damage is to be estimated in all cases as if done to the best of the claimant's land.

Gittin 49a

that the case here considered is one where the best of the claimant is equal [in quality] to the worst of the defendant, in which case R. Ishmael held that we assess on the land of the claimant,¹ whereas R. Akiba held that we assess on the land of the defendant.² What is R. Ishmael's reason? — The word 'field' occurs both in the earlier³ and the later⁴ clause; just as in the earlier clause it refers to the field of the claimant, so in the later it refers to the field of the claimant. R. Akiba, on the other hand, held that the words, from the best of his field he shall make restitution mean, from the best of him who makes restitution. What does R. Ishmael say to this? — [He says that] the *Gezerah Shawah*⁵ has its lesson and the text has its lesson. The lesson of the *Gezerah Shawah* is what we have said.⁶ The lesson of the text is that if the defendant

has high grade and low grade land and his low grade land is not equal to the best of the claimant, he pays him from the best.⁷

'R. Akiba says: The whole purpose of the text is to allow compensation for damage to be recovered from the best property of the defendant; and all the more so in the case of the Sanctuary.' What is the meaning of 'all the more so in the case of the Sanctuary'? Are we to say that [this rule applies] where our ox has gored the ox of the Sanctuary? [This cannot be, because] the Divine Law says, [if one man's ox hurt] the ox of one's neighbor,⁸ but not an ox of the Sanctuary.⁹ Shall we say then that what is meant is that if a man says, 'I take upon myself to give a *Maneh* for the repair of the Temple,' the treasurer can come and collect it from the best [of his land]? Surely he is in no better position than a creditor, and a creditor has a right to collect only from the medium property!¹⁰

And should you contend that R. Akiba holds that a creditor can collect from the best like a [claimant for] damages, we may still object, how can you draw an analogy from a [private] creditor, who is at an advantage in that he can claim compensation for damages, to the Sanctuary, which has no right [ever] to claim compensation for damages?¹¹ — I may still say that [these words refer to the case where] our ox gored the ox of the Sanctuary, for R. Akiba held the same view as R. Simeon b. Menasya, as it has been taught: R. Simeon b. Menasya says: If an ox of the Sanctuary gores an ox of a layman, there is no liability, but if the ox of a layman gores an ox of the sanctuary, whether it was *Tam*¹² or *Mu'ad*,¹² the owner has to pay compensation in full.¹³

If that is the case, why should you say that R. Akiba and R. Ishmael differ [as to what is to be done] when the best of the claimant is equal to the worst of the defendant? Perhaps in that case both agree that we assess on the land of the claimant,¹⁴ and their dispute here¹⁵ is the same as that between R. Simeon

GITTIN – 48b-90b

b. Menasya and the Rabbis, R. Akiba adopting the same view as R. Simeon b. Menasya and R. Ishmael adopting the view of the Rabbis?¹⁶ — If that were the case, why should R. Akiba have said 'The whole purpose of the text, etc.,'¹⁷ and again, what means 'All the more so in the case of the Sanctuary'?¹⁸ And besides, R. Ashi has told us,

1. I.e., the quality of the field paid by the defendant as damages need not exceed the best quality of the claimant's estate. Hence in this case, he can claim only the worst of the defendant's.
2. Who therefore has to pay out of his best.
3. If a man shall cause a field or vineyard to be eaten. Ex. XXII, 4.
4. Of the best of his own field shall he make restitution. Ibid.
5. Of 'field' 'field'. V. [Glos.](#)
6. That we assess on the estate of the claimant.
7. Even though this is much better than the best of the claimant.
8. Ex. XXI, 35.
9. For the damage to which there is no liability.
10. As laid down in our Mishnah.
11. As stated *supra*.
12. V. [Glos.](#)
13. B.K. 37b, q.v. for notes.
14. And where the claimant's best equals the defendant's worst, the latter will perhaps suffice according to all opinions.
15. In the Baraitha quoted *supra* 48b.
16. I.e., R. Akiba differed from R. Ishmael only in the second part of his statement, regarding the Sanctuary, but not the first.
17. Which indicates that the interpretation of the verse (Ex. XXII, 4) is the point at issue.
18. [As according to the view requiring full payment in all cases, the quality of the payment for damage done to sacred property may be higher than that paid for damage done to ordinary property, and in fact nothing less than the very best of the defendant's estate would suffice.]

Gittin 49b

It has been taught expressly: From the best of his field and the best of his vineyard he shall make restitution:¹ this means the best of the field of the claimant and the best of the vineyard of the claimant. So R. Ishmael. R. Akiba, however, says it means, the best of the

field of the defendant and the best of the vineyard of the defendant.²

Rabina said: We may maintain after all that the Mishnah follows R. Akiba,³ who said that according to the Torah we assess on the land of the defendant, and it also follows here R. Simeon whose custom it was to expound the reasons of Scriptural injunctions,⁴ and its later clause gives the reason for the earlier,⁵ thus: Why is compensation for damage assessed on the best property? To prevent abuses, as it has been taught: R. Simeon said: Why was it laid down that compensation for damages should be paid out of the best land? As a deterrent to those who plunder or take by violence,⁶ so that a man should say to himself, Why should I plunder or take by violence, seeing that to-morrow the *Beth Din* will come down⁷ on my property and take my best field, basing themselves on what is written in the Torah, 'from the best of his field and the best of his vineyard he shall make restitution'? For that reason they laid down that compensation for damages should be assessed on the best land.

Why did they lay down that a creditor should recover only from medium land? So that a man, on seeing his neighbor possessed of a fine field or a fine house, should not be tempted to say, I will induce him to borrow money of me so that I can get them on account of my debt. For this reason they laid down that a creditor should recover only from medium land. But if that is so, he should be allowed to recover only from the lowest grade? — This would be closing the door in the face of borrowers.

A woman's *Kethubah* can be collected only from land of the poorest quality. So R. Judah; R. Meir, however, says, from medium land also. R. Simeon said: Why did they lay down that a woman's *Kethubah* is to be collected from poor land? Because the woman wants to be married more than the man wants to marry. Another explanation is that a woman is put away whether she will or

GITTIN – 48b-90b

not, but a man puts her away only if he wants to. How is this 'another explanation'?⁸ — [What it means is]: Should you say that just as when the husband divorces the wife the Rabbis provided that she should obtain a *Kethubah* from him, so when she leaves him they should provide for him a *Kethubah* from her, then I would point out² that a woman is divorced whether she wants to be or not, but a man divorces only if he wants to, since he can always keep her waiting for a Get.

A WOMAN'S KETHUBAH ONLY FROM LAND OF THE POOREST QUALITY. Mar Zutra the son of R. Nahman said: This is the rule only [where the *Kethubah* is recovered] from the orphans,¹⁰ but from the husband himself it can be demanded out of medium property. If [the Mishnah refers to] orphans, why does it specify a woman's *Kethubah*, seeing that the same applies to all payments, as we have learnt, 'PAYMENTS FROM ORPHANS CAN BE RECOVERED ONLY FROM LOWEST GRADE LAND.' Are we not [therefore obliged to say] that the Mishnah is referring to the husband himself?¹¹ — In point of fact it is to the orphans, and there was a reason for specifying the woman's *Kethubah*. For I might have thought that the Rabbis granted her a concession in order that she might look more favorably on suitors.¹² We are therefore told [that this is not so].

Raba said: Come and hear: R. MEIR SAYS, A WOMAN'S *KETHUBAH* CAN ALSO BE COLLECTED FROM MEDIUM QUALITY LAND. From whom? Shall I say from the orphans? Does R. Meir then not accept [the rule] which we have learnt: PAYMENT FROM ORPHANS CAN BE RECOVERED ONLY FROM THE LOWEST GRADE? We must say therefore that he means, from the husband himself; from which we can infer that in the opinion of the Rabbis¹³ [payment can be claimed even from the husband] only in poor land. — No; [R. Meir] indeed [also referred] to orphans, and there is a special reason why [in his opinion] a woman's

Kethubah [should be collected even from their medium land], namely, to make her favorably disposed to suitors.

Abaye said: Come and hear: COMPENSATION FOR DAMAGE IS PAID OUT OF [PROPERTY OF] THE BEST QUALITY, A CREDITOR OUT OF LAND OF MEDIUM QUALITY, AND A WOMAN'S *KETHUBAH* OUT OF LAND OF THE POOREST QUALITY. [Collected] from whom? Shall we say, from orphans? If so, why only the woman's *Kethubah* [from the poorest land]? Why not [all the claims of] others as well? — R. Aha b. Jacob said: We are dealing here with a case where a man became surety for compensation for damage due from his son, for his son's debt, and for his daughter-in-law's *Kethubah*. Each item then follows its own rule.¹⁴ Compensation and debts which are usually paid in the lifetime [of the person responsible] are paid in this case also as though in the lifetime of the person responsible.¹⁵ The woman's *Kethubah* which is usually paid after the death of the person responsible — and by whom? by the orphans — is paid in this case as after the death of the person responsible.¹⁶ But cannot this rule be derived from the fact that a surety for a *Kethubah* is not responsible [for its payment]?¹⁷ — We speak of a Kabbelan [go-between].¹⁸ This solves the problem for one who holds that a Kabbelan is responsible even though the borrower has no property,¹⁹ but what answer is to be given to one who holds that if the borrower has property he is responsible but if the borrower has no effects he is not responsible?²⁰ — If you like I can say that in this case we suppose [the son to have] had property²¹ which was subsequently destroyed,²² or if you like I can say that in respect of his son a man would in all cases regard himself as responsible.

It has been stated [elsewhere]: With regard to a surety²³ for a *Kethubah*, all authorities are agreed that he does not become responsible.²⁴

1. Ex. XXII, 4.

GITTIN – 48b-90b

2. For all this section v. B.K. (Sonc. ed.) pp. 21-24.
3. And not R. Ishmael, as we have been presuming hitherto.
4. E.g., that of 'he shall not multiply wives to himself,' B.M. 115a.
5. Although the rule laid down in the earlier derives from the Torah and not merely from the Rabbis.
6. [H], i.e. who appropriate forcibly but offer payment, in contradistinction from [H], who plunder without compensating the owner; v. B.K. 62a.]
7. Lit., 'jump', 'come forward'.
8. This being a fresh point, not a reason why the *Kethubah* is to be paid out of the worst land.
9. Lit., 'come and hear'.
10. After the death of the husband.
11. In case of divorce.
12. Lit., 'for the sake of favor.' This would more naturally mean, that she should find favor in the eyes of the men, and so indeed it is taken by R. Hananel. V. Tosaf. s.v.
13. With whom he joins issue on this point.
14. Viz., compensation for damage from the best property and debts from the second best, as they would have been by the son himself had he been alive.
15. Viz., by the father if the son dies without having paid.
16. Viz., from the lowest grade property, as it would be by orphans. In ordinary cases, however, a husband, according to R. Aba b. Jacob, pays the *Kethubah* from medium property.
17. V. *infra*.
18. V. [Glos.](#) The meaning is that he entered into an agreement with his daughter-in-law that she could claim either from him or from his son at will.
19. At the time when the debt is contracted.
20. Since no one would guarantee a loan where it is known that the debtor has no means wherewith to repay. A guarantee in such a case cannot therefore be taken seriously. V. B.B. 174b. And the presumption is here that the husband had no effects when the contract was made. (V. Tosaf.).
21. When the liability was contracted.
22. Lit., 'blighted'.
23. 'Areb., v. [Glos.](#)
24. Because she has not actually parted with anything.

Gittin 50a

With regard to a Kabbelan for a debt, all are agreed that he does become responsible.¹

With regard to a surety for a debt and a Kabbelan for a *Kethubah* there is a difference of opinion, some holding that even though [the debtor] had no property they become responsible, and others holding that if he had effects they become responsible, but if he had no effects they do not. The law in all these cases is that even if [the debtor] had no property [the surety or go-between] becomes responsible, save in the case of the surety for a *Kethubah*, who does not become responsible even if [the husband] has effects. The reason is that he performs a pious action,² and he does not cause the woman any loss.³

Rabina said:⁴ Let us look at the basis of our regulation. It is that more than the man desires to marry the woman desires to be married. Now if you suppose [that the Mishnah refers] to orphans [when it says that the woman collects from the poorest land], then the reason would be that they are orphans. Is this not a refutation of Mar Zutra? — It is.⁵

Mar Zutra the son of R. Nahman said in the name of R. Nahman: If a claim is made from orphans on the strength of a bond [given by their father], even though the best land is mentioned in it, payment can be recovered only from the worst. Abaye said: The proof of this⁶ is that although a creditor has ordinarily the right to collect from medium land, from orphans he can recover only from the worst land. Said Raba to him: Is this really so?⁷ According to Scriptural law, a creditor can claim only from the worst land, as laid down by 'Ulla; for 'Ulla said, 'The Torah has enacted that a creditor should collect from the worst land. For it says Thou shalt stand without, and the man⁸, etc. What would a man naturally bring out in such a case? His least valuable articles. Why then did they [the Rabbis] say that a creditor should collect from medium property? So as not to place obstacles in the way of borrowers. Where orphans are concerned, however, they left the law as it was laid down in the Torah.'⁹

GITTIN – 48b-90b

But here, since according to the Torah he can claim from the best land,¹⁰ [I should say that] from orphans also he can claim from the best land? How can Raba [maintain this], seeing that Abram [of] Hozae¹¹ learnt, 'Claims on orphans can be recovered only from their poorest land, even if these are in [compensation] for damage,' and the law that compensation for damage can be claimed from the best is of the Torah? — We are presuming here¹² that the best of the claimant was only equal to the worst of the defendant, and are following R. Ishmael who said that the law of the Torah is that we should assess on the property of the claimant, but to prevent abuses the Rabbis ordained that the assessment should be made on the property of the defendant, and where orphans were concerned [the Rabbis] left the law as laid down in the Torah.

Still did not R. Eliezer the Nabatean state that 'payment recoverable from the property of orphans can be claimed only from their worst land, even if it is the best'? Now what is meant by the words, 'even if it is the best'? Does it not mean, 'even if the best is stipulated in the bond'?¹³ — No; what is meant by 'the best' here is the strips of the best,¹⁴ even as [mentioned also by] Raba. For Raba said: 'If the damage was done to the worst land, the claimant recovers from the best; if to the strips of the best, he recovers from the medium.'¹⁵ Where orphans however were concerned the Rabbis left the law as laid down in the Torah.¹⁶

PAYMENT FROM ORPHANS CAN BE RECOVERED ONLY FROM THE POOREST LAND. R. Ahadboi b. Ammi asked: Are the orphans spoken of here minors, or are grown-ups also included? [That is to say,] were the Rabbis here taking a measure for [the protection of] orphans,¹⁷ in which case they meant it to apply only to minor orphans but not to grown-ups, or was their reason that a lender does not ordinarily take into account the risk of the debtor dying and leaving his property to his orphans, so

that there is no question of placing obstacles¹⁸ in the way of borrowers,¹⁹ and [consequently the regulation applies] to grown-ups also? —

Come and hear what Abaye the elder stated, viz., that the orphans spoken of here mean grown-ups, and *a fortiori* the rule applies to minors. But perhaps this statement [was made] in connection with the administering of an oath,²⁰ because a grown-up is also like a child in relation to his father's affairs,²¹ and this is not [the rule for payment out of] lowest-grade land? The law however is

1. In all circumstances.
2. By enabling a marriage to be consummated.
3. In so far as she does not actually part with anything. For fuller notes on this section v. B.B. (Sonc. ed., p. 770).
4. Referring to the original statement of Mar Zutra, that save in the case of orphans, a *Kethubah* is collected from medium land.
5. And we therefore interpret the Mishnah to mean that a *Kethubah* is in all cases collected only from the worst land.
6. That such a stipulation is of no avail where orphans are concerned.
7. That such a stipulation is of no avail.
8. Deut. XXIV, 11.
9. V. B.K. 8a.
10. In virtue of the stipulation.
11. V. *infra* p. 413, n. 1.
12. In the teaching of R. Abram of Hozae.
13. This refutes Mar Zutra's ruling.
14. Strips of good land adjoining a river reserved for pasturage and therefore liable to be overflowed, and so of less real value than even the worst land. V. Tosaf.
15. This land being so very inferior.
16. This last statement is not part of Raba's statement but explains the reason of R. Eleazar the Nabatean.
17. So that their guardians should exert themselves to dispose of their worst land.
18. Lit., 'so that this should bar the door'.
19. Even if the lender knows that in case of the borrower dying he will only be able to recover from the worst land, whether the orphans are minors or grown up.
20. I.e., with the rule that anyone claiming from orphans a debt contracted by their father, even if he produced a bond, had to take an oath. V. Shebu. 41b.
21. I.e., he cannot be expected to know whether his father had paid the debt or not.

GITTIN – 48b-90b

Gittin 50b

that the orphans spoken of are grown-ups, and the rule applies *a fortiori* to minors, whether in connection with an oath or [with payment out of] the worst land.

PAYMENT CANNOT BE RECOVERED FROM MORTGAGED PROPERTY WHEN THERE ARE FREE ASSETS AVAILABLE.

R. Ahadboi b. Ammi asked: What is the rule in the case of a gift? Are we to say that this regulation was made for the protection of purchasers¹ against loss and it therefore does not apply to a gift,² where there is no question of loss to purchasers, or do we say this even in the case of a gift for if the recipient did not derive some benefit from it, it would not have been given to him and therefore his loss is on the same footing as the loss of the purchaser? —

[In reply] Mar Kashisha the son of R. Hisda said to R. Ashi: Come and hear 'If a dying man says, Give two hundred *Zuz* to So-and-so, three hundred to So-and-so, and four hundred to So-and-so, we do not say that one who is mentioned earlier in the deed has a superior title to one who is mentioned later.³ Consequently if a bond is produced against the donor [after his death], the claimant can collect from all of them. If, however, he said, Give two hundred *Zuz* to So-and-so and then⁴ to So-and-so and then to So-and-so, we do say that whoever is mentioned earlier in the deed has the better title. Consequently if a bond is produced against the donor, the claimant collects first from the last recipient; if he has not enough, he comes on to the one before him, and if he has not enough, to the one before him;⁵ and even though [so it would appear] the first was given medium land and the last poor land, [the claimant] has to collect from the poor before the medium.⁶ This shows, [does it not], that the Rabbis meant their regulation to apply to a gift also?⁷ —

[Not necessarily, as] we may here be speaking of the payment of debts [and not of a gift].⁸ But the man said 'give'? — He meant, 'Give in payment of my debt.' If so, we can see whose bond is prior? — We assume there is no bond. But [the passage quoted] says, 'Whoever is mentioned earlier in the deed'? — This means, the deed containing his instructions. Or if you like I can say the reference is also to a gift, and still there is no difficulty, since the words 'he collects from the last' mean, 'only the last [of the three] is the ultimate loser.'⁹ Or if you like again I can say that the gifts of all were equal.¹⁰

INDEMNIFICATION FOR PRODUCE CONSUMED CANNOT BE ENFORCED, etc.

What is the reason? — 'Ulla said in the name of Resh Lakish: Because these¹¹ were not mentioned [in the deed of sale].¹² Said R. Abba to 'Ulla: But what of the maintenance of a woman and her daughters which is taken as written¹³ and yet [the Mishnah] states that it is not enforceable? — He replied: The regulation¹⁴ was so framed from the outset they are taken as written so far as concerns free assets but not so far as concerns property on which there is a lien.

R. Assi also stated in the name of R. Johanan¹⁵ that [the reason is] because they were not mentioned in the deed. Said R. Zera to R. Assi: But what of the maintenance of wife and daughters which also is taken as written and yet [the Mishnah] states that it is not enforceable? — He replied. The regulation was so framed from the outset: they are taken as written where free assets are concerned, but not where there is a lien on the property. R. Hanina, however, said: [The reason is] because they are not of a definite [amount].¹⁶ The question was raised: In order [that a debt may be enforceable from property on which there is a lien] does R. Hanina require that it should be both definite and written down,

1. Who bought land from a man after he had contracted a debt to a third party.

GITTIN – 48b-90b

2. And recovery can be made from land which has been given away, even if there are free assets available.
3. Tosaf. points out that if the three gifts were equal we should say that he intended the earlier to take precedence, as otherwise he would have said, Give six hundred Zuz to So-and-so and So-and-so and So-and-so.
4. Lit., 'and after him.'
5. V. B.B. 138a.
6. In spite of the fact that a creditor can collect from medium land.
7. Since the last gift was a 'free' asset by comparison with the first.
8. I.e., we do not say in the case of a gift that a creditor cannot collect from the gift when there are free assets available.
9. [The phrase, that is to say, does not mean that he collects only from the last, for where the first was the recipient of medium land and the last poor land, he would certainly be entitled to collect from the first, since the rabbinic regulation does not apply to a gift. What the phrase does mean is that only the last is the ultimate loser because the first can, after all, come on to him for what the creditor has taken from him.]
10. And only in this case can the first recipient force the creditor to recover first of all from the last.
11. The improvements and crops.
12. Implying that if they were, it would be enforceable. The deed is that given by the robber to the purchaser. V. *supra* p. 216, n. 3.
13. V. Mishnah Keth. 52b.
14. Relating to the maintenance of wife and daughters.
15. Who here consequently agrees with Resh Lakish.
16. [The exact quantity of the produce to be raised hereafter could not be known when the field was first appropriated, and therefore subsequent purchasers could not be expected to allow a sufficient margin for their indemnification. On this view, they would not be enforceable even if mentioned in the deed.]

Gittin 51a

or is it sufficient that it should be definite even without being written down? — Come and hear: It has been stated: If a man dies and leaves two daughters and a son, and if the first [daughter] took her tenth of the property¹ before the son died but the second had not time to take her tenth before the son

died, R. Johanan says that the second has forfeited [her tenth].²

R. Hanina remarked to him: The [Rabbis] went even further than this by laying down that payment may be enforced for [marriage] provision³ though not for maintenance, and how can you say then that the second forfeits her tenth?⁴ Now [marriage] provision is a definite sum but it is not written down, and we see [that R. Hanina says that] it is enforceable? — There is a special reason in the case of [marriage] provision; it gets talked about and therefore it is as good as written.⁵

R. Huna b. Manoah raised an objection [from the following]: 'If [both husbands] died,⁶ the daughters⁷ are maintained from free assets, but she⁸ is maintained [also] from mortgaged property, because she is in the position of a creditor'?² — We presume that in this case there was a formal transfer.¹⁰ If that is the case, then the daughters⁷ also should draw on mortgaged property]? — We presume that the transfer was made on behalf of the one but not of the others. On what ground do you decide thus? — Because the daughter of his wife who was already born at the time of the transfer can benefit from the transfer, but his own daughter who was not yet born at the time of the transfer cannot benefit from it.

But are we not to assume that both had already been born at the time of the transfer, [and if you ask how can this be, I answer,] supposing he had divorced her and then taken her back?¹¹ — No; what we must say is that his own daughter who is entitled to maintenance on the strength of the stipulation of the *Beth Din*¹² derives no benefit from the transfer, whereas his wife's daughter who is not entitled to maintenance on the strength of the stipulation of the *Beth Din* does derive benefit from the transfer.¹³

Is then his own daughter to be in an inferior position? — No; since his daughter is entitled

GITTIN – 48b-90b

to maintenance on the strength of the stipulation of the *Beth Din*, we presume that [at his death] he gave her a purse of money.¹⁴ Come and hear: R. Nathan says: When [does this rule about consumable produce, etc. apply]? When the purchase of the second¹⁵ preceded the betterment of the first. But if the betterment of the first preceded the purchase of the second, [the former] can recover from property on which there is a lien.

We see therefore that the reason is because he did not improve the field first [and not because the produce is not mentioned in the deed or is not a definite sum]? — This is a point on which Tannaim also differed, as it has been taught: Indemnification for produce consumed and for betterment of land and [outlay] for maintenance of widow and daughters cannot be enforced from property on which there is a lien, to prevent abuses, since they are not written in any deed.¹⁶ R. Jose said: What prevention of abuses is there here,¹⁷ seeing that they are not definite?¹⁸

THE FINDER OF A LOST ARTICLE CANNOT BE REQUIRED TO TAKE AN OATH. R. Isaac said: [If a man says to another], 'You found two purses tied together,' and the other says, 'I found only one,' he can be forced to swear, [If he says,] 'You found two oxen tied together,' and the other says, 'There was only one,' he cannot be forced to swear. Why this difference? Because oxen can get loose from one another, but purses cannot.¹⁹ [If he says,] 'You found two oxen tied together,' and the other says, 'I did find, and I restored to you one of them,' he has to take an oath.²⁰ Does then R. Isaac not accept the rule that **A FINDER OF A LOST ARTICLE CANNOT BE REQUIRED TO TAKE AN OATH, TO PREVENT ABUSES?** —

1. The rule was that an orphan daughter was entitled to a tenth of her father's property on becoming of age or marrying, apart from her maintenance up to that time.

2. Because she now becomes joint heiress to the whole property.
3. I.e. from anyone who should have bought property from the brother.
4. If she can recover from others, how can we ask her to give up what is already in her hands?
5. Hence we may still maintain that R. Hanina requires both written and definite.
6. The case is one in which a woman with a daughter marries a man with the stipulation that he will maintain her daughter for a definite period, and within the period he divorces her and she marries another man with the same stipulation. Each husband has then to give the full allowance for the daughter's maintenance according to stipulation, v. Keth. 101b.
7. Which this woman bore to them.
8. The woman's daughter.
9. Because the term of years was definite, although there was no written contract. This contradicts 'Ulla.
10. A *Kinyan*, v. *Glos*. Which would naturally he recorded in writing.
11. And afterwards made the agreement along with the transfer. Hence the transfer cannot be the reason.
12. The rule that an unmarried orphan daughter is entitled to maintenance, v. Keth. 52b.
13. An thus the transfer is after all the reason.
14. In settlement of her maintenance dues, and this is why the transfer does not apply to her.
15. I.e., one who bought a second field from the robber on which the first purchaser wishes to distrain.
16. And no-one would buy land if he was afraid it might be claimed on account of obligations not recorded in writing.
17. Why introduce here this consideration?
18. This alone is sufficient to debar enforcement from mortgaged property, which shows that R. Jose holds that even if they were written they would not be enforceable.
19. Hence in the case of the purses the claimant could be positive, but not in the case of the oxen, and the oath is administered only if the claimant is positive.
20. That he has restored one of them, since he has admitted part of the charge, which was that he found two. There is another reading (preferred by Tosaf.) 'It has also been taught to the same effect, (If a man says,) 'You found two oxen together' and the other says, 'I only found one,' he does not take an oath. If the first says, 'You found two purses tied together' and the other says, 'I did, and I gave you back one of them,' he has to take an oath.' V. p. 281, n. 4.

GITTIN – 48b-90b

Gittin 51b

He adopted the view of R. Eliezer b. Jacob, as it has been taught: R. Eliezer b. Jacob says, There are times when a man has to take an oath on account of his own plea. For instance: If a man says, 'Your father lent me a *Maneh* and I returned him half of it,' he has to take an oath, this being the kind of person who has to take an oath on account of his own plea. The Sages, however, say that he is on the same footing as one who restores a lost article, and he is exempt [from an oath].¹

But does R. Eliezer b. Jacob not hold that one who restores a lost article is exempt? — Rab said: [He speaks of a case] where the claim is made by a minor.² Does any weight attach to the claim of a minor, seeing that we have learnt, 'An oath is not administered on the claim of a deaf-mute, an idiot or a minor'?³ — By 'minor' R. Eliezer means here a grown-up, and the reason why he calls him 'minor' is because in respect of the affairs of his father he is no better than a minor. If that is the case, why does he say, 'on account of his own plea'? It is the plea of someone else? — He means, the plea of someone else and his own admission.

But all charges can be called 'the plea of someone else and his own admission'? — The truth is that they [R. Eliezer and the Rabbis] differ over the point raised by Rabbah; for Rabbah said: Why did the Torah lay down that one who admits part of the charge against him should take an oath [that he is not liable for the rest]?⁴ The presumption is that a man will not be brazen enough in the presence of his creditor [to deny a debt outright]. Now this man would like to deny the whole, and the reason why he does not deny the whole is because he is not brazen enough.⁵ On the other hand, he would also like to admit the whole, and the reason why he does not do so is to gain time, as he thinks to himself, When I have money I will pay him.⁶ The All-Merciful therefore said:

Impose an oath on him, so that he will admit the whole.

Now R. Eliezer was of opinion that whether he is dealing with [the lender] himself or with his son, [the debtor] would not be brazen enough [to deny the debt outright], and therefore in neither case is he like one who restores a lost article.⁷ The Rabbis, however, were of opinion that he would not be brazen enough [to deny the debt to the creditor] himself but he would to his son. Hence since he is not so brazen, he is regarded as one restoring a lost article.⁸

1. Shebu. 42a; Keth. 18a.
2. Which he calls 'his own plea'.
3. Shebu. 38b.
4. V. Ex. XXII, 10.
5. Hence when he acknowledges part, he is not trusted in regard to the rest.
6. Hence we are willing to trust his oath.
7. Against whom no claim is brought in the first instance.
8. Because he acts spontaneously. For fuller notes on this passage v. Shebu. (Sonc. ed.) pp. 258-9, and B.M. pp. 8 and 9. [R. Eliezer b. Jacob will accordingly also accept the ruling of the Mishnah that no data are required of a restorer of a lost article. Consequently he cannot be in agreement with R. Isaac, who in turn will have to fall back on the Baraitha cited above for his sole support. This argument leads Tosaf. to give preference to the reading cited *supra* p. 230, n. 1.]

Gittin 52a

MISHNAH. IF ORPHANS BOARD WITH A HOUSEHOLDER OR IF THEIR FATHER APPOINTED A GUARDIAN FOR THEM, IT IS HIS DUTY TO TITHE THEIR PRODUCE. A GUARDIAN WHO WAS APPOINTED BY THE FATHER OF THE ORPHANS IS REQUIRED TO TAKE AN OATH [WHEN THEY COME OF AGE],¹ BUT IF HE WAS APPOINTED BY THE *BETH DIN* HE NEED NOT TAKE AN OATH. ABBA SAUL, SAYS THAT THE RULE IS THE REVERSE.²

GEMARA. A contradiction was pointed out [between this Mishnah and the following]: [Thus] ye [also shall offer]:³ [that means to

GITTIN – 48b-90b

say,] you and not partners,⁴ you and not metayers,⁵ you and not guardians, you and not one who tithes from property not his own! — R. Hisda replied: There is no contradiction; in the one case the produce referred to is meant for consumption, in the other for storing.⁶ So it has been taught: 'Guardians set aside *Terumah* and tithe [from the produce of their wards] which is meant for consumption⁷ and not for storing. They can also sell on their behalf cattle, slaves, male and female, houses, fields and vineyards in order to purchase food with the money but not to put it aside. They can also sell for them produce, wine, oil and flour, to purchase [other] food with the money but not to set it aside. They can make for them a *Lulab*⁸ and willow,⁹ a *Sukkah*¹⁰ and fringes and anything else involving a defined outlay (this includes a *Shofar*),¹¹ and they can buy for them a scroll of the Law, phylacteries and Mezuzoth¹² and anything involving a defined outlay (which includes a *Megillah*).¹³ They cannot, however, undertake on their behalf to give charity or to redeem captives or to do anything involving an unspecified outlay (which includes comforting mourners). Guardians are not allowed to enter into lawsuits concerning the property of orphans, or to entail obligations on it or to secure benefit for it.' Why can they not secure benefit? —

It means, to entail obligations for the purpose of procuring benefits for the property of orphans.¹⁴ 'The guardians are not at liberty to sell a distant [field] of their wards in order to redeem one that is near by¹⁵ or to sell in a bad [year] with the idea of redeeming in a good one,¹⁵ since there is a risk that the crops may be struck with blight.¹⁶ The guardians are not at liberty to sell fields and buy slaves with the proceeds, but they can sell slaves and buy fields with the proceeds. Rabban Simeon b. Gamaliel says that they may not even sell slaves and buy fields, since there is a risk that they will not be left in peaceable possession.¹⁷ The guardians are not empowered to emancipate slaves; they may, however, sell them to others who can

emancipate them. Rabbi says: I maintain that the slave may pay his own purchase money and become free, since then the owner as it were sells him to himself.¹⁸ The guardian must give an account of his guardianship at its close. Rabban Simeon b. Gamaliel, however, says that this is not necessary. Women, slaves and minors should not be made guardians: if, however, the father of the orphans chooses to appoint one, he is at liberty to do so.'

There was a certain guardian in the neighborhood of R. Meir who was selling land and buying slaves [with the proceeds], but R. Meir forbade him. A voice said to him¹⁹ in a dream, 'I want to destroy, and will you build'? Even so, however, he paid no heed, saying, Dreams are of no effect either one way or the other.²⁰

There were two men who, being egged on by Satan, quarreled with one another every Friday afternoon. R. Meir once came to that place and stopped them from quarrelling there Friday afternoons. When he had finally made peace between them, he heard Satan say: Alas for this man²¹ whom R. Meir has driven from his house!

A certain guardian in the neighborhood of R. Joshua b. Levi was selling land and buying cattle with the proceeds. [The Rabbi] said nothing to him, being of the same mind as R. Jose, as it has been taught: R. Jose said: All my life I have never called my wife my wife nor my ox my ox but my wife my house and my ox my field.²²

Certain orphans who boarded with an old woman had a cow which she took and sold. Their relatives appealed to R. Nahman saying, What business had she to sell it? He said to them: We learnt: IF ORPHANS BOARD WITH A HOUSEHOLDER.²³ [But, they said, the cow] is now worth more²⁴ [than she sold it for]. [He replied,] It has become more valuable in the possession of the purchaser. But, they said, they have not yet

GITTIN – 48b-90b

received the money. If so, he replied, we can apply the rule of R. Hanilai b. Idi following Samuel. For R. Hanilai b. Idi said in the name of Samuel that the property of orphans is on the same footing as that of the Sanctuary, and is not transferred save on the payment of money.²⁵

The wine of Rabbana 'Ukba the orphan was 'pulled'²⁶ [by purchasers who bought it at] four *Zuz* [the cask]. The price [of wine] subsequently rose, so that it was worth six *Zuz*. The case was brought before R. Nahman who said: Here the rule of R. Hanilai b. Idi applies; for R. Hanilai b. Idi said in the name of Samuel that the property of orphans is on the same footing as that of the Sanctuary, and is not transferred save through money payment.²⁵

If purchasers have 'pulled'²⁶ the produce of orphans [without paying], and [the price subsequently] rises, the rule of R. Hanilai b. Idi applies.²⁷ If [the price] falls, then surely a layman should not be more privileged than the Sanctuary.²⁸ If vendors have sold produce to orphans by 'pulling',²⁹ and [the price subsequently] rose, then we say that the layman should not be more privileged than the Sanctuary.³⁰ If [the price] falls, the students were inclined to think that here the rule of R. Hanilai b. Idi would apply,³¹ but R. Shisha the son of R. Idi said to them: This would be detrimental to them, since they may one day require produce and no-one will sell to them unless they pay money down. If the orphans give money for produce [without taking delivery] and [the price] subsequently falls, then we say that a layman should not be more privileged than the Sanctuary.³² If it rises, the students were inclined to think that the rule of R. Hanilai b. Idi would apply,³³ but R. Shisha b. Idi said to them: This might be detrimental to them,

1. That he is not retaining any of their property.
2. All these rules are also 'to prevent abuses'.
3. Num. XVIII, 28, speaking of the tithe given by the Levite to the priest.
4. I.e., not one partner for another.

5. Since they are not the owners of the produce.
6. And therefore the tithing can wait.
7. Because otherwise it could not be eaten.
8. V. [Glos.](#)
9. Used with the palm branch on Tabernacles. This word is omitted in some readings.
10. V. [Glos.](#)
11. V. [Glos.](#)
12. V. [Glos.](#)
13. V. [Glos.](#)
14. Because perhaps their plans will go wrong and they will cause loss to the orphans.
15. V. 'Ar. 30a.
16. And so what appears to be a good bargain may result in loss.
17. As their title to the fields may be disputed.
18. V. *supra* 38b.
19. Lit., 'they showed him'.
20. Lit., 'words of dreams neither cause to ascend or descend.
21. Meaning himself.
22. Hence buying cattle was equivalent to buying land.
23. Which shows that such a householder is on the same footing as a guardian, who has the right to sell cattle.
24. And this should warrant the cancellation of the sale.
25. Hence the transaction could still be cancelled.
26. As a sign of transference of ownership. V. [Glos.](#) s.v. *Meshikah*.
27. And the orphans can retract.
28. I.e., the purchasers could not withdraw even if the vendor was a layman (v. B.M. 44a), still less then in this case.
29. Lit., 'They made pull to orphans' i.e., the orphans 'pulled' the produce they purchased.
30. I.e., the vendors could not withdraw even if the purchaser was a layman, still less here.
31. And the orphans could pay the lower price and keep the wine.
32. And even a layman could withdraw in such a case.
33. And the vendors should not be able to retract.

Gittin 52b

since the sellers would be able to say to them, Your wheat has been burnt in the storehouse.¹ If [purchasers] have given money to orphans for produce and [the price] rises [before delivery has been made], then we say that the layman should not be more privileged than the Sanctuary.² If [the price] falls, then the students thought that here the rule of R. Hanilai b. Idi would apply,³ but R. Shisha the son of R. Idi said to them, This

GITTIN – 48b-90b

might be detrimental to them, for they might sometimes want money, and no-one would give them before they delivered the produce.

R. Ashi said: I and R. Kahana signed as witnesses to the deed of sale of the mother of the orphan Ze'ira, who sold some land in order to pay the poll tax without giving public notice.⁴ For the Nehardeans have ruled that to raise money for the poll tax, for food and for burial, land may be sold without public notice.⁵

Amram the dyer was the guardian of [some] orphans. The relatives came to R. Nahman and complained that he was [buying] clothes⁶ for himself from the property of the orphans. He said: [He dresses so] in order to command more respect.⁷ [But, they said,] he eats and drinks out of their [money], as he is not a man of means. I would suggest, [he replied], that he had a valuable find. [But, they said,] he is spoiling [their property].⁸ He said: Bring evidence that he is spoiling it and I will remove him. For R. Huna our colleague said in the name of Rab: If a guardian spoils the orphans' property we remove him. For it has been stated: 'If a guardian spoils the property, R. Huna says in the name of Rab that we remove him, while the School of R. Shilah say that we do not remove him.' The law, however, is that we remove him.

A GUARDIAN WHO WAS APPOINTED BY THE FATHER OF THE ORPHANS IS REQUIRED TO TAKE AN OATH. What is the reason? — If he were not to derive some benefit from this, he would not become a guardian, and he will not be deterred by the requirement of an oath, **IF, HOWEVER, THE BETH DIN APPOINTED HIM HE IS NOT REQUIRED TO TAKE AN OATH.** [The reason is that] he assumes the office only to oblige the *Beth Din*, and if an oath is to be imposed on him he would refuse. **ABBA SAUL SAYS THAT THE RULE IS THE REVERSE.** What is the reason? — If the *Beth Din* appoint him he is to take an oath, because for the sake of the benefit he derives

from the reputation of being a trustworthy man on whom the *Beth Din* relies he is not deterred by [the prospect of] an oath. [If, however,] the father of the orphans appoints him, he does not take an oath, as it was simply a friendly action between the two, and if you impose an oath on him he would refuse. R. Hanan b. Ammi said in the name of Samuel: The law follows Abba Saul.

It has been taught: R. Eliezer b. Jacob says that both should take an oath, and so is the *Halachah*.⁹ R. Tahalifa the Palestinian¹⁰ stated in the presence of R. Abbahu: A guardian who was appointed by the father of the orphans is required to take an oath, because he receives a fee. The Rabbi said to him: You have brought a Kab and measured it out for him?¹⁰ Rather say, 'because he is like one who receives a fee'.¹¹

MISHNAH. ONE WHO RENDERS UNCLEAR [ANOTHER'S FOODSTUFFS]¹² OR MIXES [TERUMAH WITH THEM]¹³ OR MAKES A LIBATION [WITH HIS WINE],¹⁴ IF HE DOES SO INADVERTENTLY, IS FREE FROM LIABILITY, BUT IF DELIBERATELY IS LIABLE [TO COMPENSATE HIM].¹⁵

GEMARA. It has been stated: [With regard to the expression] 'MAKES A LIBATION', Rab says that it means literally making a libation¹⁶ [to a heathen deity], while Samuel says that it means only mixing [Jewish with heathen wine].¹⁷ Why did the one who says it means mixing not accept the view that it means making a libation? — He will tell you the latter offence involves a heavier penalty.¹⁸ What does the other say [to this]? — Even as R. Jeremiah. For R. Jeremiah said that he [a robber] acquires possession from the moment he lifts the wine from the ground, whereas he does not become liable to capital punishment until he actually pours out the wine.¹⁹ Why does the one who says that it means making a libation not accept the view that it means mixing? — He will tell you, mixing wine

1. I.e., suppose the produce was accidentally burnt, the orphans could not say that they

GITTIN – 48b-90b

- were not yet the owners of it and demand their money back, v. B.M. (Sonc. ed.) p. 282, n. 7.
2. And delivery could not be demanded even from a layman in such a case; the sale can accordingly be cancelled.
 3. And the purchasers should not be able to retract.
 4. It was usual to give thirty days' notice of the sale of property.
 5. V. B.M. (Sonc. ed.) p. 620, n. 4.
 6. Lit., 'he clothes and covers'.
 7. Lit., 'that his words should be heard'.
 8. E.g., by cutting down trees.
 9. [Read with Trani [H] not [H] of cur. edd.]
 10. Lit., 'the son of the West'.
 11. I.e., what proof have you that he received a fee?
 12. Whether *Terumah* or ordinary food.
 13. Thus rendering them forbidden to a layman.
 14. The meaning of this is discussed *infra*.
 15. Unclean *Terumah* could not be eaten and could be used by the priests only for feeding cattle or for fuel. Non-sacred food also if unclean was rejected by the stricter sort (Perushim). Food mixed with *Terumah* became prohibited to a layman and therefore had to be sold to a priest at a loss. Wine poured out in libation was forbidden. Hence in all these cases loss was involved.
 16. I.e., stirring it with his hand as preparatory to pouring it out.
 17. Which was sufficient to make it prohibited.
 18. Viz., the death penalty; and the rule is that a lighter penalty is not inflicted when a heavier one is involved for the same offence.
 19. I.e., the defendant has become liable for the payment of the wine in the capacity of a robber even before he commenced to commit the capital offence of idolatrous libations, and since the civil liability is neither for the same act nor for the same moment which occasions the liability for capital punishment, each liability stands.

Gittin 53a

is practically the same as mixing *Terumah*. What says the other [to this]? — [He says that the penalty for this is of the nature of] a fine,¹ and we do not base rules for imposing fines on mere inference.² But those who hold that the imposition of fines can be based on mere inference — why do they require all the items to be specified? They are all necessary.

For if [the Mishnah] had mentioned only one who renders foodstuffs unclean, then, supposing the food was *Terumah*, I would say that the reason [why compensation has to be made] is because he spoils it completely,³ and if the food was non-sacred, because it is forbidden to cause uncleanness to non-sacred food in Eretz Israel,⁴ but one who mixes ordinary food with *Terumah* I should say need not make compensation. Again, if one who mixes ordinary food with *Terumah* had been mentioned I should say the reason is because this is a common occurrence,⁵ but in the case of one who renders foodstuffs unclean, which is not a common occurrence, I should say the rule does not apply. If again both one who renders unclean and one who mixes had been specified, I should say the reason with them [for requiring compensation] is that no heavier penalty is involved, but I should not apply this rule to one who makes a libation, where a heavier penalty is involved. Therefore we are told [that we apply here] the principle of R. Jeremiah.⁶

But if we accept [the teaching] learnt by the father of R. Abin, 'At first they said, The one who renders unclean and the one who makes a libation, but later they added also the one who mixes,' why do I require all the items?⁷ — They are still necessary. For if only the one who renders unclean had been mentioned, I should have said that the reason is because no greater penalty is involved, but I should not have applied the rule to one who makes a libation, where a greater penalty is involved. If again the one who makes a libation had been mentioned, I should have said this was because the stuff is spoilt entirely, but I should not have applied the rule to one who renders unclean, where the stuff is not spoilt entirely. If again these two had been mentioned, I should say the reason is because the loss involved is considerable, but I should not apply the rule to one who mixes, where the loss involved is small.⁸ Hence all were necessary.

GITTIN – 48b-90b

Hezekiah said: The rule of the Torah is that one who commits these offences whether inadvertently or deliberately is liable to pay compensation. The reason is that damage of which there is no visible sign⁹ is legally accounted as damage.¹⁰ Why then did the Rabbis lay down that [if one does these things] inadvertently he is not liable? So that they should tell [the victims].¹¹ If that is the reason, then one who does these things presumptuously should also be quit? —

How can you think so? Seeing that he deliberately tries to injure him, will he not certainly tell him?¹² R. Johanan said that the rule of the Torah is that whether one commits these offences innocently or deliberately he is not liable, the reason being that damage of which there is no visible sign is not legally accounted damage. Why then did the Rabbis ordain that [one who does them] presumptuously is liable? So that it should not become a common thing for a man to go and render unclean the foodstuffs of his neighbor and say, I have no liability.

We have learnt: 'If priests render the sacrifice Piggul¹³ in the Sanctuary, if they did so presumptuously they are liable [to make compensation];'¹⁴ and in connection therewith it was taught: 'To prevent abuses.'¹⁵ Now if you hold that damage which is not visible is legally accounted damage, then it should say, 'if they did so innocently they are not liable, to prevent abuses'?¹⁶ — This in fact is what is meant: 'If they act presumptuously they are liable; from which we infer that if they acted innocently they are not liable, to prevent abuses.' R. Eleazar [raised the following as] an objection: 'If one does work with the waters of purification and with the heifer of purification,¹⁷ he is exempt before the earthly court but liable before the heavenly court.'¹⁸ Now if you maintain that damage which is invisible is legally accounted as damage, then he should be liable also before the earthly court? — He raised the objection and he himself answered it, thus: [The work referred to in the case of] the

heifer [was] that he brought it into the stall with the intention of letting it suck and then threshing with it;¹⁹ in the case of the water [the work referred to was] that he balanced weights against it.²⁰ But has not Raba said that water of purification

1. Kenas v. [Glos.](#) Because the damage done is not visible. This point is discussed *infra*.
2. But the rule must be stated expressly in each case. Lit., 'we do not derive from Kenas'.
3. I.e., as food for the priest. V. *supra* p. 236, n. 7.
4. On account of the Perushim. V. p. 236, n. 7.
5. And therefore it was deemed necessary to impose a fine.
6. From which we learn that the lighter penalty stands in this case, v. *supra* p. 237. n. 4.
7. Surely if there is liability for libation which involves a heavier penalty there must be a penalty for mixing.
8. Because the stuff can still be sold to a priest at no great sacrifice.
9. E.g., here, where the stuff is in exactly the same condition after the offence has been committed as before.
10. And the Torah in the case of damage done by man makes no distinction between innocent and presumptuous, v. B.K. 85b.
11. And so save them from eating *Terumah*, etc. unwittingly.
12. Since his whole purpose is to vex him.
13. V. Lev. XIX, 7: And if it (the flesh of the peace-offering) be eaten on the third day, it is an abomination (Piggul). The Rabbis derived from the language of the text the rule that the flesh became Piggul even if there was merely an intention of eating it on the third day.
14. To the bringer of the sacrifice, who now has to bring a new one.
15. Lit., 'for the good order of the world'. I.e., this is a Rabbinic, not a Scriptural rule.
16. So that they should tell the owners. Because according to the Torah they are liable. V. *supra*, n. 2.
17. The 'red heifer': v. Num. XIX. It was forbidden to do any work with it.
18. V. B.K. 56a. I.e., he is punished by the hands of heaven but not with any earthly punishment.
19. I.e., he had not yet done with it any work for which the earthly court could punish him, but he is punished by heaven for his intention.
20. We assume that the exact weight of the water was known to him. In this case he had done no actual work with the water.

GITTIN – 48b-90b

against which weights have been balanced is not disqualified? — There is no contradiction; the one [Raba] speaks of weighing against the water, the other of weighing in it.¹ When he weighs in it he is doing work with it,² and if damage which is intangible is legally accounted damage he should be punishable also in a human court? — We must say therefore that both speak of weighing against the water, and still there is no contradiction: the one [R. Eleazar] speaks of where he forgot for the moment [that it was water of purification]³ and the other of where he did not forget.

R. Papa raised an objection [from the following]: If a man robbed another of a coin which afterwards was withdrawn from circulation,⁴ or *Terumah* which became unclean, or leaven and the Passover intervened,⁵ he can say to him, Here is your property, take it.⁶ Now if you say that damage of which there is no visible sign is legally accounted as damage, this [man] is a robber, and ought to pay the value in full?⁷ — This is a refutation.

May we say that Tannaim also [differ on this point]? [For it was taught:] If one defiles [another's foodstuffs] or mixes *Terumah* with them or pours a libation from his wine, whether inadvertently or deliberately, he is liable [to make compensation]. So R. Meir. R. Judah says: If inadvertently he is not liable, if deliberately he is liable. Is not the point at issue between them this, that the one authority holds that damage of which there is no visible sign is legally accounted damage, while the other holds that it is not legally accounted damage? — R. Nahman b. Isaac said: Both agree that damage of which there is no visible sign is not legally accounted damage, and here the point at issue between them is whether the inadvertent [act] should be penalized on account of the presumptuous one,⁸ one holding that the innocent act is penalized on account of the presumptuous one and the other that it is not so penalized.

A contradiction was now pointed out between two statements of R. Meir, and also between two statements of R. Judah. For it has been taught: 'If one cooks food on Sabbath, if by inadvertence he may eat it, but if deliberately he may not. So R. Meir. R. Judah says: If [it was cooked] inadvertently he may eat it after the expiration of Sabbath, but if deliberately he may never eat it. R. Johanan ha-Sandalar⁹ says: If [it was cooked] inadvertently it may be eaten after the expiration of the Sabbath by others but not by the one who cooked it, if deliberately it may never be eaten either by him or by others'.¹⁰

One statement of R. Meir seems to contradict another¹¹ and one statement of R. Judah seems to contradict another? — Between the two statements of R. Meir there is no contradiction: where he imposes a fine is for [innocently breaking] a regulation of the Rabbis¹² but not for [breaking] a rule of the Torah.¹³ But pouring a libation is forbidden by the Torah, and yet he imposes a fine for doing so [innocently]? — This is because of the special seriousness of the sin of idolatry. Between the statements of R. Judah there is no contradiction: where he imposes no fine is for [breaking] a rule of the Rabbis, but for [breaking] a rule of the Torah he imposes a fine.¹⁴ But pouring a libation is forbidden by the Torah and he imposes no fine for doing so? — Because of the seriousness of the sin of idolatry people keep clear of it.

But even in respect of rules of the Torah one statement of R. Meir was contrasted with another. For it has been taught: 'If a man plants a tree on Sabbath, if inadvertently, he may keep it, but if deliberately, it must be uprooted. If in the Sabbatical year, however, whether he plants it inadvertently or deliberately, it must be uprooted. This is the ruling of R. Meir.¹⁵ R. Judah says: In the Sabbatical year, if inadvertently, he may keep it,¹⁶ but if deliberately he must uproot it: [if planted] on Sabbath, whether inadvertently or deliberately, he must uproot it! — While you are looking for

GITTIN – 48b-90b

contradictions,¹⁷ why not point one out in this statement itself? See now: the one [planting on Sabbath] and the other [planting in the Sabbatical year] are both forbidden by the Torah; why then should there be a difference between them? But the reason for that, you must say, is as was taught: Said R. Meir: Why do I say that [if he plants inadvertently] on Sabbath he may keep it and if deliberately he must uproot it, whereas [if he plants] in the Sabbatical year whether inadvertently or deliberately he must uproot it? Because Israel reckon from the Sabbatical year¹⁸,

1. Like butchers, who place meat in water to see how far it will rise, and judge the weight accordingly.
2. And so disqualifying it.
3. Lit., 'he diverted his mind'. And since it says, the water shall be to you for a charge, this disqualifies the water, though it does not render him liable to an earthly court.
4. By the Government.
5. Rendering the leaven forbidden for any use, v. Pes. II, 2.
6. And he has no further liability, although the property has meanwhile become worthless, because the robbed article is deemed to have been all the time in the possession of the owner; v. B.K. 96b.
7. [Since there has been a change in the misappropriated goods they passed into the possession of the robber who should therefore have to make full restitution, Tosaf. V. B.K. 91bff. The words 'this man is a robber' are nevertheless difficult, and best left out with MS.M.]
8. Even though according to strict justice he should not be so penalized.
9. 'The sandal-maker'.
10. B.K. 71a. (Sonc. ed.) pp. 408-9. q.v. for notes.
11. For cooking innocently on the Sabbath he imposes no fine but for defiling foodstuffs he does impose one.
12. Defiling foodstuffs, etc. A fine is necessary because people are more careless about Rabbinical ordinances.
13. Breaking the Sabbath.
14. Because the offence is more serious.
15. Which shows that he does impose a fine for breaking a rule of the Torah innocently.
16. Which shows that R. Judah does not impose a fine for innocently breaking a rule of the Torah, so that he also contradicts himself in the same way as R. Meir.
17. Lit., 'on your view'.

18. E.g., for the years of 'uncircumcision' (v. Lev. XIX, 23ff.) Hence they remember if a tree was planted in the Sabbatical year, and if it were allowed to remain they might take it as a precedent, and so it was necessary to impose a fine in this case.

Gittin 54a

but they do not reckon from Sabbaths. An alternative reason is that Israel are suspect with regard to the Sabbatical year but not with regard to Sabbath. Why give an alternative reason? — What he meant was this. Should you object that it sometimes happens that the thirtieth day [before the New Year of the Sabbatical year]¹ falls on Sabbath, so that if he plants on that day he has a year [before the New Year], but otherwise not, then I give you an alternative reason that² Israel are suspect with regard to the Sabbatical year but not with regard to Sabbath.³ Between the statements of R. Judah there is also no contradiction, since in the district of R. Judah the Sabbatical year was regarded as very important.⁴ For [when] a certain man there called after another, 'You are a stranger⁵ and your mother was a stranger,' he retorted, 'I do not eat fruit of the Sabbatical year like you.'

Come and hear [a proof that R. Meir does not impose a fine for innocently breaking a Rabbinical rule]: 'If a layman [inadvertently] ate *Terumah*, even unclean, he must make restitution with [ritually] clean non-sacred food. If he pays unclean non-sacred food, what is the law? Symmachus said in the name of R. Meir that if [he paid it] unknowingly this is accounted restitution,⁶ but if deliberately it is not so accounted, whereas the Sages said that in either case it is accounted restitution, but he has still to pay clean non-sacred food.'⁷ We were puzzled over this to know why [according to Symmachus] his restitution is not complete. Surely he deserves thanks⁸ for eating something which a priest cannot eat even when he is unclean² and repaying him with

GITTIN – 48b-90b

something which he can eat at least when he is unclean!¹⁰

Thereupon Raba, or as some say Kadi,¹¹ said that there is a lacuna, and we should read thus: 'If one ate unclean *Terumah*, he repays in anything.¹² If he ate clean *Terumah* he repays clean non-sacred food. If he repaid unclean non-sacred food, what is the law? Symmachus said in the name of R. Meir that if [he repaid] without knowing, this is accounted a full restitution, but if deliberately it is not accounted a full restitution, whereas the Sages say that in either case it is full restitution, but he has still to pay him clean non-sacred food.'

On this R. Aha son of R. Ika said that [R. Meir and the Sages] differ here on the question whether the innocent [act should be penalized on account of the presumptuous, R. Meir holding that the innocent act is not penalized on account of the presumptuous one¹³ and the Sages holding that it is!¹⁴ — Is this reasoning sound?¹⁵ Here the man wants to pay, and shall we get up and fine him?

Come and hear: 'If the blood [of a sacrifice] has become unclean and was yet sprinkled on the altar, if it was done without knowing then the sacrifice has been accepted [for the bringer of the sacrifice], but if deliberately, the sacrifice has not been accepted?'¹⁶ — R. Meir can reply: Is there any comparison? There the man¹⁷ really desires to make atonement,¹⁸ and shall we get up and penalize him?

Come and hear: 'If a man separates tithes on Sabbath,¹⁹ if inadvertently, the food may be eaten, but if deliberately, it may not be eaten'? — Is there any comparison? There the man is trying to do his duty, and shall we get up and penalize him? Come and hear: 'If a man dips vessels²⁰ on Sabbath, if inadvertently they may be used, but if deliberately they may not be used'? — Is there any comparison? There the man is

desirous of purifying his vessels, and shall we get up and fine him?

A contradiction was also pointed out between two statements of R. Judah with regard to rules of the Rabbis. For it has been taught:

1. If a tree was planted more than thirty days before the entry of the Sabbatical year, that period was counted as one of the years of 'uncircumcision'. Hence if the thirtieth day before the Sabbatical year fell on a Sabbath, and he planted on it, this would be remembered and might be taken as a precedent. How then can you say that the Jews do not reckon from Sabbaths?
2. Lit., 'come and hear'.
3. [So that there is a special reason for R. Meir's ruling in the case of planting in the Sabbatical year and it cannot be contrasted with his ruling in the case of cooking on Sabbath.]
4. And therefore in this particular case he sees no need to impose a fine for unwittingly breaking it.
5. I.e., proselyte.
6. It receives the character of unclean *Terumah*.
7. As a fine, but this does not become *Terumah*; v. Yeb. 90a.
8. Lit., 'may blessing come upon him.'
9. Unclean *Terumah* could in no circumstances be eaten, but it could only be used as food for cattle or for fuel.
10. Viz., unclean non-sacred food.
11. Or, 'an unknown authority'; v. B.K. (Sonc. ed.) p. 3, n. 3.
12. I.e., clean or unclean non-sacred food. Although, as stated *supra* p. 243 n. 6, the food receives the character of *Terumah*, he nevertheless had the intention to repay him food which he could eat at all times (Rashi).
13. And therefore if he repaid without knowing that it was unclean he is not penalized by having to pay again.
14. [This proves that R. Meir does not penalize the innocent for the presumptuous where the breach of a rabbinical law is concerned. Here the transgression involved is rabbinical, since according to the Torah he has discharged his liability by repaying the amount he had eaten. V. Yeb. 90a.]
15. Lit., 'how so'. i.e., can we ascribe this to R. Meir as a general principle, seeing that here there is a special reason, namely that here, etc.
16. And the Rabbis ordained that the flesh may not be eaten, though expiration has been made for the bringer of the sacrifice.
17. I.e., the priest.

GITTIN – 48b-90b

18. I.e., he desires to do a meritorious action, which is not the case with one who mixes *Terumah* with other food, etc. Hence we do not penalize his error.
19. This was forbidden by the Rabbis but not by the Torah, v. Bezah 36a.
20. For ritual purification. This also was forbidden by the Rabbis on Sabbath; v. Bezah, 18a.

Gittin 54b

If these nuts [of 'uncircumcision']¹ fell among others and were then broken, whether [the act was done] inadvertently or deliberately they are not merged in the mass.² This is the ruling of R. Meir and R. Judah. R. Jose and R. Simeon, however, say that if [it was done] inadvertently they are merged, but if deliberately they are not. Now here is a case where according to the rule of the Torah [the forbidden element] loses its identity [if its proportion is not more than] one to two, and it is the Rabbis who decreed [that the proportion must be less than one to two hundred], and yet R. Judah imposes the line [in the case of innocent transgression]?—

R. Judah there is influenced by the special consideration that [without this penalty] the offender may act with guile.³ A contradiction was also pointed out between two statements of R. Jose. For we have learnt: If a sapling of 'uncircumcision or of the mixed plants of the vineyard becomes mixed up with other saplings, its fruit should not be gathered,⁴ but if gathered it becomes merged in two hundred and one times the quantity [of permitted fruit], provided, however, that the gathering was not done with that purpose in view. R. Jose says, Even if it was gathered deliberately, it is merged in two hundred and one times [its own quantity!]⁵ —

[This is no difficulty] since with reference to this it has been recorded: Raba said: The presumption is that a man does not make his whole vineyard forbidden for the sake of a single sapling.⁶ So too when Rabin came [from Palestine] he said in the name of R. Johanan: The presumption is that a man will

not make his whole vineyard forbidden for the sake of a single sapling.

MISHNAH. PRIESTS WHO MADE THE FLESH IN THE SANCTUARY PIGGUL,⁷ IF THEY DID SO DELIBERATELY ARE LIABLE TO PAY COMPENSATION.⁸

GEMARA. Our Rabbis taught: If a man is helping another to prepare ritually clean things, and he says to him, The clean things that I have prepared with you have been defiled, or if he is helping him with sacrifices and he says to him, The sacrifices with which I have been helping you have been rendered Piggul, his word is taken. If, however, he says, The clean things which I was assisting you to prepare on such and such a day have become unclean, or the sacrifices with which I was assisting you on such and such a day have been rendered Piggul, his word is not taken.

Why is the rule different in the first case from that of the second? — Abaye replied: So long as it is in his power to do [again what he says he has done], his word is taken.⁹ Rab said: [Where we do not believe is] if, for instance, he came across him and said nothing to him and then came across him again and told him.¹⁰

A certain man said to another: The clean things which I helped you to prepare on such and such a day have become unclean. He applied to R. Ammi, who said to him: According to the strict letter of the law, you need not believe him. R. Assi observed to him: Rabbi, this is what you say, but R. Johanan has distinctly said in the name of R. Jose: What can I do, seeing that the Torah has declared him credible?¹¹

Where has it declared him credible? — R. Isaac b. Bisna replied: The proof is from the high priest on the Day of Atonement, since if he says [that his sacrifice¹² was] 'Piggul', we believe him. Now how do we know [that he made it 'Piggul' when he was doing the

GITTIN – 48b-90b

service], seeing that it is written, And there shall be no man in the tent of meeting?¹³ The reason must therefore be that he is credible. But perhaps this is because we heard him make it 'Piggul'?¹⁴ — If he were not credible, we could not believe him even if we heard him, since he might have said this after performing the ceremony.¹⁵ But perhaps it means that we saw him through the pispas?¹⁶ — This is indeed a difficulty.¹⁷

A certain man appeared before R. Ammi and said to him: In a scroll of the Law which I have written for So-and-so I have not written the names [of God] with proper intention.¹⁸ He asked him: Who has the scroll? — He replied: The purchaser. Whereupon he said to him: Your word is good to deprive you of your fee, but it is not good to spoil a scroll of the Law. Said R. Jeremiah to him: Granted that he has lost his fee for the names, is he to lose it for the whole of the scroll? He replied: Yes, because a scroll in which the names of God have not been written with proper intention is not worth anything.

But cannot he go over them with a pen and so sanctify them? What authority would allow this? Not, we would say, R. Judah; for we have learnt, 'Suppose the scribe had to write the Tetragrammaton, and he intended [instead] to write Yehudah [Judah]¹⁹ and he made a mistake and left out the dalet,¹⁹ he can go over it with a pen and sanctify it. So R. Judah. The Sages, however, say that this name is not of the best'? — You may even say that he is in accord with R. Judah. For R. Judah would allow this only in the case of one mention of the Name, but not throughout a whole scroll, because it would make it look bizarre.

A certain man came before R. Abbahu saying, I have written a scroll of the Law for So-and-so but did not prepare the parchments for the purpose.²⁰ He asked him, Who has the scroll? — He replied, The purchaser. He said to him: Since your word

is good to deprive you of your fee, it is also good to spoil the scroll.

1. I.e., in the first three years after the planting of the tree. V. Lev. XIX, 23. Certain species of nuts, on account of their particular value, as long as they are whole do not lose their identity in whatever large mass they may happen to become mixed up. When cracked, however, they are treated like ordinary nuts and are neutralized if their proportion to the permitted element is not more than one to one hundred. V. 'Orlah III, 6-8.
2. Lit., 'they do not rise in the scale', i.e., they are not neutralized, but still retain their identity as something forbidden.
3. I.e., he will mix them purposely and pretend that it was done innocently.
4. Because it still retains its identity as long as it is attached to the soil, and is not merged in the field as a whole.
5. V. 'Orlah, I, 6. Which seems to conflict with R. Jose's ruling with regard to the nuts.
6. By planting in it one sapling of 'uncircumcision' without some clear sign. Such a thing being exceptional, we do not impose a special penalty for an offence to which it may accidentally lead.
7. By declaring at the time of bringing the sacrifice that they intended the flesh to be eaten after the prescribed time. V. *Supra*, p. 239, n. 5.
8. I.e., to provide a fresh sacrifice, since the first owing to their action has not brought expiation.
9. We understand the Baraitha therefore to be speaking of a case where he says this while he is still helping the other; e.g., while the blood is being sprinkled he may say that the killing was Piggul. We then believe him because he can still render the sprinkling Piggul.
10. Because then we suppose that he merely says this to vex him. But otherwise we do believe him, even if he only says so afterwards. According to Raba we have to translate, 'If a man was helping ... and afterwards said, etc.'
11. Even when he declares it after some time.
12. I.e. his ceremonies in the inner shrine. V. Lev. XVI, 12-17.
13. *Ibid.* 17.
14. He was heard to say, e.g., that he sprinkles the blood with the intention to burn the fat after the specified time.
15. In which case it would not be Piggul.
16. One of two small gateways between the inner part of the Temple (Hekal) and the place where the knives were kept. Zeb. 55. He was seen through the Pispas to make the Piggul declaration whilst sprinkling the blood.

GITTIN – 48b-90b

17. Against the dictum of R. Isaac b. Bisna.
18. V. *infra*.
19. Thus leaving the letters of the divine name, YHWH, written however without proper intention.
20. Which would disqualify the scroll. V. *supra* 20a.

Gittin 55a

What is the difference between this case and that of R. Ammi? — In that case it might be argued that the scribe mistakenly adopted the view of R. Jeremiah,¹ but here, since he stakes the whole of his fee and yet comes and tells, we presume that he is telling the truth.

MISHNAH. R. JOHANAN B. GUDGADA TESTIFIED² THAT A DEAF-MUTE GIRL WHO HAS BEEN GIVEN IN MARRIAGE BY HER FATHER CAN BE PUT AWAY WITH A GET,³ AND THAT A MINOR [ORPHAN] DAUGHTER OF A LAY ISRAELITE MARRIED TO A PRIEST CAN EAT OF THE *TERUMAH*,⁴ AND THAT IF SHE DIES HER HUSBAND INHERITS HER, AND THAT IF A BEAM WHICH HAS BEEN WRONGFULLY APPROPRIATED IS BUILT INTO A PALACE⁵ RESTITUTION FOR IT MAY BE MADE IN MONEY,⁶ SO AS NOT TO PUT OBSTACLES IN THE WAY OF PENITENTS, AND THAT A SIN-OFFERING WHICH HAS BEEN WRONGFULLY OBTAINED, SO LONG AS THIS IS NOT [KNOWN] TO MANY,⁷ MAKES EXPIATION, TO PREVENT LOSS TO THE ALTAR.⁸

GEMARA. Raba said: From the testimony of R. Johanan b. Gudgada we learn that if a man said to the witnesses [to the Get],⁹ See this Get which I am about to give to her [my wife], and then he said to his wife, Take this bond, the divorce is valid. For did not R. Johanan b. Gudgada affirm that the consent of the wife is not necessary? So here we do not require her knowledge.¹⁰ Surely this is obvious? [It required to be stated] because you might have thought that his saying to her 'take this bond' rendered the Get void. [Raba therefore] teaches us that if he had meant to

annul it he would have said so to the witnesses, and the reason why he spoke so to the wife was because he was ashamed [to call it a Get].

THAT A MINOR [ORPHAN] DAUGHTER OF A LAY ISRAELITE. A deaf-mute woman, however, [according to this] cannot eat.¹¹ What is the reason? — As a precaution against a deaf-mute priest giving a deaf-mute woman [*Terumah*] to eat.¹² And suppose she does? She would only be like a child eating forbidden meat?¹³ — It is a precaution against the possibility of a deaf-mute priest giving *Terumah* to a wife in possession of her faculties. But allow him at least to give her *Terumah* which is such only by the rule of the Rabbis?¹⁴ — This is a precaution against the risk of her eating *Terumah* which is such according to the Torah.

AND THAT IF A BEAM WRONGFULLY APPROPRIATED HAS BEEN BUILT INTO A PALACE. The Rabbis taught: If a man wrongfully takes a beam and builds it into a palace, Beth Shammai say that he must demolish the whole palace and restore the beam to its owner. Beth Hillel, however, say that the latter can claim only the money value of the beam, so as not to place obstacles in the way of penitents.¹⁵

THAT A SIN OFFERING WHICH HAS BEEN WRONGFULLY OBTAINED. 'Ulla said: According to the rule of the Torah, whether the [fact is generally] known or not, [the offering] does not make expiation, the reason being that Renunciation¹⁶ does not of itself confer ownership [on the robber].¹⁷ Why then was it laid down that if [the fact is] not known the offering is expiatory? — So that the priests should not be grieved.¹⁸ Said the Rabbis to 'Ulla: But our Mishnah says TO PREVENT LOSS TO THE ALTAR? — He replied to them: When the priests are grieved the altar is not attended to. Rab Judah, however, said: According to the rule of the Torah, whether the fact [of its having been wrongfully acquired] is known or not

GITTIN – 48b-90b

known, the offering is expiatory, the reason being that Renunciation does of itself confer ownership [on the robber].

1. That he would lose only the fee for the names, and he was willing to risk this to annoy the purchaser.
2. V. 'Ed. VII, 9.
3. Although being deaf-mute she is not capable of giving consent, and although her marriage having been contracted by her father is a binding one.
4. Although her marriage is valid only by the rule of the Rabbis and not of the Torah. But she may eat only such as is *Terumah* in Rabbinic law alone, but not what is *Terumah* in Biblical law, which does not recognize her as the priest's wife.
5. Or any other building.
6. Instead of the actual beam being restored. V. *infra*.
7. [Three persons (v. J. a.l.)].
8. Lit., 'for the good order of the altar'. This is discussed in the Gemara *infra*.
9. Not in the wife's presence.
10. Which in this case includes consent.
11. As otherwise R. Johanan b. Gudgada would have stated the rule in reference to such a one.
12. The marriage of a deaf-mute priest to a deaf-mute woman was valid only by Rabbinical rule, and therefore she was not permitted to eat *Terumah*.
13. *Nebelah*, v. [Glos.](#) And according to some authorities the *Beth Din* do not step in to prevent this, v. Yeb. 114a.
14. The marriage, valid in rabbinical law, should be recognized in regard to such *Terumah*.
15. As if they had to destroy the whole building they would not offer to make restitution.
16. Ye'ush. The abandonment by the owner of the hope of recovery.
17. Unless there has also been a change of ownership from the robber to a third party.
18. When they find out that they have eaten from a non-sacred animal that has been killed within the temple precincts, the flesh of which was forbidden, v. B.K. 67a.

Gittin 55b

Why then was it laid down that if [the fact is] known it is not expiatory?¹ In order that people should not say that the altar is fed from [the proceeds of] robbery. If we accept 'Ulla's view we quite understand why the Mishnah says 'SIN-OFFERING'.² But if Rab

Judah's view is right, why does it say 'SIN-OFFERING'? The same would apply to a burnt-offering also?³ — A stronger instance is taken: not only is this the case with a burnt-offering which is entirely [consumed on the altar], but even in the case of a sin-offering where only the fat and blood are put on the altar and the rest is eaten by the priests, even there they applied the rule, in order that people should not say that the altar is fed from robbery.

We learnt: THAT A SIN-OFFERING WHICH HAS BEEN WRONGFULLY OBTAINED, SO LONG AS THIS IS NOT KNOWN TO MANY, MAKES EXPIATION SO AS NOT TO CAUSE LOSS TO THE ALTAR. This raises no difficulty if we accept the view of 'Ulla, but on the view of Rab Judah we ought to have the opposite?⁴ — This in fact is what he means: if [the fact is] not known it is expiatory, but if it is known it is not expiatory, to prevent loss to the altar.⁵

Raba raised an objection [from the following]: 'If a man stole [a beast] and sanctified it and then slaughtered and sold it, he makes twofold restitution but not four and fivefold.⁶ And with reference to this it was taught: If [after dedication] he should kill the animal outside the precincts, his penalty is *Kareth*.'⁷ Now if you say that Renunciation does not of itself confer ownership [on the robber], how does *Kareth* come in?⁸ — R. Shezbi replied: It means, the *Kareth* decreed by the Rabbis.

They laughed at him: Is there such a thing, [they said,] as *Kareth* decreed by the Rabbis? — Said Raba to them: When a great man has said something, do not laugh at him; he means, *Kareth* which comes to him through their regulation; for it was the Rabbis who declared it to be in his possession² so that he might be liable for it. Raba further said: What I should like to know is this: When the Rabbis declared him to be the owner, did they mean this to apply from the time of stealing or from the time of sanctifying?

GITTIN – 48b-90b

What practical difference does it make? [It makes a difference] in respect of the fleece and the young;¹⁰ what is the law? — Raba then [answered his own question] saying: It is reasonable to suppose that it is from the time that he sanctified them, so that a sinner should not profit from his offence.

MISHNAH. THERE WAS NO SICARICON¹¹ IN JUDEA FOR THOSE KILLED IN WAR.¹² AS FROM [THE TERMINATION OF] THE SLAUGHTER OF THE WAR¹³ THERE HAS BEEN SICARICON THERE. HOW DOES THIS RULE APPLY? IF A MAN BUYS A FIELD FROM THE SICARICON AND THEN BUYS IT AGAIN FROM THE ORIGINAL OWNER, HIS PURCHASE IS VOID,¹⁴ BUT IF HE BUYS IT FIRST FROM THE ORIGINAL OWNER AND THEN FROM THE SICARICON IT IS VALID. IF A MAN BUYS [A PIECE OF A MARRIED WOMAN'S PROPERTY]¹⁵ FROM THE HUSBAND AND THEN BUYS IT AGAIN FROM THE WIFE, THE PURCHASE IS VOID,¹⁶ BUT IF HE BUYS IT FIRST FROM THE WIFE AND THEN FROM THE HUSBAND IT IS VALID. THIS WAS [THE RULING] OF THE FIRST MISHNAH.¹⁷ THE SUCCEEDING *BETH DIN*,¹⁸ HOWEVER, LAID DOWN THAT IF A MAN BUYS PROPERTY FROM THE SICARICON HE HAD TO GIVE THE ORIGINAL OWNER A QUARTER [OF THE VALUE].¹⁹ TH¹⁹ S,²⁰ HOWEVER, IS ONLY THE CASE WHEN THE ORIGINAL OWNER IS NOT IN A POSITION TO BUY IT HIMSELF, BUT IF HE IS HE HAS THE RIGHT OF PRE-EMPTION. RABBI ASSEMBLED A *BETH DIN* AND THEY DECIDED BY VOTE THAT IF THE PROPERTY HAD BEEN IN THE HANDS OF THE SICARICON TWELVE MONTHS, WHOSEVER FIRST PURCHASED IT ACQUIRED THE TITLE, BUT HE HAD TO GIVE A QUARTER [OF THE PRICE] TO THE ORIGINAL OWNER.

GEMARA. If there was no sicaricon for those killed in the war is it possible that there should have been after the termination of the war? — Rab Judah said: It means that the rule of sicaricon was not applied.²¹ For R. Assi has stated: They [the Roman Government] issued three successive decrees. The first was that whoever did not kill [a Jew on finding him] should himself be put to death. The second was that whoever killed [a Jew] should pay four *Zuz*.²² The last was that whoever killed a Jew should himself be put to death.²³ Hence in the first two [periods], [the Jew], being in danger of his life, would determine to transfer his property²⁴ [to the sicaricon] but in the last [period] he would say to himself, Let him take it today; tomorrow I will sue him for it.²⁵

R. Johanan said: What is illustrative of the verse, Happy is the man that feareth always, but he that hardeneth his heart shall fall into mischief?²⁶ The destruction of Jerusalem came through a Kamza and a Bar Kamza;²⁷ the destruction of Tur Malka²⁸ came through a cock and a hen; the destruction of Bethar came through the shaft of a leather. The destruction of Jerusalem came through a Kamza and a Bar Kamza in this way. A certain man had a friend Kamza and an enemy Bar Kamza. He once made a party and said to his servant, Go and bring Kamza. The man went and brought Bar Kamza. When the man [who gave the party] found him there he said, See, you tell tales about me; what are you doing here? Get out. Said the other: Since I am here, let me stay, and I will pay you for whatever I eat and drink.

1. This is not distinctly stated in the Mishnah, but is clearly implied.
2. Because only in this case where the priests eat of the flesh is there any danger of their becoming grieved.
3. Which is wholly burnt,
4. Viz., 'a sin-offering ... if this is generally known, makes no expiation'.
5. By giving it a bad name.
6. B.K. 68b (Sonc. ed.) p. 395, q.v. for notes.
7. V. [Glos.](#) For killing a sacred animal outside the precincts of the Temple.

GITTIN – 48b-90b

8. Because when he dedicated it the animal was not his, and therefore when he killed it, it was not sacred.
9. When he dedicated it.
10. If he was declared owner from the time of the theft, then the fleece was grown or the calf was born while the animal was in his possession, and he has not to make restitution for these.
11. This word is usually regarded as being connected with the Latin *sicarius*, and is explained to mean a Roman soldier who threatened to kill a Jew but let him go on being given some of his property. Jastrow, however, very plausibly suggests that it is a corruption of [G], the Imperial *fiscus* which after the war of Bar Cochba confiscated and appropriated the property of Jews who had fought against the Romans.
12. The Gemara will explain the meaning of this passage. It is not clear whether only the war of Bethar is meant or the earlier war against Titus as well.
13. V. *infra* in the Gemara.
14. Because we say that the owner only sold it out of fear, and with a mental reservation.
15. Settled on her by her *Kethubah*. V. B.B. 49b.
16. Because we assume that she only consented to the sale to oblige her husband.
17. V. Sanh. (Sonc. ed.) p. 163, n. 7.
18. Lit., 'the *Beth Din* of those who came after them.'
19. It being estimated that the *sicaricon* would take a quarter less than the real value.
20. That a purchase from the *sicaricon* is valid.
21. [I.e., the heirs could not come and invalidate the sale to the third party. According to J. and Tosef. this rule was instituted in order to promote the settlement of Jews in Judea [H], otherwise Jews would be afraid to purchase fields from the *sicaricon* for fear that the heirs would come and claim the return of their property.]
22. As a fine.
23. [Halevy *Doroth*, I.e., attempts on the basis of Josephus *Wars* VI, 9, 2; VII, 6; VII, 6.6, to place the three decrees shortly after the year 70 C.E.]
24. And therefore the purchase of it from the *sicaricon* by a third party was valid. [The phrase [H] is here used in a loose sense and is not to be taken literally. It signifies that the owner despairs of the field and will make no attempt to recover it. Similarly in the case of the Mishnah, the heirs to those fields that had been seized of those killed in the war, had given up all hope of recovering the fields. Though legally, since there has been no actual transfer, they could by rights reclaim the fields when the opportunity presented itself it was nevertheless ruled that the sale to the third party is valid for the reason stated in n. 3. This removes the contradiction which Solomon Adreth points out in his *Hiddushin* between our Talmud and the Tosefta.]
25. And since the original owner had not waived his title, the purchase by a third party was not valid. [And similarly in the case of the heirs of those who are killed after the war, since they do not despair, the law of *sicaricon* applies. That is, the non-Jew who seized the land is treated as an ordinary robber and his sale of the field to a third party is invalid. The reason of [H] is not applicable in this case since the heir himself will see to it to recover the property. For attempts to solve the problems connected with the subject, v. Elbogen *MGWJ*. 1925, pp. 349ff. Feist, *MGWJ*. 71, pp. 138, Gulak, Tarbiz, V, p. 23ff., and Halevy, *Doroth*, I.e., p. 130e.]
26. Prov. XXVIII, 14. What follows illustrates the endless misery and mischief caused by hardness of heart.
27. Lit., 'locust and son of locust'. The meaning is that a very trivial cause set in motion the train of events which led to the destruction of Jerusalem; and similarly with the slaughter which accompanied and followed the war of Bar Cochba.
28. ['The Mountain of the King'. V. Pseudo-Jonathan, Judges IV, 5, where Mt. Ephraim is rendered by Tur Malka. According to Horowitz, Palestine, p. 240, it denotes the whole mountainous region stretching from the Valley of Jezreel to the south of Judah, including the mountains of Samaria, known also by the Hebrew name Har ha-Melek. (V. also Buchler, JQR, XVI, pp. 180ff.) There is still some uncertainty whence this name was derived. Was it perhaps because this region lay within the great conquests of John Hyrcanus that it was given the name? v. p. 77a n. 3a. The destruction of Tur Malka is placed by Buchler, *op. cit.* p. 186ff. during the war 66-70].

Gittin 56a

He said, I won't. Then let me give you half the cost of the party. No, said the other. Then let me pay for the whole party. He still said, No, and he took him by the hand and put him out. Said the other, Since the Rabbis were sitting there and did not stop him, this shows that they agreed with him. I will go and inform against them, to the Government. He

GITTIN – 48b-90b

went and said to the Emperor, The Jews are rebelling against you. He said, How can I tell? He said to him: Send them an offering and see whether they will offer it [on the altar]. So he sent with him a fine calf.¹ While on the way he made a blemish on its upper lip, or as some say on the white of its eye, in a place where we [Jews] count it a blemish but they do not.

The Rabbis were inclined to offer it in order not to offend the Government. Said R. Zechariah b. Abkulas to them: People will say that blemished animals are offered on the altar. They then proposed to kill Bar Kamza so that he should not go and inform against them, but R. Zechariah b. Abkulas said to them, Is one who makes a blemish on consecrated animals to be put to death? R. Johanan thereupon remarked: Through the scrupulousness² of R. Zechariah b. Abkulas our House has been destroyed, our Temple burnt and we ourselves exiled from our land.³

He [the Emperor] sent against them Nero the Caesar.⁴ As he was coming he shot an arrow towards the east, and it fell in Jerusalem. He then shot one towards the west, and it again fell in Jerusalem. He shot towards all four points of the compass, and each time it fell in Jerusalem. He said to a certain boy: Repeat to me [the last] verse of Scripture you have learnt. He said: And I will lay my vengeance upon Edom by the hand of my people Israel.⁵ He said: The Holy One, blessed be He, desires to lay waste his House and to lay the blame on me.⁶ So he ran away and became a proselyte, and R. Meir was descended from him.⁷

He then sent against them Vespasian the Caesar⁸ who came and besieged Jerusalem for three years. There were in it three men of great wealth, Nakdimon b. Gorion, Ben Kalba Shabua' and Ben Zizith Hakeseth. Nakdimon b. Gorion was so called because the sun continued shining for his sake.⁹ Ben Kalba Shabua' was so called because one would go into his house hungry as a dog

[Keleb] and come out full [Sabea']. Ben Zizith Hakeseth was so called because his fringes [Zizith] used to trail on cushions [Keseth]. Others say he derived the name from the fact that his seat [Kise] was among those of the nobility of Rome. One of these said to the people of Jerusalem, I will keep them in wheat and barley. A second said, I will keep them in wine, oil and salt. The third said, I will keep them in wood.

The Rabbis considered the offer of wood the most generous,¹⁰ since R. Hisda used to hand all his keys to his servant save that of the wood, for R. Hisda used to say, A storehouse of wheat requires sixty stores of wood [for fuel]. These men were in a position to keep the city for twenty-one years.

The Biryonim¹¹ were then in the city. The Rabbis said to them: Let us go out and make peace with them [the Romans]. They would not let them, but on the contrary said, Let us go out and fight them. The Rabbis said: You will not succeed. They then rose up and burnt the stores of wheat and barley so that a famine ensued. Martha the daughter of Boethius was one of the richest women in Jerusalem. She sent her man-servant out saying, Go and bring me some fine flour. By the time he went it was sold out. He came and told her, There is no fine flour, but there is white [flour]. She then said to him, Go and bring me some. By the time he went he found the white flour sold out. He came and told her, There is no white flour but there is dark flour. She said to him, Go and bring me some. By the time he went it was sold out. He returned and said to her, There is no dark flour, but there is barley flour. She said, Go and bring me some. By the time he went this was also sold out. She had taken off her shoes, but she said, I will go out and see if I can find anything to eat. Some dung stuck to her foot and she died.¹² Rabban Johanan b. Zakkai applied to her the verse, The tender and delicate woman among you which would not adventure to set the sole of her foot upon the ground.¹³ Some report that she ate a fig

GITTIN – 48b-90b

left by R. Zadok, and became sick and died. For R. Zadok observed fasts for forty years in order that Jerusalem might not be destroyed, [and he became so thin that] when he ate anything the food could be seen [as it passed through his throat.] When he wanted to restore himself, they used to bring him a fig, and he used to suck the juice and throw the rest away. When Martha was about to die, she brought out all her gold and silver and threw it in the street, saying, What is the good of this to me, thus giving effect to the verse, They shall cast their silver in the streets.¹⁴

Abba Sikra¹⁵ the head of the Biryoni in Jerusalem was the son of the sister of Rabban Johanan b. Zakkai. [The latter] sent to him saying, Come to visit me privately. When he came he said to him, How long are you going to carry on in this way and kill all the people with starvation? He replied: What can I do? If I say a word to them, they will kill me. He said: Devise some plan for me to escape. Perhaps I shall be able to save a little. He said to him: Pretend to be ill, and let everyone come to inquire about you. Bring something evil smelling and put it by you so that they will say you are dead. Let then your disciples get under your bed, but no others, so that they shall not notice that you are still light, since they know that a living being is lighter than a corpse. He did so, and R. Eliezer went under the bier from one side and R. Joshua from the other. When they reached the door, some men wanted to put a lance through the bier. He said to them: Shall [the Romans] say. They have pierced their Master? They wanted to give it a push. He said to them: Shall they say that they pushed their Master? They opened a town gate for him and he got out.

When he reached the Romans¹⁶ he said, Peace to you, O king, peace to you, O king. He [Vespasian] said: Your life is forfeit on two counts, one because I am not a king and you call me king, and again, if I am a king, why did you not come to me before now? He

replied: As for your saying that you are not a king,

1. Lit., 'a third calf'. (a) Reached a third of its growth, (b) the third-born, (c) in its third year.
2. Lit., 'the humility'.
3. [V. Josephus, Wars, II, 17, 2, who ascribes the beginning of the war to the refusal to accept the offering of the Emperor in 66 C.E.]
4. Nero himself never came to Palestine,
5. Ezek., XXV, 14.
6. Lit., 'to wipe his hand'.
7. [This story may be an echo of the legend that Nero who had committed suicide was still alive and that he would return to reign (v. JE. IX, 225).]
8. [Who ultimately was known as the Caesar; v. Halevy, Dorothe. I.e. p. 2.]
9. It is related in Ta'anith, 19b, that this Nakdimon once prayed that the sun might continue shining (Nakad) to enable him to discharge a certain debt he had incurred on behalf of the people, and his prayer was granted.
10. Lit., 'they praised'.
11. Perhaps = palace guards (from Biryah). The reference is obviously to the Zealot bands who defended Jerusalem.
12. From the shock.
13. Deut. XXVIII, 57.
14. Ezek. VII, 19.
15. [Lit., Father of the Sicarii.' His real name was Ben Batiah, Ekah Rab, I. The term sicarii here is not to be confused with the sicaricon mentioned in the Mishnah, V. Rosenthal, *MGWJ*, 1893, p. 58].
16. Lit. 'there'.

Gittin 56b

in truth you are a king, since if you were not a king Jerusalem would not be delivered into your hand, as it is written, And Lebanon shall fall by a mighty one.¹ 'Mighty one' [is an epithet] applied only to a king, as it is written, And their mighty one shall be of themselves², etc.; and Lebanon refers to the Sanctuary, as it says, This goodly mountain and Lebanon.³ As for your question, why if you are a king, I did not come to you till now, the answer is that the Biryoni among us did not let me. He said to him; If there is a jar of honey round which a serpent is wound, would they not break the jar to get rid of the

GITTIN – 48b-90b

serpent?⁴ He could give no answer. R. Joseph, or as some say R. Akiba, applied to him the verse, [God] turneth wise men backward and maketh their knowledge foolish.⁵ He ought to have said to him: We take a pair of tongs and grip the snake and kill it, and leave the jar intact.⁶

At this point a messenger came to him from Rome saying, Up, for the Emperor is dead, and the notables of Rome have decided to make you head [of the State]. He had just finished putting on one boot. When he tried to put on the other he could not. He tried to take off the first but it would not come off. He said: What is the meaning of this? R. Johanan said to him: Do not worry: the good news has done it, as it says, Good tidings make the bone fat.⁷ What is the remedy? Let someone whom you dislike come and pass before you, as it is written, A broken spirit drieth up the bones.⁸ He did so, and the boot went on. He said to him: Seeing that you are so wise, why did you not come to me till now? He said: Have I not told you? — He retorted: I too have told you.

He said; I am now going, and will send someone to take my place. You can, however, make a request of me and I will grant it. He said to him: Give me Jabneh and its Wise Men,⁹ and the family chain of Rabban Gamaliel,¹⁰ and physicians to heal R. Zadok. R. Joseph, or some say R. Akiba, applied to him the verse, '[God] turneth wise men backward and maketh their knowledge foolish'. He ought to have said to him; Let them [the Jews] off this time. He, however, thought that so much he would not grant, and so even a little would not be saved.

How did the physicians heal R. Zadok? The first day they let him drink water in which bran had been soaked; on the next day water in which there had been coarse meal;¹¹ on the next day water in which there had been flour, so that his stomach expanded little by little.

Vespasian sent Titus who said, Where is their God, the rock in whom they trusted?¹² This was the wicked Titus who blasphemed and insulted Heaven. What did he do? He took a harlot by the hand and entered the Holy of Holies and spread out a scroll of the Law and committed a sin on it. He then took a sword and slashed the curtain. Miraculously blood spurted out, and he thought that he had slain himself,¹³ as it says, Thine adversaries have roared in the midst of thine assembly, they have set up their ensigns for signs.¹⁴ Abba Hanan said: Who is a mighty one like unto thee, O Jah?¹⁵ Who is like Thee, mighty in self-restraint,¹⁶ that Thou didst hear the blaspheming and insults of that wicked man and keep silent?

In the school of R. Ishmael it was taught; Who is like thee among the gods [Elim]?¹⁷ Who is like thee among the dumb ones [Illemim]. Titus further took the curtain and shaped it like a basket and brought all the vessels of the Sanctuary and put them in it, and then put them on board ship to go and triumph with them in his city, as it says, *And withal I saw the wicked buried, and they that come to the grave and they that had done right went away from the holy place and were forgotten in the city.*¹⁸ Read not *Keburim* [buried] but *Kebuzim* [collected]; read not *Veyishtakehu* [and were forgotten] but *Veyishtabehu* [and triumphed]. Some say that *Keburim* [can be retained], because even things that were buried were disclosed to them. A gale sprang up at sea which threatened to wreck him. He said: Apparently the power of the God of these people is only over water. When Pharaoh came He drowned him in water, when Sisera came He drowned him in water. He is also trying to drown me in water. If he is really mighty, let him come up on the dry land and fight with me. A voice went forth from heaven saying; Sinner, son of sinner, descendant of Esau the sinner, I have a tiny creature in my world called a gnat. (Why is it called a tiny creature? Because it has an orifice for taking in but not for excreting.) Go

GITTIN – 48b-90b

up on the dry land and make war with it. When he landed the gnat came and entered his nose, and it knocked against his brain for seven years. One day as he was passing a blacksmith's it heard the noise of the hammer and stopped. He said; I see there is a remedy. So every day they brought a blacksmith who hammered before him. If he was a non-Jew they gave him four *Zuz*, if he was a Jew they said, It is enough that you see the suffering of your enemy. This went on for thirty days, but then the creature got used to it.¹⁹

It has been taught: R. Phineas b. 'Aruba said; I was in company with the notables of Rome, and when he died they split open his skull and found there something like a sparrow two Sela's in weight. A Tanna taught; Like a young dove two pounds in weight. Abaye said; We have it on record that its beak was of brass and its claws of iron. When he died he said: Burn me and scatter my ashes over the seven seas so that the God of the Jews should not find me and bring me to trial.

Onkelos son of Kolonikos²⁰ was the son of Titus's sister. He had a mind to convert himself to Judaism. He went and raised Titus from the dead by magical arts, and asked him; 'Who is most in repute in the [other] world? He replied: Israel. What then, he said, about joining them? He said: Their observances are burdensome and you will not be able to carry them out. Go and attack them in that world and you will be at the top as it is written, *Her adversaries are become the head*²¹, etc.; whoever harasses Israel becomes head. He asked him:

1. Isa. X, 34.
2. Jer. XXX, 21.
3. Deut. III, 25.
4. So you should have broken down the walls to get rid of the Biryoni.
5. Isa. XLIV, 25.
6. So they were waiting for some opportunity to get rid of the Biryoni.
7. Prov. XV, 30.
8. Ibid. XVII, 22.

9. I.e., leave to found a seminary at Jabneh (Jamnia).
10. That the R. Gamaliel dynasty be spared. R. Johanan was particularly solicitous for R. Gamaliel and his family, as they were supposed to be of the house of David.
11. Coarse bran mixed with flour (Rashi).
12. Deut. XXXII, 37.
13. Euphemism for God.
14. Ps. LXXIV, 4.
15. Ibid. LXXXIX, 9.
16. Lit., 'and hard'.
17. Ex. XV, 11.
18. Eccl. VIII, 10.
19. Lit., 'since it trod, it trod.'
20. V. A.Z. (Sonc. ed.) p. 55, n. 1.
21. Lam. I, 5.

Gittin 57a

What is your punishment [in the other world]? He replied: What I decreed for myself. Every day my ashes are collected and sentence is passed on me and I am burnt and my ashes are scattered over the seven seas. He then went and raised Balaam by incantations. He asked him: Who is in repute in the other world? He replied: Israel. What then, he said, about joining them? He replied: *Thou shalt not seek their peace nor their prosperity all thy days for ever.*¹ He then asked: What is your punishment? He replied: With boiling hot semen.² He then went and raised by incantations the sinners of Israel.³ He asked them: Who is in repute in the other world? They replied: Israel. What about joining them? They replied: Seek their welfare, seek not their harm. Whoever touches them touches the apple of his eye. He said: What is your punishment? They replied: With boiling hot excrement, since a Master has said: Whoever mocks at the words of the Sages is punished with boiling hot excrement. Observe the difference between the sinners of Israel and the prophets of the other nations who worship idols. It has been taught: Note from this incident how serious a thing it is to put a man to shame, for God espoused the cause of Bar Kamza and destroyed His House and burnt His Temple.

GITTIN – 48b-90b

'Through a cock and a hen Tur Malka was destroyed'. How? — It was the custom that when a bride and bridegroom were being escorted a cock and a hen were carried before them, as if to say, Be fruitful and multiply like fowls. One day a band of Roman soldiers passed by and took the animals from them, so the Jews fell on them and beat them. So they went and reported to the Emperor that the Jews were rebelling, and he marched against them. There came against them one Bar Daroma⁴ who was able to jump a mile, and slaughtered them. The Emperor took his crown and placed it on the ground, saying, Sovereign of all the world, may it please thee not to deliver me and my kingdom into the hands of one man. Bar Daroma was tripped up by his own utterance, as he said, Hast not thou, O God, cast us off and thou goest not forth, O God, with our hosts.⁵

But David also said thus? — David wondered if it could be so. He went into a privy and a snake came, and he dropped his gut [from fright] and died.

The Emperor said: Since a miracle has been wrought for me, I will let them off this time. So he left them alone and went away. They began to dance about and eat and drink and they lit so many lamps that the impress of a seal could be discerned by their light a mile away from the place. Said the Emperor; Are the Jews making merry over me? And he again invaded them. R. Assi said; Three hundred thousand men with drawn swords went in to Tur Malka, and slaughtered for three days and three nights, while on the other side dancing and feasting was going on, and one did not know about the other.

The Lord hath swallowed up all the habitations of Jacob and hath not pitied.⁶ When Rabin came he said in the name of R. Johanan; These are the sixty thousand myriads of cities which King Jannai had in the King's Mountain.⁷ For R. Judah said in the name of R. Assi: King Jannai had sixty

myriads of cities in the King's Mountain, and in each of them was a population as large as that of the Exodus, save in three of them which had double as many. These were Kefar Bish,⁸ Kefar Shihlayim,⁹ and Kefar Dikraya.¹⁰ [The first was called] Kefar Bish [evil village] because they never gave hospitality to visitors. The second was called Kefar Shihlayim because they made their living from Shihlayim [watercress]. Kefar Dikraya [village of males] according to R. Johanan, was so called because women used to bear males first and finally a girl and then no more. 'Ulla said: I have seen that place, and it would not hold even sixty myriads of reeds. A certain Min said to R. Hanina: You tell a lot of lies.¹¹ He replied: Palestine is called '*land of the deer*'.¹² Just as the skin of the hind cannot hold its flesh,¹³ so the Land of Israel when it is inhabited can find room but when it is not inhabited it contracts.

Once when R. Manyumi b. Helkiah and R. Helkiah b. Tobiah and R. Huna b. Hiyya were sitting together they said: If anyone knows anything about Kefar Sekania of Egypt,¹⁴ let him say. One of them thereupon said; Once a betrothed couple [from there] were carried off by heathens who married them to one another. The woman said: I beg of you not to touch me, as I have no *Kethubah*¹⁵ from you. So he did not touch her till his dying day. When he died, she said: Mourn for this man who has kept his passions in check more than Joseph, because Joseph was exposed to temptation only a short time, but this man every day. Joseph was not in one bed with the woman but this man was; in Joseph's case she was not his wife, but here she was.

The next then began and said: On one occasion forty bushels [of coin] were selling for a *Dinar*, and the number went down one, and they investigated and found that a man and his son had had intercourse with a betrothed maiden on the Day of Atonement, so they brought them to the *Beth Din* and

GITTIN – 48b-90b

they stoned them and the original price was restored.

The third then began and said: There was a man who wanted to divorce his wife, but hesitated because she had a big marriage settlement. He accordingly invited his friends¹⁶ and gave them a good feast and made them drunk and put them all in one bed. He then brought the white of an egg and scattered it among them and brought witnesses¹⁷ and appealed to the *Beth Din*. There was a certain elder there of the disciples of Shammai the Elder, named Baba b. Buta, who said: This is what I have been taught by Shammai the Elder, that the white of an egg contracts when brought near the fire, but semen becomes faint from the fire. They tested it and found that it was so, and they brought the man to the *Beth Din* and flogged him and made him pay her *Kethubah*.

Said Abaye to R. Joseph: Since they were so virtuous, why were they punished? — He replied: Because they did not mourn for Jerusalem, as it is written; Rejoice ye with Jerusalem and be glad for her, all ye that love her, rejoice for joy with her all ye that mourn over her.¹⁸

'Through the shaft of a litter Bethar¹⁹ was destroyed.' It was the custom when a boy was born to plant a cedar tree and when a girl was born to plant a pine tree, and when they married, the tree was cut down and a canopy made of the branches. One day the daughter of the Emperor was passing when the shaft of her litter broke, so they lopped some branches off a cedar tree and brought it to her. The Jews thereupon fell upon them and beat them. They reported to the Emperor that the Jews were rebelling, and he marched against them.

He hath cut off in fierce anger all the horn of Israel.²⁰ R. Zera said in the name of R. Abbahu who quoted R. Johanan: These are the eighty [thousand]²¹ battle trumpets which assembled in the city of Bethar when it was

taken and men, women and children were slain in it until their blood ran into the great sea. Do you think this was near? It was a whole *mil*²² away. It has been taught: R. Eleazar the Great said: There are two streams in the valley of Yadaim,²³ one running in one direction and one in another, and the Sages estimated that [at that time] they ran with two parts water to one of blood. In a Baraitha it has been taught: For seven years the Gentiles fertilised²⁴ their vineyards with the blood of Israel without using manure.

1. Deut. XXIII, 7.
2. Because he enticed Israel to go astray after the daughters of Moab. V. Sanh. 106a.
3. [MS.M. Jesus].
4. Lit., 'Son of the South'.
5. Ps. LX, 12.
6. Lam. II, 2.
7. V. *supra*, p. 251, n. 4.
8. [Identified with Kafarabis in Upper Idumea mentioned in Josephus Wars, IV, 9, 9. V. Buchler *op. cit.* p. 191].
9. [Identified with Sachlin near Ascalon. Klein, D. ZDPV. 1910, 35.]
10. [Dikrin, N. of Beth Gubrin (Eleutheropolis); v. EJ. 9, 1132].
11. Referring to the exaggerated statements about the King's Mountain.
12. E.V. 'glorious', Jer. III, 19; a play on the word [H], which means either 'glorious' or 'deer'.
13. Because after the hind is killed the skin shrinks.
14. [Klein, S. Beitrage, p. 20, n. 1. suggests the reading [H] (Nazarenes) instead of [H] (Egypt). It is thus the Kefar Sekania (Suchnin) in Galilee (v. A.Z., Sonc. ed. p. 85. n. 1) a place with Nazarene associations. It was probably to contrast the erstwhile loyalty of the place to the then prevailing defection that the incidents that follow were related].
15. According to Rabbinic law it is forbidden or a man to live with his wife unless he made out for her a *Kethubah*.
16. 'Shoshbin' 'best men', 'Groomsmen'; v. B.B. (Sonc. ed.) p. 618, n. 10.
17. To prove that they had abused his wife.
18. Isa. LXVI, 10.
19. In Southern Palestine, the centre of the revolt of Bar Cochba.
20. Lam. II, 3.
21. This word is bracketed in the text.
22. [J., reads 'four mils'. The site of Bethar is still uncertain, v. JE. s.v.].

GITTIN – 48b-90b

23. [Rappaport, 'Erech Millin refers this to the Roman devastation of the Jewish quarter in Alexandria in the days of Alexander Tiberius. The Valley of Yadayim ('Hands') is thus the Delta of the Nile. Graetz, Geschichte IV, p. 425 places this in the Bar Cochba war and identifies the Valley with Beth Rimmon Valley.]
24. Lit., 'gathered the vintage from.'

Gittin 57b

R. Hiya b. Abin said in the name of R. Joshua b. Korhah: An old man from the inhabitants of Jerusalem told me that in this valley Nebuzaradan the captain of the guard killed two hundred and eleven myriads,¹ and in Jerusalem he killed ninety-four myriads on one stone, until their blood went and joined that of Zechariah,² to fulfill the words, Blood toucheth blood.³ He noticed the blood of Zechariah bubbling up warm, and asked what it was. They said: It is the blood of the sacrifices which has been poured there. He had some blood brought, but it was different from the other. He then said to them: If you tell me [the truth], well and good, but if not, I will tear your flesh with combs of iron. They said: What can we say to you? There was a prophet among us who used to reprove us for our irreligion, and we rose up against him and killed him, and for many years his blood has not rested. He said to them: I will appease him. He brought the great Sanhedrin⁴ and the small Sanhedrin⁵ and killed them over him, but the blood did not cease. He then slaughtered young men and women, but the blood did not cease. He brought school-children and slaughtered them over it, but the blood did not cease. So he said; Zechariah, Zechariah. I have slain the best of them; do you want me to destroy them all? When he said this to him, it stopped. Straightway Nebuzaradan felt remorse. He said to himself: If such is the penalty for slaying one soul, what will happen to me who have slain such multitudes? So he fled away, and sent a deed to his house disposing of his effects and became a convert. A Tanna taught: Naaman was a resident alien;⁶ Nebuzaradan was a righteous

proselyte;⁷ descendants of Haman learnt the Torah in Benai Berak; descendants of Sisera taught children in Jerusalem; descendants of Sennacherib gave public expositions of the Torah. Who were these? Shemaya and Abtalion.⁸ [Nebuzaradan fulfilled] what is written, I have set her blood upon the bare rock that it should not be covered.⁹

The voice is the voice of Jacob and the hands are the hands of Esau:¹⁰ 'the voice' here refers to [the cry caused by] the Emperor Hadrian¹¹ who killed in Alexandria of Egypt sixty myriads on sixty myriads, twice as many as went forth from Egypt. 'The voice of Jacob': this is the cry caused by the Emperor Vespasian¹² who killed in the city of Bethar four hundred thousand myriads, or as some say, four thousand myriads. 'The hands are the hands of Esau:' this is the Government of Rome which has destroyed our House and burnt our Temple and driven us out of our land. Another explanation is [as follows]: 'The voice is the voice of Jacob:' no prayer is effective unless the seed of Jacob has a part in it. 'The hands are the hands of Esau:' no war is successful unless the seed of Esau has a share in it. This is what R. Eleazar said:¹³ Thou shalt be hid from the scourge of the tongue;¹⁴ this means, thou shalt be protected from the heated contests¹⁵ of the tongue.

Rab Judah said in the name of Rab: What is meant by the verse, By the rivers of Babylon there we sat down, yea, we wept when we remembered Zion?¹⁶ This indicates that the Holy One, blessed be He, showed David the destruction both of the first Temple and of the second Temple. Of the first Temple, as it is written, 'By the rivers of Babylon there we sat, yea we wept'; of the second Temple, as it is written, Remember, O Lord, against the children of Edom¹⁷ the day of Jerusalem, who said, raze it, raze it, even unto the foundation thereof.¹⁸

Rab Judah said in the name of Samuel, or it may be R. Ammi, or as some say it was taught in a Baraitha; On one occasion four

GITTIN – 48b-90b

hundred boys and girls were carried off for immoral purposes. They divined what they were wanted for and said to themselves, If we drown in the sea we shall attain the life of the future world. The eldest among them expounded the verse, The Lord said, I will bring again from Bashan, I will bring again from the depths of the sea.¹⁹ 'I will bring again from Bashan,' from between the lions' teeth.²⁰ 'I will bring again from the depths of the sea,' those who drown in the sea. When the girls heard this they all leaped into the sea. The boys then drew the moral for themselves, saying, If these for whom this is natural act so, shall not we, for whom it is unnatural? They also leaped into the sea. Of them the text says, Yea, for thy sake we are killed all the day long, we are counted as sheep for the slaughter.²¹

Rab Judah, however, said that this refers to the woman and her seven sons.²² They brought the first before the Emperor and said to him, Serve the idol. He said to them: It is written in the Law, I am the Lord thy God.²³ So they led him away and killed him. They then brought the second before the Emperor and said to him, Serve the idol. He replied: It is written in the Torah, Thou shalt have no other gods before me.²⁴ So they led him away and killed him. They then brought the next and said to him, Serve the idol. He replied: It is written in the Torah, He that sacrifices unto the gods, save unto the Lord only, shall be utterly destroyed.²⁵ So they led him away and killed him. They then brought the next before the Emperor saying, Serve the idol. He replied: It is written in the Torah, Thou shalt not bow down to any other god.²⁶ So they led him away and killed him. They then brought another and said to him, Serve the idol. He replied: It is written in the Torah, Hear, O Israel, the Lord our God, the Lord is one.²⁷ So they led him away and killed him. They then brought the next and said to him, Serve the idol. He replied; It is written in the Torah, Know therefore this day and lay it to thine heart that the Lord He is God in heaven above and on the earth

beneath; there is none else.²⁸ So they led him away and killed him. They brought the next and said to him, Serve the idol. He replied: It is written in the Torah, Thou hast avouched the Lord this day ... and the Lord hath avouched thee this day;²⁹ we have long ago sworn to the Holy One, blessed be He, that we will not exchange Him for any other god, and He also has sworn to us that He will not change us for any other people. The Emperor said: I will throw down my seal before you and you can stoop down and pick it up,³⁰ so that they will say of you that you have conformed to the desire³¹ of the king. He replied; Fie on thee, Caesar, fie on thee, Caesar; if thine own honor is so important, how much more the honor of the Holy One, blessed be He! They were leading him away to kill him when his mother said: Give him to me that I may kiss him a little. She said to him: My son, go and say to your father Abraham, Thou didst bind one [son to the] altar, but I have bound seven altars. Then she also went up on to a roof and threw herself down and was killed. A voice thereupon came forth from heaven saying, A joyful mother of children.³²

R. Joshua b. Levi said: [The verse, 'Yea, for thy sake we are killed all the day long'] can be applied to circumcision, which has been appointed for the eighth [day]. R. Simeon b. Lakish said: It can be applied to the students of the Torah who demonstrate the rules of Shechitah on themselves; for Raba said: A man can practice anything on himself except shechitah,³³ and something else. R. Nahman b. Isaac said that it can be applied to the students who kill themselves for the words of the Torah, in accordance with the saying of R. Simeon b. Lakish; for R. Simeon b. Lakish said: The words of the Torah abide only with one who kills himself for them, as it says, This is the Torah, when a man shall die in the tent, etc.³⁴

Rabbah b. Bar Hanah said in the name of R. Johanan: Forty Se'ahs

1. V. II Kings XXV, 8ff.

GITTIN – 48b-90b

2. The son of Jehoiada the high priest. V. II Chron. XXIV, 22.
3. Hos. IV, 2.
4. The high court of 71 members.
5. The lesser court of 23 members.
6. One who merely abstains from idolatry but does not keep the commandments.
7. Who accepts all the laws of Judaism with no ulterior motive.
8. The predecessors of Hillel and Shammai. V. Aboth, I.
9. Ezek. XXIV, 8.
10. Gen. XXVII, 22.
11. [Graetz, Geschichte, IV, p. 426, on the basis of parallel passages emends; 'Trajan', the reference being to the massacre of Alexandrian Jews by Trajan as a result of an insurrection. V. Suk. 51b.]
12. This seems a mistake here for Hadrian. [V. J. Ta'an. IV.]
13. The remark made above that through malicious speech the Temple was destroyed, etc. (Rashi). [Maharsha refers it to the efficacy of the 'voice of Jacob'.]
14. Job V, 21.
15. Apparently this means 'slander'. [According to Maharsha render: 'Thou shalt be protected (find refuge) in the heated contests of the tongue', i.e., prayer'.]
16. Ps. CXXXVII, 1.
17. Stands for Rome.
18. Ibid. 7.
19. Ps. LXVIII, 23.
20. [H] of which [H] is taken as a contraction.
21. Ibid, XLIV, 23.
22. The same story is related of Antiochus Epiphanes in the second book of the Maccabees.
23. Ex. XX, 2.
24. Ibid, 3.
25. Ibid, XXII, 19.
26. Ibid, XX, 5.
27. Deut. VI, 4.
28. Ibid, IV, 39.
29. Deut. XXVI, 17, 18.
30. The seal had engraved on it the image of the king and by stooping down to pick it up he will make it appear as if he is worshipping the image (Rashi).
31. Lit., 'accept the authority'.
32. Ps. CXIII, 9.
33. For fear that he might accidentally cut his throat.
34. Num. XIX, 14. The meaning in the context is of course quite different.

of phylactery boxes¹ were found on the heads of the victims of Bethar. R. Jannai son of R. Ishmael said there were three chests each containing forty Se'ahs. In a Baraita it was taught: Forty chests each of three Se'ahs. There is, however, no contradiction; the one was referring to the phylactery of the head, the other to that of the arm.²

R. Assi said; Four Kabs of brain were found on one stone. 'Ulla said: Nine Kabs. R. Kahana — or some say Shila b. Mari — said: Where do we find this in the Scripture? [In the verse], O daughter of Babylon that art to be destroyed, happy shall he be that rewardeth thee ... happy shall he be that taketh and dasheth thy little ones against the rock.³

[It is written]: The precious sons of Zion, comparable to fine gold.⁴ What is meant by 'comparable to fine gold'? Shall I say it means that they were covered with gold? [This can hardly be] seeing that in the school of R. Shila it was stated that two state weights of fine gold came down into the world, one of which went to Rome and the other to the rest of the world! No: what it means is that they used to eclipse fine gold with their beauty. Before that the notables of the Romans used to keep an amulet set in a ring in front of them when they had sexual intercourse, but now they brought Israelites and tied them to the foot of the bed. One man asked another: Where is that written [in the Scripture]? He replied: Also every sickness and every plague which is not written in the book of this law.⁵ Said the other: How far am I from that place? — He replied: A little,⁶ a page and a half. Said the other: If I had got so far, I should not have wanted you.

Rab Judah reported Samuel as saying in the name of Rabban Simeon b. Gamaliel; What is signified by the verse, Mine eye affecteth my soul, because of all the daughters of my city?⁷ There were four hundred synagogues in the city of Bethar, and in every one were four hundred teachers of children, and each

GITTIN – 48b-90b

one had under him four hundred pupils,⁸ and when the enemy entered there they pierced them with their staves, and when the enemy prevailed and captured them, they wrapped them in their scrolls and burnt them with fire.

Our Rabbis have taught: R. Joshua b. Hananiah once happened to go to the great city of Rome,⁹ and he was told there that there was in the prison a child with beautiful eyes and face and curly locks.¹⁰ He went and stood at the doorway of the prison and said, Who gave Jacob for a spoil and Israel to the robbers?¹¹ The child answered, Is it not the Lord, He against whom we have sinned and in whose ways they would not walk, neither were they obedient unto his law.¹² He said: I feel sure that this one will be a teacher in Israel. I swear that I will not budge from here before I ransom him, whatever price may be demanded. It is reported that he did not leave the spot before he had ransomed him at a high figure, nor did many days pass before he became a teacher in Israel. Who was he? — He was R. Ishmael b. Elisha.

Rab Judah said in the name of Rab: It is related that the son and the daughter of R. Ishmael b. Elisha were carried off [and sold to] two masters. Some time after the two met together, and one said, I have a slave the most beautiful in the world. The other said, I have a female slave the most beautiful in the world. They said: Let us marry them to one another and share the children. They put them in the same room. The boy sat in one corner and the girl in another. He said: I am a priest descended from high priests, and shall I marry a bondwoman? She said: I am a priestess descended from high priests, and shall I be married to a slave? So they passed all the night in tears. When the day dawned they recognized one another and fell on one another's necks and bemoaned themselves with tears until their souls departed. For them Jeremiah utters lamentation, For these I am weeping, mine eye, mine eye drops water.¹³

Resh Lakish said: It is related of a certain woman named Zafenath bath Peniel (she was called Zafenath because all gazed [Zofin] at her beauty, and the daughter of Peniel because she was the daughter of the high priest who ministered in the inner shrine)¹⁴ that a brigand abused her a whole night. In the morning he put seven wraps round her and took her out to sell her. A certain man who was exceptionally ugly came and said: Show me her beauty. He said: Fool, if you want to buy her buy, for [I tell you that] there is no other so beautiful in all the world. He said to him: All the same [show her to me]. He took seven wraps off her, and she herself tore off the seventh and rolled in the dust, saying, Sovereign of the universe, if Thou hast not pity on us why hast thou not pity on the sanctity of Thy Name? For her Jeremiah utters lamentation, saying, O daughter of my people, gird thee with sackcloth and wallow thyself in ashes; make thee mourning as for an only son, for the spoiler shall suddenly come upon us.¹⁵ It does not say upon thee,' but 'upon us:' the spoiler is come, if one may say so, upon Me and upon thee.

Rab Judah said in the name of Rab: 'What is signified by the verse, And they oppress a man and his house, even a man and his heritage?¹⁶ A certain man once conceived a desire for the wife of his master, he being a carpenter's apprentice. Once his master wanted to borrow some money from him. He said to him: Send your wife to me and I will lend her the money. So he sent his wife to him, and she stayed three days with him. He then went to him before her. Where is my wife whom I sent to you? he asked. He replied: I sent her away at once, but I heard that the youngsters played with her on the road. What shall I do? he said. If you listen to my advice, he replied, divorce her. But, he said, she has a large marriage settlement. Said the other: I will lend you money to give her for her *Kethubah*. So he went and divorced her and the other went and married her. When the time for payment arrived and

GITTIN – 48b-90b

he was not able to pay him, he said: Come and work off your debt with me. So they used to sit and eat and drink while he waited on them, and tears used to fall from his eyes and drop into their cups. From that hour the doom was sealed; some, however, say that it was for two wicks in one light.¹⁷

IF A MAN BUYS FROM THE SICARICON, etc. Rab said: This holds good only where he [the original owner] said to him¹⁸ [merely]: Go, take possession¹⁹ and acquire ownership. If, however, he gave him a written deed, he does acquire title. Samuel said: Even with a written deed he does not acquire title, unless he expressly makes himself responsible.²⁰

1. Not counting the straps (Rashi). [Others: 'capsules'; each phylactery box of the head contains four capsules or sections, v Aruch.]
2. [Rashi assumes that the phylactery of the head consisting as it does of four capsules had a wider base than that of the arm.]
3. Ps. CXXXVII, 8, 9. The 'dashing against the rock' will be 'measure for measure'.
4. Lam. IV, 2.
5. Deut. XXVIII, 61.
6. Al. 'go on' (Jastrow).
7. Lam. III, 51.
8. This is obviously a conventional expression for 'very many'.
9. [Perhaps in the year 95, v. Hor. (Sonc. ed.) p. 70, n. 12. Tosef. Hor. II omits Rome.
10. Lit., 'his curly hair arranged in locks.
11. Isa. XLII, 24.
12. Ibid.
13. Lam. I, 16.
14. Heb. 'Pene'.
15. Jer. VI, 26.
16. Mic. II, 2.
17. I.e., one woman marrying two men.
18. To the buyer.
19. By doing a little work on the property.
20. For reimbursing him if his title should prove invalid.

Gittin 58b

It has been taught in agreement with Samuel: 'R. Simeon b. Eleazar says: If a man buys [a married woman's property] from the wife and then buys it again from the husband, his purchase is effective. But if he first buys from the husband and then from the wife the

purchase is invalid,¹ unless she expressly makes herself responsible.' Are we to say that this confutes Rab's view? — Rab can answer you: What is meant by 'making herself responsible'? Giving a written deed.²

Our Rabbis have taught: If a man bought [property] from the sicaricon and had the use of it³ for three years in the presence of the original owner,⁴ and then sold it to another, the original owner has no claim against the [second] purchaser. How are we to understand this? If the [second] purchaser pleads, He bought it from you,⁵ the rule would be the same in the case of the first [purchaser].⁶ If he does plead, He bought it from you, then the rule does not apply to the second either?⁷ — R. Shesheth said: We do in fact assume that he does not advance this plea, [and yet the rule applies] because in a case like this we [the *Beth Din*] suggest a plea to the heir and suggest a plea to the purchaser;⁸ whereas the first if he pleads [of his own accord] can acquire a title, but otherwise not.

Our Rabbis have taught: 'If [a heathen] seizes the land⁹ [of an Israelite] on account of a debt or of an anparuth¹⁰ this rule of sicaricon does not apply to it;¹¹ [and land seized] on account of anparuth must remain in his hands twelve months.'¹² But you just said that the rule of sicaricon does not apply to it? — What he means is, [Land bought from] the sicaricon itself must remain in his hands twelve months.¹³ R. Joseph said: I have authority for saying that there is no anparuth in Babylonia. But we see that there is? — You should say, the law of anparuth¹⁴ does not apply in Babylonia. Why so? — Since there is a Court and yet [the victim] does not go and complain, we presume that he has waived his claim.

Giddal son of Re'ilai took a field¹⁵ from the owners of a certain stretch¹⁶ on condition of paying the tax on it.¹⁷ He paid in advance the money for three years. The first owners eventually¹⁸ came back and said to him: You

GITTIN – 48b-90b

paid the tax for the first year and have had the produce. Now we will pay and I will have the produce. They appealed to R. Papa, who was minded to make him out a warrant against the owners of the stretch.¹⁹ R. Huna the son of R. Joshua, however, said to R. Papa: This will mean applying the law of sicaricon?²⁰ No, said R. Huna the son of R. Joshua; he has risked his money and lost.²¹

THIS WAS THE FIRST MISHNAH. THE SUCCEEDING *BETH DIN* RULED THAT ONE WHO BUYS FROM THE SICARICON SHOULD GIVE THE ORIGINAL OWNER A QUARTER. Rab said: This means either a quarter in land or a quarter in money;²² Samuel said: It means a quarter in land,²³ which is [equivalent to] a third of the money. What is the ground of their difference? — One [Samuel] holds that he buys the land for a quarter less than its value,²⁴ and the other that he buys the land for a fifth less than its value.²⁵ An objection was raised: 'This was the first Mishnah. The succeeding *Beth Din* laid down that one who purchases from the sicaricon gives to the original owner a fourth, the latter having his choice of taking the payment either in land or in money. When is this the case? So long as he is not himself in a position to buy. But if the original owner is in a position to buy, he has the right of pre-emption.

Rabbi assembled a *Beth Din* and they decided by vote that if the property had been in the hands of the sicaricon twelve months the first comer had the right to purchase, but he had to give the original owner either a fourth in land or a fourth in money?²⁶ — R. Ashi replied: That teaching applies, after the money has come into his hands.²⁷

Rab said:

1. I.e., apparently, even if she gives him a written deed.
2. Without a guarantee of reimbursement.
3. Lit., 'he ate'.
4. Without him protesting.
5. In which case the onus probandi would be on the claimant.

6. I.e., this plea would be valid in the mouth of the first purchaser, and *a fortiori* in that of the second. Why then was not the rule stated in connection with the first?
7. On the principle that, to confer usucaption, occupation, even if unchallenged, must be supported by a plea of right. V. B.B. 41a.
8. On the ground that they were not likely to know whether the first had in fact purchased it or not.
9. Lit., 'he who comes'.
10. A debt payable by installments, v. *supra* 44a.
11. If he retains it for twelve months and then sells it to a Jew, the purchaser cannot be quit of the original owner by giving him merely a quarter, but he has to return him the whole, since he has never waived his title. [Trani reverses: The original owner has no claim to the field since he could have redeemed it, or in the case of anparuth recovered it at court (v. *infra*) and therefore it is to be assumed that he waived his right to the field. This interpretation is more in keeping with the reading, 'the rule of sicaricon does not apply', which varies but slightly from that of the Mishnah, whereas in Rashi's interpretation it is taken in a different sense.]
12. Apparently, as in the case of the sicaricon.
13. Before it can be sold to a Jew.
14. That the purchaser has to restore the land gratis to the original owner.
15. The owners of which had gone away.
16. Who were assessed for the land-tax jointly.
17. I.e., the pro rata share of that field.
18. After one year.
19. For the two years' tax which he had paid in advance.
20. [By making the other owners pay him, just as the purchaser of a field from the sicaricon pays the original owner a quarter; and this is not right, since there is no question of sicaricon here, as no one forced him to pay three years' tax in advance.]
21. Lit., 'he has put his money on the horn of the deer', an expression used for a risky speculation.
22. [That is, the quarter of the purchase price is repaid to the original owner either in land or in money (v. Tosaf.).]
23. A quarter of the field bought.
24. I.e., he buys land which is worth four *Manehs* for three *Manehs*. Hence a quarter of the value of the land is equal to a third of the purchase price.
25. I.e., he buys land which is worth five *Manehs* for four *Manehs*. Hence he returns either a fifth of the land which is the equivalent of the quarter of the purchase price, or one *Maneh*.

GITTIN – 48b-90b

26. As stated by Rab, and in contradiction of Samuel.
27. I.e., it is a fourth of the total sum paid by the purchaser both to the sicaricon and to the owner.

Gittin 59a

I was in that assembly of Rabbi, and my vote was taken first. [How could this be], seeing that we have learnt: 'In [taking decisions on] money matters and cases of cleanness and uncleanness, they commence from the principal [of those present]; in capital cases, they commence from the side'?¹ Rabbah the son of Raba, or as some say R. Hillel the son of R. Wallas said: The voting at the court of Rabbi was different, as in all cases it commenced from the side.²

Rabbah the son of Raba, or as some say R. Hillel the son of R. Wallas also said: Between Moses and Rabbi we do not find one who was supreme both in Torah and in worldly affairs.³ Is that so? Was there not Joshua? — There was Eleazar [with him]. But there was Eleazar?⁴ — There was Phinehas [with him]. But there was Phinehas?⁵ — There were the Elders⁶ [with him]. But there was Saul?⁷ — There was Samuel [with him]. But Samuel died [before Saul]? — We mean, [supreme] all his life. But there was David? — There was Ira the Jairite⁸ [with him]. But he died [before David]? — We mean, [supreme] all his life. But there was Solomon? — There was Shimei ben Gera⁹ with him. But he killed him? — We mean, all his life. But there was Hezekiah? — There was Shebnah¹⁰ [with him]. But he was killed?¹¹ — We mean, all his life. But there was Ezra? — There was Nehemiah son of Hachaliah with him. R. Aha son of Raba said: I too say that between Rabbi and R. Ashi there was no-one who was supreme both in Torah and in worldly affairs. Is that so? Was there not Huna b. Nathan [with him]? — We do not count Huna b. Nathan because he used to defer to R. Ashi.

MISHNAH. A DEAF-MUTE CAN HOLD CONVERSATION BY MEANS OF GESTURES.¹² BEN BATHYRA SAYS THAT HE MAY ALSO DO SO BY MEANS OF LIP-MOTIONS,¹³ WHERE THE TRANSACTION CONCERNS MOVABLES. THE PURCHASE OR SALE EFFECTED BY YOUNG CHILDREN¹⁴ IN MOVABLES IS VALID.

GEMARA. R. Nahman said: The difference between Ben Bathyra and the Rabbis is only on the question of movables, but where a Get is concerned both agree that gestures [must be used].¹⁵ Surely this is obvious; Ben Bathyra says distinctly 'MOVABLES'? — You might take this to mean 'where movable also are concerned'; hence we are told [that this is not so].

THE PURCHASE OR SALE EFFECTED BY YOUNG CHILDREN IN MOVABLES. What is the youngest age [at which they can do so]?¹⁶ — R. Judah pointed out to R. Isaac his son: About six or seven. R. Kahana said: About seven or eight. In a Baraitha it was taught: About nine or ten. There is no contradiction: Each [child] varies according to his intelligence. What is the reason [why this is allowed in the case of movables]? — R. Abba b. Jacob said in the name of R. Johanan: In order that they may procure ordinary necessities.¹⁷

And he said to him that was over the Meltaha. Bring forth vestments for all the worshippers of Baal.¹⁸ What is Meltaha?¹⁹ — R. Abba b. Jacob said in the name of R. Johanan: Something which is drawn out thin by fingering²⁰ [Nimlal We-nimtah]. When R. Dimi came [from Palestine] he said in the name of R. Johanan: Bonias son of Nonias²¹ sent to Rabbi a Sibni and a Homes²² and Salsela and Malmela.²³ The Sibni and Homes [folded tip] into the size of a nut and a half, the Salsela²⁴ and Malmela into the size of a pistachio-nut²⁵ and a half. What is Malmela? Something which fingering draws out thin.²⁶

GITTIN – 48b-90b

Up to what point [can advantage be taken of] their mistake? — R. Jonah said in the name of R. Zera: Up to a sixth, as with a grown-up.²⁷ Abaye inquired: What of the gift of such a one?²⁸ — R. Yemar replied. His gift is no gift. Mar, the son of R. Ashi, however, said that it is a valid gift. The [members of the Academy] communicated this statement to R. Mordecai with the names reversed.²⁹ He replied: Go and tell the son of the Master³⁰ that this does not correspond with the facts. As the Master was once standing with one foot on the ground and one on the steps³¹ we asked him, What of his gift, and he answered us, His gift is a valid gift, no matter whether made when he is ill or when he is well, whether it is a big gift or a small one.

MISHNAH. THE FOLLOWING RULES WERE LAID DOWN IN THE INTERESTS OF PEACE.³² A PRIEST IS CALLED UP FIRST TO READ THE LAW³³ AND AFTER HIM A LEVITE AND THEN A LAY ISRAELITE, IN THE INTERESTS OF PEACE. AN 'ERUB³⁴ IS PLACED IN THE ROOM WHERE IT HAS ALWAYS BEEN PLACED,³⁵ IN THE INTERESTS OF PEACE.³⁶

1. I.e., from the youngest, as Rab would be, v. Sanh. 32a.
2. On account of his humility.
3. Lit., 'Torah and greatness in one place'.
4. After the death of Joshua.
5. After the death of Eleazar.
6. V. Jud. II, 7.
7. According to the Talmudic tradition ('Er. 53a), Saul was well versed in the Torah but he did not expound.
8. Chief Minister to David, II. Sam. XX, 26; cf. M.K. 16b.
9. V. II Sam. XIX, 18.
10. V. Sanh. 26a.
11. By Sennacherib. For fuller notes v. Sanh. (Sonc. ed.) p. 227.
12. Lit., 'Can gesticulate and be gesticulated to'.
13. Lit., 'can speak with movements (of the mouth) and be spoken to by movements'. This is not as clear as gesticulations with the fingers.
14. From six to nine or ten, v. *infra* 63b.
15. In spite of the fact that a deaf-mute may betroth by means of lip motions.
16. Lit., 'up to what age (are they in this matter regarded as children).'

17. Lit., 'for the provision of his livelihood'.
18. II Kings X, 22. As R. Abba b. Jacob has just been mentioned, another saying recorded by him in the name of R. Johanan is adduced.
19. E.V. 'vestry'.
20. I.e., fine linen.
21. In 'Er. 85, the name is given as Bonias b. Bonias.
22. Head-coverings of fine linen. [Aruch reads: Subni and Homes Subni. For *Subni* cf. [G] (Sabanum) a 'head-cover'; homes is derived from [G] (half). On this reading the meaning is, he sent him a full size Subanum and a half size Sabanum. V. Krauss, TA I, p. 521.]
23. Names of various kinds of fine linen.
24. Cf. Heb. [H] 'to turn', 'to plait', hence 'to weave'.
25. Rashi: 'Acorn'.
26. The word is derived from [H] 'to crush', 'to rub between fingers'. [The reference is to the head-coverings made from fine elastic material worn by the Egyptian and Ethiopian nobility in antiquity. Krauss, op cit. p. 522].
27. Provided the error is rectified. The rule was that if an article was inadvertently bought or sold for more than a sixth of its value, the transaction could be declared void, v. B.M. 49b.
28. Since the consideration stated in connection with buying and selling does not apply in the case of a gift.
29. I.e., making R. Ashi's son say that the gift was no gift.
30. R. Ashi, whose disciple was R. Mordecai.
31. Leading up to the Academy.
32. Lit., 'on account of ways of peace'.
33. At the public reading in the synagogue, etc.
34. Lit., 'mixture', 'combination', a measure introduced to enable tenants in a courtyard to have unrestricted access to the premises of other tenants. This is done by depositing some food in which all have a share in the house of one of the tenants. V. 'Er. VI-VII.
35. Lit., 'an old house'.
36. Between the residents, each of whom might want to have the Erub in his own room.

Gittin 59b

THE PIT WHICH IS NEAREST THE [HEAD OF THE] WATERCOURSE¹ IS FILLED FROM IT FIRST,² IN THE INTERESTS OF PEACE. [THE TAKING OF] BEASTS, BIRDS AND FISHES FROM SNARES [SET BY OTHERS] IS RECKONED AS A KIND OF ROBBERY,³ IN THE INTERESTS OF PEACE. R. JOSE SAYS THAT IT IS ACTUAL ROBBERY.⁴ [TO TAKE

GITTIN – 48b-90b

AWAY] ANYTHING FOUND BY A DEAF-MUTE, AN IDIOT OR A MINOR IS RECKONED AS A KIND OF ROBBERY,⁵ IN THE INTERESTS OF PEACE. R. JOSE SAYS: IT IS ACTUAL ROBBERY. IF A POOR MAN GLEANS ON THE TOP OF AN OLIVE TREE, [TO TAKE THE FRUIT] THAT IS BENEATH HIM⁶ IS COUNTED AS A KIND OF ROBBERY.⁷ R. JOSE SAYS IT IS ACTUAL ROBBERY. THE POOR OF THE HEATHEN MAY NOT BE PREVENTED FROM GATHERING GLEANINGS,⁸ FORGOTTEN SHEAVES,⁹ AND THE CORNER OF THE FIELD,¹⁰ IN THE INTERESTS OF PEACE.

GEMARA. [A PRIEST IS CALLED UP FIRST TO READ THE LAW]. What is the warrant for this? — R. Mattenah said: Because Scripture says, And Moses wrote this law and gave it to the priests the sons of Levi.¹¹ Now do we not know that the priests are the sons of Levi? What it means therefore is that the priests [are first] and then the sons of Levi. R. Isaac Nappaha said: We derive it from this verse, viz., And the priests the sons of Levi shall draw near.¹² Now do we not know that the priests are the sons of Levi? What it signifies therefore is that the priests are first and then the sons of Levi. R. Ashi derived it from this verse, The sons of Amram were Aaron and Moses, and Aaron was separated to sanctify him as most holy.¹³ R. Hiyya b. Abba derived it from the following, And thou shalt sanctify him,¹⁴ This implies, [Give him precedence] in every matter which involves sanctification. A Tanna of the school of R. Ishmael taught: 'And thou shalt sanctify him', to wit, [give him precedence] in every matter involving sanctification, to open proceedings, to say grace first, and to choose his portion first.¹⁵

Said Abaye to R. Joseph: Is this rule only [a Rabbinical one] in the interests of peace? It derives from the Torah? — He answered: It does derive from the Torah, but its object is to maintain peace. But the whole of the Law is also for the purpose of promoting peace, as it is written, Her ways are ways of

pleasantness and all her paths are peace?¹⁶ — No, said Abaye; we have to understand it in the light of what was said by the Master,¹⁷ as it has been taught: Two persons wait for one another with the dish,¹⁸ but if there are three they need not wait.¹⁹ The one who breaks bread²⁰ helps himself to the dish²¹ first, but if he wishes to pay respect to his teacher or to a superior he may do so.²²

Commenting on this, the Master said: This applies only to the table,²³ but not to the synagogue, since there such deference²⁴ might lead to quarrelling. R. Mattenah said: What you have said about the synagogue is true only on Sabbaths and Festivals, when there is a large congregation, but not on Mondays and Thursdays.²⁵ Is that so? Did not R. Huna read as Kohen²⁶ even on Sabbaths and Festivals? — R. Huna was different, since even R. Ammi and R. Assi who were the most distinguished Kohanim of Eretz Israel paid deference to him.

Abaye said: We assume the rule to be that if there is no Kohen there, the arrangement no longer holds.²⁷ Abaye further said: We have it on tradition that if there is no Levite there, a Kohen reads in his place. Is that so? Has not R. Johanan said that one Kohen should not read after another, because this might cast a suspicion on the first,²⁸ and one Levite should not read after another because this might cast a suspicion on both? — What we meant was that the same Kohen [should read in the place of the Levite].

Why just in the case of the Levites should there be a reflection on both of them? Because, [you say,] people will say that one [or other] of them is not a Levite? If one Kohen reads after another, they will also say that one of them is not a Kohen? — We assume that it is known that the father of the second was a Kohen.²⁹ But in the same way we may say that it is known that the father of the second [Levite] was a Levite?³⁰ — They might say that he [the father] married a bastard or a nethinah³¹ and disqualified his

GITTIN – 48b-90b

offspring. In the same way they might say that [the father of the second priest] married a divorced woman or a *haluzah*³² and disqualified his offspring? — In any case [if he were suspect] would he read as Levi?³³ And who would suspect him? Those who remain in the synagogue?³⁴ They see [that he counts as one of the seven]!³⁵ — It must be then, those who go out of synagogue.³⁶

**The Galileans sent to inquire of R. Helbo:
After them [the Kohen and Levi,]**

1. I.e., nearest the river which feeds the watercourse.
2. And meanwhile the owner of the pit has the right to dam the watercourse.
3. And whatever is taken has to be returned to the one who laid the snare, though according to the Torah the latter has not acquired ownership till it has actually come into his possession.
4. And the culprit becomes disqualified from giving evidence.
5. Although these cannot legally acquire ownership.
6. That has fallen as a result of his gleaning.
7. Although he does not become owner till he has actually handled it.
8. Lev. XIX, 9ff.
9. Deut. XXIV, 19.
10. Lev. XIX, 9ff.
11. Deut. XXXI, 9.
12. Deut. XXI, 5.
13. I Chron. XXIII, 13.
14. Lev. XXI, 8.
15. Where he has to divide an article with a lay Israelite.
16. Prov. III, 17.
17. His teacher, Rabbah b. Nahmani.
18. [When one interrupts his eating, the other must wait till he resumes. This was according to the old custom when all guests ate from the same dish.]
19. If one of them interrupts his eating.
20. And says the Grace, generally the host.
21. Lit., 'stretches forth his hand'.
22. V. 'Er. 47a.
23. Lit., 'meal'.
24. By a priest to a teacher or a superior, because it might be misunderstood by other people. Hence here the rule of the Torah requires to be reinforced.
25. On which days the Torah is also read, v. B.K. 82a.
26. I.e., first, although only a lay Israelite; v. [Glos.](#)

27. Lit., 'the bundle is separated,' i.e., it is not necessary to call up a Levite first; (v. Rashi).
28. This is explained immediately.
29. And therefore it is only the first on whom suspicion falls.
30. And the second Levite was called up not as Levi but as Yisrael. The order of calling up is, Kohen, Levi, Yisrael.
31. A descendant of the Gibeonites, v. Sanh. (Sonc. ed.) p. 340, n. 12.
32. V. [Glos.](#)
33. If he was disqualified from being called up first qua Kohen, he would not be called up earlier than third.
34. Till the reading of the law is finished.
35. And therefore know that the reason why another priest or Levite was called up was not because he was disqualified.
36. Before the reading of the Law is concluded.

Gittin 60a

who are to be called up? He did not know what to reply, so he went and asked R. Isaac Nappaha. who said to him: After them are called up the scholars who are appointed Parnasim¹ of the community, and after them scholars who are qualified to be appointed Parnasim of the community, and after them the sons of scholars whose fathers had been appointed Parnasim of the community and after them heads of synagogues² and members of the general public.

The Galileans sent to inquire of R. Helbo: Is it permissible to read separate Humashin [of each book of the Torah]³ in the synagogue in public? He did not know what to answer, so he inquired in the *Beth Hamidrash*. They settled the question in the light of what R. Samuel b. Nahmani had said in the name of R. Johanan, that a scroll of the Law which is short of one flap may not be read from. This, however, is not conclusive: in that case something essential was lacking, in this case nothing essential is lacking. Rabbah and R. Joseph both concurred in ruling that separate Humashin should not be read from out of respect for the congregation. Rabbah and R. Joseph also concurred in ruling that a scroll containing only the haftarahs⁴ should not be read from on Sabbath.

GITTIN – 48b-90b

What is the reason? Because it is not proper to write [sections of the prophets separately]. Mar son of R. Ashi said: It is forbidden also to carry them on Sabbath, for the reason that they are not fitting to be read from.⁵ This, however, is not correct: it is permitted to carry them and it is permitted to read from them. For R. Johanan and R. Simeon b. Lakish used to look through a book of Aggada on Sabbath. Now Aggada is not meant to be written down?⁶ We say, however, that since this cannot be dispensed with,⁷ when it is a time to work for the Lord, they break thy Torah.⁸ Here too, since it cannot be dispensed with,⁹ we say, 'when it is a time to work for the Lord, they break the law.'

Abaye asked Rabbah: Is it permitted to write out a scroll [containing a passage] for a child to learn from? This is a problem alike for one who holds that the Torah was transmitted [to Moses] scroll by scroll,¹⁰ and for one who holds that the Torah was transmitted entire. It is a problem for one who holds that the Torah was transmitted scroll by scroll: since it was transmitted scroll by scroll, may we also write separate scrolls, or do we say that since it has all been joined together it must remain so? It is equally a problem for one who holds that the Torah was transmitted entire: since it was transmitted entire, is it improper to write [separate scrolls], or do we say that since we cannot dispense with this we do write them? — He replied: We do not write. What is the reason? — Because we do not write.¹¹

He then raised an objection: 'She¹² also made a tablet of gold on which was written the section of the Sotah'?¹³ — R. Simeon b. Lakish had [already] explained in the name of R. Jannai: Only the first letters¹⁴ [of each word were written there].

He then raised [the following objection]: 'As he¹⁵ writes he looks at the tablet and writes what is written in the tablet'? — Read, 'He

writes according to what is written in the tablet.'

He then raised [the following objection]: 'As he writes he looks at the tablet and writes what is written in the tablet, If one lay, if one did not lie.'¹⁶ — What is meant is that it was written irregularly.¹⁷ On this point Tannaim differ [as we were taught]: 'A scroll should not be written for a child to learn from; if, however, it is the intention of the writer to complete it, he may do so. R. Judah says: He may write from Bereshith¹⁸ to [the story of the generation of the] Flood, or in the Priests' Law¹⁹ up to, And it came to pass on the eighth day.'²⁰

R. Johanan said in the name of R. Bana'ah: The Torah was transmitted in separate scrolls, as it says, Then said I, Lo I am come, in the roll of the book it is written of me.²¹ R. Simeon b. Lakish said: The Torah was transmitted entire, as it says, Take this book of the law.²² What does the other make of this verse 'Take, etc.'? — This refers to the time after it had been joined together. And what does the other [Resh Lakish] make of the verse, 'in a roll of the book written of me'? — That is [to indicate] that the whole Torah is called a roll, as it is written, And he said unto me, what seest thou? And I answered, I see a flying roll.²³ Or perhaps [it is called roll] for the reason given by R. Levi, since R. Levi said: Eight sections were given forth²⁴ on the day on which the Tabernacle was set up. They are: the section of the priests,²⁵ the section of the Levites,²⁶ the section of the unclean,²⁷ the section of the sending of the unclean [out of the camp],²⁸ the section commencing 'After the death',²⁹

1. [Plur. of Parnas. In Galilee the office of Parnas was connected with the political organization of the town and its title denoted usually a general leader of the people and sometimes also a member of the council. Elsewhere the function of the Parnas was that of a charity overseer. V. Buchler, *Sepphoris*, pp. 14ff.]

GITTIN – 48b-90b

2. [The archisynagogos, the supreme authority over the synagogues in the town. V. Sot. (Sonc. ed.) p. 202, n. 5.]
3. Plur. of Humesh, one of the five books of the Pentateuch. In olden days these too were written on scrolls.
4. The portions from the prophets read after the weekly portion of the Law.
5. On the principle that what may not be used on Sabbath may not be carried.
6. According to the rule laid down *infra*.
7. As otherwise the Aggada might be forgotten.
8. Ps. CXIX, 126. E.V. 'It is a time to work for the Lord, for they have broken thy commandments.'
9. Since some congregations cannot obtain a complete copy of the Prophets.
10. I.e., as each section was transmitted to Moses, he wrote it down, and in the end joined all the sections together.
11. I.e., there is no reason, it is a tradition.
12. Queen Helena of Adiabene, v. Yoma 37a, and *Nazir* 119b.
13. Unfaithful wife. V. Num. V, 11ff. This proves that separate sections may be written.
14. Lit., 'Alphabetically'.
15. The priest who transcribes the section of the Sotah.
16. This should be, If thou hast gone aside ... if thou hast nor gone aside. *Ibid.* 19, 20.
17. Only the beginnings of the verses were in full and the later words with first letter only.
18. 'In the beginning'. Gen. I, 1.
19. Leviticus.
20. Lev., IX, 1. I.e., the whole of the rules of the sacrifices, and so with any other complete section.
21. Ps. XL, 8. According to the Rabbis, this is a reference to the story of Lot and his daughters, to which David here appeals as a proof against his calumniators that his coming was heralded in the Torah, he being descended from Ruth the Moabite.
22. Deut. XXXI, 26.
23. Zech. V, 2. This is interpreted by the Rabbis to refer to the Torah.
24. And written by Moses on separate rolls, before the writing down of the whole Torah.
25. Lev. XXI, containing the rules of uncleanness for the priests.
26. Num. VIII, 5-26. The Levites were required for the service of song on that day.
27. Who would be required to keep the Passover in the second month, Num. IX, 9-14.
28. *Ibid.* V, 1-4. This also had to take place before the Tabernacle was set up.
29. Lev. XVI, dealing with the service of the Day of Atonement, which, as stated in the text, was

transmitted immediately after the death of the two sons of Aaron.

Gittin 60b

the section dealing with the drinking of wine [by priests],¹ the section of the lights² [of the candlestick], and the section of the red heifer.³

R. Eleazar said: The greater portion of the Torah is contained in the written Law⁴ and only the smaller portion was transmitted orally,⁵ as it says, Though I wrote for him the major portion of [the precepts of] my law, they were counted a strange thing.⁶ R. Johanan. on the other hand, said that the greater part was transmitted orally and only the smaller part is contained in the written law, as it says, For by the mouth of these words.⁷ But what does he make of the words, 'Though I write for him the major portion of my law'? — This is a rhetorical question: Should I have written for him the major portion of my law? [Even now] is it not accounted a strange thing for him? And what does the other make of the words, '*For by the mouth of these words*'? — That implies that they are difficult to master.⁸

R. Judah b. Nahmani the public orator² of R. Simeon b. Lakish discoursed as follows: It is written, *Write thou these words*,¹⁰ and it is written, *For according to the mouth of these words*.¹¹ 'What are we to make of this? — It means: The words which are written thou art not at liberty to say by heart, and the words transmitted orally thou art not at liberty to recite from writing. A Tanna of the school of R. Ishmael taught: [It is written] *These*:¹² these thou mayest write, but thou mayest not write *halachoth*.¹³ R. Johanan said: God made a covenant with Israel only for the sake of that which was transmitted orally, as it says, *For by the mouth of these words I have made a covenant with thee and with Israel*.¹⁴

AN 'ERUB SHOULD BE PLACED IN THE ROOM WHERE IT HAS ALWAYS BEEN PLACED, IN THE INTERESTS OF PEACE.

GITTIN – 48b-90b

'What is the precise reason?¹⁵ Shall we say it is out of respect for the owner of the room? Then what of the *Shofar*¹⁶ which at first was in the house of Rab Judah and later in that of Rabbah and then in the house of R. Joseph and then in the house of Abaye and finally in the house of Raba? — The real reason is, so as not to excite suspicion.¹⁷

THE PIT WHICH IS NEAREST THE HEAD OF THE WATERCOURSE. It has been stated: ['Where fields] adjoin a river, Rab says that the owners lower down have the right to draw off water first, while Samuel says that the owners higher up have the right to draw off water first. So long as the water is allowed to flow, both agree that no problem arises.¹⁸ Where they differ is on the question of damming for the purpose of watering. Samuel says that those above can draw off water first, for they can say 'We are nearer to the source', while Rab holds that those below can draw off first, for they can say 'The river should be allowed to take its natural course'.¹⁹ 'We have learnt: **THE PIT WHICH IS NEAREST TO THE HEAD OF THE WATERCOURSE MAY BE FILLED FROM IT FIRST, IN THE INTERESTS OF PEACE!**²⁰ — Samuel explained this on behalf of Rab to refer to a watercourse which passes close to a man's pit.²¹ If so, what is the point of the remark? — You might think that the others can say to him, 'Close up the mouth of your pit so as to take in water only in due proportion'; we are therefore told [that this is not so].

R. Huna b. Tahalifa said: Seeing that the law has not been determined one way or the other, each must fend for himself.²² R. Shimi b. Ashi presented himself before Abaye with a request that he should give him lessons.²³ He replied: I use my time for my own studies. Then, he said, would your honor teach me at night. He said: I have to do some irrigation. Said the other: I will irrigate for your honor by day, and do you teach me by night. Very well, he said. So he went to the people higher up and said to them: The people lower down

have the right to draw water first. Then he went to those lower down and said, The people higher up have the right to draw water first. Meanwhile he had dammed the watercourse and irrigated Abaye's fields. 'When he presented himself before Abaye, the latter said to him: You have acted on my behalf according to two contradictory authorities;²⁴ and Abaye would not taste of the produce of that year.

Certain peasants in Be Harmah²⁵ went and dug a trench from the upper waters of the canal Shanwatha and brought it round [their fields] to the lower waters. Those higher up came and complained to Abaye, saying, They are spoiling our river.²⁶ He said to them: Deepen the bed a little [before it reaches them]. They said to him: If we do this, our trenches will be dry.²⁷ He then said to the first set: Leave the river alone.²⁸

[THE TAKING OF] BEASTS, BIRDS AND FISHES. If loose or close nets are used,

1. Ibid. X, 8-11.
2. Num. VIII, 1-4.
3. Ibid. XIX. These last three injunctions came into force as soon as the Tabernacle was set up.
4. Either explicitly or implicitly.
5. I.e., as a pure tradition, without any basis in the written law.
6. Hos. VIII, 12.
7. Ex. XXXIV, 27. E.V. 'for by the tenor of these words.'
8. As if they had not been written down.
9. The so-called Meturgeman. V. [Glos.](#)
10. Ex. XXXIV, 27.
11. Ibid.
12. Ibid.
13. I.e., the Oral Law.
14. Ex. XXXIV, 27.
15. I.e., what reason have we for thinking that this promotes peace and good fellowship?
16. Which was used for announcing the advent of the Sabbath. According to another explanation it was a receptacle in which were placed the contributions sent on behalf of the students of the Yeshibah.
17. Lest, if people come into the room where they have been used to see the 'Erub and miss it, they will think that the residents of the court have neglected to make an 'Erub.

GITTIN – 48b-90b

18. All having an equal right to draw at any time.
19. Till they have drawn off the water they require.
20. Which seems to support the opinion of Samuel.
21. So that he could fill it without damming.
22. Lit., 'Whoever is stronger (whether by argument or force) prevails.' V. B.B. 34b.
23. Lit., 'let the Master allow' me to sit for awhile.'
24. Rab and Samuel.
25. [Near Pumbeditha. v. Aruch, s.v. [H], in name of Hai Gaon.]
26. Owing to its longer course, the current of the river was now slower, and the waters above the trench were not carried off and overflowed the adjoining fields.
27. If there was not much water, the level of the river would fall and it would not flow into the trenches.
28. Lit., 'depart from there.'

Gittin 61a

there is no difference of opinion between the Rabbis and R. Jose.¹ Where they differ is when fishhooks and traps² [are used].

[TO TAKE AWAY] ANYTHING FOUND BY A DEAF-MUTE, AN IDIOT OR A MINOR ... R. JOSE SAYS THAT THIS IS ACTUAL ROBBERY. R. Hisda says: [R. Jose means], actual robbery according to the Rabbis.³ 'What [then] is the practical effect of R. Jose's ruling? — That the article can be recovered by process of law.⁴

IF A POOR MAN IS GLEANING THE TOP OF AN OLIVE TREE, TO TAKE THE FRUIT BENEATH HIM. A Tanna taught: If the poor man had gathered the fruit and placed it on the ground with his hands, to take it is actual robbery.⁵ R. Kahana was once going to Huzal⁶ when he saw a man throwing sticks [at a tree] and bringing dates down,⁷ so he went and picked up some and ate them. Said the other to him: See, Sir, that I have thrown them down with my own hands. He said to him: You are from the same place as R. Josiah.⁸ and he applied to him the verse, The righteous man is the foundation of the world.⁹

THE POOR OF THE HEATHEN ARE NOT PREVENTED FROM GATHERING GLEANINGS, FORGOTTEN SHEAVES AND THE CORNER OF THE FIELD, TO AVOID ILL FEELING. Our Rabbis have taught: 'We support the poor of the heathen along with the poor of Israel, and visit the sick of the heathen along with the sick of Israel, and bury the poor of the heathen along with the dead of Israel,¹⁰ in the interests of peace'.

MISHNAH. A WOMAN MAY LEND TO ANOTHER WHO IS SUSPECTED OF NOT OBSERVING THE SABBATICAL YEAR¹¹ A FAN OR A SIEVE OR A HANDMILL OR A STOVE, BUT SHE SHOULD NOT SIFT OR GRIND WITH HER. THE WIFE OF A HABER¹² MAY LEND TO THE WIFE OF AN 'AM HA-AREZ¹² A FAN OR A SIEVE AND MAY WINNOW AND GRIND AND SIFT WITH HER, BUT ONCE SHE HAS Poured WATER OVER THE FLOUR SHE SHOULD NOT TOUCH ANYTHING WITH HER, BECAUSE IT IS NOT RIGHT TO ASSIST THOSE WHO COMMIT A TRANSGRESSION.¹³ ALL THESE RULES¹⁴ WERE LAID DOWN ONLY IN THE INTERESTS OF PEACE. HEATHENS MAY BE ASSISTED¹⁵ IN THE SABBATICAL YEAR BUT NOT ISRAELITES, AND GREETING MAY BE GIVEN TO THEM, IN THE INTERESTS OF PEACE.¹⁶

GEMARA. Why is the rule in the first case¹⁷ different from that in the second?¹⁸ — Abaye said: Most 'Amme ha-arez separate their tithes.¹⁹ Raba said: [We are speaking] here of the 'Am Ha-arez [specified] by R. Meir²⁰ and the cleanness and uncleanness recognized [only] by the Rabbis,²¹ as it has been taught: Who is an 'Am Ha-arez? One who does not insist on eating ordinary food in a ritually clean condition.²² So R. Meir. The Sages, however, say it is one who does not tithe his produce. But since it says in the later clause of the Mishnah, ONCE SHE HAS Poured WATER OVER THE FLOUR SHE SHOULD NOT TOUCH ANYTHING WITH HER,²³ does not this show that the earlier

GITTIN – 48b-90b

clause²⁴ is not speaking of cleanness and uncleanness?²⁵ — Both the earlier and the later clause speak of cleanness and uncleanness, the former, however, of the uncleanness of ordinary food and the latter of that of the *Hallah*.²⁶

The following was adduced in contradiction:²⁷

1. As these, having a hollow, certainly confer ownership on the one who set them, and to take the contents would be robbery.
2. Made of little joists.
3. And not according to the Torah.
4. But the robber is not disqualified from giving evidence, whereas according to the Rabbis the article cannot even be recovered by process of law.
5. Because by handling it he had acquired possession.
6. [Between Nehardea and Sura (Obermeyer, *op. cit.* p. 300).]
7. So Rashi. Tosaf., however, translates, 'was throwing down twigs (which he cut of) from a tree, and dates fell off,' which certainly renders the incident more intelligible.
8. And have learnt from his teaching.
9. Prov. X, 25. E.V., 'the righteous is an everlasting foundation.'
10. I.e., if there is no-one else to bury them, but not in the same cemetery.
11. I.e., of keeping produce which has been gathered after the inauguration of the Sabbatical year.
12. V. [Glos.](#)
13. In the case of the Sabbatical year, by breaking the precept of eating produce of the year; in the case of the 'Am Ha-arez, the (Rabbinical) precept of preserving the loaf from uncleanness.
14. That assistance may be given other than at the time of the actual breaking of the precept.
15. To what extent is discussed in the Gemara.
16. V. *supra* p. 279, n. 1.
17. Not to grind with one who does not observe the Sabbatical year.
18. That grinding may be done with the wife of an 'Am Ha-arez.
19. And with the ordinary 'Am Ha-arez this would be forbidden.
20. Whereas the first clause deals with a woman who is suspected in regard to the Sabbatical year.
21. Being only Rabbinic we need not be so particular.
22. Even though he is careful about tithes.
23. Apparently because the water renders the flour capable of becoming unclean.

24. That she shall not sift, etc.
25. I.e., that the reason is not anything to do with uncleanness, and must therefore be because of tithes.
26. Lit., 'loaf': 'the first of the dough' which had to be offered as a heave-offering. Num. XV, 19. As this was a precept of the Torah, greater care had to be exercised not to assist in its transgression.
27. Of the statement that it is permitted to help an 'Am Ha-arez to grind.

Gittin 61b

'It is allowed to grind corn and to deposit it with those who eat produce of the Sabbatical year and those who eat their produce in uncleanness,¹ but not for those who eat the produce of the Sabbatical year and for those who eat their produce in uncleanness'? — Abaye replied: 'We are dealing there with a priest who is suspected of eating *Terumah* in uncleanness, the uncleanness there being of a kind recognized by the Torah. If that is so, how could the food be entrusted to him? 'Would not that contradict the following: 'Terumah may be entrusted to an Israelite 'Am Ha-arez but not to a priest 'Am Ha-arez, because he might take liberties with it?'² — R. Elai said: 'We are speaking here of [produce in] an earthenware vessel with a close fitting cover.³ But is there not a danger that his wife might move it while *niddah*?⁴ — R. Jeremiah replied: [Even so] there is no contradiction: in the one case we speak of produce which has become capable of receiving uncleanness,⁵ in the other of produce which is not so capable.⁶

A further contradiction was raised:⁷ 'If a man takes wheat to a miller who is a Cuthean⁸ or a heathen, it is presumed to remain in its original condition² as regards tithes or Sabbatical produce, but not as regards uncleanness?'¹⁰ — 'What refutation is there here? Have you not just explained that the reference is to produce which has not been rendered capable of receiving uncleanness?'¹¹ 'What then was the point of the question? — Because the questioner wanted to adduce another contradiction¹² [as

GITTIN – 48b-90b

follows]; [You have just said], It is presumed to have remained in its original condition as regards tithe and Sabbatical year, that is to say, we have no fear of its having been changed. This seems to contradict the following: If a man [a Haber] gives produce to his mother-in-law [the wife of an 'Am Ha-arez],¹³ he tithes what he gives to her¹⁴ and what he takes back from her, because she is suspected of changing anything that becomes spoilt?¹⁵ — There the reason is as was stated: 'R. Judah said; She is anxious for the well-being of her daughter and she is ashamed for her son-in-law.' But in general are we not afraid [of food being changed]? Have we not learnt:¹⁶ 'If a student gives produce to the mistress of his boarding house, he tithes what he gives to her and what he takes back from her, because she is likely to change it'? — There she finds an excuse for herself, saying. Let the student eat hot and I will eat cold.¹⁷ And still we ask, in general are we not afraid? Has it not been taught: 'The wife of a Haber can grind along with the wife of an 'Am Ha-arez, when she is ritually unclean,¹⁸ but not when she is ritually clean.¹⁹ R. Simeon b. Eleazar says; Even when she is ritually unclean she should not grind with her, because the other

1. We do not fear lest they exchange it for some produce of their own or defile it by touching it.
2. Being used to eating *Terumah*.
3. Which does not become unclean by touching, v. Hul. 24b.
4. V. [Glos.](#) This is known as *Heset*, a defilement communicated by moving an object without actually touching it.
5. By means of a liquid, v. Lev. XI, 38.
6. And it is this which may be entrusted to a priest who is suspected of eating *Terumah* in uncleanness.
7. V. *Demai* III, 4.
8. V. [Glos.](#)
9. I.e., not to have been exchanged or mixed.
10. I.e., it may have been touched by the miller, whereas in the first Baraita it is permitted.
11. I.e., grain on which water has not yet fallen.
12. I.e., not on the point of uncleanness but of tithe, etc.
13. To prepare a dish for him.

14. So that she should not through him eat something untithed.
15. *Demai* III, 6.
16. [This is no Mishnah, and preference is to be given to [H] in MS.M.]
17. Al. 'Is the student to eat hot and I cold?' V. Tosaf.
18. Because she is not likely to put anything in her mouth.
19. Because being clean she might inadvertently put untithed food in her mouth.

Gittin 62a

is likely to give her something which she may put in her mouth.' Seeing now that she [the wife of the 'Am Ha-arez] is capable of stealing,¹ will she not also exchange? — R. Joseph said; There too she finds an excuse [for stealing] by saying, The ox eats of his threshing.²

R. Jose b. ha-Meshullam testified³ in the name of R. Johanan his brother who had it from R. Eleazar b. Hisma, that a *Hallah*⁴ is not to be set aside [by a baker Haber] for an 'Am Ha-arez in ritual purity,⁵ but [the baker] can make his ordinary dough⁶ in ritual purity and take from it enough for a *Hallah* and put it in a double basket⁷ or on a tray,⁸ and when the Am Ha-arez comes he can take both and [the baker] need not be afraid [that any harm will ensue].⁹ Again, [olive pressers who are Kabirim] should not set aside *Terumah* from his olives in ritual purity,¹⁰ but they can prepare his olives in ritual purity¹¹ and take from them sufficient for *Terumah*, and put it in the vessels of a Haber, and when the Am Ha-arez comes he can take both of them, and the others need not fear [lest harm should ensue].

Now what is the reason [for these concessions]? — R. Johanan said; To enable the baker and the olive presser to earn a livelihood. And both statements were necessary. For if I had been given only the one about the baker, I might have said that the reason [why the concession was made in his case] is because he does not earn much, and that this does not apply to an olive

GITTIN – 48b-90b

presser who gets a good wage. And again, if I had been given only the statement about the olive presser. I might have said that the reason is because he has not constant employment, and that this does not apply to a baker who has constant employment. Hence both were necessary.

The Master said above: 'He takes from it enough for a *Hallah* and puts it in an inverted basket or on a tray. and when the 'Am Ha-arez comes he can take both and the other need not be afraid.' But he surely ought to be afraid that he has touched it? — We suppose that we say to him, Mind you don't touch it or it will become *Tebel*¹² again. But he must be afraid that he will not listen to him? — Seeing that his whole object is to keep it right,¹³ will he not then listen to him?

The Master said above; 'He can take from it sufficient for *Terumah* and put it in the vessels of a Haber, and when the 'Am Ha-arez comes, he can take both, and the other need not fear.' But surely he ought to be afraid lest he has touched it? In the other case, it is true, [we can find a reason why he should not], because it has some distinguishing mark,¹⁴ but here what distinguishing mark is there? — That he puts it in a vessel made of baked ordure, of stone, or of earth. If that is so, why does it say. 'in vessels of a Haber'? Those of an 'Am Ha-arez would do as well? — That in fact is what is meant; vessels of an 'Am Ha-arez which a Haber can also use.¹⁵

ASSISTANCE MAY BE GIVEN TO HEATHENS IN THE SABBATICAL YEAR. Assistance may be given to them? Has not R. Dimi b. Shishna said in the name of Rab; It is not right to hoe with heathens in the Sabbatical year nor to give a double greeting¹⁶ to heathens? — It is quite correct; what is meant is, just to say to them, *Ahzuku!*¹⁷ Thus R. Judah used to say to them, *Ahzuku!* R. Shesheth used to say to them, *Asharta!*¹⁸

'Nor to give double greeting to heathens.' R. Hisda used to give them greeting first. R. Kahana used to say; Peace [to you,] sir. **GREETING MAY BE GIVEN TO THEM, IN THE INTERESTS OF PEACE.** Seeing that we may encourage them at their work, do we need to be told that we may give them greeting? — R. Yeba said; The rule had to be stated only for their feast days. For it has been taught; 'A man should not enter the house of a heathen on his feast day, nor give him greeting.¹⁹ Should he meet him in the street, he should greet him in a mumbling tone and with downcast head.' As R. Huna and R. Hisda were once sitting together. Geniba²⁰ began to pass by. Said one to the other, Let us rise before him, since he is a learned man.²¹ The other replied; Shall we rise before one who is quarrelsome? At this point he came up to them and said, Peace to you, kings, peace to you, kings.

They said to him; Whence do you learn that the Rabbis are called kings? He replied; Because it is written, By me [wisdom]²² kings reign.²³ They then said; And whence do you learn that double greeting is to be given to kings? He replied; From what Rab Judah said in the name of Rab; 'How do we know that double greeting should be given to a king? Because it says, Then the spirit came upon Amasai who was chief of the thirty, etc.²⁴ They said to him; Would you care for a bite with us? He replied; Thus said Rab Judah in the name of Rab; It is forbidden to a man to taste anything until he has given food to his beast, as it says [first]. And I will give grass in thy field for thy cattle, and then, Thou shalt eat and be full.²⁵

1. By giving her something without her husband's permission.
2. V. Deut. XXV, 4.
3. V. *supra* 55a.
4. V. *supra* p. 117, n. 6.
5. Since the priest relying on the Haber may think that it is clean, whereas the whole of the dough has already become unclean in the hands of the 'Am Ha-arez.

GITTIN – 48b-90b

6. Which does not become capable of ritual uncleanness till water has been poured on it, v. Lev. XI, 38.
7. I.e., a basket with a horizontal partition in the middle and open at both ends.
8. But not in the kind of receptacle ordinarily used for this purpose. V. *infra*.
9. I.e., it will be quite safe for the priest to eat it.
10. Lest the priest relying on them should think that they are clean, whereas they may have already become unclean through the touch of the 'Am Ha-arez.
11. Before they were passed through the vat and so were not yet capable of becoming unclean.
12. Produce from which the dues have not yet been separated. V. Glos.
13. To have the *Hallah* separated in such a way that it will be fit for the priest.
14. Being put in an exceptional kind of vessel, so that he is likely to remember our warning.
15. I.e., vessels which are not capable of receiving uncleanness.
16. I.e., 'Peace, Peace.'
17. Lit., 'be strong.' or 'be assisted' — a gesture of encouragement.
18. Lit., 'firmness', 'strength'.
19. Lest he might take it a; a compliment to his god.
20. V. *supra*. p. 7, where it is stated that Geniba used always to annoy Mar 'Ukba.
21. Lit., 'son of the law'.
22. I.e., the Torah.
23. Prov. VIII, 15.
24. I Chron. XII, 19. The verse continues, Peace, peace be upon thee.
25. Deut. XI, 15.

Gittin 62b

CHAPTER VI

MISHNAH. IF A MAN SAYS [TO ANOTHER], RECEIVE THIS GET ON BEHALF OF MY WIFE, OR, CONVEY THIS GET TO MY WIFE, IF HE DESIRES TO RETRACT [BEFORE THE WIFE RECEIVES IT] HE MAY DO SO. IF A WOMAN SAYS [TO A MAN], RECEIVE MY GET ON MY BEHALF, [AND HE DOES SO]. IF [THE HUSBAND] DESIRES TO RETRACT HE IS NOT AT LIBERTY TO DO SO.¹ CONSEQUENTLY [WHAT IS THE HUSBAND TO DO?]² IF THE HUSBAND SAID TO HIM, I AM NOT AGREEABLE THAT YOU SHOULD RECEIVE IT ON HER BEHALF, BUT CONVEY IT AND GIVE IT TO HER, THEN IF HE

DESIRES TO RETRACT HE MAY DO SO.³ R. SIMEON B. GAMALIEL SAYS: EVEN IF THE WIFE SAYS [MERELY]. TAKE FOR ME,⁴ [AND HE DOES SO]. HE IS NOT AT LIBERTY TO RETRACT.

GEMARA. R. Aha the son of R. 'Awia said to R. Ashi: The reason why [in the first case the husband may retract] is because she [the wife] did not make [the man] her agent for receiving [the Get], from which we infer that if she had made him the agent for receiving [the Get], the husband would not be at liberty to retract. This would show that 'convey' is equivalent to 'take possession of' [would it not?]⁵ — No; I may still maintain that 'convey' is not equivalent to 'take possession',⁶ and nevertheless it was necessary to specify the case where the husband said, Receive this Get on behalf of my wife.⁷ For I might have argued that since the husband is not competent to make him an agent for receiving the Get,⁸ therefore even if the Get reached her hand it would not be valid, and we are therefore told that in saying 'receive' he also implied 'and convey'.

We learnt: IF A WOMAN SAYS, RECEIVE A GET ON MY BEHALF, IF HE DESIRES TO RETRACT HE IS NOT AT LIBERTY TO DO SO. Does not this apply equally whether the husband [on handing the Get] used the expression of 'receiving' or of 'conveying'?² — No; only if he said 'receive'.¹⁰

Come and hear: CONSEQUENTLY IF THE HUSBAND SAID TO HIM, I AM NOT AGREEABLE THAT YOU SHOULD RECEIVE IT ON HER BEHALF, BUT HERE, CONVEY IT AND GIVE IT TO HER, THEN IF HE DESIRES TO RETRACT HE MAY DO SO. The reason is, is it not, that he Says. 'I am not agreeable', but if he does not say, 'I am not agreeable'. then if he desires to retract he may not do so, which would show that 'convey' is equivalent to 'take possession'? — Perhaps we should read, Here you are.¹¹

GITTIN – 48b-90b

It goes without saying that a man may be an agent for conveying the Get, seeing that a husband may himself convey a Get to his wife.¹² A woman may [similarly] be an agent for receiving, seeing that a woman receives a Get from the hand of her husband. What of a man becoming agent for receiving and a woman agent for conveying? —

Come and hear: IF A MAN SAYS, RECEIVE THIS GET ON BEHALF OF MY WIFE OR CONVEY THIS GET TO MY WIFE, IF HE DESIRES TO RETRACT HE MAY DO SO. IF A WOMAN SAYS, RECEIVE MY GET ON MY BEHALF, IF HE DESIRES TO RETRACT HE MAY NOT DO SO. Does not this mean, where there is the same agent for both, which would show that the one who is qualified for conveying is also qualified for receiving? — No; we speak of two agents.

Come and hear; CONSEQUENTLY IF THE HUSBAND SAID TO HIM, I AM NOT AGREEABLE THAT YOU SHOULD RECEIVE IT ON HER BEHALF, BUT CONVEY IT AND GIVE IT TO HER, THEN IF HE DESIRES TO RETRACT HE MAY DO SO. Now here he says this to the same agent [as she appointed], and this shows that he is qualified to receive as to convey. We can conclude from this that a man is qualified to receive, [as is also natural,] since a father may receive a Get on behalf of his minor daughter.¹³ Whether a woman may become an agent for conveying is still a question.

R. Mari said: Come and hear: 'Even the women whose word cannot be taken if they report her husband to be dead can be trusted to bring her her Get;¹⁴ 'and there they are agents for conveying. R. Ashi said: We could infer the same from the last clause [of that Mishnah], which runs, 'A woman herself may bring her Get, only she is required to declare, in my presence it was written and in my presence it was signed;' and we explained this to mean that she conveyed it.¹⁵

It has been stated: '[If a woman says to her agent]. Bring me my Get, and [he says to the husband]. Your wife said to me, Receive my Get on my behalf, and the husband said, Here you are as she said,' in such a case R. Nahman said in the name of Rabbah b. Abbahu, who had it from Rab, that even when the Get reached her hand it would not be valid.¹⁶ From this we should conclude that the husband was relying on his [the agent's] word,¹⁷ since if he was relying on the wife's word,¹⁸ she would at any rate be divorced when the Get reached her hand. Said R. Ashi: Is that so?

1. The woman becomes divorced as soon as the Get came into the hands of her agent.
2. In the latter case if he wants to retain the possibility of retracting.
3. Because now he is no longer the wife's agent but his agent.
4. Instead of 'receive for me'.
5. For otherwise, the Get would still belong to the husband and he could withdraw it so long as it had not reached the wife's hand, v. *supra* 14a.
6. And therefore the bearer is the husband's agent and not the wife's, and the husband may retract in any case.
7. From which we should naturally infer that the case dealt with is one where the wife did not make him her agent.
8. On the principle that a disadvantage cannot be imposed on a man without his consent.
9. And if he used the latter, this would show that 'convey' is equivalent to 'take possession of'.
10. In which case the bearer still remains the agent of the wife.
11. [H], instead of [H] 'take'. By saying 'here you are', he accepts the man as the agent of the wife.
12. And whatever a man may do his agent may do for him.
13. V. Keth. 46b.
14. *Supra* 24b.
15. *Ibid.* and 5a.
16. Because the wife had not made him an agent for receiving the Get and the husband had not made him an agent for taking the Get.
17. I.e., he really supposed the wife to have told the agent to receive the Get.
18. That is to say, if he had allowed for the possibility of his wife having told the agent to bring the Get, and had accordingly made him his agent for conveying it.

GITTIN – 48b-90b

Gittin 63a

I grant you that if the statement had been in the reverse form, thus, '[If the wife said], Receive my Get on my behalf, and [he said], Your wife told me to bring it, and the husband says. Here you are as she said,' and if R. Nahman had said in the name of Rabbah b. Abbuha in the name Rab, 'Once the Get comes into his hand, she is divorced,' then I could infer that he relies upon her word;¹ or again, if he had said, '[Once the Get reaches] her hand [she is divorced]', I could have inferred that the husband relies upon the agent's word.² As it is, however, the reason why [the Get is not valid] is because the agent completely nullified his agency by saying 'I am willing to be an agent for receiving and not for conveying'.³

R. Huna b. Hiyya said [in refutation of R. Nahman]: Come and hear: IF A MAN SAYS, RECEIVE THIS GET ON BEHALF OF MY WIFE, OR, CONVEY THIS GET TO MY WIFE, IF HE DESIRES TO RETRACT HE MAY DO SO. The reason [why the Get is not effective] is that he desires to do so; if he does not [and lets the Get reach her], the Get is valid. Now why should this be, seeing that the husband is not competent to appoint an agent for receiving the Get? The reason must be because we say that once he has made up his mind to divorce her, he says to himself, Let her be divorced in any way possible.⁴ So here also, since he made up his mind to divorce her, he says to himself, Let her be divorced in any way possible?⁵ — Are the two cases comparable? In that case [of the Mishnah], a man knows that he cannot appoint an agent for receiving the Get and decides to give it to the agent for the purpose of conveying; but here he gives it under a misapprehension.⁶

Raba said: Come and hear: If a girl under age said, Receive my Get on my behalf, it is not effective until it reaches her hand.⁷ Now at any rate [according to this] when it reaches her hand she is divorced, and yet why should this be, seeing that the husband did not make

him an agent for conveying?⁸ We say however, that since the husband made up his mind to divorce her, he says to himself, Let her be divorced in any way possible;² so here, since he made up his mind to divorce her, he says, Let her be divorced in any way possible?¹⁰ — But are these two cases comparable? There, a man knows that a minor cannot appoint an agent, and therefore he decides to give it to the agent for the purpose of being conveyed on his own behalf; but here he gives it under a misapprehension.

Come and hear: [If a woman says to an agent], Bring me my Get, and [the agent says to the husband], Your wife told me to receive her Get for her, or if the wife says, Receive my Get for me, and he says, Your wife told me to bring her Get, and the husband says to him, Convey and give it to her, take possession on her behalf and receive on her behalf, if he desires to retract he may do so, but once the Get reaches her hand she is divorced.¹¹ Now does not here the husband's saying 'receive' correspond to the agent's saying 'receive', and the husband's saying 'convey' to the agent's saying 'convey'?¹² — No; 'receive' corresponds to 'bring' and convey' to 'receive'.¹³ If 'receive' corresponds to 'bring', then [if the husband relies on the wife's word] the Get should be effective as soon as it comes into the agent's hand;¹⁴ [and since this is not so] it shows that he relies on his word?¹⁵ — How can you say so? In that case¹⁶ he says to him, 'Here you are, as she said;¹⁷ in this case does he say, 'Here you are as she said?¹⁸

Our Rabbis taught: [If a woman says to an agent], Receive my Get for me, and [he says to the husband], Your wife told me to receive her Get for her, and the husband says, Convey it and give it to her, take possession of it on her behalf, or receive it on her behalf, if he desires to retract he is not at liberty to do so.¹⁹ R. Nathan says: If he says, Convey and give it to her, he can retract,²⁰ but if he says, Take possession of it and receive it for her, he cannot retract. Rabbi says, [If he

GITTIN – 48b-90b

uses] any of these formulas he cannot retract, but if he says, I am not agreeable that you should receive for her, but convey it and give it to her, then if he desires to retract he may do so.²¹

Does not Rabbi merely repeat the first Tanna?²² — If you like I can say that [he did so because] he desired to add the clause about not being agreeable, or if you like I can say that the repetition is meant to inform us that the first Tanna is Rabbi.

The question was raised: According to R. Nathan, is 'here you are' equivalent to 'take possession' or not? Come and hear: **IF A MAN SAYS, RECEIVE THIS GET ON BEHALF OF MY WIFE OR CONVEY THIS GET TO MY WIFE, IF HE DESIRES TO RETRACT HE MAY DO SO. IF A WOMAN SAYS, RECEIVE A GET ON MY BEHALF, IF HE DESIRES TO RETRACT HE IS NOT AT LIBERTY TO DO SO.**

1. Because if he had taken the agent's word that she told him to bring it, she would not be divorced even when it came into her hand.
2. And so makes him an agent for conveying it.
3. And so when the husband says, 'here you are as she said,' he cannot become his agent [or conveying either. For fuller notes v. B.M. (Sonc. ed.) pp. 440ff
4. And when he says 'receive' he implies also 'convey'.
5. And similarly, once the Get has reached her, he makes the wife's agent retrospectively his agent for conveying.
6. Thinking that the wife has appointed him her agent for receiving when she has not.
7. V. *infra* 65a.
8. And the girl being a minor has no power to make him an agent for receiving.
9. I.e., he makes him his agent nor conveying retrospectively.
10. This refutes R. Nahman.
11. V. Tosef. Git. IV.
12. [I.e., we suppose that if the agent says he was appointed to receive, the husband says to him 'receive', and if he says he was appointed to bring, the husband says to him 'convey'. The fact that in the former case when the Get reaches her hand she is divorced shows that though the woman had appointed him to bring it to her, when the husband says receive' this is equivalent to 'convey'; all the more so

then is the divorce valid if he says, 'here it is as she said'. This refutes R. Nahman.]

13. And we suppose the husband to be relying on the wife's word, who made him in the first case an agent for receiving and in the second an agent for bringing, and for this reason the woman becomes divorced at least when the Get reaches her hand.
14. Because the wife made him agent for receiving.
15. [That he was made by the woman an agent for bringing and when the husband says 'receive' he means 'receive and convey', as inferred *supra* in the hypothetical case posited by R. Ashi.]
16. The case posited by R. Ashi.
17. [Which on the statement of the agent makes him an agent for conveying, and should we decide, in that case, that the woman is divorced on receiving the Get, this will prove that he relies on the agent's word.]
18. [The husband merely says 'take possession on her behalf' or receive on her behalf', which can only be taken in conjunction with the statement of the agent who said that he was appointed agent for bringing. Had, however, the husband said 'here you are as she said', the divorce, it might indeed be said, would become immediately effective, the husband relying on her word.]
19. 'Convey' being equivalent to 'take possession of', so that as soon as it comes into the agent's hand it is effective.
20. 'Convey' not being regarded as equivalent to 'take possession of'.
21. V. Tosef. Git. IV.
22. In the first part of his statement.

Gittin 63b

Does not this mean, if he said, 'here you are',¹ the opinion recorded being that of R. Nathan?² — No; It means, if he said 'convey',³ the opinion recorded being that of Rabbi.

Come and hear: **CONSEQUENTLY IF THE HUSBAND SAID, I AM NOT AGREEABLE THAT YOU SHOULD RECEIVE IT FOR HER, BUT CONVEY IT AND GIVE IT TO HER, THEN IF HE DESIRES TO RETRACT HE MAY DO SO.** Now the reason why he may retract is because he said, I am not agreeable, etc., and if he did not say so he may not retract. Does not this mean,

GITTIN – 48b-90b

after he says, 'Here you are, the opinion recorded being that of R. Nathan? — No; it means [even] after he says, 'Convey', the opinion recorded being that of Rabbi.

Come and hear: '[If a man says], Convey this Get to my wife, if he desires to retract he may do so, but if he says, Here is⁴ this Get for my wife, if he desires to retract he may not do so.' What authority do you find for the view that if the husband says 'convey' he is at liberty to retract? R. Nathan; and he lays down that if the husband says 'here you are' he is not at liberty to retract. This proves conclusively that 'here you are' is [according to R. Nathan]⁵ equivalent to 'take possession'.

It has been stated: [If the wife says], Receive my Get for me, and [the agent says to the husband], Your wife told me to receive her Get for her, and the husband says, Convey and give it to her, R. Abba said in the name of R. Huna, who had it from Rab, that he becomes both her agent and his agent, and [in case of need]⁶ she must perform *Halizah*.⁷ This would seem to show that Rab was in doubt whether 'convey' is equivalent to 'take possession' or not.⁸ Yet how can this be, seeing that it has been stated: [If a man says], Take this *Maneh* to so-and-so to whom I owe it, Rab says that he is responsible for it [till it is delivered]⁹ and he cannot retract?¹⁰ — [There is still a doubt, but] in that case the doubt concerns the ownership of money, and Rab takes the more lenient view,¹¹ in this case it concerns a religious offence¹² and he takes the more stringent view.

Rab said: A woman cannot appoint an agent to receive her Get from the agent of her husband. R. Haninah, however, said that a woman may appoint an agent to receive her Get from the agent of her husband. What is Rab's reason? — If you like I can say, to avoid showing contempt for the husband, and if you like I can say, because of [the resemblance of the agent to] a courtyard which comes [in to her possession]

subsequently.¹³ What difference does it make in practice which reason we adopt? — The difference arises in the case where she had appointed her agent first.¹⁴

A certain man sent a Get to his wife, and the bearer found her kneading [flour]. He said to her, Here is your Get. She replied You take it.¹⁵ R. Nahman thereupon said: If [I knew that] R. Haninah is right. I would count this a valid Get. Said Raba to him: And even if R. Haninah is right, would you count this valid? There has been no time for the agent to return to the husband [and report]?¹⁶ They sent to consult R. Ammi,¹⁷ and he replied: The husband's commission has not been performed.¹⁸ R. Hiyya b. Abba, however, said: We must consider the matter.

They again sent to consult R. Hiyya b. Abba.¹⁷ He said: How many more times will they send? Just as they are unable to decide, so we are unable to decide. The danger of forbidden relationship,¹⁹ is involved, and wherever a sex prohibition is involved, the woman must perform *Halizah*.²⁰ In a case which actually happened, R. Isaac b. Samuel b. Martha declared both a new Get and *Halizah* to be required. [Why] both? — A Get [if she desired to marry while the husband] was alive, and *Halizah* [if she wanted to marry] after his death.

There was a certain woman named Nafa'atha, and the witnesses to the Get²¹ wrote it Tafa'atha. R. Isaac b. Samuel b. Martha thereupon said in the name of Rab: The witnesses have discharged their commission.²² Rabbah strongly demurred to this, saying. Did the husband say to them, Write out a piece of clay and give it to her? No, said Rabbah. [This is not so,] but in truth, if the witnesses had written a proper Get and it had been lost [before being given to her], then we should say that they had discharged their commission. R. Nahman strongly demurred to this, saying: Did he say, Write it and put it in your bag?²³ The fact is, said R. Nahman, that the Get can be written

GITTIN – 48b-90b

and given a hundred times [till it comes right].

Raba inquired of R. Nahman: If a man said [to the witnesses], Write [the Get] and give it to a bearer, how do we decide? Have they been discharged,²⁴ or did he merely want to save them trouble? Rabina asked R. Ashi: Suppose he adds the words, 'And let him take it,' what do we say? — These questions can stand over.

R. SIMEON B. GAMALIEL SAID: EVEN IF THE WIFE SAYS [MERELY] 'TAKE FOR ME' [AND HE DOES SO], HE IS NOT AT LIBERTY TO RETRACT.

Our Rabbis taught: 'Take for me, carry for me,' 'keep for me'²⁵ are all equivalent to receive.

MISHNAH. A WOMAN WHO SAYS [TO AN AGENT] 'RECEIVE MY GET FOR ME' REQUIRES TWO SETS OF WITNESSES, TWO [WITNESSES] TO SAY, IN OUR PRESENCE SHE TOLD HIM, AND TWO TO SAY, IN OUR PRESENCE HE RECEIVED [THE GET] AND TORE IT.²⁶ IT IS IMMATERIAL IF THE FIRST SET ARE IDENTICAL WITH THE LAST

1. [H].
2. Who would accordingly hold that 'here you are' is equivalent to 'take possession'.
3. [H].
4. Lit., 'here you are'.
5. And a plus forte raison according to Rabbi.
6. I.e., if the husband dies childless before she receives the Get.
7. But must not marry the husband's brother, because it is doubtful whether she was not divorced before the husband's death, (v. [Glos.](#)).
8. If it is equivalent to 'take possession', the man is still agent for the wife, and the Get is valid as soon as it comes into his hands.
9. Because the creditor did not tell him to send it.
10. Which would show that 'convey' is equivalent to 'take possession'; v. *supra* 14a.
11. I.e., the one more favorable to the recipient.
12. The possibility of a man marrying the divorced wife of his brother.

13. After the Get had been placed in it. A Get must either be given into a woman's hand or placed in property belonging to her, (v. *infra* 77a). If the husband threw the Get into a courtyard not belonging to the wife and it subsequently came into her possession while the Get was still there, the Get is not valid. There is a certain analogy between this and the wife appointing an agent to receive from the husband's agent, so that if the latter were permitted, people might think that the former was also permitted. v. *supra* p. 95, n. 9,
14. There is now no analogy with the courtyard. but the reason of contempt still applies.
15. Lit., 'let it be in your hand', i.e., she appointed him her agent for receiving it.
16. V. *supra* p. 95, n. 3, And consequently the second agency nullifies the first.
17. In Palestine.
18. Lit., 'the agency has not returned to the husband'.
19. Viz., of a man marrying his brother's divorcee.
20. And not marry the husband's brother.
21. Who were commissioned to write and deliver it.
22. After delivering it to her, and have no power to make out a new, and proper Get.
23. So that it should not be lost.
24. And if the bearer loses it they must not write another,
25. Lit., 'let it be for me in thy hand.'
26. The point of this is discussed in the Gemara.

Gittin 64a

OR IF THERE WAS ONE MAN IN THE FIRST SET AND ONE IN THE SECOND AND THE SAME MAN JOINED WITH BOTH OF THEM.

GEMARA. It has been stated: If the husband says, [I gave you the Get] in deposit, and the depository says, [You gave it to me] to divorce [your wife with], which is to be believed? — R. Huna said: The husband's word is to be taken. R. Hisda said: The depository's word is to be taken. R. Huna said the husband's word is to be taken, because if he had meant to give it to him for divorcing the wife, he would have given it to the wife herself.¹ R. Hisda said the depository's word is to be taken, because we see that the husband trusted him.

GITTIN – 48b-90b

R. Abba raised an objection against R. Huna from the following: 'The admission of the litigant is equivalent to the testimony of a hundred witnesses, and the depository is more credible than either litigant. If, for instance, one says one thing and one another, the depository's word is to be taken'² — Money is different, because the claim to it can be waived.³ But it is taught [in the passage cited], 'And so with Gittin'⁴ — This refers to money Gittin.⁵ But it is taught [in the passage cited]: 'And so with shetaroth'⁶ — Were they both taught together?⁷

We have learnt: A WOMAN WHO SAYS [TO AN AGENT] 'RECEIVE MY GET FOR ME' REQUIRES TWO SETS OF WITNESSES, TWO TO SAY, IN OUR PRESENCE SHE TOLD HIM, AND TWO TO SAY, IN OUR PRESENCE HE RECEIVED AND TORE IT. Why so? Cannot we take the word of the depository?⁸ — Does he produce the Get that we should take his word?⁹ This explains why witnesses are required for the telling. Why are they required for the receiving?¹⁰ Rabbah replied: Who is the authority for this? R. Eleazar, who held that the witnesses to the delivery [of the Get] make it effective.

Why must he tear it? — R. Judah answered in the name of Rab: This was taught in the time of the persecution.¹¹ Rabbah said: R. Huna admits that if the wife says, The depository told me that he gave it to him to divorce with, her word is to be taken. [How can this be?] Is there any statement which we would not accept from the depository himself and yet we would accept from her on his behalf? — What it should be is: If she said, in my presence he gave it to him to divorce me with, her word is taken, because if she liked she could have said that he gave it to her direct.¹²

If the husband says [that he gave it to the depository] to divorce with, and the depository says [it was given] to divorce with, and the wife says, He gave it to me but it has

been lost, R. Johanan says: This is a statement bearing on forbidden relationships, and a statement bearing on a forbidden relationship must be substantiated by not less than two witnesses. But why so? Why not believe the depository? — Is he able to produce the Get that we should believe him?

Then let us believe the husband, in accordance with what R. Hiyya b. Abin said in the name of R. Johanan: If a husband says, I have divorced my wife, his word can be taken? — Does he here say, I have divorced her?¹³ Then let us say that the presumption is that the agent carries out his commission, since R. Isaac has said: If a man says to his agent, Go and betroth for me any woman you please,¹⁴ and the agent dies, the man is forbidden to marry any woman in the world,¹⁵ because the presumption is that the agent carries out his commission? —

1. We presume that they are all in the same town.
2. Kid. 65b; B.M. 3b.
3. And by trusting the depository, we maintain that the claimant waived his claim to the money, since if he likes he can make a present of the money to whomsoever he wishes, but he cannot make a present of his wife to another man.
4. Which usually means bills of divorce,
5. V. [Glos.](#) s.v. Get,
6. Another word for documents', Since these must refer to money, it would seem that the Gittin mentioned above do not refer to money.
7. They are separate Baraithas and the two words are used by two different authorities, but in the same sense.
8. I.e., the agent.
9. Having torn the Get (v. *infra*) he is no longer in a position to deliver it to her and therefore his word is not to be taken.
10. Seeing that he himself produces the Get in our presence.
11. Lit., 'the decree', forbidding the Jews to practice their religion. [V. Keth. IX. Jew's were deprived of the right to draft their own legal documents after the War 70, and also during the Hadrianic persecutions. V. Blau, L. Ehescheidung, II pp. 58ff.]
12. And the rule is that we believe a plea where a stronger one could equally well have been adduced without fear of contradiction.
13. He appointed an agent to hand it over to her.

GITTIN – 48b-90b

14. Lit., 'unspecified'.

15. Lest she should be of a prohibited degree of consanguinity with the woman whom the agent betrothed, v. Nazir 12a.

Gittin 64b

That is so where [it has the effect of making the law] more stringent, but not where [it makes it] more lenient.¹ Then let us believe the woman herself, in accordance with R. Hamnuna; for R. Hamnuna said: If a woman says to her husband, You have divorced me, her word is taken, since the presumption is that a woman would not have the impudence to say this in the face of her husband [if it were not true]? — That is so where she has no confirmation; but where she has some confirmation,¹ she certainly would not shrink from doing so.

MISHNAH. IF A YOUNG GIRL² IS BETROTHED,³ BOTH SHE AND HER FATHER MAY RECEIVE HER GET.⁴ R. JUDAH, HOWEVER, SAID THAT TWO [DIFFERENT] HANDS CANNOT TAKE POSSESSION TOGETHER: HER FATHER ALONE MAY RECEIVE HER GET. ONE WHO IS NOT ABLE TO KEEP HER GET IS NOT CAPABLE OF BEING DIVORCED.⁵

GEMARA, What is the difference in principle [between the Rabbis and R. Judah]? — The Rabbis held that the All-Merciful conferred upon her an extra hand, whereas R. Judah held that where her father can act, her own hand counts as nothing.

ONE WHO IS NOT ABLE TO KEEP HER GET, etc. Our Rabbis taught: A child⁶ who knows how to keep her Get can be divorced, but if she does not know how to keep her Get she cannot be divorced. Whom do we mean by a child who knows how to keep her Get? One who keeps her Get and something else. What is the meaning of this? — R. Johanan said: It means, one who keeps something else in place of her Get.⁷ R. Huna b. Manoah strongly demurred to this, saying, Such a one is a mere idiot? No, said R. Huna b. Manoah,

quoting R. Aha the son of R. Ika: It means one who can distinguish between her Get and another object.

Rab Judah said in the name of R. Assi: [A child which if offered] a stone throws it away [but if offered] a nut takes it becomes possessor of anything given to itself⁸ but not [of anything given to it to give] to another.² [If when given] an article [to play with] it will return it after a time [when asked], it can become possessor either for itself or for others. When I stated this in the presence of Samuel, he said to me, Both cases are just the same.

What is the meaning of 'both cases are just the same'? — R. Hisda replied: In either case the child becomes possessor for itself but not for others. R. Hinnena Waradan¹⁰ raised an objection: How can [all the residents]¹¹ become partners in an alley-way?¹² One of them places a jar of wine there, saying, This is for all the residents of the alley-way, and he may confer possession upon them through his grown-up son or daughter or through his Hebrew manservant or maidservant. Now how are we to understand this maidservant? If she has grown two hairs,¹³ what is she doing with him?¹⁴ We must suppose therefore that she has not yet grown two hairs, and yet we are told that she can take possession on behalf of others?¹⁵ — The case of partnership in an alley-way is different, because [the prohibition of taking things out there] is only Rabbinical.¹⁶ R. Hisda said: Waradan was reduced to silence. What could he have answered? — [He could have said that] the Rabbis gave to their regulations

1. As here.
2. A Na'arah, v. [Glos.](#) From twelve years and a day to twelve and a half years plus one day.
3. V. [Glos.](#) s.v. Erusin.
4. [I.e., either she or her father, so Rashi, Being a Na'arah (v. [Glos.](#)), she is no longer a minor and therefore is competent to receive her Get. Her father, however, still retains the right since she is still under his authority. As to a minor, i.e., who has not reached 12 years and one day, opinions differ: Rashi does not

GITTIN – 48b-90b

declare her competent to receive her Get, where she has a father, whereas Tosaf, (s.v. [H]) holds that there is no difference in this respect between a Na'arah and a minor, Na'arah being specified in the Mishnah to emphasize the extreme view of R. Judah.]

5. She being still strictly speaking a minor. For the reason v, *infra*. [Here too opinions differ, Rashi: not even if her father receives the Get on her behalf, whereas Rabbenu Tam allows her divorce to be effected through her father, v. Tosaf.]
6. Less than twelve years and one day.
7. If the Get should be lost.
8. So that the donor cannot take it back.
9. And the donor can take it back.
10. [I.e., from Baradan, on the Eastern bank of the Tigris, two hours distance from N. of Baghdad (Obermeyer *op. cit.* p. 269)].
11. In the courts abutting on an alley-way.
12. So as to be allowed to carry articles into it and through its whole extent on Sabbath, v. 'Er. 73b.
13. I.e., reached the age of puberty.
14. Since it is his duty to emancipate her.
15. Which seems to refute the dictum of Samuel.
16. And therefore it does not matter if she did not strictly obtain possession.

Gittin 65a

the force of rules of the Torah. What could the other say to this? — That the Rabbis gave to their regulations the force of rules of the Torah in matters which have some basis in the Torah, but not in a matter which has no basis in the Torah.¹

R. 'Awia raised an objection: What device may be adopted [to avoid paying an extra fifth]² for second tithe? A man can say to his grown-up son and daughter, or to his Hebrew manservant or maidservant, Take this money and redeem with it this second tithe.³ Now how are we to understand this maidservant? If she has grown two hairs, how comes she to be with him? We must say, therefore, that she has not grown two hairs?⁴ — We are speaking here of tithe in the present epoch,⁵ which is Rabbinical. But is the rule regarding a Hebrew maidservant in force in the present epoch? Has it not been taught: 'The laws relating to a Hebrew servant are in force only when the Jubilee is observed'? — We must

therefore say that [it refers to tithe from] a pot which has no hole at the bottom,⁶ [the rule regarding] which is Rabbinical.⁷

Raba said: There are three grades in a child.⁸ [If on being given] a stone he throws it away but [on being given] a nut he takes it, he can take possession for himself but not for others. A girl of corresponding age can be betrothed so effectively as not to be released [on becoming of age] without definitely repudiating the betrothal.⁹ Pe'utoth¹⁰ can buy and sell movables with legal effect, and a girl of the corresponding age can be divorced from a betrothal contracted by her father.¹¹ When they reach the age at which vows are tested,¹² their vows and their sanctifications are effective, and a girl of corresponding age performs *Halizah*.¹³ The [landed] property of his [deceased] father, however, he cannot sell till he is twenty.

MISHNAH. IF A YOUNG GIRL¹⁴ SAYS [TO AN AGENT], RECEIVE MY GET FOR ME, IT IS NO GET TILL IT REACHES HER HAND. CONSEQUENTLY IF [THE HUSBAND] WISHES TO RETRACT HE IS [TILL THEN] AT LIBERTY TO RETRACT, SINCE A MINOR CANNOT APPOINT AN AGENT. IF HER FATHER SAID TO HIM, GO AND RECEIVE MY DAUGHTER'S DIVORCE FOR HER, THE HUSBAND [AFTER GIVING IT TO HIM] IS NOT AT LIBERTY TO RETRACT.¹⁵ IF A MAN SAYS, GIVE THIS GET TO MY WIFE IN SUCH-AND-SUCH A PLACE AND HE GIVES IT TO HER IN AN OTHER PLACE, [THE GET IS] INVALID.¹⁶ [IF HE SAYS,] SHE IS IN SUCH-AND-SUCH A PLACE, AND HE GIVES IT TO HER IN ANOTHER PLACE, [IT IS] VALID. IF A WOMAN SAYS, RECEIVE MY GET IN SUCH-AND-SUCH A PLACE AND HE RECEIVES IT FOR HER IN ANOTHER PLACE, [IT IS] INVALID. R. ELEAZAR,¹⁷ HOWEVER, DECLARES IT VALID. [IF HE SAYS,] BRING ME MY GET FROM SUCH-AND-SUCH A PLACE AND HE BRINGS IT FROM SOMEWHERE ELSE, [IT IS] VALID.

GITTIN – 48b-90b

GEMARA. Why does R. Eleazar make a distinction between the first ruling,¹⁸ which he does not dispute and the second ruling, which he does dispute? — The husband who divorces of his own free will, [when he specifies the place] is particular;¹⁹ the wife, who is divorced willy-nilly, [when she specifies the place] is merely giving a direction.²⁰

MISHNAH. [IF A WOMAN SAYS TO AN AGENT], BRING ME MY GET, SHE MAY EAT *TERUMAH*²¹ TILL THE GET REACHES HER HAND. [IF, HOWEVER, SHE SAYS,] RECEIVE FOR ME MY GET, SHE IS FORBIDDEN TO EAT *TERUMAH* IMMEDIATELY.²² [IF SHE SAYS,] RECEIVE FOR ME MY GET IN SUCH-AND-SUCH A PLACE, SHE CAN EAT *TERUMAH* TILL THE GET REACHES THAT PLACE. R. ELEAZAR²³ SAYS THAT SHE IS FORBIDDEN IMMEDIATELY.

GEMARA [Although he receives the Get in another place] nevertheless [you say here] that it is a Get, whereas previously²⁴ it was stated that it would not be a Get?²⁵ — This ruling applies to a case where, for instance, she said, Receive my Get for me in Matha Mehasia,²⁶ but sometimes you may find him in Babylon.²⁷ What she means therefore is, Take it from him wherever you find him,

1. Like that of carrying from one domain into another in an alley-way.
2. The rule was that if a man redeemed his second tithe (which otherwise had to be taken to Jerusalem), he had to add a fifth to its value, but not if he redeemed someone else's.
3. So as to give it back to him. Our texts add here in brackets the words, 'And he eats it without adding a fifth.' V. M. Sh. IV, 4.
4. And yet she can take possession of the tithe on his behalf, which seems to refute Samuel.
5. Since the destruction of the Temple.
6. So that the earth in it is not attached to the soil.
7. Even in the epoch of the Jubilee.
8. In case of a boy, under thirteen years and one day.
9. *Mi'un*, the refusal of a woman to continue the work contracted by her, a fatherless girl, during her minority. Such a refusal annuls the marriage, but if she is betrothed at a younger

age, the betrothal automatically lapses on her becoming of age.

10. Young children from six to eight or nine, according to their intelligence. V. *supra* 59a.
11. I.e., if she is an orphan she can receive the divorce herself.
12. In the case of a boy, at twelve years and one day, and eleven years and one day with a girl. If they make a vow at this age, they are examined to see whether they understand the nature of their vow.
13. If the brother of her betrothed dies without children.
14. A Ketannah. Less than twelve years and a day old.
15. And the Get is effective as soon as it comes into his hand.
16. For the reason, v. *infra*.
17. *Var. lec.* R. Eliezer.
18. That if the husband told him to give the Get in one place and he gave it in another, it is invalid.
19. Because he does not want himself to be talked about in another place.
20. And similarly if the husband says, She is in such-and-such a place.
21. V. *Glos.* If she is the wife of a priest.
22. Because the Get becomes effective as soon as it reaches his hand, and he may meet the husband soon after he leaves her.
23. *Var. lec.* R. Eliezer.
24. In the preceding Mishnah.
25. According to the Rabbis.
26. A suburb of Sura.
27. In the neighborhood of Sura, v. *supra* p. 17, n. 3.

Gittin 65b

but it will not be a Get till you come to Matha Mehasia.

R. ELEAZAR SAYS THAT SHE IS FORBIDDEN IMMEDIATELY. This is self-evident, [is it not,] since she is only giving him a direction [to find the husband]? — The statement was required for the case where she said to him, 'Go to the east because he is in the east', and he went to the west. You might argue in that case that [as] he is certainly not in the west [she should be permitted to eat the *Terumah*]. We are therefore told that while going in that direction he may still come across him, and he may give him the Get.

GITTIN – 48b-90b

If a man said to his agent, Make me an 'erub¹ with dates and [the other] made an 'Erub with figs, or [if he told him to make] with figs and he made with dates, one [Baraitha] taught that the 'Erub is effective, while another taught that it is not effective. Rabbah said: This need cause no difficulty: the one [Baraitha] follows the Rabbis and the other follows R. Eleazar. The one follows the Rabbis, who said [in the case of the Get] that [the wife] is particular. The other follows R. Eleazar, who said that she merely gives him a direction.² R. Joseph, however, said: Both [Baraithas] follow the Rabbis; the one [who says that the 'Erub is effective] means, when the fruit is his own,³ the other, when it is someone else's.⁴

Said Abaye to him: But what will you make of the following that has been taught: 'If a man says to his agent, Make me an 'Erub in a tower,⁵ and he made one in the dovecote, or if he told him to make in the dovecote and he made it in the tower,' in regard to which it was taught by one [Baraitha] that his 'Erub is effective and by another that it is not? In that case what difference does it make whether it is his own or his neighbor's?⁶ — There too there is [a difference between] the fruit of the tower and the fruit of the dovecote.⁷

MISHNAH. IF A MAN SAYS, 'WRITE A GET AND GIVE IT TO MY WIFE, DIVORCE HER,'⁸ 'WRITE A LETTER AND GIVE HER,' THEN THOSE SO INSTRUCTED SHOULD WRITE AND GIVE HER.² IF HE SAID, 'RELEASE HER', 'PROVIDE FOR HER', 'DO THE CUSTOMARY¹⁰ THING FOR HER', 'DO THE PROPER THING FOR HER', HIS WORDS ARE OF NO EFFECT.¹¹

GEMARA. Our Rabbis taught: [If he said], 'Send her away,'¹² 'Let her go,'¹³ 'Drive her out,' then they should write and give her. If he said, 'Release her,' 'provide for her,' 'Do the customary thing for her,' 'Do the proper thing for her,' his words are of no effect. It has been taught: R. Nathan said: If he said, 'Patteruha,' his words take effect; if he said

'Pitruha', his words are of no effect.¹⁴ Raba said: R. Nathan being a Babylonian distinguishes between Pitruha and Patteruha, but our Tanna being from Eretz Yisrael does not distinguish.¹⁵

The question was raised: If he said, 'Put her out, 'what is the law?'¹⁶ If he said 'Izbuha',¹⁷ what is the law? If he said, 'Hattiruha',¹⁸ what is the law? If he said, 'Let her be,' what is the law? If he said, 'Confer a benefit on her,' what is the law? If he said, 'Do to her according to the law,' what is the law? — One of these questions may at any rate be answered, since it has been taught: If a man says, 'Do to her according to the law,' 'Do to her the proper customary thing,' 'Do to her the proper thing,' his words are of no effect.

MISHNAH. ORIGINALLY THEY LAID DOWN THAT IF A MAN WAS BEING LED OUT TO EXECUTION¹⁹ AND SAID, WRITE A GET FOR MY WIFE,²⁰ THEY MAY WRITE AND GIVE [IT TO HER].²¹ LATER THEY ADDED, ALSO IF HE WERE LEAVING FOR A SEA VOYAGE OR FOR A CARAVAN JOURNEY. R. SIMEON SHEZURI SAID, ALSO IF HE WERE DANGEROUSLY ILL.

GEMARA. Geniba was being led out to execution. On his way out he said, Give four hundred *Zuz* to Rabbi Abina of the wine [which I have] of Neharpania.²² Said R. Zera:

1. I.e., place some food two thousand cubits from the town boundary. V. [Glos.](#)
2. So here, in saying 'dates' he merely meant some kind of fruit.
3. As in that case the Rabbis would admit that he is not particular.
4. Who allowed him specifically to use one kind and not the other.
5. Meaning presumably that he told him to place it in the tower at the end of two thousand cubits from the town boundary.
6. I.e., even if it is his neighbor's, can we suppose that he will be particular?
7. The reference is not to the place where the 'Erub is to be placed but from where to take the fruit for the 'Erub. And if the fruit was his neighbor's, he might be particular.
8. Lit., 'drive her out'.

GITTIN – 48b-90b

9. Because the word 'Get' has in popular usage become synonymous with a bill of divorce. Similarly the word 'driving out' (Gerushin) is commonly used for divorce, while the name 'letter' is applied to the Get in the document itself.
10. [G].
11. Because all these expressions can apply to other things equally with divorce.
12. This is the biblical expression, Deut. XXIV, 1.
13. Shabkuha. This expression is also found in the Get.
14. Patteruha is the imperative Pa'el of the Aramaic word Petar, one of the meanings of which is 'to divorce'. Pitruah is the imperative Kal of the Hebrew word Patar which means 'to declare quit' from a liability (Rashi) v. next note.
15. And he would take Patteruha to be the imperative Pi'el of the Hebrew word Patar, with the same meaning as the Kal (Rashi).
16. The doubt arises because we find in the Scripture the expression 'and she go forth from his house'.
17. The Hebrew equivalent of the Aramaic word Shabkuha (let her go) which above was declared to be legitimate.
18. Which might either mean 'make her permitted to all other men,' and so would be legitimate, or 'release her from a vow.'
19. Lit., 'who goes forth in chains ([G])'.
20. Without adding, 'and give it to her'.
21. Because we suppose he was too agitated to express himself clearly.
22. [Also known as Harpania, a rich agricultural town in the Mesene district, S. of Babylon. (Obermeyer, *op. cit.* p. 197).]

Gittin 66a

Let R. Abina put his pack on his shoulder and go off to R. Huna his teacher,¹ since R. Huna had laid down that a man's Get² is on the same footing as his gift; just as if he recovers he can withdraw his gift, so if he recovers he can withdraw his Get. Similarly [we may argue], just as in the case of his Get, even though he did not express himself clearly, if he says 'write' even though he does not say also 'give' [it is sufficient], so with his gift, since he has said 'give', even though no token was given,³ [it is sufficient]. R. Abba strongly demurred to this [dictum of R. Huna], saying, [Shall I argue on this principle that] just as a gift may take effect after death, so a Get may take effect after death?⁴ — Is

there any comparison? A gift can take effect after death, but is there such a thing as a Get after death?⁵

No; R. Abba's real difficulty was this. [Geniba's gift] was a gift made by one about to die of part of his property, and a gift made by one about to die of part of his property needs to be confirmed by a token gift.⁶ This would seem to show that according to R. Huna⁷ it does not need to be confirmed by a token gift, and yet we know for a fact that it does require a token gift? — There is a special reason here, because he was giving his last dispositions.⁸ This again would show that in R. Abba's opinion even where one gives his last dispositions, there must be a token gift, and we know for a fact that this is not the case? —

No; the real difficulty of R. Abba is this. He did not say, [Give] wine,⁹ nor did he say, [Give] the money value of wine.¹⁰ What he said was 'of the wine'.¹¹ — What does the other [R. Zera] [make of this]? — [He says that] he used the expression 'of the wine' to make his title more secure.¹² They sent from there [Palestine] to say, 'Of the wine' makes his title more secure.

MISHNAH. IF A MAN HAD BEEN THROWN INTO A PIT AND CRIED OUT¹³ THAT WHOEVER HEARD HIS VOICE SHOULD WRITE A GET FOR HIS WIFE, THE GET SHOULD BE WRITTEN AND PRESENTED TO HER.

GEMARA. But is there not a possibility that it may be a demon? — Rab Judah said: We assume that he can be seen to have the appearance of a man. But the demons also can look like men? — We assume that they see his shadow. But they also have a shadow? — We assume they see a shadow of a shadow. But perhaps they also have a shadow of a shadow? — R. Hanina said: Jonathan my son has taught me that they have a shadow, but not a shadow of a shadow. But perhaps it is her rival?¹⁴ — A Tanna of the school of R.

GITTIN – 48b-90b

Ishmael taught: In time of danger¹⁵ we can write and [give a Get], even if we do not know him.¹⁶

MISHNAH. IF A MAN IN HEALTH SAYS, WRITE A GET FOR MY WIFE,¹⁷ HIS INTENTION IS MERELY TO PLAY WITH HER. IT ONCE HAPPENED WITH A MAN IN GOOD HEALTH WHO SAID, WRITE A GET FOR MY WIFE, AND THEN WENT UP ON TO A ROOF AND FELL DOWN FROM IT AND DIED, AND RABBAN SIMEON B. GAMALIEL SAID THAT IF HE HAD THROWN HIMSELF DOWN THIS WAS A GET,¹⁸ BUT IF THE WIND HAD BLOWN HIM OVER IT WAS NO GET.

GEMARA. The instance adduced disproves the rule, [does it not]?¹⁹ — There is a lacuna, and the Mishnah should run thus: 'If his subsequent conduct reveals his intention [to kill himself], the Get is valid. IT ONCE HAPPENED WITH A MAN IN GOOD HEALTH WHO SAID, WRITE A GET FOR MY WIFE, AND THEN WENT UP TO A ROOF AND FELL DOWN FROM IT AND DIED, AND RABBAN SIMEON B. GAMALIEL SAID: IF HE HAD THROWN HIMSELF DOWN THIS WAS A GET, BUT IF THE WIND HAD BLOWN HIM OVER IT WAS NO GET.

A certain man went into the synagogue and found a teacher of children and his son sitting there and a third man sitting by them. He said to them: I want two of you to write a Get for my wife. Before the Get was given²⁰ the teacher died. [The question arose], Do people usually make a son their agent in the place of his father or not?²¹ — R. Nahman said: People do not make a son the agent in the place of his father, while R. Papi said that people do make a son their agent in the place of his father.²² Raba said: The law is that people do make a son the agent in place of the father.

MISHNAH. IF A MAN SAID TO TWO PERSONS, GIVE A GET TO MY WIFE,²³

1. Who would confirm his title.
2. Given on a sick bed.
3. I.e., there was no *Kinyan*. v. [Glos.](#)
4. The wife becomes automatically released on the death of her husband, so that no Get can be effective after death. The Get is in fact meant to take effect before death, to release the wife from the obligation of *Halizah*.
5. Where the husband made such a stipulation.
6. Because by giving only part, he shows that he has in mind the possibility of recovery, and therefore the gift is on the same footing as one given by a healthy person, v. B.B. 151b.
7. Since R. Huna would, it is held, confirm the title to the gift.
8. Lit., 'ordering by reason of death'.
9. To the value of four hundred *Zuz*.
10. I.e., sell four hundred *Zuz* worth and give him the money.
11. I.e., money from wine, which has no meaning.
12. So that he should have a lien on the whole of the wine in case any of it went sour or the money obtained from the sale of it was lost, the words 'of wine' including both the wine and its money value.
13. Giving his name and the name of his town.
14. Who wants her to obtain a Get so that she may marry again and become forbidden to her present husband.
15. As in the case of one who is in imminent danger of death.
16. I.e., whether he is the man who he says he is.
17. Without adding, Give it to her.
18. Because, having had the intention to commit suicide, he was on the same footing as one in imminent danger of death.
19. Since the rule is given without qualification.
20. Lit., 'At the end'.
21. The husband had gone away, and the question was whether when the man said 'two of you', his words could apply equally to the son alone as well as to the father alone in conjunction with the third man, or to the father only, the son being ineligible when the father was present.
22. And the son can form the second man to write the Get.
23. But did not say write'.

Gittin 66b

OR TO THREE PERSONS, WRITE A GET AND GIVE IT TO MY WIFE, THEY SHOULD WRITE AND GIVE IT. IF HE SAID TO THREE

GITTIN – 48b-90b

PERSONS, GIVE A GET TO MY WIFE,¹ THEY MAY TELL OTHERS TO WRITE² BECAUSE HE HAS MADE THEM A *BETH DIN*.³ THIS IS THE VIEW OF R. MEIR, AND THIS IS THE *HALACHAH* WHICH R. HANINA A MAN OF ONO⁴ BROUGHT [FROM R. AKIBA IN] PRISON:⁵ 'I HAVE IT FROM MY TEACHERS THAT IF A MAN SAYS TO THREE PERSONS, GIVE A GET TO MY WIFE, THEY MAY TELL OTHERS TO WRITE IT, BECAUSE HE HAS CONSTITUTED THEM A *BETH DIN*. R. JOSE SAID: WE SAID TO THE MESSENGER, WE ALSO HAVE IT ON TRADITION FROM OUR TEACHERS THAT EVEN IF HE SAID TO THE GREAT *BETH DIN* IN JERUSALEM,⁶ GIVE A GET TO MY WIFE, 'THEY SHOULD LEARN⁷ AND WRITE AND GIVE IT. IF A MAN SAYS TO TEN PERSONS, WRITE A GET AND DELIVER IT TO MY WIFE, ONE WRITES, AND TWO SIGN AS WITNESSES. [IF HE SAID,] ALL OF YOU WRITE, ONE WRITES AND ALL SIGN. CONSEQUENTLY IF ONE OF THEM DIES, THE GET IS INVALID.

GEMARA. R. Jeremiah b. Abba said: An inquiry was sent from the school of Rab⁸ to Samuel: Would our teacher inform us: If a man said to two persons, Write and deliver a Get to my wife, and they told a scribe and he wrote it and they themselves signed it, what is the law?⁹ — He sent back word: She must leave [her second husband],¹⁰ but the matter requires further study. What did he mean by saying that the matter requires further study? Shall we say it is because only a verbal instruction¹¹ was given to them,¹² and Samuel is in doubt whether a verbal instruction can be passed on to another agent or not? Has not Samuel said in the name of Rabbi that the *Halachah* follows R. Jose who said that verbal instructions cannot be passed on to another agent?¹³ —

No; what Samuel wanted to know was this. [When the husband said to the men], 'write', did he mean their signatures or the Get?¹⁴ — Cannot this be determined from the Mishnah: IF A MAN SAID TO TWO PERSONS, GIVE A GET TO MY WIFE,

OR IF HE SAID TO THREE, WRITE A GET AND GIVE [IT] TO MY WIFE, THEY SHOULD WRITE AND DELIVER [IT]? — Here too he was in doubt whether 'WRITE' meant their signatures or the actual Get. Surely it is obvious that it must be the Get, from what we read in the later clause: R. JOSE SAID, WE SAID TO THE MESSENGER, WE TOO HAVE IT ON TRADITION FROM OUR TEACHERS THAT EVEN IF HE SAID TO THE GREAT *BETH DIN* IN JERUSALEM, GIVE A GET TO MY WIFE, THEY SHOULD LEARN AND WRITE AND GIVE TO HER.¹⁵ Now if you say that the writing of the Get is meant, this creates no difficulty, but if you say it is the writing of the signatures, surely there is no *Beth Din*, the members of which do not know how to sign their names? — Yes; this might happen in a new *Beth Din*.

Now if we adopt the opinion that 'write' means 'write your signatures,' but as to the actual Get, it is in order even if written by others [how can this be seeing that] Samuel said in the name of Rabbi that the *Halachah* is in accordance with R. Jose who said that verbal instructions cannot be passed on to another agent? — We might reply that if we adopt the opinion that 'write' means the signatures, then as far as the writing of the Get is concerned it is as though the husband had given instructions that they should tell [the scribe], and R. Jose admits that [the Get written by the scribe is valid] where he said, Tell [the scribe to write it].

But does R. Jose admit that it is valid where he says to them, Tell [the scribe]? Have we not learnt: 'If the scribe wrote and there was one witness [besides], the Get is valid,'¹⁶ and R. Jeremiah said in regard to this, Our Version is, If the scribe signs,¹⁷ and R. Hisda said, Whom does the Mishnah follow? R. Jose, who said that verbal instructions cannot be passed on to another agent.¹⁸ Now if you assume that R. Jose admits [that the Get is valid] where he says, Tell [the scribe], then a

GITTIN – 48b-90b

calamity may result, since sometimes he will say to two persons,

1. Without saying 'write'.
2. And sign.
3. And they have authority to do this.
4. In Benjamin near Lydda. I Chron. VIII, 12.
5. *Var. lec.* Which R. Hanina sent from prison.
6. The Synhedrion.
7. How to write.
8. [Probably after the death of Rab (247 C.E.) or simply 'from the school'.]
9. Are the words **THEY SHOULD WRITE** in the Mishnah to be taken literally or do they denote merely the signatures.
10. If she has married again on the strength of the Get.
11. Lit., 'words'.
12. And they were not given the actual Get to deliver.
13. And therefore if these tell a scribe to write the Get it is invalid, v. *supra* 29a.
14. If he meant them to write only the signatures the Get is valid, and therefore he was in doubt.
15. *Infra* 71b.
16. [Our Mishnah text actually reads: **WRITE AND GIVE**, but this Gemara reading is supported by the J. Mishnah.]
17. He signs the Get as witness, in conjunction with another witness.
18. Consequently we may safely assume that the scribe was commissioned to sign by the husband himself, and there is no fear that the agent told him to do so on his own authority, so as not to offend the scribe.

Gittin 67a

Tell the scribe to write and So-and-so and So-and-so to sign, and out of fear of offending the scribe they will agree that one of them should sign and the scribe with him, which is not what the husband said?¹ — Since a Master has said² [that a Get of this kind³ is] valid but this should not be done in Israel, it is not usual.⁴ But is there not the possibility that he may say to two persons, Tell the scribe to write and do you sign, and they will go and in order not to offend the scribe let the scribe sign along with one of them, which is not what the husband said? — We say here also: Such a Get is valid, but this should not be done in Israel.⁵ This is a sufficient answer for one who holds that it is valid but should

not be done, but to one who holds that it is valid and may be done what are we to say? — The truth is that R. Jose laid down two [disqualifications],⁶ and Samuel concurred with him in regard to one and differed from him in regard to the other.⁷

The text above [states]: 'Samuel said in the name of Rabbi that the *Halachah* is in accordance with R. Jose, who said that verbal instructions cannot be passed on to an agent'. R. Simeon son of Rabbi said to him: Seeing that R. Hanina of Ono and R. Meir take a different view from R. Jose, what was Rabbi's reason for saying that the *Halachah* follows R. Jose? — He replied: Say nothing, my son, say nothing; you have never seen R. Jose. Had you seen him, [you would know] that he always had good ground for his views.⁸ For so it has been taught: Issi b. Judah used to specify the distinctive merits of the various Sages. R. Meir [he said], was wise and a scribe.⁹ R. Judah was wise when he desired to be.¹⁰ R. Tarfon was a heap of nuts.¹¹ R. Ishmael was a well-stocked shop.¹² R. Akiba was a storehouse with compartments.¹³ R. Johanan b. Nuri was a basket of fancy goods.¹⁴ R. Eleazar b. Azariah was a basket of spices.¹⁵ The Mishnah of R. Eliezer b. Jacob [the Elder] was little and good.¹⁶ R. Jose always had his reasons. R. Simeon used to grind much and let out little. A Tanna [explained this to mean that] he used to forget little, and what he let go from his mind was only the bran.¹⁷ So too said R. Simeon to his disciples: My sons, learn my rules,¹⁸ since my rules are the cream of the cream¹⁹ of R. Akiba's.

The text above [states]. 'If a man said to two persons, Tell the scribe to write and So-and-so and So-and-so to sign, R. Huna said in the name of Rab that [the Get is] valid, but this should not be done in Israel.' Said 'Ulla to R. Nahman (or, according to others, R. Nahman said to 'Ulla): Seeing that [the Get is] valid, why should this not be done in Israel? — He replied: We are afraid lest she might suborn witnesses.²⁰ But do we entertain any such

GITTIN – 48b-90b

fear? Has it not been taught: Once the witnesses have signed to a deed of purchase of a field or the Get of a woman, the Sages entertain no doubts about their reliability? They would not do anything wrong,²¹ but they might say something.

If a man said to two persons, Tell the scribe to write and do you sign, R. Hisda said [that the Get would be] valid but this should not be done; Rabbah b. Bar Hanah said that it is valid and this may be done; R. Nahman said it is valid and this may not be done; R. Shesheth said it is valid and this may be done; Rabbah said it is valid and this may not be done; R. Joseph said it is valid and this may be done.

1. He appointed special witnesses for the signature. This proves that the view that the scribe may witness the Get is not compatible with the view that the husband can say to the agent, Tell the scribe.
2. *Infra*.
3. 'Tell the scribe to write and So-and-so, etc., to sign.'
4. And therefore R. Jose would not make provision against so remote a danger.
5. And therefore this also is unusual.
6. That the Get is invalid whether he told three persons to write and they told a scribe to write, or whether he told two persons to tell a scribe to write and two persons to sign, and they did so.
7. [Samuel agreed that if he did not say 'tell the scribe' the Get is invalid, since oral instructions cannot be committed to an agent, but he held that if he did say so the Get would be valid. Hence, as regards the query sent to Samuel, if the word 'write' meant only the signature, they would be able to tell the scribe to write. And it was with reference to this that Samuel required the matter to be studied further.]
8. Lit., 'his depth is with him', or 'his Nomikon (logic)'.
9. This was his profession. V. Sotah, 20.
10. I.e., when he was not too hasty, he could be even wiser than R. Meir (Tosaf.).
11. When he was asked a question, his instances came out like a heap of nuts toppling over one another.
12. Where it is not necessary to keep the customer waiting while the article required is brought from outside.

13. All his learning being classified under various heads Scripture, *Halachah*, *Aggadah*, etc. like different kinds of corn in a storehouse.
14. Apparently this indicates that while his knowledge was well arranged like that of R. Akiba, it was not so well unified and correlated.
15. Apparently, less in quantity than R. Johanan's.
16. Lit., 'a Kab and fine'. So that wherever he gives an opinion, the *Halachah* follows him.
17. I.e., those statements which were not followed by the *Halachah*.
18. Lit., 'measures'.
19. Lit., 'the *Terumah* of the *Terumah*'.
20. To say this to the scribe and the witnesses in the name of her husband.
21. E.g., sign their own names.

Gittin 67b

Some reverse [the names in] the last two statements.

IF HE SAID TO TEN PERSONS, WRITE A GET. Our Rabbis taught: If he says to ten persons, Write a Get and give it to my wife, one writes on behalf of all of them. [If he says,] All of you write, one writes In the presence of all of them. If he says [to ten], Take a Get to my wife, one takes it on behalf of all of them. If he says, All of you take it, one takes it in the company of the rest. The question was raised: If he enumerated them [one by one], what is the law? — R. Huna said: Enumeration is not the same as saying 'all of you'; R. Johanan said in the name of R. Eleazar from Ruma¹ that enumeration is the same as saying 'all of you'. R. Papa said: They are not in conflict: the one speaks of where he enumerated all of them and the other of where he enumerated only some of them. Some explain this in one way and some explain it in the opposite way.²

Rab Judah made a regulation that in a Get [which the husband had ordered with the word] 'all of you' [they should insert³ the words, He said to us], Write either all of you or any one of you; Sign either all of you or any two of you; Convey all of you or any one of you.⁴ Raba said: Sometimes a man cuts his

GITTIN – 48b-90b

words short and says 'all of you' without adding, 'any one of you,' and he can afterwards come and declare the Get invalid. Raba therefore said that [they should insert the words], Write any one of you, Sign any two of you, Convey any one of you.⁵

CHAPTER VII

MISHNAH. IF A MAN IS SEIZED WITH A KORDIAKOS⁶ AND SAYS, WRITE A GET FOR MY WIFE, HIS WORDS ARE OF NO EFFECT. IF HE SAYS, WRITE A GET FOR MY WIFE, AND IS THEN SEIZED WITH A KORDIAKOS AND THEN SAYS, DO NOT WRITE IT, HIS LATER WORDS ARE OF NO EFFECT. IF HE IS STRUCK DUMB, AND WHEN THEY SAY TO HIM, SHALL WE WRITE A GET FOR YOUR WIFE, HE NODS HIS HEAD, HE IS TESTED WITH THREE QUESTIONS.⁷ IF HE SIGNIFIES 'NO' AND 'YES' PROPERLY EACH TIME, THEN THE GET SHOULD BE WRITTEN AND GIVEN FOR HIM.

GEMARA. What is *Kordiakos*? — Samuel said: Being overcome⁸ by new wine from the vat. Then why does it not Say. If one is overcome by new wine? — The mode of expression teaches us that this spirit [which causes the dizziness] is called *Kordiakos*. Of what use is this [knowledge]? — For a charm. What is the remedy for it? Red⁹ meat broiled on the coals, and wine highly diluted.

Abaye said: My mother¹⁰ told me that for a sun-stroke [fever] the remedy is on the first day to take a jug of water, [if it lasts] two days to let blood, [if] three days to take red meat broiled on the coals and highly diluted wine. For a chronic heat stroke, he should bring a black hen and tear it lengthwise and crosswise and shave the middle of his head and put the bird on it and leave it there till it sticks fast, and then he should go down [to the river] and stand in water up to his neck till he is quite faint, and then he should swim out and sit down. If he cannot do this, he should eat leeks and go down and stand in water up to his neck till he is faint and then

swim out and sit down. For sunstroke one should eat red meat broiled on the coals with wine much diluted. For a chill¹¹ one should eat fat meat broiled on the coals with undiluted wine.

When the household of the Exilarch wanted to annoy R. Amram the Pious,¹² they made him lie down in the snow. On the next day they said, What would your honor like us to bring you? He knew that whatever he told them they would do the reverse, so he said to them, Lean meat broiled on the coals and wine much diluted. They brought him fat meat broiled on the coals and undiluted wine. Yaltha¹³ heard and took him in to the bath, and they kept him there till the water turned to the color of blood¹⁴ and his flesh was covered with bright spots. R. Joseph used to cure the shivers by working at the mill, R. Shesheth by carrying heavy beams. He said: Work is a splendid thing to make one warm.¹⁵

The Exilarch once said to R. Shesheth, Why will your honor not dine with us? He replied: Because your servants are not reliable, being suspected of taking a limb from a living animal. You don't say so,¹⁶ said the Exilarch. He replied, I will just show you. He then told his attendant to steal a leg from an animal and bring it. When he brought it to him he said [to the Servants of the Exilarch], place the pieces of the animal before me. They brought three legs and placed them before him. He said to them, This must have been a three-legged animal. They then cut a leg off an animal and brought it. He then said to his attendant, Now produce yours. He did so, and he then said to them, This must have been a five-legged animal. The Exilarch said to him, That being the case, let them prepare the food in your presence¹⁷ and then you can eat it. Very good, he replied. They brought up a table and placed meat before him, and set in front of him a portion with a dangerous bone.¹⁸ He felt it and took and wrapped it in his scarf. When he had finished they said to him,

GITTIN – 48b-90b

1. [In the neighborhood of Zephoris. V. Klein, NB p. 22.]
2. Some say that if he enumerated all of them this is equivalent to saying 'all of you', whereas if he enumerated only some, this shows that he abandoned his intention of making all of them responsible, and it is sufficient if any two of those enumerated sign. Others explain that if he enumerated some, this shows that he was particular that all these should sign, whereas if he enumerated all without saying 'all of you,' this shows that he desired any two to sign, but in the presence of the rest.
3. To provide against the possibility that the husband may insist that he meant that it should be signed by all.
4. Should one of them be absent at the writing or fail to sign the Get.
5. Omitting 'all of you'.
6. A kind of delirium in which he does not know exactly what he is saying. V. *Infra*. Apparently = [G], which, however, is not found in this sense. Goldschmidt derives it from [G].
7. Lit., 'three times', to see if he is still compos mentis.
8. Lit., 'bitten'.
9. I.e., without much fat.
10. V. Kid. 31b.
11. Lit., 'snow'.
12. Because he used to vex them with his numerous restrictions.
13. The daughter of the Exilarch and wife of R. Nahman.
14. From the perspiration.
15. Lit., 'to make warm its master'.
16. Lit., 'who will say'.
17. According to another reading 'in the presence of your servant,' as R. Shesheth was blind.
18. Lit., 'the portion which chokes the mother-in-law'. According to Rashi, this was a part above the hind leg containing a very small bone.

Gittin 68a

A silver cup has been stolen from us.¹ In the course of their search for it they found the meat wrapped in his scarf, whereupon they said to the Exilarch, See, sir, that he does not want to eat, but only to vex us. He said, I did eat, but I found in it the taste of a boil. They said to him, No animal with a boil has been prepared for us to-day. He said to them, Examine the place [where my portion came from].² since R. Hisda has said that a white spot on black skin or a black spot on white

skin is a mark of disease.³ They examined and found that it was so.

When he was about to depart they dug a pit and threw a mat over it, and said to him, Come, sir, and recline. R. Hisda snorted behind him.⁴ and he said to a boy. Tell me the last verse you have learnt.⁵ The boy said. Turn thee aside to thy right hand or to thy left.⁶ He said to his attendant, What can you see? He replied. A mat thrown across [the path]. He said, Turn aside from it. When he got out, R. Hisda said to him, How did you know, sir? He replied. For one thing because you, sir, snorted [behind me], and again from the verse which the boy quoted, and also because the servants are suspect of playing tricks.⁷

I gat me Sharim and Sharoth,⁸ and the delights of the sons of men, Shidah and Shidoth.⁹ 'Sharim and Sharoth', means diverse kinds of music; 'the delights of the sons of men' are ornamental pools and baths. 'Shidah and Shidoth': Here [in Babylon] they translate as male and female demons. In the West [Palestine] they say [it means] carriages.

R. Johanan said: There were three hundred kinds of demons in Shihin, but what a Shidah is I do not know.¹⁰

The Master said: Here they translate 'male and female demons'. For what did Solomon want them? — As indicated in the verse, And the house when it was in building was made of stone made ready at the quarry, [there was neither hammer nor axe nor any tool of iron heard in the house while it was in building];¹¹ He said to the Rabbis, How shall I manage [without iron tools]? —

They replied, There is the shamir¹² which Moses brought for the stones of the ephod. He asked them, Where is it to be found? —

They replied, Bring a male and a female demon and tie them together; perhaps they

GITTIN – 48b-90b

know and will tell you. So he brought a male and a female demon and tied them together. They said to him, We do not know, but perhaps Ashmedai the prince of the demons knows. He said to them, Where is he? —

They answered, He is in such-and-such a mountain. He has dug a pit there, which he fills with water and covers with a stone, which he then seals with his seal. Every day he goes up to heaven and studies in the Academy of the sky and then he comes down to earth and studies in the Academy of the earth, and then he goes and examines his seal and opens [the pit] and drinks and then closes it and seals it again and goes away. Solomon thereupon sent thither Benaïahu son of Jehoiada, giving him a chain on which was graven the [Divine] Name and a ring on which was graven the Name and fleeces of wool and bottles of wine. Benaïahu went and dug a pit lower down the hill and let the water flow into it¹³ and stopped [the hollow] With the fleeces of wool, and he then dug a pit higher up and poured the wine into it¹⁴ and then filled up the pits. He then went and sat on a tree.

When Ashmedai came he examined the seal, then opened the pit and found it full of wine. He said, it is written, Wine is a mocker, strong drink a brawler, and whosoever erreth thereby is not wise,¹⁵ and it is also written, Whoredom and wine and new wine take away the understanding.¹⁶ I will not drink it. Growing thirsty, however, he could not resist, and he drank till he became drunk, and fell asleep. Benaïahu then came down and threw the chain over him and fastened it. When he awoke he began to struggle, whereupon he [Benaïahu] said, The Name of thy Master is upon thee, the Name of thy Master is upon thee. As he was bringing him along, he came to a palm tree and rubbed against it and down it came. He came to a house and knocked it down. He came to the hut of a certain widow. She came out

1. A mere pretext in order to search him.
2. I.e., the skin.

3. Of the flesh.
4. As a signal.
5. For an omen; cf. *supra* 56a.
6. II Sam. II, 21.
7. Lit., 'of not being good'.
8. E.V. 'men-singers and women-singers'.
9. Eccl. II. 8.
10. Al. 'the real mother of the demons I do not know'.
11. I Kings VI, 7.
12. A fabulous worm which could cut through the sharpest stone. [So Maimonides, *Aboth*, v. 6. and Rashi, *Pes.* 54a, though none of the old Talmudic sources states explicitly whether the Shamir was a living creature or a mineral. The Testament of Solomon, however, seems to regard it as a stone. V. Ginzberg *Legends*, V, p. 55, n. 105, and VI, p. 299, n. 82, also *Aboth*, (Sonc. ed.) p. 63, n. 6.]
13. From Ashmedai's pit by means of a tunnel connecting the two.
14. So that it should flow into Ashmedai's pit.
15. Prov. XX, 1.
16. Hos, IV, 11.

Gittin 68b

and besought him, and he bent down so as not to touch it, thereby breaking a bone. He said, That bears out the verse, A soft tongue breaketh the bone¹ He saw a blind man straying from his way and he put him on the right path. He saw a drunken man losing his way and he put him on his path. He saw a wedding procession making its way merrily and he wept. He heard a man say to a shoemaker, Make me a pair of shoes that will last seven years, and he laughed. He saw a diviner practicing divinations and he laughed. When they reached Jerusalem he was not taken to see Solomon for three days. On the first day he asked, Why does the king not want to see me? They replied, Because he has over-drunk himself. So he took a brick and placed it on top of another. When they reported this to Solomon he said to them, What he meant to tell you was, Give him more to drink.

On the next day he said to them, Why does the king not want to see me? They replied, Because he has over-eaten himself. He thereupon took one brick from off the other

GITTIN – 48b-90b

and placed it on the ground. When they reported this to Solomon, he said, He meant to tell you to keep food away from me. After three days he went in to see him. He took a reed and measured four cubits and threw it in front of him, saying, See now, when you die you will have no more than four cubits in this world. Now, however, you have subdued the whole world, yet you are not satisfied till you subdue me too. He replied: I want nothing of you. What I want is to build the Temple and I require the Shamir. He said: It is not in my hands, it is in the hands of the Prince of the Sea who gives it only to the woodpecker,² to whom he trusts it on oath.

What does the bird do with it? — He takes it to a mountain where there is no cultivation and puts it on the edge of the rock which thereupon splits, and he then takes seeds from trees and brings them and throws them into the opening and things grow there. (This is what the *Targum* means by Nagar Tura).³ So they found out a woodpecker's nest with young in it, and covered it over with white glass. When the bird came it wanted to get in but could not, so it went and brought the Shamir and placed it on the glass. Benaiahu thereupon gave a shout, and it dropped [the Shamir] and he took it, and the bird went and committed suicide on account of its oath.

Benaiahu said to Ashmedai, Why when you saw that blind man going out of his way did you put him right? He replied: It has been proclaimed of him in heaven that he is a wholly righteous man, and that whoever does him a kindness will be worthy of the future world. And why when you saw the drunken man going out of his way did you put him right? He replied, They have proclaimed concerning him in heaven that he is wholly wicked, and I conferred a boon on him in order that he may consume [here] his share [in the future].⁴ Why when you saw the wedding procession did you weep? He said: The husband will die within thirty days, and she will have to wait for the brother-in-law who is still a child of thirteen years.⁵ Why,

when you heard a man say to the shoemaker, Make me shoes to last seven years, did you laugh? He replied: That man has not seven days to live, and he wants shoes for seven years! Why when you saw that diviner divining did you laugh? He said: He was sitting on a royal treasure: he should have divined what was beneath him.

Solomon kept him with him until he had built the Temple. One day when he was alone with him, he said, it is written, He hath as it were To'afoth and Re'em,⁶ and we explain that To'afoth means the ministering angels and Re'em means the demons.⁷ What is your superiority over us?⁸ He said to him, Take the chain off me and give me your ring, and I will show you. So he took the chain off him and gave him the ring. He then swallowed him,⁹ and placing one wing on the earth and one on the sky he hurled him four hundred parasangs. In reference to that incident Solomon said, What profit is there to a man in all his labor wherein he laboreth under the sun.¹⁰

And this was my portion from all my labor.¹¹ What is referred to by 'this'? — Rab and Samuel gave different answers, one saying that it meant his staff and the other that it meant his apron.¹² He used to go round begging, saying wherever he went, I Koheleth was king over Israel in Jerusalem.¹³ When he came to the Sanhedrin, the Rabbis said: Let us see, a madman does not stick to one thing only.¹⁴ What is the meaning of this? They asked Benaiahu, Does the king send for you? He replied, No. They sent to the queens saying, Does the king visit you? They sent back word, Yes, he does. They then sent to them to say, Examine his leg.¹⁵ They sent back to say, He comes in stockings, and he visits them in the time of their separation and he also calls for Bathsheba his mother. They then sent for Solomon and gave him the chain and the ring on which the Name was engraved. When he went in, Ashmedai on catching sight of him flew away, but he remained in fear of him, therefore is it

GITTIN – 48b-90b

written, Behold it is the litter of Solomon, threescore mighty met, are about it of the mighty men of Israel. They all handle the sword and are expert in war, every man hath his sword upon his thigh because of fear in the night.¹⁶

Rab and Samuel differed [about Solomon]. One said that Solomon was first a king and then a commoner,¹⁷ and the other that he was first a king and then a commoner and then a king again.

For blood rushing to the head the remedy is to take shurbina¹⁸ and willow and moist myrtle and olive leaves and poplar and rosemary and Yabla¹⁹ and boil them all together. The sufferer should then place three hundred cups on one side of his head and three hundred on the other. Otherwise he should take white roses with all the leaves on one side and boil them and pour sixty cups over each side of his head. For migraine one should take a woodcock and cut its throat with a white Zuz²⁰ over the side of his head on which he has pain, taking care that the blood does not blind him, and he should hang the bird on his doorpost so that he should rub against it when he goes in and out.

1. Prov. XXV, 15.
2. Lit., 'Cock of the prairie'.
3. Lit., 'One that saws the rock': the rendering in Targum *Onkelos* of the Hebrew [H] generally rendered by hoopoe; Lev. XI, 19.
4. That there may remain no share for him to enjoy in the hereafter.
5. Before he can give her *Halizah* (v. [Glos.](#)) and enable her to marry again.
6. Num. XXIV, 8. E.V., 'the strength of a wild ox'.
7. So Targum *Onkelos*.
8. That you should be a standard of comparison for Israel.
9. Al. 'it' (the ring).
10. Eccl. I, 3. [No satisfactory explanation has yet been given of the name of Ashmedai. Ginzberg (JE. II s.v. Asmodeus) gives it an Aramaic derivation. Kaminka JQR. (NS) XIII. p. 224 connects it with Smerdis, the magician, a hero in a Persian legend preserved by Herodotus, which has many points of similarity with the Ashmedai story.]

11. Ibid. II, 10.
12. Al. 'his platter', v. Sanh. (Sonc. ed.) p. 110 and notes.
13. Ibid. I, 12.
14. I.e., if Solomon were mad, he would show it by other things as well.
15. Because a demon's legs are like those of a cock, v. Ber. 6a.
16. Cant. III, 7, 8.
17. That is to say, that though he was restored to his kingdom, he did not rule over the unseen world as formerly, v. Sanh. *loc. cit.*
18. A kind of cedar.
19. A certain herb, cynodon.
20. I.e., a white silver coin.

Gittin 69a

For a cataract he should take a scorpion with stripes of seven colors and dry it out of the sun and mix it with stibium in the proportion of one to two and drop three paint-brushfuls into each eye — not more, lest he should put out his eye. For night blindness¹ he should take a string made of white hair and with it tie one of his own legs to the leg of a dog, and children should rattle potsherds behind him saying 'Old dog, stupid cock'. He should also take seven pieces of raw meat from seven houses and put them on the doorpost and [let the dog] eat them on the ash-pit of the town. After that he should untie the string and they should say, 'Blindness of A, son of the woman B, leave A, son of the woman B,' and they should blow into the dog's eye. For day blindness he should take seven milts from the insides of animals and roast them in the shard of a blood-letter, and while he sits inside the house another man should sit outside and the blind man should say to him, 'Give me to eat, and the other, the seeing man, should answer, 'Take and eat,' and after he has eaten he should break the shard, as otherwise the blindness may come back. To stop bleeding at the nose he should bring a Kohen whose name is Levi and write Levi backwards, or else bring any man and write, I Papi Shila bar Sumki, backwards, or else write thus: Ta'am Deli Beme Kesaf, Ta'am Deli Be-Me Pegam.² Or else he can take root of clover and the rope of an old bed and papyrus and saffron and the red part of a

GITTIN – 48b-90b

palm branch and burn them all together and then take a fleece of wool and weave two threads and steep them in vinegar and roll them in the ashes and put them in his nostrils. Or he can look for a watercourse running from east to west and stand astride over it and pick up some clay with his right hand from under his left leg and with his left hand from under his right leg and twine two threads of wool and rub them in the clay and put them in his nostrils. Or else he can sit under a gutter pipe while they bring water and pour over him saying, 'As these waters stop, so may the blood of A, son of the woman B, stop'. To stop blood coming from the mouth he should [first] be tested with a wheat straw. If the blood sticks, It comes from the lungs and can be cured, but if not it comes from the liver and cannot be cured.

Said R. Ammi to R. Ashi: But we have learnt the opposite:³ '[The animal is *Trefah*] if the liver has been removed and nothing of it is left, or if the lung is pierced or defective'?⁴ — He replied: Since it comes away from his mouth, we assume that the liver has been entirely dissolved [in the lung].⁵

The Master just said: If it comes from the lung, there is a remedy for it. What is the remedy? Let him take seven handfuls of hashed beets and seven handfuls of mashed leeks and seven handfuls of jujube berry and three handfuls of lentils and a handful of camon and a handful of flax⁶ and a quantity equal to all these of the ileum of a first-born animal and let him cook the mixture and eat it, washing it down with strong beer made in [the month of] Tebeth.⁷ For toothache Rabbah b. R. Huna says that he should take the top of a garlic with one stalk only and grind it with oil and salt and put it on his thumb nail on the side where the tooth aches and put a rim of dough round it, taking care that it does not touch his flesh, as it may cause leprosy. For swollen glands,⁸ R. Johanan said that pellitory leaves are as good as mamru² and the root of pellitory better than Mamru, and he should put them in his

mouth. This is to prevent it from spreading. To soften it he should take bran that came to the top of the sieve and lentils with the earth still on them and clover and hemlock flower and the bud of cuscuta, and he should put about the size of a nut in his mouth. To make it burst, someone should blow into his throat seeds of unripe dates, through a wheat straw. To make the flesh close he should bring dust from the shadow of a privy and knead it with honey and eat. This is effective. For catarrh¹⁰ he should take about the size of a pistachio of gum-ammoniac and about the size of a nut of sweet galbanum and a spoonful of white honey and a Mahuzan *Natla*¹¹ of clear¹² wine and boil them up together; when the gum-ammoniac boils, it is all boiled enough. If he cannot manage this, let him take a *Revi'ith* of milk of a white goat

1. [Shabrire, a Shaf'el form of [H] 'clear', a euphemism for 'blindness'. In this infliction, ascribed to the demons, a distinction was made between day-Shabrire and night-Shabrire which is said to correspond with hemeralopia and nyctalopia. V. Preuss, *Biblich-talmudische Medizin*, p. 312, and *A.Z.*, (Sonc. ed.) p. 64, n. 4.]
2. Lit., 'The taste of the bucket in water of silver, the taste of the bucket in water of blemish'.
3. Hul. 42a.
4. This would show that if the blood comes from the lungs it is more fatal than from the liver.
5. And the blood is really from the liver.
6. [Var. lec. 'spices'].
7. In the winter when the brew is made strong.
8. So Rashi. Jast.: 'jaws'.
9. A kind of herb.
10. [So Rashi. Preuss (op. cit. p. 198) Pleurisy.]
11. About a *Revi'ith* (1/4 log).
12. I.e., not dark.

Gittin 69b

and let it drip on three stalks of carob and stir it with a piece of stem of marjoram; when the stem of marjoram is boiled it is all boiled enough. He can also take the excrement of a white dog and knead it with balsam, but if he can possibly avoid it he should not eat the dog's excrement as it loosens the limbs. For *Gira*¹ he should take an arrow of *Lilith*² and place it point

GITTIN – 48b-90b

upwards and pour water on it and drink it. Alternatively he can take water of which a dog has drunk at night, but he must take care that it has not been exposed.³ For [drinking] water which has been exposed let him take an *Anpak* of undiluted wine. For an abscess, an *Anpak* of wine with purple-colored aloes. For palpitations of the heart he should take three barley-cakes and streak them with liamak⁴ which has been made less than forty days before, and eat it and wash it down with wine well diluted. Said R. Aha from Difti to Rabina: This will make his heart palpitate all the more! —

He replied: I was speaking of heaviness of heart. For palpitations of the heart he should take three cakes of wheat and streak them with honey and eat them and wash them down with strong wine. For pressure of the heart he should take the size of three eggs of mint and an egg of camon and an egg of sesame and eat them. For pain in the stomach he should take three hundred long pepper grains and every day drink a hundred of them in wine. Rabin of Naresh⁵ used for the daughter of R. Ashi a hundred and fifty of our grains; it cured her. For intestinal worms, an *Anpak*⁶ of wine with bay leaves. For white intestinal worms he should take eruca seed and tie it in a piece of cloth and soak it in water and drink it, taking care not to swallow the pips, since they may pierce his bowels. For looseness of the bowels, moist polio in water. For constipation, dry polio in water. The mnemonic⁷ is, 'dry twigs stop the stream'. For swelling of the spleen, let him take seven leeches and dry them in the shade and every day drink two or three in wine. Alternatively he may take the spleen of a she-goat which has not yet had young, and stick it inside the oven and stand by it and say, 'As this spleen dries, so let the spleen of So-and-so son of So-and-so' dry up'. Or again he may dry it between the rows of bricks in a house and repeat these words. Or again he may look out for the corpse of a man who has died on Sabbath and take his hand and put it on the spleen and say, 'As this hand is withered

so let the spleen of So-and-so son of So-and-so wither.'⁸ Or again, he can take a fish and fry it in a smithy and eat it in the water of the smithy² and wash it down with the water of the smithy. A certain goat which drank from the water of a smithy was found on being killed to have no spleen. Another remedy is to open a barrel of wine expressly for him.¹⁰

Said R. Aha the son of Raba to R. Ashi: If he has a barrel of wine, he will not come to consult your honor.¹¹ No; [what you should say is that] he should take regularly a bite early in the morning, as this is good for the whole body. For anal worms he should take acacia and aloe juice and white-lead and silver dross¹² and an amulet-full of phyllon¹³ and the excrement of doves and tie it all up in linen rags in the summer or in cotton rags in the winter.¹⁴ Alternatively, let him drink strong wine well diluted. For hip disease¹⁵ let him take a pot of fish brine and rub it sixty times¹⁶ round one hip and sixty times round the other. For stone in the bladder let him take three drops of tar and three drops of leek juice and three drops of clear wine and pour it on the membrum of a man or on the corresponding place in a woman — Alternatively he can take the ear of a bottle and hang it on the membrum of a man or on the breasts of a woman. Or again he can take a purple thread which has been spun by a woman of ill repute or the daughter of a woman of ill repute and hang it on the membrum of a man or the breasts of a woman. Or again he can take a louse from a man and a woman and hang it on the membrum of a man and the corresponding place in a woman; and when he makes water he should do so on dry thorns near the socket of the door, and he should preserve the stone that issues, as it is good for all fevers. For external fever¹⁷ he should take three sacks of date stones and three sacks of *Adra*¹⁸ leaves and boil each separately while sitting between them and put them in two basins and bring a table and set them on it and bend first over one and then over the other until he becomes thoroughly warmed, and then he should

GITTIN – 48b-90b

bathe himself in them, and in drinking thereof² afterwards he should drink only of the water of the adra leaves but not of the date stones, as they cause barrenness. For internal fever he should take seven handfuls of beet from seven beds and boil them with their earth and eat them and drink adra leaves in beer

1. Perhaps a kind of fever.
2. Probably a kind of meteoric stone.
3. For fear a snake may have injected venom into it.
4. A Persian sauce of milk.
5. [Identical with Nars on the canal of the same name, on the East bank of the Euphrates. Obermeyer *op. cit.* p. 307.]
6. About a *Revi'ith*.
7. For remembering when to use the dry and when the moist.
8. Mentioning his own name and the name of his mother.
9. Used for cooling the metal.
10. I.e., he should drink plenty of wine.
11. The wine he has would protect him from such a disease.
12. Used for cooling the metal.
13. A kind of scent often carried by women in a little case attached to their necklaces.
14. Applying it to the affected part.
15. [Apparently lumbago. v. Preuss, *op. cit.* p. 355.]
16. [A round number, I. e., many times, v. Preuss, *loc. cit.* n. 5.]
17. I.e., eruptions.
18. [A species of cedar, probably Spanish juniper.]
19. [As is usual after a hot bath, v. Shab. 41a.]

Gittin 70a

or grapes from a vine trailed on a palm tree in water. For lichen,¹ he should take seven Arzanian wheat stalks² and roast them over a new hoe and smear himself with the juice that exudes from them. R. Shimi b. Ashi used this remedy for a heathen for something else,³ and it cured him.

Samuel said: If a man has been wounded by a Persian lance⁴ there is no hope for him. All the same, however, he should be given fat roast meat and strong wine, as this may keep him alive long enough to enable him to give

his last instructions. R. Idi b. Abin said: If a man has swallowed a wasp there is no hope for him. It is as well, however, to give him a *Revi'ith* of Shamgaz vinegar⁵ to drink, as this may keep him alive long enough to enable him to give his last instructions.

R. Joshua b. Levi said: If a man eats beef with turnips and sleeps in the moon on the nights of the fourteenth and fifteenth of the month in the cycle of Tammuz,⁶ he is liable to ahilu.⁷ To this a gloss was added: If one gorges himself with anything, he is liable to Ahilu. R. Papa said: This applies even to dates. Is not this obvious? — [Not so: for] you might argue thus: Seeing that a Master has said, Dates fill and warm and promote digestion and strengthen and do not spoil the taste,⁸ I might think [that dates are] not [included]; hence we are told [that they are]. What is Ahilu? — R. Eleazar said: A burning in the bones.⁹ (What is meant by a burning of bones? — Abaye replied: A burning in the bones.)¹⁰ What is the remedy for it? — Abaye said: I have been told by my mother that all medicines are to be taken either three days or seven or twelve, but with this he must go on till he is cured. All other medicines must be taken on an empty stomach; this one, however, [is different]. After he has eaten and drunk and relieved himself and washed his hands, they must bring him a handful of shatitha¹¹ with lentils, and a handful of old wine, and mix them together, and he must then eat it and wrap himself in his cloak and sleep, and he must not be disturbed till he wakes of himself. When he wakes he must remove his cloak, otherwise the illness will return.

Elijah once said to R. Nathan: Eat a third and drink a third and leave a third for when you get angry, and then you will have had your fill.¹²

R. Hiyya taught: If a man wants to avoid stomach trouble, he should take *Tibbul*¹³ regularly summer and winter. In a meal

GITTIN – 48b-90b

which you enjoy indulge not too freely, and do not wait too long to consult nature.

Mar 'Ukba said: If a man drinks white *Tilia*,¹⁴ he will be subject to debility. R. Hisda said: There are sixty kinds of wine; the best of all is red fragrant wine, the worst is white *Tilia*. Rab Judah said: If a man sits by the fire on the mornings of Nisan and rubs himself with oil and then goes out and sits in the sun, he will be liable to debility.

Our Rabbis taught: If a man lets blood and then has marital intercourse his children [born therefrom] will be weaklings. If both man and wife let blood before intercourse their children will be liable to *Ra'athan*.¹⁵ R. Papa said: This is the case only if they did not take anything to eat [in between], but if they took something to eat, there is no harm. Rabbah b. Bar Huna said: If a man immediately on returning from a journey has marital intercourse, his children will be weaklings.

The Rabbis taught: On coming from a privy a man should not have sexual intercourse till he has waited long enough to walk half a *mil*, because the demon of the privy is with him for that time; if he does, his children will be epileptic.

The Rabbis taught: If a man has sexual intercourse standing, he will be liable to convulsions; if sitting, to spasms;¹⁶ if she is above and he below, he will be subject to *Delaria* [diarrhea]. What is *Delaria*?¹⁷ R. Joshua b. Levi says: The cure for diarrhea is *Dardara*. What is *Dardara*? — Abaye said: The 'crocus of thorns'.¹⁸ R. Papa used to crunch it in his teeth and swallow it: R. Papi used to crunch it and spit it out.

Abaye said: One who is not conversant with the way of the world¹⁹ should take three *Kefizi*²⁰ of safflower and grind it and boil it in wine and drink it. R. Johanan said: This is just what restored me to my youthful vigor.

Three things weaken a man's strength, namely, anxiety, traveling and sin. Anxiety, as it is written, *My heart fluttereth, my strength faileth me*.²¹ Traveling, as it is written, *He weakened my strength in the way*.²² Sin, as it is written, *My strength faileth because of mine iniquity*.²³

Three things enfeeble a man's body, namely, to eat standing, to drink standing, and to have marital intercourse standing.

Five are nearer to death than to life, namely, one who eats and rises immediately, or who drinks and rises immediately, or who lets blood and rises immediately, or who rises immediately on waking or after marital intercourse.

If one does the following six things [together], he will die immediately: if he comes weary from a journey, lets blood and has a bath and drinks himself drunk and lies down to sleep on the floor and has marital intercourse. R. Johanan said: That is, if he does them in this order; Abaye said: If he does them in this order he will die; if not in this order he will fall ill. Is that so? Did not [a certain] Me'orath do three of these things to her slave and he died? — He was a weakling.

There are eight things which in large quantities are harmful but in small quantities are beneficial, namely, traveling, the 'way of the world', wealth, work, wine, sleep, hot baths, and blood-letting.

Eight things cause a diminution of seed, namely, salt, hunger, scalls, weeping, sleeping on the ground, lotus, cucumbers out of season, and bloodletting below, which is as bad as any two. A Tanna taught: As it is as bad as any two below, so it is as good as any two above. R. Papa said:

1. A kind of skin disease.
2. Which were noted for their size.
3. I.e., leprosy.
4. The tip of which was usually poisoned.

GITTIN – 48b-90b

5. [Shamgaz is probably the name of a place. Others simply: Strong vinegar.]
6. I.e., the three summer months. v. p. 128, n. 7.
7. A chili or fever. V. *infra*.
8. I.e., make one fastidious.
9. Lit., 'a fire of bones'.
10. [Abaya is but giving an Aramaic version of R. Eleazar's definition in Hebrew.]
11. A kind of sauce made with flour and honey.
12. As much as to say, Otherwise when you fall into a passion you will burst.
13. Lit., 'dippings': bread or other food dipped in wine or vinegar as a relish.
14. An inferior kind of wine.
15. A kind of skin disease.
16. Reading [H], s.v. Aruch, curr. edd. read [H] (delaria) v. *infra*.
17. The answer to this question seems to have dropped out of the text.
18. *Cantharus tinctorius*.
19. A euphemism for marital intercourse.
20. A small measure.
21. Ps. XXXVIII, 11.
22. *Ibid.* CII, 24.
23. *Ibid.* XXXI, 11.

Gittin 70b

'Below' means below the middle,¹ and 'above' means above the middle. In regard to cucumbers out of season a gloss was added: As they are bad out of season, so they are good in season. R. Papa said: 'In season' means Tammuz; 'out of season' means Tebeth; round about Nisan and Tishri they are neither good nor bad.

IF HE SAYS, WRITE A GET FOR MY WIFE, AND IS THEN SEIZED WITH A KORDIAKOS AND THEN SAYS, DO NOT WRITE, HIS LAST WORDS ARE OF NO EFFECT. R. Simeon b. Lakish said: The Get may be written immediately;² R. Johanan, however, said that it is not to be written till he comes to himself again. What is the reason of Resh Lakish? — Because it is stated, HIS LAST WORDS ARE OF NO EFFECT. To this R. Johanan replies that the words HIS LAST WORDS ARE OF NO EFFECT' mean that when he recovers the scribe need not consult him again, but all the same the Get is not written until he comes round.

In what do they differ in principle? — Resh Lakish puts the man on a par with one who is asleep and R. Johanan with a madman. Why should not R. Johanan put him on the same footing as a sleeper? — A sleeper needs no treatment, this man does. Why does not Resh Lakish put him on the same footing as a madman? — For a madman we have no cure, for this man we have, namely red flesh broiled on the coals and wine much diluted.³

But can R. Johanan have said this, seeing that Rab Judah has said in the name of Samuel, If a man had two passages⁴ or the greater part of two passages cut and he indicated by a gesture⁵ that they should write a Get for his wife, the Get should be written and given,⁶ and it has also been taught, 'If people saw him hacked or nailed to a cross and he indicated by a gesture, Write a Get for my wife, they should write and deliver it'? — Are the two cases comparable? In that case his mind was clear, and only physical weakness had set in,⁷ but here his mind is clouded.

But did Samuel really say this? Did not Rab Judah say in the name of Samuel: If he had two passages or the greater part of two passages cut and ran away, those who saw him can testify that he is dead.⁸ Now if we presume that he is alive [after the passages have been cut],⁹ why can they testify that he is dead? — We say that he is alive, but he is bound to die. But if that is the case, [the man who cut his throat] [accidentally] should be exiled [to a city of refuge] on account of him; why then has it been taught, 'If one cut [accidentally] two passages or the greater part of two passages of [the throat of] another, he is not exiled'? — It has been explained in regard to this that R. Oshaia said: We consider it possible that the wind troubled him or that he hastened his own death.¹⁰ What difference does it make which reason we adopt? — There is a difference where he killed him in a marble room and he struggled,¹¹ or where he killed him outside and he did not struggle.

GITTIN – 48b-90b

IF HE IS STRUCK DUMB AND THEY SAY TO HIM, SHALL WE WRITE A GET FOR YOUR WIFE, etc. But is there not a possibility that he was seized [just then] with an involuntary nodding of the head in a negative or a positive sense?¹² — R. Joseph b. Manyumi said, in the name of R. Nahman: [We suppose that] we question him at intervals. But perhaps the involuntary nodding seized him at the same intervals? — We suppose that we ask him two [questions requiring a] negative [answer] and one [requiring an] affirmative [answer], or two [requiring an] affirmative and one a negative [answer]. In the school of R. Ishmael it was taught: They talk to him about the requirements of the summer season in the rainy season and of the rainy season in the summer season. What is referred to here? Shall we say winter coat and summer coat? Perhaps just then he was seized with a shiver or a perspiration?¹³ —

1. E.g., the legs and thighs.
2. After the last words are uttered.
3. As *supra* p. 415.
4. The windpipe and the esophagus.
5. I.e., he nodded assent when they asked him.
6. Apparently the questioner puts such a man on the same footing as one suffering from Kordiakos. But in this case it is not easy to see why the question was not raised against the Mishnah itself and not against R. Johanan (v. Tosaf.).
7. Lit., 'had begun with him'.
8. So that his wife can marry again.
9. So that his Get is valid.
10. And therefore we do not hold the man who cut his throat guilty even of accidental homicide.
11. In which case his death could not have been due to the wind, and therefore if we adopt the first reason the other man would be guilty of homicide.
12. Lit., 'a bending of no, no!' or 'yes, yes!' I.e., sideways or forwards, so that he was not giving any answer to the question.
13. And even if he asked for a summer coat in winter or vice-versa, his answer might still be rational.

Gittin 71a

The proper way is to ask him about fruit.¹

R. Kahana said in the name of Rab: If a deaf-mute can signify his meaning by writing, a Get may be written and given to his wife.² Said R. Joseph: What does this tell us [that we do not know already]? We have learnt: IF A MAN IS STRUCK DUMB AND WHEN THEY SAY TO HIM, SHALL WE WRITE A GET FOR YOUR WIFE, HE NODS HIS HEAD, HE IS TESTED WITH THREE QUESTIONS. IF HE SIGNIFIES 'NO' AND 'YES' PROPERLY EACH TIME, THEN THE GET SHOULD BE WRITTEN AND GIVEN FOR HIM?³ —

R. Zera replied to him: You have quoted a statement about an Illem [mute]. An Illem is different, as it has been taught: One who can speak but not hear is called heresh,⁴ and one who can hear but not speak is called Illem, and both are considered to be in possession of their faculties for all purposes. What is your warrant for saying that one who can speak but not hear is called Heresh, and one who can hear but not speak is called Illem? — Because it is written, But I am as a deaf man [Heresh] I hear not, and I am as a dumb man [Illem] that openeth not his mouth.⁵ Or if you like I can say that we know it from the colloquial description⁶ of a dumb man as Ishtekil Miluleh.⁷

R. Zera said: If I do find any difficulty [in R. Kahana's remark] it is this, that it has been taught: 'If he do not utter it.'⁸ This excludes a mute who cannot utter'. Now why should this be, seeing that [according to R. Kahana] he can signify by writing? — Abaye replied to him: You are speaking of testimony, and testimony comes under a different rule, because the All-Merciful has said that it must be from their mouths,⁹ and not from their writing.

[The following] was raised in objection [to Abaye's statement]: In the same way as he¹⁰ is tested in connection with a Get, so he is tested in connection with business transactions, with testimony, and with bequests. Now 'testimony' is mentioned here?

GITTIN – 48b-90b

— R. Joseph b. Manyumi said in the name of R. Shesheth: This applies only to testimony regarding the status of a woman,¹¹ with which the Rabbis were not so strict. But it also says 'bequests'?¹² — R. Abbahu said: It refers to the inheritance of his eldest son.¹³ But it also says 'in connection with business transactions', and this presumably means anyone's? — No, it refers only to his own.

[The following] was then raised in objection: The directions of a deaf-mute given by gestures, by lip-movements, and by writing are to be followed only in regard to the transfer of movables, but not to a Get?¹⁴ — There is in truth a difference of opinion on this point between Tannaim, as it has been taught: R. Simeon b. Gamaliel says: This¹⁵ is the case only with one who was a deaf-mute from the outset, but one who was originally whole and became a deaf-mute after marriage can write a Get for himself which others can sign.¹⁶

But cannot one who was originally a deaf-mute give a Get? As he married her by gesture, cannot he also divorce her by gesture? — If [we were speaking] of his wife, this would indeed be the case, but [in fact] we are dealing with his sister-in-law.¹⁷ His sister-in-law from whom? Are we to say, one who fell to his lot from his [deceased] brother who was also a deaf-mute? [In that case], just as she was married by gesture,¹⁸ so she can be put away by gesture! No; it is one who fell to his lot from a brother in possession of his faculties.¹⁹ Alternatively I may say that she did fall to his lot from a brother who was a deaf-mute, and we forbid the [wife of a] deaf-mute to be divorced by gesture so as not to set a precedent for [the wife of] one who was sound. If that is the case, should we not forbid him to divorce his wife also?²⁰ — A sister-in-law can be confused with a sister-in-law, but not with a wife. But do we indeed forbid [a deaf-mute] because [of a sound one]?

1. I.e., whether he wants freshly plucked fruit when they are out of season.

2. I.e., if he was whole at the time of marriage and so made a proper betrothal. If he was deaf and dumb before marriage, he betroths by gesture and can also divorce by gesture, v. *infra*.
3. And writing is surely as effective as nodding.
4. In Biblical phraseology. Whereas in Rabbinical language *Heresh* generally denotes a deaf-mute, and it is to a deaf-mute that R. Kahana refers.
5. Ps. XXXVIII, 14.
6. Lit., 'as men say'.
7. I.e., 'his speech has been taken away from him'.
8. Lev. V, 1, of one who is called on to testify and withholds his evidence.
9. Deut. XIX, 15, 'At the mouth of two witnesses ... shall a matter be established'.
10. The reference is to one who is struck dumb.
11. I.e., whether she may contract a certain marriage or not on his evidence regarding the death of her husband.
12. Which presumably means, giving evidence about other people's bequests.
13. I.e., his signifying that his eldest son should not have a double portion (Rashi), or that one of his sons was the eldest (Tosaf).
14. This refutes R. Kahana.
15. That the directions of a deaf-mute are not to be followed in regard to a Get.
16. In agreement with R. Kahana.
17. A deaf and dumb man cannot give *Halizah* (v. [Glos.](#)), because he cannot say 'I do not desire to marry her'. He must therefore contract the levirate marriage, and as the betrothal of the first husband was effected by word of mouth, he cannot undo it by a gesture or by writing.
18. By the first husband.
19. And as the betrothal of the first husband was effected by word of mouth, he cannot undo it by a gesture or by writing.
20. Lest she should set a precedent for the sister-in-law.

Gittin 71b

Have we not learnt, 'If two brothers, deaf-mutes, were married to two sisters who were not deaf-mutes or to two sisters who were deaf-mutes or to two sisters one of whom was a deaf-mute and the other not, and similarly if two sisters who were deaf-mutes were married to two brothers who were not deaf-mutes or to two brothers who were deaf-mutes or to two brothers one of whom was a deaf-mute and the other not, these sisters¹ are free from the obligation of *Halizah* or

GITTIN – 48b-90b

levirate marriage.² If however, the women were not related to one another, they must contract the marriage,³ and if [the second husband] desires to put her away⁴ he may do so?⁵ — The truth is that the first answer is the best.

R. Johanan said: R. Simeon b. Gamaliel's colleagues⁶ differed from him. Abaye said: We have also learnt to the same effect:⁷ If the wife became insane, he cannot put her away. If he became deaf and dumb or insane, he can never put her away.⁸ What is meant by 'never'? Surely it means, even if he can signify his intention in writing? — R. Papa said: But for the statement of R. Johanan, I would have said that R. Simeon b. Gamaliel intended only to explain the statement of the previous Tanna, and that 'never' means, 'even though we see that he is intelligent'.⁹ Or, I might have said, the word 'never' indicates the lesson taught by R. Isaac. For R. Isaac said: According to the rule of the [written] Torah, an insane wife can be divorced, being on the same footing as a sound woman who is divorced without her own consent. Why then did the Rabbis lay down that she should not be divorced? In order that she should not be used for immoral purposes.¹⁰

MISHNAH. IF THEY SAID TO HIM, SHALL WE WRITE A GET FOR YOUR WIFE, AND HE SAID TO THEM, WRITE, AND IF THEY THEN TOLD A SCRIBE AND HE WROTE AND WITNESSES AND THEY SIGNED, EVEN THOUGH THEY HAVE ALREADY WRITTEN AND SIGNED IT AND GIVEN IT TO HIM AND HE IN TURN HAS GIVEN IT TO HER, THE GET IS VOID UNLESS HE HIMSELF HAS SAID TO THE SCRIBE 'WRITE' AND TO THE WITNESSES, 'SIGN'.

GEMARA. The reason [why it is invalid] is because he did not say 'give' [instead of 'write'].¹¹ We presume, therefore, that if he said 'give' they [may tell others to write and] give.¹² Whose view is this? R. Meir's, who said that verbal instructions can be entrusted to an agent.¹³ Read now the later clause:

UNLESS HE HAS SAID TO THE SCRIBE, 'WRITE' AND TO THE WITNESSES 'SIGN'. This brings us round to the view of R. Jose who said that verbal instructions cannot be entrusted to an agent. Are we to say then that the first clause follows R. Meir and the second R. Jose? — Yes; the first follows R. Meir and the second R. Jose.

Abaye, however, said: The whole follows R. Meir, and we are dealing here [in the last clause] with the case where he did not say 'give'.¹⁴ If that is the case, it should say, 'he must say, Give?'¹⁵ — In fact the case here is one in which he did not tell three persons.¹⁶ If that is the case, it should say, 'He must tell three'? — Hence the whole follows R. Jose, and the case here is one in which he did not say, 'Tell'.¹⁷ If that is the case, it should say, 'He must say, Tell'? And besides, does R. Jose admit that the Get is valid where he says 'tell'? Have We not learnt: 'If a scribe wrote and a witness signed, it is valid', and R. Jeremiah explained that what is meant is that the scribe [also] signed, and R. Hisda said, Whom does this Mishnah follow?

1. The widow of any of the brothers who died without issue.
2. That is to say, although the marriage was contracted at least on one side by gesture only, it is sufficiently valid to release the wife's sister from the obligation of giving *Halizah* to or to bar her from marrying the husband, v. Yeb. I, 1.
3. Not being able to give *Halizah* because either he or she cannot recite the requisite formula.
4. I.e., after having Performed the levir marriage.
5. V. Yeb. 110b. Which shows that we do not forbid a deaf-mute to divorce the wife of his deceased brother who was also a deaf-mute.
6. The representatives of the anonymous view mentioned in the Baraitha cited *supra* p. 338.
7. The view of the Rabbis which R. Simeon opposes.
8. Yeb. 110b.
9. But not, 'even though he can write', so that this Mishnah would not differ from R. Simeon.
10. The insertion of the word 'never' in the second clause is not intended to exclude the deaf-mute's divorce by writing, but is meant to indicate that the rule regarding the

GITTIN – 48b-90b

husband has the sanction of the Torah, whereas the one regarding the wife mentioned in the first clause has the sanction only of the Rabbis.

11. V. Rashi a.l.
12. That is to say, if there were three of them, in which case the word 'give' constitutes them a *Beth Din* to write and deliver the Get.
13. I.e., that the agent is at liberty to instruct someone else to carry out the instructions which were given to him, v. *supra* 29b.
14. I.e., in such a case the Get is invalid unless he tells the scribe, etc.
15. Instead of 'write'. And there is no need to mention the case of his telling the scribe personally.
16. And if he told only two, even if he used the word 'give', they would not be at liberty to tell a scribe.
17. I.e., tell the scribe to write, etc.

Gittin 72a

R. Jose, who said that instructions are not transmitted to a messenger? Now if you should assume that R. Jose admits that the Get is valid where he said 'tell,'¹ then serious results may sometimes ensue, for it may happen that he says to two persons, 'Tell the scribe to write and So-and-so and So-and-so to sign', and they, in order not to offend the scribe, let him sign, and this is not what the husband said?² — The best view therefore is that the first clause follows R. Meir and the later one R. Jose.

R. Ashi said: The whole follows R. Jose, and [the last clause] forms a climax: Not only where he omitted to say 'give' [is the Get invalid] but even where he said 'give', and not only where he did not tell three persons but even where he told three persons, and not only where he did not say 'tell' but even where he said 'tell' [the Get is invalid till he says to the scribe, etc.].

It has been taught in accord with R. Ashi: 'In the case where the scribe wrote and the witnesses signed for her name, though they had written and signed it and given it to him and he had given it to her, the Get is void unless they had heard him saying with his own voice to the scribe, Write, and to the

witnesses, Sign'. The word 'hear' excludes the opinion [mentioned above], that R. Jose admits that the Get is valid where the husband said 'tell'. 'His voice' excludes the statement made by R. Kahana in the name of Rab.³

MISHNAH. [IF A MAN SAYS] THIS IS YOUR GET IF I DIE, THIS IS YOUR GET [IF I DIE]⁴ FROM THIS ILLNESS, THIS IS YOUR GET AFTER [MY] DEATH, HIS WORDS ARE OF NO EFFECT.⁵ [IF HE SAYS], FROM TODAY IF I DIE, FROM NOW IF I DIE, THE GET IS VALID.⁶ [IF HE SAYS], FROM TODAY AND AFTER [MY] DEATH, IT IS BOTH A GET AND NO GET, AND IF HE DIES [WITHOUT ISSUE] SHE MUST GIVE *HALIZAH*⁷ BUT SHE CANNOT MARRY THE HUSBAND'S BROTHER.⁸ [IF HE SAID], THIS IS YOUR GET FROM TODAY IF I DIE FROM THIS ILLNESS, AND HE THEN GOT UP AND WENT ABOUT AND FELL SICK AND DIED, WE MUST ESTIMATE [THE PROBABLE CAUSE OF HIS DEATH]; IF HE DIED FROM THE FIRST ILLNESS, THE GET IS VALID, BUT OTHERWISE NOT.

GEMARA. [IF HE SAID, THIS IS YOUR GET IF I DIE, etc.] This would indicate that the formula 'IF I DIE' is equivalent to 'AFTER [MY] DEATH'; yet in the next clause we are told that [the Get is valid if he says] 'FROM TODAY IF I DIE, FROM NOW IF I DIE', which would indicate that it is not equivalent to 'AFTER DEATH'! — Abaye explained that the expression 'IF I DIE' can have two implications, viz., either 'as from now' or 'as from the time of my death'. If he [further] said to her 'from to-day', it is equivalent to saying to her 'as from now'; if he did not say to her 'from to-day', it is equivalent to saying to her 'from the time of my death'.

IF HE SAID, THIS IS YOUR GET IF I DIE, HIS WORDS ARE OF NO EFFECT. R. Huna said: The wife none the less must give *Halizah*. But it is taught 'HIS WORDS ARE OF NO EFFECT'? — His words are of no

GITTIN – 48b-90b

effect to the extent that she remains prohibited to all other men and also to the brother-in-law. But since in the later case² it says specifically that SHE GIVES *HALIZAH*, we understand that in the earlier case¹⁰ [where it does not say so] she may also marry the brother-in-law? —

The Mishnah follows the view of the Rabbis and R. Huna that of R. Jose, who said that the date of the document is sufficient indication.¹¹ If we follow the View of R. Jose, she should not require to give *Halizah* either?¹² perhaps you will aver that R. Huna was uncertain whether the *Halachah* follows R. Jose or not.¹³ But can you indeed say so? For once when Rabbah b. Abbuha was ill, R. Huna and R. Nahman went to visit him, and R. Huna said to R. Nahman, Ask Rabbah b. Abbuha whether the *Halachah* follows R. Jose or not,¹⁴ and R. Nahman answered, I do not know R. Jose's reason, and how can I ask him the *Halachah*, whereupon R. Huna said, You ask him the *Halachah* and I will tell you the reason. He therefore asked him, and he replied: Thus said Rab: the *Halachah* is according to R. Jose. When he came out he [R. Huna] said to him, The reason of R. Jose is this; he held that the date of the document is sufficient indication. [This then cannot be R. Huna's reason]! — We must suppose therefore that he was uncertain

1. I.e., where the scribe signed on the instructions not of the husband but of his agent.
2. V. *supra* 67a and notes.
3. That a deaf-mute may give instructions in writing.
4. [The bracketed words are supplied from the printed texts of the Mishnayoth. Rashi, however, omits these words and takes the phrase 'THIS IS YOUR GET FROM THIS ILLNESS' to mean that the Get is to take effect after this illness.]
5. Because there is no such thing as a Get after death.
6. The Get in this case comes retrospectively into force at the moment of his death.
7. For fear it was no Get.
8. As levir, for fear it was a Get.
9. Where he says, 'FROM TODAY AND AFTER MY DEATH'.

10. Where it is laid down that his words are of no effect.
11. Lit., 'is the proof thereof'. The document referred to is one in which a man assigns all his property to his sons in his lifetime, intending to keep the usufruct for himself. According to the Rabbis, if he desires to transfer to them the body of the property at once, he must insert the words 'from to-day and after my death': according to R. Jose this is not necessary, the date of the document being sufficient to give this indication. V. B.B. 136a.
12. Since the date makes it a valid Get immediately.
13. And therefore he treated the document as a 'Get and no Get'.
14. In the matter of transference of property.

Gittin 72b

whether R. Jose meant his ruling to apply to a verbal declaration¹ or not. But was he uncertain? Have we not learnt, 'If a man said, This is your Get if I do not return within twelve months from now,² and he died within the twelve months, the Get is not valid',³ and in this connection it was taught: 'Our Rabbis allowed her to marry', and we stated [in the *Beth Hamidrash*], Who are 'our Rabbis'? and Rab Judah said in the name of Samuel, The *Beth Din* which permitted oil,⁴ and they took the same view as R. Jose?⁵ —

We must therefore say that R. Huna's uncertainty was as to whether the *Halachah* follows R. Jose where the declaration was made by word of mouth or not. But can he have been in doubt about this, seeing that Raba has said, If a man says, 'This is thy Get if I die', or 'supposing I die', the Get is valid, but if he said, 'When I die,' or 'After [my] death,' the Get is not valid. Now, how are we to understand this? Are we to suppose that he [also] said 'from to-day', and [that Raba adopted the view of] the Rabbis? Surely there is no need to tell us this, seeing that we have learnt, IF HE SAID, FROM TO-DAY IF I DIE, THE GET IS VALID. We must therefore suppose that he does not say to her 'from to-day', and that Raba adopted the view of R. Jose; which shows that the

GITTIN – 48b-90b

Halachah is in accordance with R. Jose,⁶ [does it not]? —

Raba was quite sure on the point, R. Huna was uncertain. Alternatively I may suppose [Raba to have meant that] the man does say 'from to-day', and that he was giving the view of the Rabbis, and that his purpose was to explain in regard to these various expressions that 'supposing I die' is equivalent to 'if I die', and 'when I die' to 'after [my] death'.

Some connect [R. Huna's remark] with the latter clause [of the Mishnah], thus: IF A MAN SAYS, THIS IS YOUR GET AFTER [MY] DEATH, HIS WORDS ARE OF NO EFFECT: R. Huna said, If we accept the view of R. Jose, she must give *Halizah*. Surely this is obvious: since in the later case⁷ the ruling of the Rabbis [requires her to] give *Halizah*, in the earlier case also the ruling of R. Jose [must require her to] give *Halizah*? — You might think that in this case R. Jose concurs with Rabbi who said that it is an unexceptionable Get⁸ and that she would not require to give *Halizah* either, R. Huna therefore tells us that neither did Rabbi concur with R. Jose nor R. Jose with Rabbi. Rabbi did not concur with R. Jose because he stated expressly 'a Get like this is valid', to exclude one allowed by R. Jose.⁸

R. Jose did not concur with Rabbi, because he stated expressly, 'a Get like this is valid', to exclude one allowed by Rabbi. In what connection did Rabbi use these words? — As it has been taught: [If a man says,] From to-day and after my death, this is a Get and no Get. So the Rabbis; but Rabbi says, A Get like this is valid.⁹ In what connection did R. Jose use these words? — As we have learnt: [If a man says,] Write and give a Get to my wife if I do not come within twelve months from now, if then they wrote it within the twelve months and gave it after the twelve, it is no Get. R. Jose, however, said: A Get like this is valid.¹⁰

IF HE SAYS, THIS IS YOUR GET FROM TO-DAY IF I DIE AND HE GETS UP AND GOES ABOUT, etc. R. Huna said: His¹¹ Get is on the same footing as his gift; just as if he gets up he can withdraw his gift, so if he gets up he can withdraw his Get. And just as his Get, even though he does not express his intention precisely, is valid once he says 'write', even though he does not add 'give', so his gift is valid as soon as he says 'give' even though no token gift is made.¹²

We have learnt: IF HE SAYS, THIS IS YOUR GET FROM TO DAY IF I DIE FROM THIS ILLNESS, AND HE THEN GOT UP AND WENT ABOUT AND FELL SICK AND DIED, WE MUST ESTIMATE THE PROBABLE CAUSE OF HIS DEATH: IF HE DIED FROM THE FIRST ILLNESS, THE GET IS VALID, BUT OTHERWISE NOT. Now if you say that if he gets up he can retract, why do I require an estimate? We see that he has got up?¹³ — Mar the son of R. Joseph said in the name of Raba: We suppose he has passed from one illness into another.¹⁴ But it says that 'HE GETS UP'? — He gets up from one illness and falls into another. But it says 'HE GOES ABOUT'? — It means that he goes with a crutch;

1. I.e., where the words 'THIS IS YOUR GET IF I DIE' if used at all were not inserted in the document, but spoken by word of mouth.
2. Which is equivalent to saying 'if I die'.
3. V. *infra* 76b.
4. R. Judah Nesi'ah, (the Prince), the grandson of Rabbi, permitted the oil of heathens to be used. A.Z. 37a.
5. Which shows that according to R. Jose the formula 'if I die' spoken by word of mouth makes the Get valid, and R. Huna could not have been uncertain on this point.
6. Even when the declaration was made by word of mouth.
7. Where he said, 'from to-day and after death'.
8. V. *infra*.
9. To exclude where he said merely 'after death', which, according to R. Jose is sufficient.
10. V. *infra* 76b. But not where he said 'from to-day and after death', since the words 'after death' may be interpreted as retracting the words 'from to-day'. Although in the matter of transference of property R. Jose will hold

GITTIN – 48b-90b

the gift valid, because the declaration there can be explained as intended to reserve the usufruct for the donor during his lifetime.

11. The reference is to a sick person on the point of death.
12. V. *supra* p. 66a and notes.
13. And the Get is ipso facto annulled.
14. [Since in the Mishnah it was specifically made conditional on his dying, (v. Tosaf.). Trani is of the opinion that in every case the Get is rendered void, any deposition made by a dying man being understood to be conditional. The same holds good of a gift.]

Gittin 73a

and this is to show us that it is when he goes on a crutch that an estimate must be made, but that in the other case we do not even require to estimate.¹ Are we to understand from this that the gift of a sick person who passes from one illness to another [and dies] is valid? — Yes, since R. Eleazar has said in the name of Rab, The gift of a sick person who passes from one illness into another is valid.

Rabbah and Raba did not concur in this opinion of R. Huna,² as they were afraid it might lead people to think that a Get could be given after death.³ But is it possible that where a Get is invalid according to the Torah⁴ we should, for fear [of misleading people], declare it effective for making a married woman marriageable? — Yes; whoever betroths a woman does so on the conditions laid down by the Rabbis, and the Rabbis have nullified the betrothal of such a one.⁵ Said Rabina to R. Ashi: This can well be where he betrothed by means of a money gift, but if he betrothed by means of intercourse what can we say? — He replied: The Rabbis declared his intercourse to be fornication.⁶

Our Rabbis taught: If he says, This is thy Get from to-day if I die from this illness, and the house fell on him or a serpent bit him, it is no Get. If he said, If I do not get up from this illness, and the house fell on him or a serpent bit him, it is a Get. Why is the rule different

in the first case and in the second?⁷ — They sent from there⁸ to say [in answer to an inquiry], If a lion consumed him, we cannot consider [it a Get].⁹

A certain man sold a field to his neighbor, guaranteeing him against any accident that might happen to it. Eventually they [the Government] turned a river through it. He consulted Rabina, who said to him, You must go and clear it for him, since you have guaranteed him against any accident which may happen to it. Thereupon R. Aha b. Tahalifa remarked to Rabina: It is an exceptional kind of accident. Various opinions were taken¹⁰ and the matter was at last laid before Raba, who said, it is an exceptional kind of accident.

Rabina raised [the following] objection against Raba: '[Where he said] If I do not get up from this illness, and the house fell on him or a serpent bit him, this is a Get'? — Raba replied: Why do you not quote the earlier clause, where it says, 'It is no Get'? — Said R. Aha from Difti to Rabina: Because the first clause conflicts with the second, may we not raise an objection from the latter? — He replied: That is so; since the first clause conflicts with the second, the latter was not discussed in the *Beth Hamidrash*, and it is not authentic. [You must therefore] follow your own reason.¹¹

R. Papa and R. Huna the son of R. Joshua bought some sesame on the bank of Nehar Malka,¹² and they hired some boatmen to bring it across¹³ with a guarantee against any accident that might happen to it. After a time the Nehar Malka canal was stopped up. They said to them: Hire asses and deliver the stuff to us, since you have guaranteed us against any accident. They appealed to Raba, who said to them: White ducks¹⁴ who want to strip men of their clothes, it is an exceptional kind of accident.¹⁵

MISHNAH. SHE¹⁶ SHOULD NOT CONSORT WITH HIM¹⁷ SAVE IN THE PRESENCE OF

GITTIN – 48b-90b

WITNESSES, THOUGH A SLAVE OR A BONDWOMAN IS SUFFICIENT — NOT, HOWEVER, HER OWN BONDWOMAN, SINCE SHE CAN TAKE LIBERTIES WITH HER OWN HANDMAID.¹⁸ WHAT IS HER STATUS DURING THOSE DAYS?¹⁹ R. JUDAH SAYS THAT

1. And even if he passes from one illness to another, we presume that he died from the first illness.
2. That a sick man on getting up can withdraw his Get, even if he had not used the formula 'if I die'. But v. Tosaf. 72b s.v. [H].
3. When they see a Get which would become void if he recovered taking effect after his death if he does not recover.
4. Because the condition that he should die is not fulfilled.
5. By means of this Get.
6. V. *supra*, 33a.
7. [The answer to the questions left unanswered here is supplied by the Jerusalem Talmud. In the first case he did not die from that illness. Whereas in the second, where the emphasis was on his 'getting up', the Get is valid since he did not after all 'get up'. Our Talmud however, did not evidently accept this distinction, seeing that in both cases the words 'from this illness' form part of the condition, and thus rejects the Baraitha. Tosaf.]
8. Palestine.
9. Because this is an exceptional accident which he cannot have had in his mind when he said 'if I die'.
10. Lit., 'the matter was circulated'.
11. Which would tell you that he did not have such an exceptional accident in his mind.
12. [Alfasi reads Nehar Malka Saba, the Grand Canal connecting the Euphrates with the Tigris, (Obermeyer *op. cit.* p. 171). V. also B.M. (Sonc. ed.) p. 609, n. 5.]
13. To Naresh (v. *supra* p. 330, n. 1.) the home of R. Papa. The boats had for this purpose to sail up the Euphrates and thence pass into the canal Nars (*loc. cit.* p. 171).
14. I.e., greybeards (Rashi). Cf. Keth. 85a. [Obermeyer *loc. cit.* Pelican, a bird which owing to its large pouch on its lower jaw for the storage of fish is a symbol among orientals for greediness.]
15. And therefore they are not responsible.
16. A woman to whom her husband has given a Get with the words 'from now if I die'.
17. Because if she is still his wife and he has intercourse with her she will require a second Get, and if she is not his wife he commits an

offence by consorting privately with an unmarried woman.

18. Lit., 'her heart in her is proud towards her handmaid', i.e., she feels no shame in her presence.
19. Between the delivery of the Get and his death.

Gittin 73b

SHE IS REGARDED AS A MARRIED WOMAN IN EVERY RESPECT; R. JOSE SAYS THAT SHE IS BOTH DIVORCED AND NOT DIVORCED.

GEMARA. Our Rabbis taught: If people have observed that she consorted with him in the dark or slept with him under the foot of the bed, they do not suspect them of having engaged in something else,¹ but they do suspect them of loose conduct, and they do not suspect that he has betrothed her. R. Jose son of R. Judah, however, says, They also suspect him of having betrothed her.

What is the meaning of this?² — R. Nahman said in the name of Rabbah b. Abbuha, The meaning is this: If they saw him have intercourse with her, they suspect he has done so as a method of betrothing her.³ If he [afterwards] gave her money, they suspect that it was on account of fornication, as we say that he gave it her for her hire; but we do not suspect it was for betrothal. R. Jose son of R. Judah, however, says that in this case also we have to suspect that it may have been for betrothal. On which of these views can we justify the statement made by Rabbah b. Bar Hanah in the name of R. Johanan: 'The difference⁴ arises only in the case where they saw her have intercourse, but if they did not see her have intercourse, both sides agree that she does not require from him a second Get'. On which view can this be justified? — On both views.⁵

Abaye strongly demurred to the explanation [given by R. Nahman]. Is the giving of money, [he said,] mentioned?⁶ — No, said Abaye; the meaning is this. If they saw her have intercourse they suspect⁷ her of

GITTIN – 48b-90b

fornication but do not suspect it was for betrothal. R. Jose son of R. Judah says, We also suspect that it may have been for betrothal. On which of these views can we justify the statement made by Rabbah b. Bar Hanah in the name of R. Johanan: 'The difference arises only in the case where they saw her have intercourse, but if they did not see her have intercourse, both sides agree that she does not require from him a second Get'? On which view can this be justified? On the view of R. Jose.⁸

Raba strongly demurred to this, [saying,] If so, what is the point of 'also'?⁹ — No, said Raba; the meaning is this. R. Jose, son of R. Judah, says that even if they did not see her have Intercourse,¹⁰ we still suspect he may have betrothed her. On which of these views can we justify the statement of Rabbah b. Bar Hanah in the name of R. Johanan: 'The difference arises where they saw her have intercourse, but if they did not see her have intercourse, both sides agree that she does not require from him a second Get?' On whose view is this justified? — On neither.¹¹

WHAT IS HER STATUS DURING THOSE DAYS? R. JUDAH SAYS THAT SHE IS REGARDED AS A MARRIED WOMAN IN ALL RESPECTS; R. JOSE SAYS THAT SHE IS DIVORCED AND NOT DIVORCED. A Tanna taught:¹² Provided he dies.¹³ And when he dies will it be a Get?¹⁴ Is it not an established maxim that there is no Get after death? — Rabbah replied: We presume that what he said to her was, [This will be a Get] from the time that I am still in the world.¹⁵

Our Rabbis taught: In the days between,¹⁶ her husband is entitled to her finds and the product of her labor, he can annul her vows, he inherits her,

1. I.e., sexual intercourse.
2. I.e., how explain the apparent contradiction between the various clauses.

3. Intercourse being one of three methods of betrothal, v. Kid. 2a, she will now require another Get.
4. Between Beth Hillel and Beth Shammai, *infra* 81a. If a man has divorced his wife and she stays in the same inn with him, Beth Hillel require him to give her a second Get, but Beth Shammai do not.
5. Because both the first Tanna and R. Jose agree that where she was not seen to have intercourse a second Get is not required.
6. In the Baraitha quoted, and how could so essential a point have been omitted?
7. The word 'suspect' is used loosely here, and is equivalent to 'put it down to'.
8. For according to the first Tanna a second Get is not required even where they saw her. This therefore must also be the view of Beth Hillel, as the first Tanna is not likely to follow Beth Shammai in preference to Beth Hillel with whom the *Halachah* generally rests.
9. In the observation of R. Jose. Since the assumption that this is a case of fornication saves her from the necessity of another Get, R. Jose should have merely said, 'They suspect him of having betrothed her'.
10. But only consort with him.
11. Since the first Tanna does not require a second Get even where she was seen, and R. Jose requires it even where she was not seen.
12. In connection with the statement of R. Jose.
13. If he does not die, she remains a married woman, with certain consequences which are discussed presently.
14. I.e., if it was not a Get at some time during his life, how can it become one upon his death?
15. Which denoted the period immediately preceding his death. R. Judah being of the opinion that the Get comes into force only at the moment before his death, whereas according to R. Jose the Get is in doubtful operation all the time as every moment from the time of delivery may be deemed as the possible moment before his death. Tosaf. suggests a slight change in reading, according to which the rendering would be: '(When he says, "from to-day if I die", this is equivalent to saying) from the time that I am in the next world.' According to Rabbah the dispute of R. Judah and R. Jose is not concerned with the opening case when he said 'from now if I die', where all would agree that the Get becomes retrospectively valid at the time of his death.
16. The giving of the Get and his death.

GITTIN – 48b-90b

and he defiles himself for her [corpse];¹ in a word, she is his wife in all respects, save that she does not require from him a second Get.² This is the view of R. Judah. R. Meir says that if she has intercourse [with another man], judgment on it must be suspended.³ R. Jose says that its character is doubtful,⁴ while the Sages say that she is divorced and not divorced, provided only that he dies. How would the difference between R. Meir and R. Jose work out in practice? —

R. Johanan says: In respect of a guilt-offering brought out of doubt;⁵ according to R. Meir the man does not bring a guilt-offering out of doubt,⁶ according to R. Jose he does. 'The Sages say that she is divorced and not divorced': the Sages say the same thing as R. Jose, do they not? — A practical difference arises in the application of the rule laid down by R. Zera; for R. Zera said in the name of Rabba b. Jeremiah who had it from Samuel: Wherever the Sages have said that a woman 'is divorced and not divorced', the husband is under obligation to maintain her.

MISHNAH. [IF A MAN SAYS], THIS IS YOUR GET ON CONDITION THAT YOU GIVE ME TWO HUNDRED ZUZ, SHE IS DIVORCED THEREBY AND SHE HAS TO GIVE [HIM THE MONEY]. [IF HE SAYS], ON CONDITION THAT YOU GIVE [IT] ME WITHIN THIRTY DAYS FROM NOW, IF SHE GIVES HIM WITHIN THIRTY DAYS SHE IS DIVORCED, BUT IF NOT SHE IS NOT DIVORCED. RABBAN SIMEON B. GAMALIEL SAID: IT HAPPENED IN SIDON THAT A MAN SAID TO HIS WIFE, THIS IS YOUR GET ON CONDITION THAT YOU GIVE ME [BACK] MY ROBE, AND HIS ROBE WAS LOST, AND THE SAGES SAID THAT SHE SHOULD GIVE HIM ITS VALUE IN MONEY.

GEMARA. What precisely is meant by the words 'AND SHE HAS TO GIVE HIM'? — R. Huna says it means, 'and she shall [thereafter] give him'; Rab Judah says it means, 'when she gives him'. What difference does it make in practice which view we

adopt? — It makes a difference if the Get is torn or lost [before the money is given]. According to R. Huna who said it means that she is [thereafter] to give, she does not require from him a second Get,⁷ according to Rab Judah who said that it means 'when she gives', she requires from him a second Get.⁸ In connection with betrothals also we have an analogous statement, as we have learnt: 'If a man says to a woman, Behold thou art betrothed to me on condition that I give thee two hundred Zuz, she is betrothed to him and he is to give her the money,⁹ 'and in the discussion thereon it was said, What is meant by 'he is to give', and R. Huna said, It means, he shall [thereafter] give, while Rab Judah said, It means, When he gives.

What practical difference does it make which view we adopt? — A difference arises if she puts forth her hand and receives betrothal money from another. According to R. Huna who said that it means, 'he shall [thereafter] give', the giving is a mere condition, and he has only to fulfill his condition,¹⁰ whereas according to Rab Judah who said that it means 'when he gives', the betrothal takes effect only when he gives, but at the time it is no betrothal. And both cases required to be stated. For if the rule had been stated only in regard to betrothal, I might have thought that in that case R. Huna said that it means 'and he is to give', because his intention is to bring her nearer [to himself],¹¹ but in the case of divorce where his intention is to put her away [from himself]¹² I might have thought that he accepts the view of Rab Judah.

If again it had been stated in regard only to divorce, I might have thought that in that case R. Huna said it means 'he shall [thereafter] give' because he would not be shy to ask her,¹³ but in the case of betrothal where she might be diffident to ask him, I might have thought that he would accept the view of Rab Judah. Again, if the rule had been stated in connection only with betrothal, I might have thought that Rab Judah said

GITTIN – 48b-90b

that in that case It means 'when she gives' because she is diffident to ask him, but in the case of divorce where he would not be shy to ask her I might have thought that he accepts the view of R. Huna. And if the rule had been stated only in connection with divorce, I might have thought that in that case Rab Judah says it means 'when she gives', because his intention is to put her away [from him], but in the case of betrothal where his intention is to bring her nearer [to him] I might have thought that he accepts the view of R. Huna. Therefore [both statements] were necessary.

An objection was raised [If a man says,] This is your Get on condition that you give me two hundred *Zuz*, even though the Get is torn or lost she is divorced, though she cannot marry any other man until she gives him the money.¹⁴ Further it has been taught: [If a man says,] This is your Get on condition that you give me two hundred *Zuz* and he dies, if she has already given [before he dies] she is not in any way tied to the brother-in-law, but if she has not yet given she is tied to the brother-in-law.

Rabban Simeon b. Gamaliel says, She can give the money to his father or his brother or to one of the relatives.¹⁵ Now the two authorities here differ only to this extent, that one holds that '[give] me' means 'to me but not to my heirs', and the other holds that it means 'to me or even to my heirs', but both hold that it is a mere condition. This would seem to be a refutation of Rab Judah! — Rab Judah, however, may answer: Who is the authority for this view? It is Rabbi, since R. Huna has said in the name of Rabbi, The formula 'on condition' is equivalent to 'from now';¹⁶ but the Rabbis join issue with him, and I follow the Rabbis.

R. Zera said: When we were in Babylon, we used to state that [the ruling] which R. Huna said in the name of Rabbi, that the formula 'on condition' is equivalent to 'from now', is disputed by the Rabbis. When I went up [to

Eretz Yisrael], I found R. Assi sitting and saying in the name of R. Johanan, All agree that the formula 'on condition' is equivalent to 'from now'; a difference of opinion arose only with regard to the formula 'from to-day and after [my] death',

1. Even if he is a priest.
2. If he had intercourse with her and died subsequently, since the Get takes effect just immediately before his death.
3. If the husband dies, she was divorced at the time, and there is no penalty for the intercourse; if the husband recovers, the man has to bring a sin-offering.
4. If the husband dies, R. Jose is doubtful whether retrospectively the Get had or had not taken effect when the intercourse took place, and consequently whether the man is or is not liable to a guilt-offering.
5. I.e. where he is in doubt as to whether the sin has been committed or not. V. Lev. V, 17ff.
6. If the husband dies.
7. Because the Get takes effect retrospectively whenever the money is paid.
8. The Get comes into force only from the moment of payment, but since at that time the Get is no longer in existence it has no effect.
9. Kid. 60a.
10. When his betrothal takes retrospective effect, so that that of the second is null and void.
11. And therefore he meant it to take effect at once.
12. Which he wishes to delay as long as possible.
13. And therefore he does not mean to make the operation of the Get conditional on the receipt of the money, but intends it to take effect at once.
14. Because she may after all not give, so that the Get will never take effect retrospectively.
15. Tosef. Git. V.
16. And makes the Get take effect retrospectively as soon as the condition is fulfilled.

Gittin 74b

as it has been taught: '[If he says] From to-day and after [my] death, it is a Get and no Get. This is the opinion of the Sages. Rabbi says, One like this is a Get'.¹ Now if Rab Judah is right in saying that they differ [as to the effect of] 'on condition', instead of joining issue [in the Baraita] on the question of 'from now and after my death', let them join issue on 'on condition'? — This is to show

GITTIN – 48b-90b

you how far Rabbi is prepared to go.² But let them differ about 'on condition' to show how far the Rabbis are prepared to go?³ — The Tanna [of the Baraitha] preferred to make the stronger instance one of permission.

ON CONDITION THAT YOU GIVE ME WITHIN THIRTY DAYS FROM NOW. Surely this is obvious? — You might think that he is really not particular and that he only wants to urge her on.⁴ We are told therefore that this is not so.

RABBAN SIMEON B. GAMALIEL SAID: IT HAPPENED IN SIDON, etc. Of what statement is this given as an illustration?⁵ — There is a lacuna, and we should read thus: If he said to her, On condition that you give me my robe, and his robe was lost, we rule that he meant his particular robe and nothing else. Rabban Gamaliel says that she can give him the money value; and [in confirmation] R. Simeon b. Gamaliel further said that a case happened in Sidon where a man said to his wife, This is your Get on condition that you give me my robe, and his robe was lost, and the Sages said that she should give him the money value of it.

R. Assi inquired of R. Johanan: [If a man said,] This is your Get on condition that you give me two hundred *Zuz*, and he then changed his mind and said, You can keep the money,⁶ what is the law? This is equally a problem whether we adopt the view of the Rabbis or whether we adopt that of Rabban Simeon b. Gamaliel. From the standpoint of the Rabbis it is a problem, because [we may hold that] the Rabbis only ruled as they did in the other case [of the robe] because he did not forgo his claim, but here we see that he tells her that she can keep the money. Or we may also hold that Rabban Simeon b. Gamaliel ruled as he did only because she made it good for him with a money payment, but where she pays him nothing at all he would not say [that she is divorced]? —

He replied: She is not divorced. He [R. Assi] therefore raised [the following] objection: If a man says to another Konam⁷ be whatever benefit you have of me unless you give my son a *Kor* of wheat and two barrels of wine, R. Meir says he is forbidden [to have any benefit of him] until he gives, but the Sages say that such a man also may release himself from his own Vow without consulting a wise man by saying to himself, I regard myself as having received them [on his behalf]?⁸ —

Are these two cases parallel? In that case his intention is to give her trouble and he has not done so, but in this case he was trying to obtain some positive advantage and found he could do without it.

A certain man said to his metayer, The general rule is that [a metayer] irrigates [the land] three times [a year] and takes a fourth of the produce [as his share]. [I want] you to irrigate four times and take a third. Before [he had finished irrigating] the rain came. R. Joseph said, He has not actually irrigated [the fourth time].⁹ Rabbah said, There was no need [for a fourth irrigation].¹⁰ May we say that R. Joseph adopted the point of view of the Rabbis¹¹ and Rabbah that of Rabban Simeon b. Gamaliel? — Can you really maintain this, seeing that it is a fixed rule with us that the law follows Rabbah,¹² and in this matter the *Halachah* does not follow Rabban Simeon b. Gamaliel?¹³ — No. There can be no question that the law is as determined by the Rabbis.¹⁴ R. Joseph follows the Rabbis without question, while Rabbah can say to you, My view can be justified even from the standpoint of the Rabbis. For the reason why the Rabbis ruled as they did in that case was only because his intention was to give her trouble,¹⁵ but here he was after some advantage and he found that he could do without it.

We have learnt in another place: At first a man [who had bought a house from another in a walled city] used to hide himself on the last day of the twelve-month period, so that

GITTIN – 48b-90b

[the house] should become his for ever.¹⁶ Hillel the Elder, therefore, ordained that he [the owner] should throw his money into a certain chamber and that [having done so] he should be at liberty to break the door open and enter, and the other whenever he liked should come and take his money.¹⁷

Raba remarked upon this: From this regulation of Hillel we may learn that if a man said, This is your Get on condition that you give me two hundred Zuz, and she gave it to him, if he accepted the money willingly she is divorced, but if she had to force it on him she is not divorced. For since Hillel found it necessary to ordain in this instance that a gift forced on the donee should be accounted a gift,

1. V. *supra* 72b. And since they differ on 'from today, etc.' we presume that they agree on 'on condition'. V. Tosaf. s.v.
2. In permitting her to marry again.
3. In forbidding her to marry.
4. To fulfill the condition the sooner.
5. Lit., 'what did he teach that he states an incident'. Seeing that there has been no mention of money so far.
6. Lit., 'they are forgiven thee'.
7. V. [Glos.](#)
8. V. Ned. 24a. Which shows that to waive the claim is equivalent to receiving the money.
9. And decided in favor of the owner, assigning the metayer only a fourth.
10. And decided in favor of the metayer, since after all the field had been properly watered.
11. That the condition must be fulfilled to the letter.
12. V. B.B. 114b.
13. V. *infra* p. 75a.
14. The rain being to irrigation as money to the robe.
15. As a man who divorces his wife may be presumed to dislike her, we suppose that the reason why he made it a condition that she should give him money was in order to annoy her and not because he wanted to make some Profit.
16. V. Lev. XXV, 29, 30.
17. V. 'Ar. 31b.

, we conclude that in general a gift forced on the donee is not accounted a gift. R. Papa (or as some say R. Shimi b. Ashi) strongly demurred to this, [saying:] But perhaps Hillel thought there was need for a special regulation only where the money was given not in the donee's presence, but where it was made to him personally, the gift would be effective whether he was willing to receive it or not? According to another version, Raba said: From the regulation of Hillel we may infer that if he said, This is your Get on condition that you give me two hundred Zuz and she gave them to him, whether he accepted them willingly or she forced them on him, the transfer is effective. For Hillel felt the need for a special regulation only where the money was given not in his presence, but if given to him personally the gift, whether accepted or forced on one, is effective. To this R. Papa (or some say R. Shimi b. Ashi) strongly demurred, [saying], Perhaps even if made to him personally the gift if made with his consent is effective but if against his will not, and Hillel made only the adjustment which was required?¹

Rabbah b. Bar Hanah said in the name of R. Johanan: Wherever Rabban Simeon b. Gamaliel gives a ruling in our Mishnah, the *Halachah* follows him, save in the matters of the 'Areb',² of 'Sidon'³ and of the 'later proof'.⁴

Our Rabbis taught: If a man says, This is your Get on condition that the paper belongs to me, she is not divorced;⁵ if he says, On condition that you return me the paper, she is divorced.⁶ Why this difference between the two cases?⁷ — R. Hisda replied: The authority followed here is Rabban Simeon b. Gamaliel, who said [in an analogous case that] she should give the money value; so here too, it is possible for her to make it right for him with a money payment.⁸ Abaye strongly demurred to this, saying: I grant you that Rabban Simeon b. Gamaliel meant this ruling to apply where the object for which compensation is given cannot be produced,⁹

GITTIN – 48b-90b

but would he have said the same where it can be produced? No, said Abaye: the authority followed here is R. Meir, who said that a condition to be binding must be duplicated,¹⁰ and here he has not duplicated his condition.¹¹

Raba strongly objected to this, saying, The reason [according to you] is that he did not duplicate the condition, so that if he had duplicated the condition it would not have been a Get. Let us see now. Whence do we derive [the rule governing] conditions? From [the condition] of the children of Gad and the children of Reuben.¹² Therefore just as there the condition was mentioned before the act conditional on it,¹³ so in all cases the condition should be mentioned before the act, and that excludes the present case where the act is mentioned before the condition.¹⁴ No, said Raba: the reason is that the act is mentioned before the condition.

R. Ada b. Ahabah strongly objected to this, saying, The reason [according to you] is that the act was mentioned before the condition, so that if the condition were mentioned before the act it would not be a divorce. Let us see now. Whence do we derive the rule of conditions? From that of the sons of Gad and the sons of Reuben. Therefore just as there the condition relates to one thing and the act to another,¹⁵ so it should be in all cases, to exclude such a one as this

1. He found that the owners hid themselves and consequently made the necessary regulation. And if it had been a common thing to refuse the payment when offered, he would have ordained that the gift should be effective in this case also, and therefore the money for the Get cannot be forced on him against his will.
2. 'Surety'. V. B.B. 173a, on the law of recovering from a surety if the borrower has assets.
3. Our own Mishnah.
4. I.e., evidence brought after the time allowed by the *Beth Din*. Sanh. 31a.
5. Because he does not carry out the injunction, 'he shall give into her hand', Deut. XXIV, I.
6. V. *supra* 20b.

7. [It is assumed that in the latter case the Get comes into force only after the return of the paper when the condition has been fulfilled. Hence the question.]
8. And as the condition can be fulfilled the Get is valid.
9. As in the case of the lost robe.
10. I.e., expressed both affirmatively and negatively. Kid. 61a
11. And therefore it is a Get unconditionally.
12. Num. XXXII, 20ff, 'If ye shall do this thing ... then this land shall be unto you a possession; and if ye shall not do so ... behold ye have sinned, etc.
13. ['If ye shall do this thing ... (condition), then his land shall be unto you a possession' (act).]
14. [He said first 'this is your Get and then added the condition that 'the paper belongs to me'.]
15. The condition to crossing the Jordan, and the act to their taking possession of the land of Sihon and Og.

Gittin 75b

where both the condition and the act relate to the same thing?¹ No, said R. Ada b. Ahabah: the reason [why she is divorced] is because the condition and the act relate to the same thing. R. Ashi, however, said: The authority followed here is Rabbi; for R. Huna has said in the name of Rabbi: The formula on condition' is equivalent to 'from now'.²

Samuel laid down that a Get given by a man on a sick bed³ should run, 'If I do not die, this will not be a Get, and if I die it will be a Get'. Why not rather say, If I die it will be a Get and if I do not die it will not be a Get?⁴ — A man does not like to commence with a mention of evil for himself. But why should he not say, This will not be a Get if I do not die?⁵ — The condition must be mentioned before the act.

Raba strongly questioned [Samuel's dictum]: Let us see, he said; whence do we derive the rule for conditions? From the condition of the sons of Gad and the sons of Reuben. Therefore just as there the affirmative comes before the negative, so it should be in all cases, which would exclude this one where the negative comes before the affirmative? No, said Raba; the Get should run as follows:

GITTIN – 48b-90b

'If I do not die it will not be a Get: if I die it will be a Get, if I do not die it will not be a Get.' [We write] 'If I do not die it will not be a Get', so as to avoid his commencing with a mention of evil for himself. [Then we say] 'If I die it will be a Get, if I do not die it will not be a Get', so that the affirmative may precede the negative.

MISHNAH. [IF A MAN SAYS], HERE IS YOUR GET ON CONDITION THAT YOU LOOK AFTER MY FATHER, ON CONDITION THAT YOU GIVE SUCK TO MY CHILD, (HOW LONG IS SHE TO GIVE IT SUCK? TWO YEARS.⁶ R. JUDAH SAYS, EIGHTEEN MONTHS), IF THE CHILD DIES OR THE FATHER DIES,⁷ THE GET IS VALID. [IF HE SAYS], THIS IS YOUR GET ON CONDITION THAT YOU LOOK AFTER MY FATHER FOR TWO YEARS, ON CONDITION THAT YOU GIVE SUCK TO MY CHILD FOR TWO YEARS, THEN IF THE CHILD DIES OR IF THE FATHER SAYS, I DON'T WANT YOU TO LOOK AFTER ME, EVEN THOUGH SHE HAS GIVEN NO CAUSE FOR COMPLAINT, THE GET IS NOT VALID. RABBAN SIMEON B. GAMALIEL, HOWEVER, SAYS THAT A GET LIKE THIS IS VALID. RABBAN SIMEON B. GAMALIEL LAID IT DOWN AS A GENERAL RULE THAT WHEREVER THE OBSTACLE DOES NOT ARISE FROM HER SIDE, THE GET IS VALID.

GEMARA. Do we require so long a period [as two years]? The following seems to contradict this: If she waited on him one day, or gave the child suck one day, the Get is valid?⁸ — R. Hisda replied: There is no contradiction; one statement gives the view of the Rabbis, the other that of Rabban Simeon b. Gamaliel. Our Mishnah gives the view of Rabban Simeon b. Gamaliel,⁹ and the Baraita that of the Rabbis.¹⁰ But since the later clause in our Mishnah states the view of Rabban Simeon b. Gamaliel, it follows [does it not] that the earlier clause states a view which is not that of Rabban Simeon b. Gamaliel? —

We must say therefore that the Baraita gives the view of Rabban Simeon b. Gamaliel, who insists only on a minimum fulfillment of¹¹ conditions, while the Mishnah gives the view of the Rabbis. Raba said: There is no contradiction; in the one case [the Mishnah] we suppose he mentions no time limit, in the other case he mentions a definite time limit.¹² Upon which R. Ashi remarked: Wherever no time limit is mentioned, it is the same as mentioning a limit of one day.¹³

We have learnt: HOW LONG IS SHE TO GIVE IT SUCK? TWO YEARS, RABBI JUDAH SAYS, EIGHTEEN MONTHS. If we accept the view of Raba, this creates no difficulty, but if we accept that of R. Ashi, why should we require two years or eighteen months? One day should be enough? — What it means is this: One day in the next two years, to exclude the period after two years; one day in the next eighteen months, to exclude the period after eighteen months. An objection was raised [against this from the following]: [IF HE SAYS] THIS IS YOUR GET ON CONDITION THAT YOU LOOK AFTER MY FATHER FOR TWO YEARS, ON CONDITION THAT YOU SUCKLE MY CHILD FOR TWO YEARS, THEN IF THE CHILD DIES, OR THE FATHER SAYS, I DON'T WANT YOU TO LOOK AFTER ME, EVEN THOUGH SHE GAVE NO CAUSE FOR COMPLAINT, THE GET IS NOT VALID.

1. The Get itself which has to be returned and so become a Get.
2. [Contrary to what has been assumed hitherto (p. 357, n. 7) the Get therefore, is valid retrospectively, when she returns the paper, the gift of which is regarded as a temporary one.]
3. In order to release the wife from all ties to her brothers-in-law.
4. So as to commence with the affirmative condition.
5. Why did Samuel insist on the exact words of the formula?
6. I.e., until it is two years old, (v. Keth. 60b). The words in brackets are best taken as a parenthesis.

GITTIN – 48b-90b

7. According to Rashi, this means, before the time has expired; according to Tosaf., even before she has commenced her duties.
8. V. Tosef. Cit. V.
9. Who said above that if the robe is lost she can give the money value, which shows that in his opinion, the husband's object in making a condition is to obtain some substantial advantage, and therefore she may have to suckle the child for as much as two years.
10. Who said that she must give the robe itself, which shows that the condition is to be taken au pied de la lettre, and therefore one day is sufficient.
11. Lit., 'who is lenient in regard to'.
12. He said one day.
13. [R. Ashi has no intention for the present to reconcile the Mishnah and Baraitha; he merely disagrees with Raba's opinion.]

Gittin 76a

This creates no difficulty for Raba, who may say that the previous clause¹ speaks of the case where he does not mention any time limit and this where he does.² But on R. Ashi's view, why should the ruling be different in the first case from that in the second?³ — This is indeed a difficulty.

Our Rabbis taught: [If a man says,] This is your Get on condition that you look after my father for two years, or on condition that you suckle my child for two years, even though the condition is not fulfilled, the Get is valid because he did not say to her, [first] 'if you look after' [and then] 'if you do not look after', 'if you suckle' and 'if you do not suckle'.⁴ This is the view of R. Meir. The Sages, however, say that if the condition is fulfilled it is a Get and if not it is no Get. Rabban Simeon b. Gamaliel says: There is no condition in the Scriptures which is not duplicated.⁵

According to one explanation, he addressed this remark to R. Meir, and according to another he addressed it to the Sages. According to one view he addressed his remark to R. Meir, and what he meant was this: There is no condition in the Scriptures which is not duplicated. Hence in this

connection we have two texts from which the same inference may be drawn, and wherever we have two texts from which the same inference may be drawn, we do not base a rule upon them.⁶ According to another explanation he addressed his remark to the Rabbis, and what he meant was this: There is no condition in the Scripture which is not duplicated and we base our rules upon them.

A contradiction was raised [from the following]: [If a man said], This is your Get on condition that you look after my father for two years, on condition that you suckle my child for two years, then if the father or the child dies the Get is not valid. This is the view of R. Meir. The Sages, however, say that although the condition has not been fulfilled the Get is valid, since she can say to him, Produce your father and I will wait on him, produce your child and I will suckle it. Now, R. Meir would seem to be in contradiction with himself, and the Rabbis would also seem to be in contradiction with themselves? —

Between the two statements of R. Meir there is no contradiction: the former [speaks of] where [the man] did not double his condition, the latter of where he did double it. Between the two statements of the Rabbis there is also no contradiction; for by the 'Sages' here mentioned we understand Rabban Simeon b. Gamaliel, who said that wherever the obstacle does not arise from her side the Get is valid.

Our Rabbis taught: If a man said to his wife in the presence of two witnesses, Here is your Get⁷ on condition that you look after my father for two years, and he subsequently said to her in the presence of two witnesses, Here is your Get on condition that you give me two hundred *Zuz*, the second statement does not nullify the first,⁸ and she has the option of either waiting on the father or giving the husband the two hundred *Zuz*. If, however, he said to her in the presence of two witnesses, Here is your Get on condition that you give me two hundred *Zuz*, and he

GITTIN – 48b-90b

subsequently said to her in the presence of two witnesses, Here is your Get on condition that you give me three hundred *Zuz*, the second statement nullifies the first, nor can one of the first two witnesses and one of the second combine to form a pair.² To which ruling [does this last statement belong]? It cannot be the second one, because [the first condition there] is nullified?¹⁰ Rather it is the first one. But in this case it is self-evident?¹¹ — You might think that all [the witnesses who can help] to establish that there was a condition can be joined together. We are therefore told [that this is not so].

MISHNAH. [IF A MAN SAYS,] THIS IS YOUR GET IF I DO NOT RETURN WITHIN THIRTY DAYS, AND HE WAS ON THE POINT OF GOING FROM JUDEA TO GALILEE, IF HE GOT AS FAR AS ANTIPRAS¹² AND THEN TURNED BACK, HIS CONDITION IS BROKEN.¹³ [IF HE SAYS,] HERE IS YOUR GET ON CONDITION THAT I DO NOT RETURN WITHIN THIRTY DAYS, AND HE WAS ON THE POINT OF GOING FROM GALILEE TO JUDEA, IF HE GOT AS FAR AS KEFAR 'UTHNAI¹⁴ AND THEN TURNED BACK, THE CONDITION IS BROKEN. [IF HE SAID,] HERE IS YOUR GET ON CONDITION THAT I DO NOT RETURN WITHIN THIRTY DAYS, AND HE WAS ON THE POINT OF GOING INTO FOREIGN PARTS, IF HE GOT AS FAR AS ACCO [ACRE] AND TURNED BACK HIS CONDITION IS BROKEN. [IF HE SAID,] HERE IS YOUR GET SO SOON AS I SHALL HAVE KEPT AWAY FROM YOUR PRESENCE THIRTY DAYS, EVEN THOUGH HE CAME AND WENT CONSTANTLY, SO LONG AS HE WAS NOT CLOSETED WITH HER, THE GET IS VALID.

GEMARA. [IF HE GOT AS FAR AS ANTIPRAS,] This would seem to imply that Antipras is in Galilee,¹⁵ which [apparently] contradicts the following: 'Antipras is in Judea and Kefar 'Uthnai in Galilee. The space between the two is subject to the disabilities of both¹⁶ so that [if he gets there and returns] she is divorced

1. 'If the child dies ... the Get is valid'.
2. [For the fact of his mentioning a time limit shows that he is particular about the child being suckled for two years. So Rashi; but v. Tosaf.]
3. I.e., in the first case also, if the child dies before she has suckled it one day, why should not the Get be void?
4. I.e., he did not state the condition both affirmatively and negatively, after the model of the condition of the sons of Gad and Reuben.
5. E.g., Gen. XXIV, 3ff.; Num. XIX, V, 19ff.; Is., I, 19, 20.
6. V. Sanh. (Sonc. ed.) p. 458, n. 9.
7. I.e., showing it to her without giving it to her.
8. Because the condition is of an entirely different nature.
9. To testify that there was a certain condition attached to the Get though not inserted in writing.
10. And even if the two witnesses to that condition came together, their evidence would be of no effect.
11. Because they cannot both testify to the same thing.
12. Antipatris, on the borders of Judea and Galilee.
13. This is explained *infra*, in the Gemara.
14. On the borders of Galilee and Judea, v. *supra* p. 34, n. 4.
15. The Gemara understands the Mishnah thus: If he actually went to Galilee but did not stay there thirty days, the Get is void, as his condition has not been fulfilled. If, however, he returns before reaching Galilee, he has not broken his condition, and is still able to fulfill it by going to Galilee and remaining there thirty days. Hence, since by going to Antipras and returning at once he makes the Get void, Antipras must be in Galilee, and similarly Kefar 'Uthnai must be in Judea.
16. That is to say, we reckon the condition as both broken and not broken, to the wife's disadvantage.

Gittin 76b

and not divorced?¹ — Abaye replied: [We suppose that] he makes two conditions with her, thus: If I reach Galilee, this will be a Get at once, and also if I remain on the road thirty days and do not return it will be a Get. If then he reached Antipras and came back, so that he did not get to Galilee nor did he remain on the road thirty days, his condition has been broken.

GITTIN – 48b-90b

HERE IS YOUR GET ON CONDITION THAT I DO NOT RETURN WITHIN THIRTY DAYS [AND HE GOT AS FAR AS ACCO]. This would imply that Acco is in foreign parts.² But how can this be, seeing that R. Safra has said: When the Rabbis took leave of one another,³ they did so in Acco, because it is forbidden for those who live in Eretz Yisrael to go out of it? — Abaye replied: He made two conditions with her, thus: If I reach foreign parts, this will be a Get at once, and if I remain on the road and do not return within thirty days it will be a Get. If he got as far as Acco and returned, so that he neither reached foreign parts nor remained on the road thirty days, his condition is broken.

HERE IS YOUR GET SO SOON AS I SHALL KEEP AWAY, etc. But he does not keep away?⁴ — R. Huna replied: What is meant by 'PRESENCE here? Marital intercourse. And why is it called 'PRESENCE'? A polite expression is used. R. Johanan, however, said: The word 'PRESENCE is to be taken literally. For it does not say that [if he comes and goes] she is divorced, but 'THE GET IS VALID', that is to Say, it does not become an 'old' Get⁵ and when thirty days have passed [without his seeing her] it is a valid Get.

It has been taught in accordance with R. Johanan: '[If he says,] Here is your Get so soon as I shall keep away from your presence thirty days, even though he was constantly coming and going, so long as he was not closeted with her the Get is valid, and we have no fear of its being an 'old' Get, since he was not closeted with her.'

But is there not the possibility that he made it up with her?⁶ — Rabbah son of R. Huna replied: Thus said my father, my teacher, in the name of Rab: This rule applies where he gives an undertaking⁷ that he will accept her word if she says he did not come [to her]. Some attach this statement to the Mishnah,⁸ thus: [If a man says, this is your Get] from

now if I do not return within twelve months, and he died within the twelve months, the Get is valid.

But is there not the possibility that he made it up with her? Rabbah son of R. Huna replied: Thus said my father, my teacher in the name of Rab: The rule applies where he gives an undertaking that he will accept her word if she says that he did not come to her. Those who attach this statement to the Mishnah would without question attach it to the Baraitha⁹ also. But those who attach it to the Baraitha might hesitate to attach it to the Mishnah, because [as far as we know] he has not come to see her.¹⁰

MISHNAH. [IF A MAN SAYS,] THIS IS YOUR GET IF I DO NOT RETURN WITHIN TWELVE MONTHS, AND HE DIES WITHIN TWELVE MONTHS, IT IS NO GET.¹¹ [IF HE SAYS,] THIS IS YOUR GET FROM NOW IF I DO NOT RETURN WITHIN TWELVE MONTHS, AND HE DIES WITHIN TWELVE MONTHS, IT IS A GET. [IF HE SAYS,] IF I DO NOT COME WITHIN TWELVE MONTHS, WRITE A GET AND GIVE IT TO MY WIFE, AND THEY WROTE A GET BEFORE TWELVE MONTHS HAD PASSED AND GAVE IT AFTER, IT IS NO GET. [IF HE SAID,] WRITE A GET AND GIVE IT TO MY WIFE IF I DO NOT COME WITHIN TWELVE MONTHS, AND THEY WROTE IT BEFORE THE TWELVE MONTHS HAD PASSED AND GAVE IT AFTER, IT IS NO GET. R. JOSE, HOWEVER, SAYS THAT A GET LIKE THAT IS VALID.¹² IF THEY WROTE IT AFTER TWELVE MONTHS AND DELIVERED IT AFTER TWELVE MONTHS AND HE DIED, IF THE DELIVERY OF THE GET PRECEDED HIS DEATH THE GET IS VALID, BUT IF HIS DEATH PRECEDED THE DELIVERY OF THE GET IT IS NOT VALID. IF IT IS NOT KNOWN WHICH WAS FIRST, THE WOMAN IS IN THE CONDITION KNOWN AS 'DIVORCED AND NOT DIVORCED'.¹³

GEMARA. A Tanna taught: 'Our Rabbis allowed her to marry'.¹⁴ Who are meant by 'our Rabbis'? — Rab Judah said in the name

GITTIN – 48b-90b

of Samuel: The *Beth Din* which permitted the oil [of heathens].¹⁵ They concurred with R. Jose, who said that the date of the document is sufficient indication.¹⁶

R. Abba the son of R. Hiyya bar Abba said in the name of R. Johanan: R. Judah the Prince, the son of Rabban Gamaliel the son of Rabbi, gave this ruling, but none of his colleagues [Saya'to] agreed with him, or, as others report, [his ruling did not find acceptance] during the whole of his life [Sha'ato].

R. Eleazar asked a certain elder [who had been present there]: When you permitted her to marry, did you permit her to do so at once,¹⁷ or after twelve months?¹⁸ Did you permit it at once, since there is no chance of his coming again, or did you permit it only after twelve months, when his condition would be fulfilled? —

But should not this question be attached to the Mishnah: [IF HE SAYS, THIS IS YOUR GET] FROM NOW IF I DO NOT COME WITHIN TWELVE MONTHS, AND HE DIED WITHIN TWELVE MONTHS, THIS IS A GET: would it be a Get at once, seeing that he will not come again, or only after twelve months when his condition will have been fulfilled? — Indeed it might have been, but it was put in this way because he [the old man] asked had been present on that occasion.¹⁹

Abaye said: All are agreed that if he Says, 'When the sun issues from its sheath'

1. The condition not having been broken, the Get is valid to the extent that she may not eat *Terumah*. The condition having been broken, the Get is invalid and she cannot marry again on the strength of it.
2. V. *supra* 7b.
3. I.e., those who came from abroad to study were escorted by those of Palestine as far as Acre.
4. Since it says, IF HE CAME AND WENT, etc.
5. A Get is called 'old' if after it was written the husband and wife were closeted together. Such a Get is invalid. V. *infra* 79b.

6. And so after divorcing her he may bring a charge that he was closeted with her in this period.
7. At the time of making the condition.
8. *Infra*.
9. For since we see him coming and going, the undertaking is all the more necessary.
10. And therefore perhaps the undertaking is not necessary.
11. And the levirate law still applies to her if the husband dies without issue.
12. The reason is given in the Gemara.
13. v. *supra*.
14. Even though he did not say 'from now', since it is understood that he meant this.
15. V. *supra* 72b.
16. V. *supra* 72a.
17. As soon as the death of the husband was announced.
18. I.e., had she to wait twelve months to be free from the levirate obligation.
19. [When the vote was taken to grant her permission to remarry; v. A.Z. 37a.]

Gittin 77a

he means that [the Get is to take effect only] when the sun does come out, and if he dies in the night it would be a Get after death.¹ If, again, he says, 'On condition that the sun issues from its sheath,' he means it to take effect as from now, since R. Huna has said in the name of Rabbi, The formula 'on condition' Is equivalent to 'as from now'. Where opinions differ is when he says 'if it shall issue', One authority² adopts the view of R. Jose who said that the date of the document is sufficient indication, so that his words are analogous to 'from to-day if I die, from now if I die,'³ while the other⁴ did not accept the view of R. Jose, and his words are analogous to the bare 'if I die'.⁵

WRITE A GET AND GIVE IT TO MY WIFE, IF I DO NOT COME WITHIN TWELVE MONTHS, IF THEY WROTE, etc. Said R. Yemar to R. Ashi: May we conclude from this that in R. Jose's opinion, if one writes a Get subject to a certain condition [even if the condition is not fulfilled] the document is a valid one? — No; I may still hold that it is not valid, and R. Jose has a special reason here, because he

GITTIN – 48b-90b

ought to have said 'If I do not come, write and deliver', and he actually said, 'Write and deliver if I do not come', and [we presume him] therefore to have meant, Write from now and deliver if I do not come. The Rabbis, however, do not differentiate between the two forms.

Our Rabbis taught: [If he says, 'This is your Get if I do not return] till after the septennate,' we wait an extra year;⁶ 'till after a year', we wait a month; 'till after a month', we wait a week. If he Says, 'till after the Sabbath',⁷ what [do we do]? — When R. Zera was once sitting before R. Assi, or, as others report, when R. Assi was sitting before R. Johanan, he said: The first day of the week and the second and third are called 'after the Sabbath'; the fourth and fifth days and the eve of Sabbath are called 'before the Sabbath.'

It has been taught: [If he says] 'Till after the festival', we wait thirty days. R. Hiyya went forth and preached this in the name of Rabbi, and he was commended [for doing so].⁸ He then preached it in the name of the majority and was not commended.⁹ This shows that the law is not as laid down by him.¹⁰

CHAPTER VIII

MISHNAH. IF A MAN THROWS A GET TO HIS WIFE WHILE SHE IS IN HER HOUSE OR IN HER COURTYARD,¹¹ SHE IS THEREBY DIVORCED. IF HE THROWS IT TO HER INTO HIS HOUSE OR INTO HIS COURTYARD, EVEN THOUGH HE IS WITH HER ON THE SAME BED, SHE IS NOT THEREBY DIVORCED. IF HE THROWS IT INTO HER LAP OR INTO HER WORK-BASKET,¹² SHE IS THEREBY DIVORCED.

GEMARA. What is the Scriptural warrant for this rule? — As our Rabbis taught: 'And give it in her hand:¹³ this only tells me that [the Get may be placed] in 'her hand'. Whence do I learn that [it may also be placed] on her roof, or in her courtyard or

enclosure? The text says significantly. 'And he shall give', which means, in any manner.¹⁴ It has been taught in a similar manner regarding a thief: His hand:¹⁵ this tells me on]y that [he is liable if the theft is found] in his hand. Whence do I learn that [he is equally liable if it is found] on his roof, or in his courtyard or his enclosure? From the significant words, 'If it be found at all', which means, under all circumstances.¹⁶ And [both expositions are] necessary. For had I only the one regarding the Get, I should have said that the reason is because [she is divorced] against her will,¹⁷ but [that this rule does] not apply to a thief who cannot become such against his will.¹⁸ And had I been given the rule in regard to the thief only, I should have said [that it applied to him] because the All-Merciful imposed a fine upon him,¹⁹ but not to a Get. Hence both were necessary.

It says]. HER COURTYARD. [How can this be, Seeing that] whatever a woman acquires belongs to her husband? — R. Eleazar said: We presume him to have given her a written statement that he has no claim on her property. But suppose he did do so, what difference does it make, seeing that it has been taught.²⁰ 'If a man says to another [a partner.] I have no claim on this field, I have no concern in it, I entirely dissociate myself from it, his words are of no effect'?²¹ — The school of R. Jannai explained: We suppose him to have given her this written statement while she was still betrothed, and we adopt [at the same time] the maxim of R. Kahana; for R. Kahana said that a man may stipulate beforehand that he will not take up a prospective inheritance from an outside source.²² This too is based on a ruling of Raba, who said: If one says.

1. And therefore of no effect.
2. R. Judah the Prince.
3. And therefore in the case of the Mishnah, where he said 'IF I DO NOT RETURN', if he died within the twelve months the Get takes effect retrospectively.
4. The Tanna of our Mishnah.
5. Where the Get is not valid (v. *supra* 72a), and similarly in the case of the Mishnah, the Get

GITTIN – 48b-90b

takes effect only after twelve months and should he die in the meantime the Get is no Get.

6. To allow for the 'after'.
7. Sabbath in Hebrew denotes either week or Sabbath.
8. Lit., 'it was praised'. Because he reported this ruling as the opinion of one individual which need not be accepted.
9. For reporting a non-recognized teaching in the name of many.
10. Cf. *supra* p. 77 and notes.
11. I.e., the so-called 'property of plucking' (v. [Glos.](#) s.v. *Mulug*) of which the husband has the usufruct while the wife retains the ownership.
12. [G].
13. Deut. XXIV, 1.
14. For notes v. B.M. (Sonc. ed.) p. 58.
15. Ex. XXII, 3.
16. For notes v. *op. cit.* p. 56.
17. And therefore her courtyard serves the purpose equally with her hand.
18. Hence, if, for instance, an animal entered his courtyard and he locked it in without touching it, I might think that he would not be liable.
19. To repay double. Ex. *loc. cit.* This would indicate that the law was in general more severe with him.
20. Cf. B.B. 43a.
21. [Unless and until he makes it over as a gift.]
22. I.e., not his father, or next-of-kin according to the Torah.

Gittin 77b

I do not care to avail myself of the regulation of the Sages, in a case like this he is allowed to have his way. What did he mean by 'in a case like this'? — He was referring to the case mentioned by R. Huna in the name of Rab; for R. Huna said in the name of Rab, A woman is at liberty to say to her husband, You need not maintain me and I will not work for you.¹

Raba said: Does not her hand also belong to her husband? The fact is that her hand and her Get become hers simultaneously. So also her courtyard and her Get become hers simultaneously. Said Rabina to R. Ashi: Can Raba have found any difficulty about the woman's hand?² Granted that the husband owns the labor of her hands, does he own the

hand itself? — He replied: Raba's difficulty was [really] with the hand of a slave. For on the view of the authority who holds that a slave may acquire his freedom by means of a document which he receives himself,³ [we may ask,] how can this be, seeing that the hand of the slave is like that of the master? Only we must suppose that his hand and his deed of emancipation become his simultaneously. So here, her Get and her courtyard become hers simultaneously.

A certain man who was lying very ill wrote a Get for his wife on the eve of the Sabbath and had not time to give it to her [before Sabbath]. On the next day his condition became critical.⁴ Raba was consulted, and he said: Go and tell him to make over to her the place where the Get is, and let her go and close and open a door there and so take formal possession of it, as we have learnt:⁵ 'If one does anything in the way of locking up or fencing or breaking open, this constitutes formal occupation.'⁶ Said R. 'Ilish to Raba: But whatever a woman acquires belongs to her husband? — He was nonplussed. Eventually it transpired that she was only betrothed. Thereupon Raba said: If this rule was laid down for a married woman,⁷ is it to apply to a betrothed woman? Later Raba corrected himself and said: No matter whether she is married or betrothed, her Get and her courtyard become hers simultaneously. But this is just what Raba said?⁸ — When he did say it first, it was in connection with this incident.

WHILE SHE IS IN HER HOUSE. 'Ulla said: That is so, provided she is standing by the side of her house or by the side of her courtyard. R. Oshaia said: She may even be in Tiberias and her courtyard in Sepphoris or she may be in Sepphoris and her courtyard in Tiberias; she is still divorced. But it says. **WHILE SHE IS IN HER HOUSE OR IN HER COURTYARD?** — What it means is, While she is virtually in her own house or in her own courtyard on account of the fact that the courtyard is being kept [for

GITTIN – 48b-90b

her] with her knowledge and consent, and therefore she is divorced.

May we say that the point at issue between them² is this, that the one authority ['Ulla] holds that [the rule about] a courtyard is derived from 'her hand', and the other from its being regarded as analogous to her agent?¹⁰ — No; both are agreed that the [rule about] a courtyard is derived from 'her hand'. One, however, interprets the analogy thus: just as her hand is close to her, so her courtyard must be close to her. And the other? — He will rejoin: Since her hand is attached to her, has her courtyard also to be attached to her? But [you must say] it is like her hand in this sense. Just as her hand is kept for her with her knowledge, so her courtyard must be kept for her with her knowledge, and what we exclude therefore is a courtyard which is kept for her [even] without her knowledge.¹¹

A certain man threw a Get to his wife as she was standing in a courtyard and it went and fell on a block of wood. R. Joseph thereupon said: We have to see. If the block was four cubits by four, it forms a separate domain, but if not, it is one with the courtyard. What case are we dealing with? Are we to say that the courtyard is hers? If so, what does it matter if the block is four cubits by four?¹² Is the courtyard his? Then if it is not four by four what does it matter?¹³ — [R. Joseph's ruling] applies where he lent her the place, since men will usually lend one place but not two places.¹⁴ Further, we do not say [that it is one with the court] save only if it is not ten handbreadths high; but if it is ten handbreadths high, we do not say so, even if it is not four cubits by four. Nor even so do we say that it is included save only if it has no

1. The regulation having been made for her benefit, she is not bound to avail herself of it. So too in the case of an heir-at-law outside those mentioned in the Torah, v. B.K. 8b.
2. That he had to give a special reason for legalizing it.
3. Kid. 22.

4. Lit., 'the world was heavy for him'. And he was anxious to divorce her so that she should not become subject to the levirate law, but he could not give her the Get, as it was not allowed to be carried on Sabbath.
5. B.B. 42a.
6. [And by obtaining possession of the courtyard the Get automatically passes into her possession on the principle that movable property may be acquired along with immovable property; v. Kid. 26a (Rashi).]
7. That to the husband belongs whatever the woman acquires.
8. Why then was he nonplussed?
9. 'Ulla and R. Oshaia.
10. And therefore she may be at any distance from it; v. *supra* 21a and B.M. 10b.
11. Which would include her slave. V. *infra*.
12. In either case she is divorced.
13. In either case she is not divorced.
14. [Therefore where the block was four cubits by four it forms a separate domain and is not one with the courtyard lent to her.]

Gittin 78a

individual name,¹ but if it has a special name [it is not included] even though it is not ten handbreadths high and is not four cubits by four.

EVEN THOUGH HE IS WITH HER ON THE SAME BED. Raba said: This applies only if the bed is his, but if it is her bed, she is divorced. It has been taught to the same effect: R. Eliezer says: If it is on his bed she is not divorced, but if it is on her bed she is divorced. And if it is on her bed is she divorced? Is it not a case of the vessels of the purchaser in the domain of the vendor?² This shows [does it not] that if [the article purchased is placed in] the vessels of the purchaser standing in the domain of the vendor, the purchaser acquires possession?³ — This, however, is not conclusive, as we may suppose the bed to be ten handbreadths high.⁴ But there is the place of the legs?⁵ — Men are not particular about the place of the legs.

IF HE THROWS IT INTO HER LAP OR INTO HER WORK-BASKET SHE IS THEREBY DIVORCED. Why so? This is a

GITTIN – 48b-90b

case of the vessels of the purchaser in the domain of the vendor? — Rab Judah said in the name of Samuel: We suppose, for instance, that her work-basket was hanging from her. So too R. Eleazar said in the name of R. Oshaia: We suppose, for instance, that her work-basket was hanging from her. R. Simeon b. Lakish said that [it would be sufficient] if it was tied to her even without hanging from her. R. Adda b. Ahabah said: If, [or instance, her work-basket was between her legs.⁶ R. Mesharsheya son of R. Dimi said: If her husband was a seller of handbags.⁷ R. Johanan said: The place occupied by the folds of her dress is acquired by her and the place occupied by her work-basket is acquired by her. Raba said: What is R. Johanan's reason? Because a man is not particular about the place occupied by the folds of her dress or the place occupied by her work-basket. If has also been taught to the same effect: 'If he threw her [the Get] into her lap or into her work-basket or into anything like her work basket, she is thereby divorced.' What is added by 'anything like her work-basket'? — It adds the dish from which she eats dates.

MISHNAH. IF HE SAID TO HER, TAKE THAT BOND, OR IF SHE FOUND IT BEHIND HIM AND READ IT AND IT TURNED OUT TO BE HER GET, IT IS NO GET, UNTIL HE SAYS TO HER, THERE IS YOUR GET. IF HE PUT IT INTO HER HAND WHILE SHE WAS ASLEEP AND WHEN SHE WOKE UP SHE READ IT AND FOUND IT WAS HER GET, IT IS NO GET UNTIL HE SAYS TO HER, THAT IS YOUR GET.

GEMARA. And suppose he says to her, That is your Get, what does it matter?⁸ It is the same as if he said, Pick up your Get from the floor, and Raba has laid down that [if a man says,] Pick up your Get from the floor, his words are of no effect?⁹ — We must suppose that she pulls it out from behind him.¹⁰ And suppose even that she pulls it out, do we not require that 'he give it into her hand,'¹¹ and this condition is not fulfilled? — The rule

would apply where he jerked his side towards her and she pulled it out.¹² It has been taught to the same effect: 'If he said to her, Take this bond [and she did so], or if she pulled it out from behind him¹³ and on reading it found it was her Get, it is no Get until he says to her, That is your Get. This is the ruling of Rabbi.

R. Simeon b. Eleazar Says: It does not become a Get until he takes it from her and gives it to her again, saying, That is your Get. If he puts it into her hand while she is asleep and when she wakes she reads it and finds it is her Get, it is no Get until he says to her, That is your Get. So Rabbi. R. Simeon b. Eleazar Says, [It is no Get] until he takes it from her and gives it to her again saying, That is your Get.' [Both cases] required [to be stated]. For if only the former had been stated, I might say that Rabbi ruled [as he did there] because she was at the time capable of being divorced, but where he put it into her hand while she was asleep, seeing that she was not at the time capable of being divorced, I might think that he accepts the view of R. Simeon b. Eleazar. If again only the latter case had been stated, I might have thought that R. Simeon b. Eleazar meant his ruling to apply to that case only,¹⁴ but in the other he accepts the view of Rabbi. Hence [both statements were] necessary.

Raba said: If he wrote a Get for her and put it in the hand of her slave while he was asleep and she was watching him, it is a Get,¹⁵ but if he is awake it is no Get,¹⁶ But why should this be, seeing that he is a 'moving courtyard', and a 'moving courtyard' does not confer ownership? And should you reply that the fact of his being asleep makes a difference, has not Raba said, That which does not confer ownership when moving about does not confer ownership when standing still or sitting? — [The law is as stated by Raba]¹⁷ when the slave is bound.¹⁸

MISHNAH. IF SHE WAS STANDING ON PUBLIC GROUND AND HE THREW IT TO HER, IF IT LANDS NEARER TO HER SHE IS

GITTIN – 48b-90b

DIVORCED, BUT IF IT LANDS NEARER TO HIM SHE IS NOT DIVORCED. IF IT LANDS MIDWAY,¹⁹ SHE IS DIVORCED AND NOT DIVORCED.²⁰ SIMILARLY WITH BETROTHALS AND SIMILARLY WITH A DEBT. IF A MAN SAYS TO HIS DEBTOR, THROW ME MY DEBT [IN PUBLIC GROUND] AND HE THROWS IT, IF IT LANDS NEARER TO THE LENDER, IT BECOMES THE PROPERTY OF THE LENDER; IF IT LANDS NEARER TO THE BORROWER, HE STILL OWES THE MONEY; IF IT LANDS MIDWAY, THEY DIVIDE.

GEMARA. How are we to understand NEARER TO HIM and how are we to understand NEARER TO HER? — Rab said: Within four cubits of her is nearer to her, within four cubits of him is nearer to him.²¹ How are we to understand 'MIDWAY'? — R. Samuel son of R. Isaac replied: If, for instance, they were both within four cubits of the Get. In that case let us see which was there first?²² And should you retort that perhaps both came together — it is impossible that they should come exactly at the same moment?²³ — R. Kahana therefore said: We suppose here that they are exactly eight cubits from each other,

1. Lit., 'an attached name', but is merely referred to as 'the block'.
2. Concerning which there is a difference of opinion whether the purchaser acquires the article of purchase put therein; v. B.B. (Sonc ed.) 85b p. 348 q.v. for notes.
3. I.e., we decide the question in B.B. From here.
4. And so it forms a domain of its own and is not merely a vessel.
5. The place occupied by the legs which belongs to the husband.
6. In which case he would not be particular about the place occupied by it, even if it rested on the ground.
7. In which case also he would not be particular about the place occupied by it.
8. In the case where she found the Get behind him.
9. V. *supra* 24a.
10. From where it was stuck between his girdle and his robe.
11. Deut. XXIV, 3.
12. As this is also a kind of giving.

13. Not merely 'found it' as our reading in the Mishnah has it.
14. Because she was not at the time capable of being divorced.
15. Because the slave is reckoned as her courtyard and it is being kept for her.
16. Because the slave when awake is regarded as looking after himself.
17. *Var. lec.*, 'We must say that Raba means.'
18. V. *supra* 212.
19. Lit., 'half by half'.
20. V. *supra* p. 350.
21. On the principle that a man's four cubits in a public ground acquire possession, v. B.M. 102.
22. And so established a prior right to the four cubits.
23. Lit., 'to be exact'.

Gittin 78b

and the Get extends from the four cubit space nearer to him into the four cubit space nearer to her.¹ But then it is still [partly] attached to him?² — Therefore Rabbah and R. Joseph [gave a different reply], both saying that we are dealing here with a case where there are two groups of witnesses, one of which says that it was nearer to her and the other that it was nearer to him. R. Johanan said: The words of our text are NEARER TO HER [which can include] even a hundred cubits away, and NEARER TO HIM, [which can include] even a hundred cubits away.

How are we to understand MIDWAY? — R. Shaman b. Abba said: It was explained to me by R. Johanan that where he is able to look after it³ but she is not able to look after it, this is NEARER TO HIM. Where she is able to look after it, but he is not, this is NEARER TO HER. If both of them are able to look after it, or neither of them is able [separately]⁴ to look after it, this is MIDWAY. The Rabbis repeated this explanation before R. Johanan as having been given by R. Jonathan.⁵ He thereupon remarked: Do our colleagues in Babylon also know how to give this explanation?

It has been taught to the same effect: 'R. Eliezer says: Even though it is nearer to her than to him and a dog came and ran off with

GITTIN – 48b-90b

it, she is not divorced.' She is not divorced, you say? How long is she to go on keeping it?⁶ No; what he means to say is this: If it is nearer to her than to him, yet so placed that if a dog came and tried to make off with it he could save it but she could not, she is not divorced. Samuel said to Rab Judah: Shinena,⁷ it must be so near that she can stoop down and pick it up, but do you not actually [declare it valid] until it comes into her hand.⁸ R. Mordecai said to R. Ashi: There was an actual case of this kind,⁹ and she was compelled to give *Halizah*.

SO TOO IN REGARD TO BETROTHALS.

R. Assi said in the name of R. Johanan: This rule¹⁰ was made with reference to bills of divorce and not to anything else. R. Abba thereupon pointed out to R. Assi the statement, SO TOO IN REGARD TO BETROTHALS. [He replied]: There is a special reason for that, because it is written, she may go forth and be [another man's wife].¹¹

He raised an objection: SIMILARLY WITH A DEBT. IF THE LENDER SAYS [TO THE BORROWER], THROW ME MY DEBT, AND HE THROWS IT, IF IT LANDS NEARER TO THE LENDER IT BECOMES THE PROPERTY OF THE LENDER; IF IT LANDS NEARER TO THE BORROWER, HE STILL OWES THE MONEY; IF IT LANDS MIDWAY, THEY DIVIDE? — The case we are dealing with here is when he says, Throw me what you owe me and be quit. If that is all [he rejoined], what need was there to state it? — It is necessary [to state it] when he says, Throw me my debt in the same way as a Get. Still, what need is there to state even this? — You might think that he can say to him, I was only making fun of you; therefore we are told [that this is no plea].

R. Hisda said: If the Get is in her hand and the string¹² in his hand, and he is able to pull it with a jerk to himself, she is not divorced, but if not, she is divorced. What is the reason? We require a 'cutting off', and this is

not realized.¹³ Rab Judah said: If she held her hand sloping¹⁴ and he threw it to her, even if the Get reached her hand she is not divorced. Why so? When it falls to the ground it falls within four cubits of her? —

We assume that it does not come to rest there. But should she not be divorced by dint of its having come into the air of the four cubits? [And since this is not so] may we decide from this the question raised by R. Eleazar, whether the four cubits spoken of include the air above them or not? May we decide that they do not include the air? — [No;] we suppose here that she is standing on the brink of a river, so that from the outset it is liable to be lost [if it falls from her hand].¹⁵

1. I.e., part of it is nearer to him and part nearer to her.
2. And it is requisite that the whole should be given to her.
3. E.g., to prevent a dog snatching it.
4. V. Tosaf., s.v.
5. R. Jonathan was a Babylonian, R. Johanan a Palestinian.
6. As much as to say, Surely from the moment it comes near her she is divorced.
7. Lit., 'sharp one', i.e., scholar with keen sharp mind. For other interpretations v. B.K. (Sonc. ed.) p. 60, n. 2.
8. Though it was near to her people might malign her by saying it was far away.
9. Where it landed nearer to her.
10. That it is sufficient for the document to land near the person to whom it is thrown.
11. Deut. XXIV, 2. Her 'being another man's wife' is put on the same footing as her 'going forth'.
12. Tied round the Get.
13. V. B.M. 7a.
14. Lit., 'like a gutter'. [G].
15. And in such a case the air certainly does not confer possession.

Gittin 79a

MISHNAH. IF SHE WAS STANDING ON A ROOF AND HE THREW IT UP TO HER, AS SOON AS IT REACHES THE AIRSPACE OF THE ROOF, SHE IS DIVORCED. IF HE WAS ABOVE AND SHE BELOW AND HE THREW IT TO HER, ONCE IT HAS LEFT THE SPACE OF THE ROOF, EVEN THOUGH

GITTIN – 48b-90b

[IMMEDIATELY AFTERWARDS] THE WRITING WAS EFFACED¹ OR IT WAS BURNT,² SHE IS DIVORCED.

GEMARA. [AS SOON AS IT REACHES THE AIR-SPACE OF THE ROOF, etc.] But it is not yet in safekeeping?³ — Rab Judah said in the name of Samuel: We speak of a roof which has a parapet. 'Ulla b. Menashia said in the name of Abimi: The reference here is to [the air space] within three handbreadths of the roof, since any space less than three handbreadths from the roof is reckoned as the roof.

IF HE WAS ABOVE, etc. But it is not yet in safekeeping?⁴ — Rab Judah said in the name of Samuel: [The rule applies] if for instance the lower partitions⁵ overtop the upper ones.⁶ So too R. Eleazar said in the name of R. Oshaia, If, for instance the lower partitions overtop the upper ones; and so too 'Ulla said in the name of R. Johanan, If, for instance, the lower partitions overtop the upper ones. Said R. Abba to 'Ulla: With whose view does this accord? With that of Rabbi, who said that being embraced [by the air space] is equivalent to coming to rest [upon the ground]?⁷ —

He replied: You can even say that it has the authority of the Rabbis, since the Rabbis might differ from Rabbi only in the case of Sabbath, but here the deciding factor is whether it is in safekeeping, and in fact it is in safekeeping.⁸ So too, when R. Assi said in the name of R. Johanan, For instance, if the lower partitions overtop the higher, R. Zera said to R. Assi, With whose view does this accord? With that of Rabbi, who said that being embraced by the air space is equivalent to coming to rest [on the ground,] and he replied, You can even say that it has the authority of the Rabbis, since the Rabbis might differ from Rabbi only in the case of the Sabbath, but here the deciding factor is whether it is in safekeeping, and in fact it is in safekeeping.

THOUGH THE WRITING WAS EFFACED. R. Nahman said in the name of Rabbah b. Abbuha: This applies only if it was effaced while [the Get was] falling,⁹ but if it was effaced while [the Get was] ascending it is not so. Why? Because from the outset it was not destined to come to rest [in that way].¹⁰

OR IT WAS BURNT. R. Nahman said in the name of Rabbah b. Abbuha: This applies only if the Get was thrown before the fire was started, but if the fire was started first, it is not so. Why is this? Because from the outset it was destined to be burnt.

R. Hisda said: Spaces marked off from one another¹¹ remain distinct for purposes of bills of divorce.¹² Said Rami b. Hama to Raba: Whence does the old man derive this idea? — He replied: It is from our Mishnah: **IF SHE WAS STANDING ON THE ROOF AND HE THREW IT TO HER, AS SOON AS THE GET REACHES THE AIR SPACE OF THE ROOF SHE IS DIVORCED.** Now with what circumstances are we dealing? Are we to say that the roof is hers and the courtyard is hers? If so, why do I require even the air space of the roof? What then? His roof and his courtyard? In that case, even if it reaches the air space of the roof, what of it? Obviously therefore we must suppose the roof to be hers and the courtyard to be his.

Now let us look at the next clause: **IF HE WAS ABOVE AND SHE BELOW AND HE THREW IT TO HER, SO SOON AS IT LEFT THE SPACE OF THE ROOF, EVEN THOUGH THE WRITING WAS EFFACED OR IT WAS BURNT SHE IS DIVORCED.** Now if the roof is hers and the courtyard his, why is she divorced? It must be therefore that the roof is his and the courtyard hers. Now can it be that the first clause speaks of where the roof is hers and the courtyard his, and the second of where the roof is his and the courtyard hers? [Hardly so,] and it must be that he lends her a place,¹³ [and this shows] that men will lend one place but not

GITTIN – 48b-90b

two places! — He replied: Is this conclusive? Perhaps each case stands on its own footing, the first clause speaking of where the roof is hers and the courtyard his, and the second of where the roof is his and the courtyard hers.¹⁴

Raba said: There are three cases in which a Get forms an exception to a general rule.¹⁵ One is the rule laid down by Rabbi that being embraced [by the air space] is equivalent to coming to rest on the ground, regarding which the Rabbis joined issue with him. They only differed with regard to Sabbath, but here [in the case of a Get] the decisive factor is whether it is in safekeeping, and in fact it is in safekeeping.

The second is the rule laid down by R. Hisda: If a man stuck in private ground a pole, on the top of which was a basket, and he threw up something¹⁶ and it came to rest on it, even if it is a hundred cubits high he is liable, because private ground extends upwards to the sky. This applies only to Sabbath, but here¹⁷ the decisive factor is whether it is in safekeeping, and in fact it is not in safekeeping.¹⁸

1. E.g., by rain.
2. By a fire in the courtyard.
3. Because it may be blown away by the wind before landing.
4. Because it may be blown by the wind outside of the court.
5. Those of the courtyard.
6. Those of the roof. Hence even when the Get was thrown over the parapet of the roof, it was still within the enclosure of the courtyard.
7. Shab. 97. The discussion there relates to an article thrown from one point to another in public ground across private ground, Rabbi holding that this constitutes a change of domain, v. also B.K. 70b.
8. Being all the time surrounded by the partitions of the courtyard, and the question of change of domain does not arise.
9. Over the parapet.
10. And therefore so long as it was ascending it is not regarded as having been 'given'.
11. E.g., a roof and a courtyard.
12. I.e., if the outer one was lent to the wife for the purpose of receiving the Get therein, it does not follow that the inner one was lent with it.

13. The roof or the courtyard as the case may be.
14. But where it is not originally hers but lent to her by the husband it may be assumed that the loan of the one includes the other.
15. Lit., 'three measures', 'norms', in regard to a Get.
16. From a public domain.
17. If the husband throws a Get into a basket on top of a high pole stuck in her ground.
18. Because it may be blown by the wind outside the court.

Gittin 79b

The third is the rule laid down by Rab Judah in the name of Samuel; A man should not stand on one roof and gather rain water from his neighbor's roof, because just as dwellings are distinct below so they are distinct above. This applies to Sabbath, but in regard to a Get the decisive factor is whether the owner is particular, and to this extent men are not particular.¹

Abaye said: If there are two courtyards one within the other, the inner one belonging to her and the outer one to him, and the outer partitions are higher than the inner ones, if he throws it to her, as soon as it reaches the air-space of the partitions of the outer one she is divorced, the reason being that the inner one itself is protected by the partitions of the outer one. The same, however, does not hold good with baskets; if there were two baskets one inside the other, the inner one belonging to her and the outer one to him and he threw the Get to her, even if it came into the air space of the inner one² she is not divorced, the reason being that it has not come to rest.³ And supposing even that it comes to rest, what of it? It is a case of the vessels of the purchaser in the domain of the vendor?⁴ — We are speaking here of a basket which has no bottom.⁵

MISHNAH. BETH SHAMMAI SAY THAT A MAN MAY DIVORCE HIS WIFE WITH AN OLD GET, BUT BETH HILLEL FORBID THIS. WHAT IS MEANT BY AN OLD GET? ONE AFTER THE WRITING

GITTIN – 48b-90b

OF WHICH HE WAS CLOSETED WITH HER.

GEMARA. What is the ground of their difference? — Beth Shammai hold that we are not to prohibit her [to marry again] out of fear that people may [afterwards] say that her Get came before her child,⁶ whereas Beth Hillel hold that we do prohibit her for fear people will say her Get came before her child. R. Abba said in the name of Samuel: If she married [on the strength of such a Get]⁷ she need not leave [the second husband]. According to another report, R. Abba said in the name of Samuel, If she was divorced [with such a Get], she has full liberty to marry again.⁸

MISHNAH. IF THE GET WAS DATED BY A REIGN WHICH OUGHT NOT TO COUNT,⁹ BY THE EMPIRE OF MEDIA,¹⁰ BY THE EMPIRE OF GREECE,¹¹ BY THE BUILDING OF THE TEMPLE OR BY THE DESTRUCTION OF THE TEMPLE,¹² OR IF BEING IN THE EAST THE WRITER DATED IT FROM THE WEST, OR BEING IN THE WEST HE DATED IT FROM THE EAST, THE WOMAN [WHO MARRIES AGAIN ON THE STRENGTH OF IT] MUST LEAVE BOTH HUSBANDS¹³ AND REQUIRES A GET FROM BOTH AND HAS NO CLAIM EITHER FOR A *KETHUBAH* OR FOR INCREMENT¹⁴ OR FOR MAINTENANCE OR FOR WORN CLOTHES¹⁵ FROM EITHER OF THEM: IF SHE TAKES THESE FROM EITHER OF THEM SHE MUST RETURN THEM. A CHILD BORN TO HER FROM EITHER OF THEM IS A MAMZER.¹⁶ NEITHER OF THEM [IF A PRIEST] IS TO DEFILE HIMSELF FOR HER: NEITHER OF THEM HAS A RIGHT TO HER FINDS OR TO THE PRODUCT OF HER LABOR, AND NEITHER CAN ANNUL HER VOWS. IF SHE IS THE DAUGHTER OF A LAY ISRAELITE SHE IS DISQUALIFIED FOR MARRYING A PRIEST.¹⁷

1. And if he lends her one roof for receiving the Get, this is held to include the next adjoining to it.
2. But was then destroyed before it came to rest at the bottom of the basket.

3. And the sides of a basket do not afford safekeeping.
4. V. *supra* 782.
5. I.e., the outer basket has no bottom, so that the inner basket rests on the ground and is not in the husband's domain.
6. Suppose he used the Get to divorce her a year or two after it was written and she had had a child from him in the meanwhile.
7. Without the permission of the *Beth Din*.
8. I.e., the *Beth Din* do not prevent her.
9. [Lit., 'unworthy'; v. the Gemara *infra*. Mishnayoth texts read 'another'; i.e., he dated the Get by a Government not corresponding to the country in which the Get was written.]
10. I.e., by the Achemenid era.
11. I.e., by the Seleucid era, beginning 311 B.C., v. A.Z. (Sonc. ed.) p. 42, n. 7.
12. [The reference is, according to Blau *Ehescheidung* I, p. 66, to the First Temple, since documents were dated from the destruction of the Second, v. A.Z. 92].
13. I.e., she must leave the second husband and cannot remarry the first.
14. Her 'property of plucking' (v. Gloss. s.v. *Mulug*); she loses the right to be redeemed from captivity, which the Sages assigned to her in lieu of such increment.
15. From what she brought in with her dowry.
16. V. *Glos.*
17. Being regarded as a 'loose woman'.

Gittin 80a

IF SHE IS THE DAUGHTER OF A LEVITE, SHE BECOMES DISQUALIFIED FOR EATING TITHE,¹ AND IF THE DAUGHTER OF A PRIEST FOR EATING *TERUMAH*.² THE HEIRS NEITHER OF THE ONE HUSBAND NOR THE OTHER INHERIT HER *KETHUBAH*,³ AND IF THEY DIE BROTHERS OF BOTH ONE AND THE OTHER OF THEM [IF NECESSARY] TAKE *HALIZAH* BUT NEITHER CAN MARRY HER. IF HIS NAME OR HER NAME OR THE NAME OF HIS TOWN OR THE NAME OF HER TOWN WAS WRONGLY GIVEN, SHE MUST LEAVE BOTH HUSBANDS AND ALL THE ABOVE PENALTIES APPLY TO HER. IF ANY OF THE NEAR RELATIVES CONCERNING WHOM IT IS LAID DOWN THAT THEIR RIVALS⁴ ARE PERMITTED TO MARRY [WITHOUT GIVING *HALIZAH*] WENT AND MARRIED AND IT WAS THEN FOUND THAT THIS ONE⁵ WAS INCAPABLE OF BEARING,⁶ THE ONE WHO

GITTIN – 48b-90b

MARRIED MUST LEAVE BOTH HUSBANDS⁷ AND ALL THESE PENALTIES APPLY TO HER. IF A MAN MARRIES HIS SISTER-IN-LAW AND HER RIVAL⁸ THEN WENT AND MARRIED ANOTHER MAN AND IT WAS FOUND THAT THE FIRST ONE WAS INCAPABLE OF BEARING, THE OTHER MUST LEAVE BOTH HUSBANDS AND ALL THESE PENALTIES APPLY TO HER.² IF A SCRIBE WROTE A GET FOR THE HUSBAND AND A RECEIPT FOR THE WIFE¹⁰ AND BY MISTAKE GAVE THE GET TO THE WIFE AND THE RECEIPT TO THE HUSBAND AND THE TWO EXCHANGED THEM AND AFTER A TIME THE GET WAS PRODUCED BY THE MAN AND THE RECEIPT BY THE WOMAN, SHE MUST LEAVE BOTH HUSBANDS AND ALL THESE PENALTIES APPLY TO HER. R. ELEAZAR¹¹ SAID: IF [IT IS PRODUCED] AT ONCE,¹² IT IS NO GET, BUT IF [IT IS PRODUCED] AFTER A TIME, IT IS A GET; IT IS NOT IN THE POWER OF THE FIRST TO RENDER VOID THE RIGHT OF THE SECOND.¹³

GEMARA. What is meant by A REIGN WHICH OUGHT NOT TO COUNT? — The empire of the Romans.¹⁴ Why is it called A REIGN WHICH OUGHT NOT TO COUNT? — Because it has neither a script nor a language [of its own].¹⁵

'Ulla said: Why was it laid down that [the year of] the reign should be stated in a Get? For the sake of keeping on good terms with the Government. And for the sake of keeping on good terms with the Government is the woman to leave her husband and the child to be a Mamzer.? — Yes. R. Meir in this is quite consistent, since R. Hamnuna said in the name of 'Ulla: R. Meir used to say, If any alteration is made in the form which the Sages fixed for bills of divorce, the child is a Mamzer.¹⁶

BY THE EMPIRE OF GREECE. All [these eras] had to be mentioned.¹⁷ For if I had been told only the REIGN WHICH OUGHT NOT TO COUNT, I might have thought that the

objection to it is that it bears sway now, but in regard to the Empire of Media and Greece I might think that what is past is past.¹⁸ And if I had been told the empires of Media and Greece, I might have thought that the objection is that they were once empires, but as regards the building of the Temple, what is past is past. And if I had been told the building of the Temple, I might have thought that the objection is because they might say that the Jews are recalling their former glory, but this does not apply to the mention of the destruction of the Temple, which recalls their sorrow.¹⁹ Hence all were necessary.

IF BEING IN THE EAST THE WRITER DATED IT FROM THE WEST. Who is referred to? Is it the husband? Then this is the same as IF HIS NAME OR HER NAME OR THE NAME OF HIS TOWN OR OF HER TOWN WAS WRONGLY GIVEN! It must be then the scribe; and so Rab said to his scribe, and R. Huna also said to his scribe, When you are in Shili,²⁰ write 'at Shili', even though you were commissioned in Hini, and when you are in Hini, write 'at Hini', even though you were commissioned in Shili.²¹

Rab Judah said in the name of Samuel:

1. V. Yeb. 912.
2. v. Sot. 28A.
3. The *Kethubah* referred to here is a stipulation made by her with her husband that, should she die in his lifetime, her sons should inherit her property over and above their share in their father's inheritance, v. Yeb. 91A.
4. I.e., (potential) co-wives. Cf. 1. Sam. I, 6. The reference is to two women within the forbidden degrees of consanguinity who married two brothers, v. Yeb. 22.
5. The wife of the brother still living.
6. Her marriage consequently was void, and hence the sister-in-law could have married the deceased husband's brother and had no right to contract another marriage without giving *Halizah*.
7. I.e., she must leave her husband and cannot marry the brother-in-law.
8. I.e., another wife of the dead brother. Where there are two wives, only one may contract the levirate marriage.
9. V. Yeb. 94b.

GITTIN – 48b-90b

10. To hand over to the husband on payment of her *Kethubah*.
11. [Var. lec. 'R. Eliezer'.]
12. Explained in the Gemara.
13. Because we suspect collusion between the wife and the first husband.
14. [The reference is to the Eastern Roman Empire; v. next note].
15. V. A.Z. (Sonc. ed.) p. 50, n. 2.
16. Cf. *supra*, 5b.
17. To make it clear that the Get should be dated according to the era of the State where it is made out.
18. And therefore dating by it would cause no jealousy on the part of the Government.
19. On the eras mentioned in this passage v. A.Z. (Sonc. ed.) p. 42, n. 7, and p. 47, n. 2.
20. Shili and Hini were two places within walking distance of each other. V. B.B. (Sonc. ed.) p. 753, n. 6.
21. The local of the deed is the place where the deed is written and this must be entered in the deed, not the place where the transaction recorded took place.

Gittin 80b

This¹ is the ruling of R. Meir, but the Sages say that even though he dated it only by the term of office of the Santer² in the town, she is divorced. A certain Get was dated by the term of office of the prefect³ of Bashcar.⁴ R. Nahman son of R. Hisda sent to Rabbah to inquire how to deal with it. He sent him back reply: Such a one even R. Meir would accept. What is the reason? Because he is an official of the proper Government. But why should he be different from the Santer in the town? — To date it that way is an insult to them,⁵ but to date it this way is a compliment to them.

R. Abba said in the name of R. Huna who had it from Rab: This is the ruling of R. Meir, but the Sages say that the child is legitimate. The Sages, however, agree with R. Meir that if his name or her name or the name of his town or her town was wrongly given, the child is a Mamzer. R. Ashi said: We find this also implied in our Mishnah: IF HIS NAME OR HER NAME OR THE NAME OF HIS TOWN OR HER TOWN WAS WRONGLY GIVEN, SHE MUST

LEAVE BOTH HUSBANDS AND ALL THESE PENALTIES APPLY TO HER. Now who is the authority for this statement? Shall I say R. Meir? If so, the two rulings⁶ might have been run into one? We conclude therefore that it was the Rabbis.

IF ANY OF THE NEAR RELATIVES CONCERNING WHOM, etc. [They are penalized] if they MARRY, which implies, 'but not if they misconduct themselves'.⁷ May we take this as a refutation of R. Hamnuna, who said that if a woman while waiting for her brother-in-law misconducted herself, she is forbidden to her brother-in-law?⁸ — No; [it means,] if they marry, and the same is the rule if they misconduct themselves; and the reason why the word MARRY was used was as a polite expression. Some report the discussion thus: [They are penalized] if they marry, and the same rule [we should say,] applies if they misconduct themselves. May we presume then that the Mishnah supports R. Hamnuna, who said that if a woman while waiting for her brother-in-law misconducted herself she is forbidden to her brother-in-law? — No; the rule applies only where they actually married, because in that case they may be confused with a woman whose husband went abroad.⁹

IF A MAN MARRIES HIS SISTER-IN-LAW, etc. Both cases¹⁰ required to be stated. For had I only the first one, I might say the reason [why she is penalized]¹¹ is because the precept of levirate marriage has not been carried out, but here where this precept has been carried out I might say that the rule does not apply. If again I had been told only in this case, I might have said that the reason is because she was put at his disposal,¹² but in the other case where she is not put at his disposal¹³ I might say that she should not be penalized. Hence [both statements were] necessary.

IF THE SCRIBE WROTE AND BY MISTAKE GAVE THE GET TO THE WIFE AND THE RECEIPT TO THE

GITTIN – 48b-90b

HUSBAND ... R. ELEAZAR SAYS, IF [IT WAS PRODUCED] AT ONCE, etc. How do we define AT ONCE and how do we define AFTER A TIME? — Rab Judah said in the name of Samuel: The whole of the time during which they are sitting and dealing with that matter is called AT ONCE; once they have risen it is called AFTER A TIME. R. Adda b. Ahabah, however, said: So long as she has not married, it is called AT ONCE, but once she has married, it is called AFTER A TIME. We have learnt: IT IS NOT IN THE POWER OF THE FIRST TO RENDER VOID THE RIGHT OF THE SECOND. Now if we take the view of R. Adda b. Ahabah, it is quite correct to mention here the SECOND; but on Samuel's view, what are we to make of SECOND? —

1. That the year of the current reign must be mentioned.
2. Probably = Senator: an elder whose office it was to decide questions regarding boundaries between fields, v. B.B. (Sonc. ed.) p. 270, n. 10.
3. [Pers. Astandar, a district (Astan) deputy (Dar) of the king. Obermeyer *op. cit.* p. 92.]
4. More correctly Kashkar (Jastrow). [According to Obermeyer *loc. cit.* Kashkar was the name given to the whole of the Mesene district (S. E. Babylon) of which it was the capital during the Sassanian period.]
5. Viz., to the Government, the Santer being a minor official.
6. This and the one regarding the year of the reign.
7. [In which case she is forbidden to her brother-in-law for fear people will say that he had already given her *Halizah* before she remarried and is now taking her unto himself as a wife, which is not allowed.]
8. V. Yeb. 81a.
9. [If such a woman was informed on good authority that her husband had died and she married again and then her husband returned, she is forbidden to go back to him, for fear people might say that the husband had in reality divorced her before she remarried and that now he is taking her back, which is forbidden (v. Deut. XXIV, 4). If the sister-in-law in this case were allowed to marry the brother-in-law after marrying another, this might create a precedent (cf. n. 2), but not if she misconducted herself.]
10. This and the one about the forbidden degrees.
11. And forbidden to the brother-in-law.

12. Lit., 'thrown before him', after the death of her husband, and therefore should not have remarried till she made sure that the levirate marriage of her rival was in order.
13. [Her potential rival exempts her forthwith on the death of her husband from levirate marriage and *Halizah*.]

Gittin 81a

It means, the prospective right of the second.

MISHNAH. IF A MAN WROTE A GET WITH WHICH TO DIVORCE HIS WIFE AND THEN CHANGED HIS MIND, BETH SHAMMAI SAY THAT HE HAS THEREBY DISQUALIFIED HER FOR MARRYING A PRIEST.¹ BETH HILLEL, HOWEVER, SAY THAT EVEN THOUGH HE GAVE IT TO HER ON A CERTAIN CONDITION, IF THE CONDITION WAS NOT FULFILLED, HE HAS NOT DISQUALIFIED HER FOR MARRYING A PRIEST.

GEMARA. R. Joseph the son of R. Manasseh of Dewil sent an inquiry to Samuel saying: Would our Master instruct us with regard to the following problem. If a rumor spread that So-and-so, a priest, has written a Get for his wife, but she still lives with him and looks after him, what are we to do?² — He sent back a reply: She must leave him, but [first] the case must be examined. What are we to understand by this? Shall we say that we examine whether we can put a stop to the rumor or not? [This cannot be] because Samuel lived in Nehardea, and in Nehardea it was not the rule [of the *Beth Din*] to put a stop to rumors.³ But we do examine whether people speak of 'giving' also as 'writing'.⁴ But granted that they call 'giving' 'writing', do they not also call 'writing' itself 'writing'? — That is so; and [the reason why she has to leave him is] because if it is found that 'giving' is called 'writing', perhaps the people [when they say he has 'written'] mean that he has 'given' [her the Get].⁵ And still must she leave him?

GITTIN – 48b-90b

Has not R. Ashi said: We pay no regard to any rumor [that is spread] after the marriage? — When it says 'she must leave', it means 'she must leave the second husband'.⁶ If that is so, you cast a slur on the children of the first?² — Since it is from the second that we separate her and we do not separate her from the first, people will say that he divorced her just before his death.⁸

Rabbah b. Bar Hanah reported R. Johanan as saying in the name of Rabbi Judah b. Ila'i: What a difference we can observe between the earlier generations and the later! (By the earlier generations he means Beth Shammai, and by the later R. Dosa). For it has been taught: 'A woman who has been carried away captive may still eat *Terumah*,⁹ according to the ruling of R. Dosa. Said R. Dosa: What after all has this Arab done to her? Because he squeezed her breasts, has he disqualified her for marrying a priest?'¹⁰

Rabbah b. Bar Hanah further quoted R. Johanan as saying in the name of Rabbi Judah b. Ila'i: What a difference we can observe between the earlier generations and the later! The earlier generations used to bring in their produce by way of the kitchen garden¹¹ so as to make it liable to tithe, whereas the later generations bring in their produce over roofs and through enclosures so as not to make it liable for tithe, R. Jannai laid down that *Tebe*¹² is not liable for tithe¹³ until it has come in front of the house, since it says, I have put away the hallowed things out of mine house.¹⁴ R. Johanan, however, says that even a courtyard¹⁵ imposes the liability, as it says, That they may eat within thy gates and be filled.¹⁶

MISHNAH. IF A MAN HAS DIVORCED HIS WIFE AND THEN STAYS WITH HER OVER NIGHT IN AN INN, BETH SHAMMAI SAY THAT SHE DOES NOT REQUIRE FROM HIM A SECOND GET, BUT BETH HILLEL SAY THAT SHE DOES REQUIRE A SECOND GET FROM HIM. THIS, HOWEVER, IS ONLY WHEN THE DIVORCE IS ONE AFTER

MARRIAGE; [FOR BETH HILLEL] AGREE THAT IF THE DIVORCE IS ONE AFTER BETROTHAL,¹⁷ SHE DOES NOT REQUIRE A SECOND GET FROM HIM, BECAUSE HE WOULD NOT [YET] TAKE LIBERTIES WITH HER.

GEMARA. Rabbah b. Bar Hanah said in the name of R. Johanan: The difference of opinion [recorded here] relates only to the case where she was seen to have intercourse,

1. A priest being forbidden to marry a divorced woman.
2. Shall we make her leave him so that people should not say that a priest has been allowed to divorce his wife and take her back?
3. V. *infra* 89.
4. In which case the rumor is a serious one.
5. And we adopt the more rigorous construction.
6. Supposing the first husband died and she afterwards married a priest, which, if she was really divorced, she may not do.
7. If they were born after the alleged divorce.
8. And there can be no question about the qualifications of his children.
9. V. *Glos.*
10. Whereas Beth Shammai disqualified her merely because her husband had written a Get, even if he did not give it.
11. Where it would come in sight of the house.
12. Produce from which the sacred dues have not yet been separated. V. *Glos.*
13. I.e., it may be consumed casually, but not for a fixed meal. V. *Tosaf. s.v. [H]*.
14. Deut. XXVI, 12.
15. As soon as it comes in the courtyard.
16. *Ibid.* 12.
17. V. *Glos. s.v. Erusin.*

Gittin 81b

Beth Shammai holding that a man [in such a case] will not scruple to commit fornication, whereas Beth Hillel hold that a man will scruple to commit fornication.¹ Where, however, she was not seen to have intercourse, both agree that she does not require a second Get from him.

We learn: [BETH HILLEL] AGREE THAT IF THE DIVORCE IS ONE AFTER BETROTHAL, SHE DOES NOT REQUIRE A SECOND GET FROM HIM, BECAUSE

GITTIN – 48b-90b

HE WOULD NOT TAKE LIBERTIES WITH HER. Now [if a second Get is required] where she was seen to have intercourse, what difference does it make whether it was after betrothal or after marriage?² —

We must suppose therefore that the Mishnah speaks of a case where she was not seen to have intercourse, and that R. Johanan was giving the view of the following Tanna, as it has been taught: 'R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel were of accord that where she was not seen to have intercourse she does not require from him a second Get. Where they differed was when she was seen to have intercourse, Beth Shammai holding that a man would not scruple [in such a case] to commit fornication, and Beth Hillel holding that a man would scruple to commit fornication'. But according to the Mishnah, which we have explained to refer to the case where she was not seen to have intercourse, what are we to say is the [ground of] difference [between Beth Shammai and Beth Hillel]? —

We must suppose there were witnesses to their being alone together but no witnesses to the intercourse, in which case Beth Shammai hold that we do not regard the witnesses to their being alone together as being ipso facto witnesses to their intercourse, whereas Beth Hillel hold that we do regard the witnesses to their being alone together as being ipso facto witnesses to their intercourse.³ Beth Hillel admit, however, that if the divorce is one after betrothal she does not require a second Get from him, because since he would not take liberties with her we do not regard them as being ipso facto witnesses to intercourse.⁴ But did R. Johanan say this?⁵ Did not R. Johanan say that the *Halachah* follows the anonymous Mishnah,⁶ and we have explained the Mishnah to be referring to the case where she was not seen to have intercourse? — Different Amoraim report R. Johanan's opinion differently.

MISHNAH. IF A MAN MARRIES A [DIVORCED] WOMAN ON THE STRENGTH OF A 'BALD' GET,⁷ SHE MUST LEAVE BOTH HUSBANDS AND ALL THE ABOVE-MENTIONED PENALTIES APPLY TO HER. A 'BALD' GET MAY BE COMPLETED BY ANYONE'S SIGNATURE.⁸ THIS IS THE VIEW OF BEN NANNOS, BUT R. AKIBA SAYS THAT IT MAY BE COMPLETED ONLY BY RELATIVES WHO ARE QUALIFIED TO TESTIFY ELSEWHERE.⁹ WHAT IS A 'BALD' GET? ONE WHICH HAS MORE FOLDS THAN SIGNATURES.¹⁰

GEMARA. What is the reason for [invalidating] A 'BALD' GET? — As a precaution, in case he said 'All of you [write]'.¹¹

A 'BALD' GET MAY BE COMPLETED BY ANYONE'S SIGNATURE. Why does R. Akiba not permit a slave [to sign]? — Because this might lead people to say that he is competent to bear witness [in general]. But in the same way they might be led to say that a near relative is competent to bear witness? — The fact is that the reason why he does not allow a slave is because people might be led to think him of Israelite parentage.¹² According to this a robber who could prove his Israelitish descent¹³ should be competent.

Why then do we learn here: R. AKIBA SAYS, IT MAY BE COMPLETED ONLY BY RELATIVES WHO ARE QUALIFIED TO TESTIFY ELSEWHERE, which would imply that a relative may testify but not a robber? — We must say therefore that the reason in the case of a slave is that people might be led to say that he has been emancipated; and similarly in the case of a robber people might be led to say that he has reformed himself. But as to a relative what objections can be raised? Everyone knows that a relative is a relative.

R. Zera said in the name of Rabbah b. She'ilta who had it from R. Hamnuna the elder who had it from R. Adda b. Ahabah: If

GITTIN – 48b-90b

a 'bald' Get has seven folds and six witnesses, or six folds and five witnesses, or five folds and four witnesses, or four folds and three witnesses, then Ben Nannos and R. Akiba differ [as to how it is to be completed]. But if it has three folds and two witnesses both agree that only a relative may complete it.

Said R. Zera to Rabbah b. She'ilta: Let us see now. Three in a folded Get correspond to two in a plain Get.¹⁴ Seeing then that a relative is forbidden to sign the latter, should he not be forbidden to sign the former also? — He replied: I was also perplexed by this, and I asked R. Hamnuna, who in turn asked R. Adda b. Ahabah, who replied, Don't bother about three on a folded Get, since these are not required by the Torah.¹⁵ It has been taught to the same effect: A 'bald' Get which has seven folds but six witnesses, six folds and five witnesses, five folds and four witnesses, or four folds and three witnesses is judged differently by Ben Nannos and R. Akiba, to the extent that if it was completed by a slave Ben Nannos says that the child [born from a marriage contracted on the strength of such a Get] is legitimate while R. Akiba says that it is a Mamzer. If, however, it has three folds and two witnesses, both agree that only a relative may complete it.

R. Joseph read [in the statement of R. Zera] 'a competent witness' [instead of 'relative']. But in the Baraitha it says 'relative'? — R. Papa said: Read, 'a competent witness'.

R. Johanan said: Only one relative has been declared eligible to sign as witness on it but not two, for fear lest it should be confirmed on the strength of the signatures of two relatives and one competent witness.¹⁶ Said R. Ashi: This is indicated in the Baraitha also

1. And therefore he meant the intercourse to be a method of betrothal, and since he has married her again he must give her a second Get.
2. In either case according to Beth Hillel he has married her again.

3. And we take the mere fact of their having been alone together as sufficient proof that they have married again.
4. And therefore do not presume that they have married again.
5. That where she was not seen to have intercourse she does not require a second Get even according to Beth Hillel.
6. I.e., not stated in the name of any particular authority, so that it may be regarded as the view of the majority and therefore authoritative.
7. V. note 7.
8. I.e., even of persons who ordinarily are not eligible to give evidence.
9. I.e., who are not disqualified on other grounds, such as being a robber, etc.
10. If the husband did not wish to act too impetuously, he could have the Get written in folds, the scribe folding the paper over after every two or three lines and a witness signing on the back. If any fold was left without a signature, the Get was called 'bald' and was not valid, v. B.B. (Sonc. ed.) p. 699 nn. 1-3 and 6 and diagram p. 704.
11. In which case we presume that the number of folds corresponds to the number of persons who were present at the time, and that one of these neglected to sign. As stated *supra* 66b, this would invalidate the Get.
12. Lit., 'raise him in regard to the pedigree'.
13. Lit., 'who has a pedigree'.
14. Three being the minimum for a folded Get as two for a plain one, in order to protract the proceedings for the reason stated *supra* p. 391. n. 7.
15. And therefore a concession was made in this case.
16. If doubt is thrown on the validity of the Get, it can be established by proving the genuineness of three of the signatures on it, provided at least two of these are not relatives. If two relatives had signed, it might happen that these were the two whose signatures were confirmed

Gittin 82a

by the fact that it goes by steps from one number to the next,¹ which shows [that it is as R. Johanan said]. Abaye said: It also shows that the relative may sign where he pleases, at the beginning or in the middle or at the end; we gather this from the fact that no fixed place is assigned to him. It also shows that the Get can be confirmed on the strength of any three signatures and we do

GITTIN – 48b-90b

not require three next to one another, for if you should suppose that we do require them to be together, a place could be assigned to the relative before or between or after every two competent ones,² and several [relatives] should be allowed.³

When a party came before R. Ammi,⁴ she said, Go and complete it with the signature of a slave from the street.⁵

CHAPTER IX

MISHNAH. IF A MAN ON DIVORCING HIS WIFE SAYS TO HER, YOU ARE HEREBY FREE TO MARRY ANY MAN BUT SO-AND-SO, R. ELIEZER PERMITS HER [TO MARRY ON THE STRENGTH OF THIS GET], BUT THE RABBIS FORBID HER. WHAT MUST HE DO? HE MUST TAKE IT BACK FROM HER AND GIVE IT TO HER AGAIN SAYING, YOU ARE HEREBY FREE TO MARRY ANY MAN. IF HE WROTE IT⁶ IN THE GET, EVEN THOUGH HE SUBSEQUENTLY ERASED IT, IT IS INVALID.

GEMARA. The question was raised: Has the word BUT here the force of 'except' or of 'on condition'? Shall we say it means 'except', and it is where he said 'except [So-and-so]' that the Rabbis differ from R. Eliezer, on the ground that he has left an omission in the Get,⁷ but that where he says 'on condition [that you do not marry So-and-so]' they agree with R. Eliezer, placing this condition on a par with any other?⁸ Or should we say perhaps that [BUT here] means 'on condition', and it is where he says 'on condition' that R. Eliezer differs from the Rabbis,⁹ but where he says 'except' he agrees with them, on the ground that he has left an omission in the Get? —

Rabina replied: Come and hear: 'All houses are defiled by strokes of leprosy but those of heathen'.¹⁰ Now if you say that it means 'on condition', are we to understand that it is only on condition that the houses of heathens are not defiled that the houses of Israelites are defiled, which would imply that if the

houses of heathens are defiled the houses of Israelites are not defiled? And besides, can the houses of heathens be defiled, seeing that it has been taught: 'And I put the plague of leprosy. in a house of the land of your possession.'¹¹ [this implies] that the land of your possession is defiled by plague of leprosy, but houses of heathens are not defiled by plague of leprosy'? — We must understand therefore that 'but' means 'except'; and this may be taken as proved.

The Mishnah is not in agreement with the Tanna of the following [passage]. where it is taught: R. Jose said in the name of R. Judah: R. Eliezer and the Rabbis were agreed that if a man on divorcing his wife said to her, You are hereby permitted to any man except So-and-so, she is not divorced. Where they differed was if a man on divorcing his wife said to her, You are hereby permitted to marry any man on condition that you do not marry So-and-so,

1. The Baraitha does not instance the case where the folds are more in number than the witnesses by two.
2. I.e., in such a way that two competent ones should always be together.
3. Because there would now be no danger that out of any three signatures two might be those of relatives.
4. With a 'bald' Get, all the witnesses who had signed still being present.
5. Thus showing that the *Halachah* followed Ben Nannos.
6. This reservation is discussed *infra*.
7. In not making her free to marry any man.
8. And the Get is effective at once, while the condition has to be fulfilled later. V. *supra* 74a.
9. Because this condition is held to be on a par with other conditions.
10. Neg. XII, 1.
11. Lev. XIV, 34.

Gittin 82b

in which case R. Eliezer allowed her to marry anyone except that man and the Rabbis forbade her [to marry at all on the strength of that Get]. What is R. Eliezer's reason? — He puts the condition on the same footing as

GITTIN – 48b-90b

any other condition. And the Rabbis? — They say that any other condition does not involve an omission in the Get, but this one involves an omission in the Get.

And in the Mishnah, where, as we have decided, he means 'except', what is the reason of R. Eliezer? — R. Jannai answered in the name of a certain elder: Because the text says. She shall depart from his house and go and be another man's wife,¹ which implies that if he permitted her to marry only one other man she is divorced.

And the Rabbis? — The word 'man' here means any other man. R. Johanan, however, says that R. Eliezer derived his reason from this verse: Neither shall they [the priests] take a woman put away from her husband.² This shows that even though she is only divorced from her husband [without being permitted to any other man], she is disqualified from the privileges of priesthood, which shows that the Get is valid.³ And the Rabbis? — The prohibition of priestly privileges is on a different footing.⁴

R. Abba raised the question: What is the rule [if a man uses these words] in betrothing?⁵ The answer is not self-evident whether we adopt the view of R. Eliezer or that of the Rabbis. If we adopt R. Eliezer's view, are we to say that R. Eliezer ruled as he did here [in the case of divorce] only because this is indicated in the Scripture, but in the case of betrothal we require an effective acquisition?⁶ Or shall we say that R. Eliezer applies the principle of she shall depart and be [married]?⁷ Again, if we adopt the view of the Rabbis, are we to say that the Rabbis ruled as they did here [in the case of divorce] only because we require a 'cutting off',⁸ but in the other case any kind of acquisition is sufficient, or shall we say that they apply the analogy of 'she shall depart and be'? — After stating the problem he himself solved it, saying: Whether we adopt the view of R. Eliezer or that of the Rabbis, we require that

the analogy of 'she shall depart and be' should hold good.

Abaye said: If we can assume that the answer of R. Abba was sound, then if Reuben came and betrothed a woman with a reservation in favor of [his brother] Simeon, and then Simeon came and betrothed her with a reservation in favor of Reuben, and both of them died, she contracts a levirate marriage with Levi, [the third brother] and I do not call her 'the wife of two dead',⁹ the reason being that the betrothal of Reuben was effective but the betrothal of Simeon was not effective.¹⁰ And in what circumstances would she be the wife of two dead?¹¹ — If, for instance, Reuben came and betrothed her with a reservation in favor of Simeon and then Simeon came and betrothed her without any reservation, in which case the betrothal of Reuben availed to make her forbidden to all other men and the betrothal of Simeon to make her forbidden to Reuben.¹²

Abaye raised the question: If he said to her, 'You are hereby permitted to any man except Reuben and Simeon', and then said 'to Reuben and Simeon' what is to be done? Do we say that [by these words] he permits what he had forbidden,¹³ or are we to say that he both permits what he had forbidden and forbids what he had permitted?¹⁴ And assuming the answer to be

1. Deut. XXIV, 2.
2. Lev. XXI, 7.
3. Hence if he permits her to one man only, she is divorced.
4. Being subject to numerous regulations, and therefore we cannot argue from it to a Get in general.
5. I.e., 'Be betrothed to me so as to be forbidden to any man except So-and-so.'
6. In the phraseology of the Mishnah, a woman is 'acquired' by means of betrothal. Kid. ad. init.
7. Deut. XXIV, 2. On the strength of this analogy, whatever applies to divorce applies also to betrothal.
8. V. Deut. l.c. and *supra* p. 83.
9. If a man makes the formal declaration to marry his deceased childless brother's wife, and dies before doing so, she is called 'the wife

GITTIN – 48b-90b

of two dead', and must not marry a second brother but must give him *Halizah*. v. Yeb. 31b.

10. Because when he forbade her to all the world except Reuben, the condition was null, as she was already forbidden to all the world by her betrothal with Reuben.
11. In similar circumstances.
12. And so whichever of them has died first, the other has promised to marry her.
13. I.e., he means, You are permitted to Reuben and Simeon also.
14. I.e., he means now, You are permitted only to Reuben and Simeon.

Gittin 83a

that he permits what he had forbidden, if he says only 'To Reuben',¹ what is to be done? Do we take the words 'To Reuben' to apply also to Simeon, presuming that why he now says Reuben is because he had been mentioned first, or does he mean Reuben and Reuben only? And assuming that he means Reuben only, if he says 'To Simeon' what is to be done? Do we take the words 'To Simeon' to apply to Reuben also, presuming that why he now says Simeon is because he had just mentioned him, or does he mean Simeon and Simeon only? R. Ashi asked,² If he said, Also to Simeon, what are we to do? Do we take 'also' to mean 'besides Reuben', or 'besides everyone else' [but not Reuben]? — These questions are left undecided.

Our Rabbis taught: After the demise of R. Eliezer, four elders came together to confute his opinion. They were R. Jose the Galilean, R. Tarfon, R. Eleazar b. Azariah, and R. Akiba.

R. Tarfon argued as follows:³ Suppose this woman went and married the brother of the man to whom she had been forbidden and he died without children, would not the first be found to have uprooted an injunction from the Torah?⁴ Hence you may conclude that this is no 'cutting off'.⁵

R. Jose the Galilean then argued as follows: Where do we find the same thing should be forbidden to one and permitted to another?

What is forbidden is forbidden to all alike and what is permitted is permitted to all alike. Hence we may conclude that this is no 'cutting off'.

R. Eleazar b. Azariah then argued as follows: 'Cutting off' means something which completely cuts him off from her. Hence you may conclude that this is no cutting off'.

R. Akiba then argued as follows: Suppose this woman went and married some other man and had children from him and was then widowed or divorced from him, and she afterwards went and married this man to whom she had been forbidden, would not her original Get have to be declared void and [consequently] her children bastards? From this we conclude that this is no cutting off'. Or alternatively I may argue: Suppose the man to whom she was forbidden was a priest and the man who divorced her died, then in respect of the priest she would be a widow⁶ and in respect of all other men a divorcee.⁷ There then follows an argument *a fortiori*: Seeing that she would have been forbidden to the priest qua divorcee, though this involves but a minor [transgression],⁸ should she not all the more as a married woman, which is a much more serious affair,⁹ be forbidden to all men?¹⁰ From this we may conclude that this is no 'cutting off'.

R. Joshua said to them: You should not seek to confute the lion after he is dead.¹¹ Raba said: All these objections can be countered except that of R. Eleazar b. Azariah, in which there is no flaw. It has been taught to the same effect: R. Jose said: I consider the argument of R. Eleazar b. Azariah superior to all the others.

The¹² Master said above: R. Tarfon argued thus: Suppose she went and married the brother of the man to whom she was forbidden and he died without children, would not the first be found to have uprooted an injunction from the Torah? Uprooting, [you say]? He uprooted?¹³ — You should

GITTIN – 48b-90b

read, He stipulates to uproot an injunction from the Torah. He stipulates? Is there any word about it? Can she not do without marrying the brother of that man? — You should read, He may possibly cause an injunction to be uprooted from the Torah. But in that case a man should be forbidden to marry his brother's daughter, since perhaps he will die without children and he will thus cause an injunction to be uprooted from the Torah?¹⁴ — This is the flaw in the argument.

In what case then [does R. Tarfon assume R. Eliezer to differ from the Rabbis]? Is it where the husband says 'except'? In that case R. Eliezer would allow her to marry him,¹⁵ as it has been taught: 'R. Eliezer agreed that if a man divorced his wife Saying to her, You are hereby permitted to any man except So-and-so, and she went and married some other man and was widowed or divorced, she is permitted to marry the man to whom she had been forbidden.' It must be therefore where he says 'on condition'.¹⁶

'R. Jose the Galilean argued as follows: Where do we find that the same thing should be forbidden to one and permitted to another? What is forbidden is forbidden to all and what is permitted is permitted to all'. Is that so? What of *Terumah* and holy meats which are forbidden to one class¹⁷ and permitted to another?¹⁸ — We are speaking of sexual prohibitions. But what of forbidden degrees of consanguinity? — We speak of marriage. But there is the case of a married woman?¹⁹ — This is the flaw in the argument.

In what case then [does R. Jose assume R. Eliezer to differ from the Rabbis]? Is it where he says 'on condition' [that you do not marry So-and-so]? She is permitted to him in the way of fornication.²⁰ — It must be then where he says 'except'.²¹

'R. Akiba argued as follows: Suppose she went and married some other man and had children from him and was then widowed or

divorced and she went and married the man to whom she had been forbidden, would not her original Get have to be declared void and her children bastards?' If that is so, then wherever there is a condition in the Get she should not marry, for fear lest she should not fulfill the condition and the Get would prove to be void and her children bastards. This is the flaw in the argument. In what case then [does R. Akiba suppose R. Eliezer to differ from the Rabbis]? It cannot be where he says 'except', because there R. Eliezer permits her, as it has been taught, 'R. Eliezer agrees that if a man divorced his wife saying to her, You are hereby permitted to any man except So-and-so, and she went and married some other man and became widowed or divorced, she is permitted to the man to whom she was originally forbidden'?²² —

It must be therefore if he says 'on condition'. 'Alternatively [R. Akiba argued]: Suppose the man to whom she was forbidden was a priest and the man who divorced her died, then she would be a widow in respect of the priest and a divorcee in respect of all other men. There thus follows an argument *a fortiori*. Seeing then that she would be forbidden to the priest qua divorcee, though this involves but a minor [transgression], should she not all the more as a married woman, which is a much more serious affair, be forbidden to all men'. In what case then [does R. Akiba assume R. Eliezer to have differed from the Rabbis]? Is it where he says 'on condition'?

1. To supplement his first statement.
2. On the assumption that in the last case he means 'to Simeon only'.
3. Lit., 'answered and said'.
4. Because now she cannot fulfill the law of the levirate marriage.
5. *V. supra* p. 83.
6. Because as far as he went she had never been divorced.
7. And consequently still forbidden to the priest, since she had at any rate been divorced from her husband. *V. supra*.
8. The marriage of a divorcee to a priest involves the breach of an ordinary prohibition which carries with it no death penalty.

GITTIN – 48b-90b

9. Involving, as it does, the penalty of death.
10. In virtue of this peculiar divorce, she becomes at the time of divorce on one side a divorcee in respect of men in general, while on the other side she remains a married woman in respect of the priest. Seeing that the divorced side was sufficient to prohibit her to the priest, should not the married side be sufficient to prohibit her to all other men?
11. As much as to say, If R. Eliezer had been alive, he could have found answers to your objections.
12. The flaws in the objections are now pointed out.
13. That is to say, he has done nothing positive to this effect.
14. Because the widow cannot possibly marry the husband's brother.
15. Viz., the divorcee to marry the brother of the second husband, in the case put by R. Tarfon, so that there would be no point in his objection.
16. Where failure to fulfill the condition renders the Get void.
17. Laymen.
18. Priests.
19. Who is permitted to her husband and forbidden to others.
20. And therefore there is no point in his objection.
21. Which forbids her to the said man also in the way of fornication.
22. And so there is no point in R. Akiba's objection.

Gittin 83b

In that case she is for purposes of fornication a divorcee in respect of him?¹ — It must be therefore where he says 'except'. Now if R. Akiba [thought that the difference is where he says] 'except', why did he not bring [merely] the objection which applied to that case,² and if [he thought that it was where he says] 'on condition', why does he not bring [merely] the objection applying to that case?³ —

R. Akiba had heard one report according to which R. Eliezer said 'except', and another according to which he said 'on condition'. For the version which gave 'except' he had one objection, and for the version which gave 'on condition' he had another objection. And what is the flaw [in the second objection of R.

Akiba]? We cannot say it is that the prohibition of her marrying a priest is on a special footing,⁴ because R. Eliezer also bases his ruling⁵ on the priestly prohibition?⁶ — Raba follows the version which R. Jannai gave in the name of a certain elder.⁷

'R. Joshua said to them, You should not seek to confute the lion after he is dead.' This would imply that R. Joshua concurred with him. But how can this be, seeing that he himself also brought an objection against him?⁸ — What he meant was this: I also have objections to bring, but whether for me or for you, it is not fitting to seek to confute the lion after he is dead. What was the objection of R. Joshua? — As it has been taught: R. Joshua said: Scripture compares her status before the second marriage to the one before the first marriage.⁹ Just as before the first marriage she must not be tied to any other man, so before the second marriage she must not be tied to any other man.

[To revert to] the above text: 'R. Eliezer agreed that if a man divorced his wife saying to her, You are permitted any man except So-and-so, and she went and married some other man and became widowed or divorced, she is then permitted to marry the man to whom she was at first forbidden.' R. Simeon b. Eleazar argued against R. Eliezer's view, saying, Where do we find that what one man renders forbidden can be made permissible by another?¹⁰ But are there no such cases? Is there not that of the sister-in-law who is rendered forbidden¹¹ by the husband and permissible by the brother-in-law?¹² —

In that case it is really the brother-in-law who makes her forbidden, since as far as the husband is concerned she is permitted.¹³ But what of vows, where the one who makes the vow forbids and the wise man permits?¹⁴ — [This is not really so], as R. Johanan has said that the wise man does not release except where there is a change of mind.¹⁵ But there is the husband's power of disallowing, since the wife vows but the husband disallows?¹⁶ —

GITTIN – 48b-90b

The answer to that is provided by what R. Phineas said in the name of Raba; for R. Phineas said in the name of Raba: A woman who makes a vow always does so subject to the consent of her husband.

'R. Eleazar b. Azariah argued as follows: "Cutting off"¹⁷ means something that cuts him off from her. From this we conclude that this is not "cutting off". What do the [other] Rabbis¹⁸ make of this 'cutting off'? — They require it for the ruling contained in the following, as had been taught: '[If a man says], This is your Get on condition that you never drink wine, on condition that you never go to your father's house, this is not "cutting off".¹⁹ [If he says], For thirty days, this is "cutting off". And the other [R. Eleazar]? — We can learn this, [he says,] from the use of the form Kerithuth in place of *Kareth*.²⁰ And the Rabbis? — They do not stress the difference between *Kareth* and kerithuth.²¹

Raba said: [If a man said,] This is your Get on condition that you do not drink wine all the days of my life, this is no 'cutting off', but if he said, All the days of So-and-so's life, this is 'cutting off'. Why this difference? [If you say that where he says] 'the life of So-and-so', it is possible that he may die and she may fulfill the condition, [I may rejoin that where he says] 'my life', there is also a possibility that he may die and she may fulfill the condition? — We should read therefore, [If he says,] All the days of your life,²² this is no 'cutting off', but if he says, All the days of my life or of So-and-so's life, this is cutting off'.

Raba put the following question to R. Nahman: [If he says], To-day you are not my wife, but to-morrow you will be my wife, what is to be done? The answer is not clear whether we accept the view of R. Eliezer²³ or that of the Rabbis. We ask: If we adopt the view of R. Eliezer, are we to say that in that case R. Eliezer ruled as he did, because as he permitted her she is permitted in perpetuity, but here²⁴ he would not do so, or are we to say that he makes no difference? And we ask,

if we adopt the view of the Rabbis, are we to say that in that case the Rabbis ruled as they did because she is not entirely separated from him, but here they would say that once she is separated she is separated?²⁵ Having asked the question he himself answered it:

1. As in respect of all other men, and therefore the *a fortiori* argument adduced above does not apply.
2. Viz., the first of his objections.
3. Viz., the second of his objections.
4. And therefore we cannot argue from the case where the man to whom she is forbidden is a priest to cases in general.
5. In our Mishnah that the Get is valid as it stands.
6. V. *supra*, 82b.
7. That R. Eliezer bases his ruling on the text 'and she marry another man', v. *supra*.
8. V. *infra*.
9. Because it is written, When a man taketh a wife (Deut. XXIV, 1), referring to the first marriage, and afterwards, and she be another man's wife (ibid. 2), referring to the second marriage.
10. As here, where the first man makes her forbidden to a certain man, and the second renders her permissible, v. Tosef. Git. VII.
11. To all other men.
12. By means of *Halizah* (v. [Glos.](#)).
13. As soon as he is dead.
14. By remitting the vow, v. *supra* 36b.
15. By pointing out the consequences of the vow, so that the one who made it can say, Had I known this I would not have vowed, and the revision renders the vow void retrospectively.
16. The vow, that is to say, is not rendered void, only the husband disallows her observing it; v. Ned, 68a.
17. Deut. XXIV, 1.
18. Viz., R. Tarfon, R. Jose the Galilean and R. Akiba.
19. Because she is tied to him till her death.
20. I.e., the use of the double form where the single would have sufficed implies that another lesson may be learnt in addition to this.
21. V. *supra* p. 83.
22. V. note 10.
23. Who says in our Mishnah that a substantive reservation in the Get does not necessarily invalidate it.
24. Where the divorce is only for one day.
25. And the condition is worthless.

GITTIN – 48b-90b

It is reasonable to suppose that whether [we adopt the view of] R. Eliezer or of the Rabbis, [we should decide that] once she is separated from him she is separated.

Our Rabbis taught: [If a man says.] This is your Get on condition that you marry So-and-so, she should not marry, but if she does marry she need not leave the second husband. What does this mean? — R. Nahman said: What it means is this: She must not marry that man, for fear that people should say that men may make presents of their wives. If, however, she marries anyone else, she need not leave him. And do we not as a precaution make her part from him, and [are we not afraid that] we may be permitting a married woman to another?¹

R. Nahman thereupon said: What is meant is this: She must not marry that man, for fear people should say that men can make presents of their wives, but if she does marry him she need not part from him since we do not separate them merely as a precaution.² Said Raba to him: [According to you] it is that man whom she must not marry, which implies that she may marry another. But [how can this be] seeing that she has to carry out his condition? And should you say that it is possible for her to marry [another] to-day and be divorced to-morrow,³ and so fulfill the condition, comparing this case to that in regard to which you joined issue with Rab Judah, as it has been stated: If a man says, I forbid myself to sleep to-day if I shall sleep to-morrow, Rab Judah says that he should not sleep to-day lest perhaps he should sleep to-morrow, whereas R. Nahman says that he may sleep today and we disregard the possibility of his sleeping to-morrow?⁴ But how can you compare the two cases? In that case [of the sleeper] the matter lies in the man's own hands, since if he likes he can keep himself from sleeping by pricking himself with thorns, but in this case does it lie with her whether she is divorced or not?⁵ —

No, said Raba; [what we must say is] that she must not marry either that man or any other; she must not marry him for fear people should say that men may make presents of their wives, nor must she marry another since she has to fulfill the condition. If, however, she marries that man, she need not part from him since we do not separate them merely out of precaution, whereas if she marries another she must leave him since she is required to fulfill the condition. It has been taught in accordance with Raba: This woman must not marry either that man or any other. If, however, she has married him she need not part from him, but if she marries another she must part from him.

Our Rabbis taught: [If a man says.] 'This is your Get on condition that you go up to the sky', 'on condition that you go down to the abyss', 'on condition that you swallow a reed four cubits long' 'on condition that you bring me a reed of a hundred cubits', on condition that you cross the great sea on foot,' this is no Get. R. Judah b. Tema, however, says that one like this is a Get. And R. Judah b. Tema laid it down as a general principle that if any condition impossible at any time of fulfillment was laid down by him at the outset, he must be regarded as merely trying to put her off,⁶ and [the Get] is valid.

R. Nahman said in the name of Rab that the *Halachah* follows the view of R. Judah b. Tema. R. Nahman b. Isaac said: This is indicated by [the language of] the Mishnah,⁷ since it says, 'Wherever a condition possible at any time of fulfillment is laid down at the outset, it is a valid condition.' This implies that if it is impossible of fulfillment it is void,⁸ and so we may conclude.

The question was raised: [If a man says,] 'Here is your Get on condition that you eat swine's flesh,' what is the law? — Abaye replied: That is exactly a case in point.⁹ Raba, however, replied: It is possible for her to eat and be scourged.¹⁰ Abaye stresses the words 'general principle' [used by R. Judah

GITTIN – 48b-90b

b. Tema], so as to cover [the eating of] swine's flesh; Raba stresses the words 'one like this is a Get' to exclude [the eating of] swine's flesh.

Objection was raised [against Raba] from the following: [If a man says,] 'Here is your Get on condition that you have intercourse with So-and-so', if the condition has been fulfilled this is a Get, otherwise not. [If he says,] 'On condition that you do not have intercourse with my father or your father', we disregard the possibility of her having intercourse with them.¹¹ Now this ruling does not contain the words 'On condition that you have intercourse with my father or your father',¹² This is intelligible from the standpoint of Abaye,¹³ but creates a difficulty from the standpoint of Raba?¹⁴ —

Raba may reply to you: There is a reason why [the eating of] swine's flesh should be a valid condition, because it is possible for her to eat it and be scourged. 'So-and-so' also it is possible for her to persuade by a money present [to marry her]. But does it lie with her to have intercourse with his father or her father? Even supposing that she would commit the offence, would his father or her father commit the offence? We must therefore say that according to Raba the words 'general principle' [in the statement of R. Judah b. Tema] are meant to cover the case of his father and her father,¹⁵ and the words 'one like this is a Get', to exclude the case of swine's flesh,¹⁶

1. Seeing that she has not carried out the condition, the Get may be void and she may still be the wife of the first husband.
2. I.e., out of fear that people will say this.
3. And then marry the man mentioned in the Get.
4. V. Ned. 14b. And so here we disregard the possibility that she will after all not be divorced and not carry out her condition.
5. By the second man. So as to be able to marry the man mentioned in the Get.
6. I.e., to annoy her.
7. In B.M. 94a.
8. And therefore its non-fulfillment does not affect the validity of the document.

9. Of a condition which R. Judah b. Tema would declare void.
10. And R. Judah would not declare the condition void, and the Get would not be valid till it had been fulfilled.
11. And the Get is valid at once.
12. Which is prohibited.
13. Since in this case the condition would be void.
14. For in his view R. Judah b. Tema would still make the validity of the Get depend on the fulfillment of the condition.
15. Which is also considered a condition that cannot be fulfilled.
16. Which is considered one capable of fulfillment.

Gittin 84b

while according to Abaye 'general principle' covers swine's flesh and 'one like this' excludes 'So-and-so'.¹

An objection was brought [from the following]: [If he says,] 'Here is your Get on condition that you eat swine's flesh', or, supposing she was a lay woman, 'on condition that you eat Terumah', or, supposing she was a Nazirite, 'on condition that you drink wine', then if the condition has been fulfilled this is a Get, and if not it is not a Get.² This is consistent with the view of Raba but conflicts with that of Abaye, [does it not]? —

Abaye may reply to you: Do you imagine that this ruling represents a unanimous opinion? This represents the view of the Rabbis. But could he [Abaye] not base his view on the ground that [such a Get contains] a stipulation to break an injunction laid down in the Torah, and wherever a stipulation is made to break an injunction laid down in the Torah, the condition is void?³ —

R. Adda the son of R. Ika replied: When we say that where a stipulation is made to break an injunction laid down in the Torah the condition is void, we refer for instance to a stipulation to withhold the food, raiment and marriage duty [of a married woman], where it is the man who nullifies the injunction, but here it is she who nullifies it, Rabina strongly demurred to this [saying], Is not her whole

GITTIN – 48b-90b

purpose in nullifying only to carry out his condition, so that in point of fact it is he who nullifies?

No, said Rabina. When we say that wherever a stipulation is made to break an injunction laid down in the Torah the condition is void, we mean, for instance, [a stipulation] to withhold her food, raiment and marriage duty, where he is unquestionably nullifying [the injunction]. But in this case [will anyone tell her that] she is absolutely bound to eat? She need not eat and will not be divorced.

WHAT MUST HE DO? HE MUST TAKE IT FROM HER, etc. Who is the authority for this ruling? — Hezekiah said: It is R. Simeon b. Eleazar, as it has been taught: R. Simeon b. Eleazar says, [It is no Get] until he takes it from her and again gives it to her saying, Here is your Get.⁴ R. Johanan said, You may even hold that it is Rabbi,⁵ your colleague⁶ has suggested that there is a special reason here, since she has already become possessed of it⁷ to the extent of being disqualified in regard to the priesthood.⁸

IF HE WROTE IT IN THE GET. R. Safra said: The words here are² **IF HE WROTE IT IN THE GET.** Surely this is self-evident? It says, **IF HE WROTE IT IN THE GET?** — You might think that this is the case¹⁰ only [if he inserts them] after the substantive part of the Get¹¹ [has been written],¹² but where [he made the reservation] before the substantive part [has been written], then even [if he made it] orally [the Get] should be invalid. Therefore [R. Safra] tells us [that this is not so]. Raba on the other hand held that the rule¹³ applies only if [he made the reservation] after the substantive part [was written], but if before the substantive part was written then even if made orally [the Get] is invalid. Raba was quite consistent in this, as he used to say to the scribes who wrote bills of divorce, Silence the husband till you have written the substantive part [of the Get].¹⁴

Our Rabbis taught: All conditions [written] in a Get make it invalid. This is the view of Rabbi. The Sages, however, say that a condition which would render it invalid if stated orally makes it invalid if written, but one which does not invalidate it if stated orally does not invalidate it if written. [Hence] the word 'except'¹⁵ which invalidates it [if expressed] orally also invalidates it [if inserted] in writing, whereas ['on condition'] which does not invalidate it [if expressed] orally does not invalidate it [if inserted] in writing.

R. Zera said: They disagree only where [the reservation is inserted] after the substantive part [was written], Rabbi holding that we disallow 'on condition' in virtue of having disallowed 'except',¹⁶ while the Rabbis considered that we need not disallow 'on condition' in virtue of having disallowed 'except'. If, however, [the reservation is inserted] after the substantive part [has been written],

1. Since she may be able to persuade him with money to marry her, the condition is considered capable of fulfillment.
2. Though the condition cannot be fulfilled without incurring the liability of a flogging.
3. V. B.M. 51a; 94a.
4. *Supra* 78a.
5. Who in that case held that he need not actually give it to her again.
6. R. Kahana, R. Johanan was apparently speaking to some disciples of his from Babylon, whence R. Kahana also came; V. B.K. 117a. V, also Tosaf. s.v.
7. By his first delivery of it,
8. Even though she is not yet divorced, she is treated as a divorcee and must not marry a priest should the husband die without giving her the Get a second time as required.
9. Lit., 'we learn here'.
10. Viz., that merely speaking them does not invalidate the Get,
11. His name and her name, the name of his town and her town. V. *supra*.
12. And *a fortiori* if before.
13. That words which invalidate when written do not invalidate if only spoken.
14. Lest he should say something which might invalidate it.
15. V. *supra*.

GITTIN – 48b-90b

16. I.e., for fear one might be confused with the other.

Gittin 85a

both sides agree that [the Get is still] valid. As for the Mishnah which says. IF HE HAS WRITTEN IT, and which we have explained as referring to 'except', so that 'on condition' would not invalidate [the Get], if you like I can say that it is assuming it [to be inserted] before the substantive part [has been written], so that it concurs with the Rabbis, or if you like I can say that it is assuming it [to be inserted] after the substantive part [has been written], so that it concurs with both authorities.

Raba, however, said that they [Rabbi and the Rabbis] disagree in the case where [the reservation is inserted] after the substantive part has been written, Rabbi holding that we disallow the insertion in this case in virtue of having disallowed it before the substantive part [has been written], while the Rabbis considered that we need not disallow one in virtue of the other; but if [it is inserted] before the writing of the substantive part, both sides agree that [the Get is] invalid. As for the Mishnah which says. IF HE HAS WRITTEN IT. and which we have explained as referring to 'except', so that 'on condition' would not invalidate [the Get], it is assuming it to be inserted after [the writing] of the substantive part, and it follows the Rabbis.

The father of R. Abin recited before R. Zera: 'If he wrote the Get with [the insertion of] a condition, the unanimous ruling is that it is invalid,' [He said to him:] The unanimous ruling is that it is invalid? [How can this be] seeing that there is a dispute on the subject? What you must say is, The unanimous ruling is that it is valid. And in what circumstances? If the words are inserted after the writing of the substantive part. Why did not R. Zera say to him, [Say,] This is invalid, [the ruling then being] according to Rabbi? — [R. Zera reasoned] that the tanna¹ had been taught to say 'The unanimous ruling is', and that he

might confuse 'valid' and 'invalid', but that he would not confuse 'this is' with 'the unanimous ruling is'.²

MISHNAH. [IF HE SAID,] YOU ARE HEREBY PERMITTED TO ANY MAN BUT MY FATHER AND YOUR FATHER, MY BROTHER AND YOUR BROTHER, A SLAVE. A HEATHEN, OR ANYONE TO WHOM SHE IS INCAPABLE OF BEING BETROTHED, THE GET IS VALID.³ [IF HE SAYS.] YOU ARE HEREBY PERMITTED TO ANYONE BUT A HIGH PRIEST (SUPPOSING SHE WAS A WIDOW) OR, (SUPPOSING SHE WAS A DIVORCEE OR A HALUZH),⁴ AN ORDINARY PRIEST, OR, (SUPPOSING SHE WAS A BASTARD OR A NETHINAH),⁵ A LAY ISRAELITE, OR, (SUPPOSING SHE WAS OF ISRAELITISH BIRTH). A BASTARD OR A NATHIN, OR ANYONE WHO IS CAPABLE OF BETROTHING HER ALBEIT IN TRANSGRESSION OF THE LAW,⁶ THE GET IS INVALID.

GEMARA. The general statement in the first clause brings under the rule all other persons who become liable to *Kareth*⁷ [by having intercourse with her]; the general statement in the second clause brings under the rule all other persons who are forbidden [to marry her] only in virtue of a negative command,⁸ (such as, for instance, an Ammonite, a Moabite,⁹ a Nathin, an Egyptian and an Edomite).¹⁰

Raba inquired of R. Nahman: [If he says, you may marry anyone] except [that you may not] be betrothed to a minor, what is the law?¹¹ Do we emphasize the fact that at the present at any rate he is not capable of betrothing her¹² or rather the fact that he will one day be capable? — He replied: [We have a teaching:] 'A girl under age can be divorced [after her father's death] even though her betrothal was contracted by her father.'¹³ Now why should this be, seeing that we require that her separation should be on the same footing as her union?¹⁴ The reason must be, because she will one day be capable

GITTIN – 48b-90b

of betrothal; so here we say that he will one day be capable of betrothal.¹⁵

[Suppose he says, You may marry anyone] except those still to be born, what is the law? Do we lay stress on the fact that as yet at any rate they are not born, or on the fact that one day they will be born? — He replied: We have the answer in our Mishnah: [IF HE SAID, ANY MAN BUT] A SLAVE, A HEATHEN, [IT IS VALID]. Now if we suppose [that this constitutes a reservation in the Get], then [the excepting of] a slave and a heathen also [should constitute a reservation in the Get], since it is possible for them to become proselytes? — [To this Raba rejoined:] Those are not bound to become proselytes in the ordinary course of things, these will be born in the ordinary course of things.

[If he said she may marry anyone] except the husband of her sister, what is the law? Do we lay stress on the fact that now at any rate she is not eligible for him, or rather perhaps on the fact that possibly her sister will die and she will become eligible for him? — He replied: We have [the answer] in our Mishnah: [ANY MAN BUT] A SLAVE, A HEATHEN. Now [the excepting] of a slave and heathen also [should constitute a reservation] since they can become proselytes? — [He rejoined]: Conversion is not a usual occurrence, death is.

[If he said, you may marry] excepting you commit fornication, what is the law? Do we lay stress on the fact that he left no reservation in the sphere of marriage, or on the fact that he did leave a reservation in the sphere of intercourse? — He replied: We have [the answer] in our Mishnah: [ANY MAN BUT] MY FATHER AND YOUR FATHER. Now to what [does the exception apply]? Shall I say to marriage? But are his father and her father capable of marrying her? It must be then to fornication, and when he excepts his father and her father this is no reservation,¹⁶ which shows that when he

excepts anyone else, it is counted as a reservation? — [He rejoined:] perhaps the exception refers after all to marriage, since he may transgress the law and marry her.

[If he says], Excepting unnatural intercourse, what is the law? Do we lay stress on the fact that he made no reservation in the sphere of natural intercourse, or on the fact that the text says, as with a woman?¹⁷ [If he says], Except [that I reserve to myself] the right of annulling your vows, what is the law? Do we lay stress on the fact that he has left no reservation in the sphere of marriage, or rather perhaps on the text, her husband may establish it or her husband may make it void?¹⁸ [If he says], Except that you may not eat *Terumah*,¹⁹ what is the law? Do we lay stress on the fact that he has left no reservation in the sphere of marriage, or on the fact that it is written the purchase of his money [shall eat of it]?²⁰ Suppose he said, Excepting that I shall inherit you, what is the law? Do we lay stress on the fact that he has left no reservation in the sphere of marriage or that the text says, to his kinsman and he shall inherit it?²¹ [If he says,] Except for your being betrothed by a document, what is the law? Do we say that it is possible for one to betroth her by a money present or by intercourse,²² or rather perhaps do we go by the text and she shall depart and marry,²³ which indicates that all kinds of marrying are on the same footing? — These questions are left undecided.

MISHNAH. THE ESSENCE OF THE GET IS THE WORDS, BEHOLD YOU ARE HEREBY PERMITTED TO ANY MAN.

1. The father of R. Abin.
2. Hence he emended the word 'invalid' into 'valid', but not 'the unanimous ruling is' into 'this is', although the latter in itself would have been preferable.
3. Because the expression 'you are permitted to any man' still covers all possible cases and there is no reservation.
4. V. [Glos.](#)
5. Fem. of Nathin. A descendant of the Gibeonites who were accepted into the

GITTIN – 48b-90b

community of Joshua, but who were forbidden to intermarry with the Israelites. V. Josh. X, and Sanh. (Sonc. ed.) p. 340. n. 12.

6. [The act of betrothal, that is to say, is valid, though they are not allowed to marry. Whereas with those enumerated in the first part of the Mishnah the betrothal is of no effect and no divorce is necessary to separate them.]
7. I.e., those mentioned in Lev. XX. For *Kareth*, v. [Glos.](#)
8. Which carries with it only flogging but no death penalty nor *Kareth*.
9. V. Deut. XXIII, 4.
10. Ibid, 8. The words in brackets are omitted in some texts.
11. I.e., does this constitute a reservation invalidating the Get or not.
12. And therefore that it is no reservation.
13. I.e., even though her marriage was a binding one.
14. Lit., '[the rule of] she shall go forth and be'. And therefore only her father should have power to receive her Get for her.
15. And the Get is invalid, owing to the reservation it contains.
16. Since she is in any case forbidden to them.
17. Lev. XX, 13. The Hebrew is [H], lit., 'lyings', the plural form being taken to indicate both natural and unnatural intercourse.
18. Num. XXX, 13.
19. If she marries a priest. V. [Glos.](#)
20. Lev, XXII, 11. And since she may not eat of it she is not the 'purchase of his money', and therefore is not fully permitted to marry 'any man'.
21. Num. XXVII, 11. Since he is to inherit her, she thus remains in a sense his wife.
22. V. Kid. 2a.
23. Deut. XXIV, 2.

Gittin 85b

R. JUDAH SAYS: [HE MUST ADD,] AND THIS SHALL BE TO YOU FROM ME A WRIT OF DIVORCE AND A LETTER OF RELEASE AND A BILL OF DISMISSAL. WHEREWITH YOU MAY GO AND MARRY ANY MAN THAT YOU PLEASE. THE ESSENCE OF A DEED OF EMANCIPATION IS THE WORDS, BEHOLD YOU ARE HEREBY A FREE WOMAN, BEHOLD YOU BELONG TO YOURSELF.

GEMARA. There is no question that if a man says to his wife, Behold you are hereby a free woman, his words are of no effect,¹ and if he

says to his bondwoman, Behold you are hereby permitted to any man, his words are of no effect.² If he said to his wife, Behold you belong to yourself, what are we to say? Does he mean, you belong to yourself entirely, or only as far as your work is concerned? — Rabina said to R. Ashi: Come and hear: Since we have learnt: THE ESSENCE OF A DEED OF EMANCIPATION IS THE WORDS, BEHOLD YOU ARE HEREBY A FREE WOMAN, BEHOLD YOU BELONG TO YOURSELF. Now seeing that a slave whose body belongs [to his master] becomes his own owner when he says to him, Behold you belong to yourself, how much more so with a wife whose body does not belong to him?

Rabina asked R. Ashi: If a man said to his slave, I have no concern with you, what [are we to say]? — R. Hanin said to R. Ashi, or, according to another report, R. Hanin of Huzna'ah³ said to R. Ashi: Come and hear, as it has been taught:⁴ If a man sells his slave to a heathen, he thereby becomes emancipated, but he requires a deed of emancipation from his first master. Rabban Simeon b. Gamaliel said: This is the case only if he did not write out an Oni for him, but if he wrote out an oni for him, this is his deed of emancipation. What is an oni? — R. Shesheth said: If he gave him a written statement saying, If you escape from him, I have no concern with you.⁵

RABBI JUDAH SAYS. [HE MUST ADD], AND THIS SHALL BE TO YOU FROM ME A WRIT OF DIVORCE AND A LETTER OF RELEASE. What is the ground of the difference [between the Rabbis and R. Judah]? — The Rabbis held that an indication⁶ which is not definite can still count as an indication,⁷ and so though he did not insert the words 'and this', the circumstances show that he was divorcing her with this Get. R. Judah on the other hand held that an indication not definite does not count as an indication, and the reason why the Get is valid is because he has inserted the

GITTIN – 48b-90b

words 'and this', which show that he was divorcing her with this Get, but if he did not insert these words, people will say that he divorced her by word of mouth, and the document is merely a corroboration.

Abaye said: The one who writes out the Get should not spell [H] which might be read we-din [and it is just], but [H].⁸ He should not spell [H] which might be read Igarath [a roof], but [H].⁹ He should not write [H]¹⁰ which might be read Li-mehak [to me from this], nor should he spell [H]¹¹ which might be understood 'as a joke'. The words and [H] and [H]¹² should have each three Yods [at the end], as two might be read di-tehewjan¹³ [that they may be] and de-tezibjan¹³ [whom they may like]. The *waw* of the words [H]¹⁴ and [H]¹⁵ should be lengthened¹⁶ as otherwise the words might be read Terikin [those who are divorced] and Shebikin [those that are released].¹⁷ The *Waw* of [H]¹⁸ should also be lengthened so as not to read [H] which means 'in vain'. He should not write [H] which might be read La-yithnesseba [she shall not be married], but [H].¹⁹

The question was raised: Are the words 'and this' required or not? — Come and hear: Raba laid down the formula of the Get thus: '[We are witnesses] how So-and-so son of So-and-so dismissed and divorced his wife from this day and for all time'. We see that he does not mention 'and this'. But if we are to go by this, we might ask, did he mention all the rest of the Get? Nevertheless we require the rest, and so we require [this also].

The words 'from this day' are to rule out the view of R. Jose who said that the date of the document is sufficient indication.²⁰ The words 'for all time',

1. Because she is already free.
2. Because not having been emancipated as far as work is concerned, she cannot marry an Israelite.
3. [Or Hozae, the modern Khuzistan, S.W. Persia. V. Kid. 6b.]
4. *Supra* 43b, q.v.

5. Which shows that these words confer emancipation.
6. Heb. 'Yadayim', 'hands'.
7. Lit., 'hands which do not prove are still counted hands', v. Kid. 5b.
8. We-den, 'and this'.
9. Iggereth, 'a letter'.
10. In place of Li-mehak [H] 'to go'. [In other words, Abaye rules out the *matres lectionis* in these three words, in view of the ambiguity they may give rise to.]
11. [The [H] and [H] are interchangeable letters in Semitic languages.]
12. Di-tehewjen, di-tezbijen, 'that you may marry', 'whom you please'.
13. Third Pers. plur. fem.
14. Terukin, 'release',
15. Shebikin, 'divorce',
16. So as not to look like a Yod.
17. I.e., not an abstract noun but a participle passive.
18. Kedu, 'accordingly'.
19. Le-hithnasseba, 'to be married',
20. *Supra* 72a.

Gittin 86a

are to rule out the formula about which Raba questioned R. Nahman, viz., if he said, 'To-day you are not my wife but to-morrow you will be my wife'.¹

THE ESSENCE OF A DEED OF EMANCIPATION IS THE WORDS, BEHOLD YOU ARE HEREBY A FREE WOMAN, BEHOLD YOU BELONG TO YOURSELF. Rab Judah laid down the following formula for the deed of sale of a slave: 'This slave is legally adjudicated to bondage, and is absolved and dissociated from all freedom and claims and demands of the King and the Queen,² and there is no mark of any [other] man upon him, and he is clear of all blemishes and from any boil that may come out within two years,³ whether new or old.' What is the remedy for such a boil? — Abaye said: [A mixture of] ginger and silver dross and sulfur and vinegar of wine and olive oil and white naphtha laid on with a goose's quill.

MISHNAH. THE FOLLOWING THREE BILLS OF DIVORCE ARE INVALID BUT IF A

GITTIN – 48b-90b

WOMAN MARRIES ON THE STRENGTH OF THEM THE CHILD [BORN OF SUCH MARRIAGE] IS LEGITIMATE: [ONE.] IF THE HUSBAND WROTE IT WITH HIS OWN HAND BUT IT WAS ATTESTED BY NO WITNESSES; [A SECOND]. IF THERE ARE WITNESSES TO IT BUT NO DATE; [A THIRD,] IF IT HAS A DATE BUT THE SIGNATURE OF ONLY ONE WITNESS. THESE THREE BILLS OF DIVORCE ARE INVALID, BUT IF SHE MARRIES THE CHILD IS LEGITIMATE. R. ELEAZAR, HOWEVER, SAYS THAT EVEN THOUGH IT WAS NOT ATTESTED BY WITNESSES AT ALL, SO LONG AS HE GAVE IT TO HER IN THE PRESENCE OF WITNESSES IT IS VALID,⁴ AND ON THE STRENGTH OF IT SHE MAY RECOVER HER *KETHUBAH* FROM MORTGAGED PROPERTY, SINCE SIGNATURES OF WITNESSES ARE REQUIRED ON THE GET ONLY AS A SAFEGUARD.⁵

GEMARA. Are these all?⁶ Is there not also the 'old' Get?⁷ — With an 'old' Get she need not part [from her second husband], with one of these she must.

This is a good answer for one who holds that with one of these she must part, but to one who holds that she need not part,⁸ what can we reply? — With an 'old' Get her marriage is permitted in the first instance,⁹ with one of these only retrospectively. But there is a 'bald' Get?¹⁰ — With such a Get the child born is a bastard, but here the child is legitimate.

This answer is satisfactory if we adopt the view of R. Meir, (who said that wherever any alteration is made in the form prescribed by the Sages for bills of divorce, the child is a bastard).¹¹ but if we accept the view of the Rabbis what reply can be made? — With a 'bald' Get she must part [from the second husband], here she need not.

This is a satisfactory answer if we accept the view that here she need not part, but if we adopt the view that here also she must part,

what reply can be given? — The Mishnah is not dealing with a folded Get.¹² But there is the Get with an improper reign inserted?¹³ — There she must leave the husband, here she need not leave him.

This is a good enough reason for one who holds that here she need not part, but to one who holds that she must part what answer can be made? — (There the child is a bastard, here the child is legitimate. This accords well enough with the view of R. Meir, but if we adopt the view of the Rabbis what can be said?).¹⁴ — We must suppose that the Mishnah follows R. Meir, so that there the child is a bastard but here it is legitimate.

[Which kinds of Get] are excluded by the specific number mentioned at the beginning of the ruling, and which by the specific number mentioned at the end? — The first number excludes those we have mentioned.¹⁵ The second number excludes the one regarding which it has been taught: 'If a man brings a Get from abroad and gives it to the wife without saying, In my presence it was written and in my presence it was signed'. [the second husband] must put her away and the child is a bastard. This is the opinion of R. Meir.¹⁶ The Sages, however, say that the child is not a bastard.¹⁷ What should the man do? He should take it from her and give it to her again in the presence of two witnesses and say, In my presence it was written and in my presence it was signed.¹⁸

IF THE HUSBAND WROTE WITH HIS OWN HAND BUT IT WAS ATTESTED BY NO WITNESSES. Rab said: It is definitely stated here, WITH HIS OWN HAND. To what [was Rab referring]? Shall I say to the first clause of the ruling?¹⁹ Then what has he told us? It says distinctly, WITH HIS OWN HAND? [Shall I say] to the middle clause?²⁰ [In this case it can hardly matter],²¹ since it is attested by witnesses? — He must refer then to the last clause, IF IT HAS A DATE BUT THE SIGNATURE OF ONLY ONE WITNESS.

GITTIN – 48b-90b

1. *Supra* 83b.
2. As an offender against the law, v. B.M. 80a.
3. So Rashi; others; four years. Jastrow, however, translates 'any boil, even up to a white spot'.
4. R. Eleazar holding that the witnesses to delivery make the Get effective. V. *supra* 17b.
5. Lit., 'for the good order of the world', In case the witnesses die and the husband challenges the validity of the Get.
6. Bills of divorce which are invalid without however rendering the offspring of the subsequent marriage illegitimate.
7. V. *supra* 79b.
8. V. the discussion *infra*.
9. V. *supra*.
10. V. *supra* 81b.
11. The words in brackets are omitted in some texts, but they seem to be requisite for the argument.
12. V. *supra* 81b.
13. Lit., 'the rule regarding the peace of the government'. V. *supra* 79b.
14. The words in brackets are omitted in some texts, and appear to be superfluous.
15. The Mishnah adopting the view of R. Meir that in these cases the child is a bastard.
16. The Mishnah here too adopting the view of R. Meir.
17. Although the Get is up to this point ineffective.
18. V. *supra*. 5b.
19. I.e., to the case where there are no witnesses.
20. Where there is no date.
21. Whether he wrote it with his own hand or not.

Gittin 86b

[Rab tells us that in this case the child is legitimate only] if [the Get is] written with his own hand, but if the scribe has written it and there is only one witness, the child is not [legitimate]. Samuel, however, said that even if the scribe had written it and there was [the signature of only] one witness, [the child is] legitimate, since we have learnt, If the scribe wrote and there was the signature of a witness, the Get is valid.¹

And Rab? — [He might rejoin:] Is there any comparison? There her marriage is permitted in the first instance,² but here only retrospectively.³ And Samuel? — [He can rejoin:] There is no difficulty;⁴ there we assume that the scribe is fully competent,⁵

here that he is not so competent.⁶ So too R. Johanan said: The Mishnah definitely stated, WITH HIS OWN HAND. Said R. Eleazar to him, But it is attested by the signature of witnesses?⁷ — He replied: [I refer] to the last clause.

Rab sometimes ruled [in such cases] that [the woman] should leave [the second husband] and sometimes that she need not leave him. How was this? If she had children [he ruled that] she need not leave,⁸ if she had no children she must leave. Mar Zutra b. Tobia raised an objection [from the following]: 'If any of these⁹ had been doubtfully betrothed or doubtfully divorced, they must give *Halizah* but cannot marry the brother-in-law'. What is meant by 'doubtfully' betrothed? If, for instance, he had thrown to her the betrothal token, and it was doubtful whether it landed nearer to him or nearer to her, this is a doubtful betrothal. A doubtful divorce is where he wrote [the Get] with his own hand but it was not attested with the signature of witnesses, or if it was attested but had no date, or if it had a date but the signature of only one witness; this is a doubtful divorce. Now if you say that [a woman so divorced] should not leave [her second husband],¹⁰ then her co-wife¹¹ on the strength of such a one might come to marry the brother-in-law?¹² — [He replied]: Let her marry him; it is of no consequence, since the only danger is of breaking a rule of the Rabbis.¹³

Levi said: In neither case need she leave [the second husband]. So too said R. Johanan: In neither case need she leave the second husband. So too R. Johanan said to the sons of R. Halafta of Huna:¹⁴ Thus said your father, In neither case need she leave, and the Karzith in the stacked corn does not spoil the water of purification.¹⁵ What is a Karzith? — Abaye explained: The large fly found among the stacks,¹⁶

R. Daniel the son of R. Kattina raised an objection against this [from the following]:

GITTIN – 48b-90b

'All birds spoil the water of purification [by drinking of it] except the pigeon, because it swallows the water completely.'¹⁷ Now if what has been said is correct, it should say, 'except the pigeon and the Karzith?' — The authority could not speak definitely, as the big one does not spoil but the small one does spoil. Up to what size [is it reckoned small]? — R. Jeremiah (or it may have been R. Ammi) said, Up to the size of an olive.

R. ELEAZAR SAYS THAT EVEN THOUGH, etc. Rab Judah said in the name of Rab: The *Halachah* follows R. Eleazar in the matter of bills of divorce.¹⁸ When [he continued] I stated this in the presence of Samuel, he said, In the matter of [commercial] documents also. Rab however, said, Not in the matter of documents. But it is stated [in the Mishnah]: SHE MAY RECOVER HER *KETHUBAH* FROM MORTGAGED PROPERTY?¹⁹ — R. Eleazar gave two rulings, and Rab concurred with him in one but differed from him in regard to the other. So too R. Jacob b. Idi said in the name of R. Joshua b. Levi: The *Halachah* follows R. Eleazar in bills of divorce.

R. Jannai, however, said that such a document has not even a tincture of a Get in it.²⁰ Does not R. Jannai accept the ruling of R. Eleazar? — What he meant was, According to the Rabbis, such a document has not even a tincture of a Get. So too R. Jose son of R. Haninah said in the name of Resh Lakish: The *Halachah* follows R. Eleazar in the matter of bills of divorce. R. Johanan, however, said that such a document has not even a tincture of a Get. Are we to say that R. Johanan does not accept the ruling of R. Eleazar? — What he meant was, According to the Rabbis such a document has not even the tincture of a Get.

R. Abba b. Zabda sent to Mari b. Mar saying, Inquire of R. Huna whether the *Halachah* follows R. Eleazar in the matter of bills of divorce or not. Before he could do so,

R. Huna died, but Rabbah his son said to him, Thus said my father in the name of Rab: The *Halachah* follows R. Eleazar in the matter of bills of divorce. Moreover our teachers who are well versed in the *Halachah* said in the name of our Master,²¹ The *Halachah* follows R. Eleazar in the matter of bills of divorce, since R. Hama b. Guria said in the name of Rab, The *Halachah* follows R. Eleazar in the matter of bills of divorce.

According to another version: And our Colleagues²² that are well versed in the *Halachah* and the disciples of our Teacher [Rab] said that the *Halachah* follows R. Eleazar in the matter of bills of divorce. For R. Hisda said in the name of R. Hama b. Guria in the name of Rab that the *Halachah* follows R. Eleazar in the matter of bills of divorce. So too when Rabin came [from Palestine] he said, R. Eleazar²³ says that the *Halachah* follows R. Eleazar in the matter of bills of divorce.

MISHNAH. IF TWO MEN SENT [TO THEIR WIVES] TWO BILLS OF DIVORCE WITH THE SAME NAMES AND THEY BECAME MIXED UP [THE BEARER] MUST GIVE BOTH OF THEM TO EACH OF THE WOMEN. CONSEQUENTLY, IF ONE OF THEM WAS LOST THE OTHER BECOMES VOID.²⁴ IF FIVE MEN WROTE JOINTLY IN THE SAME DOCUMENT, SO-AND-SO DIVORCES SO-AND-SO AND SO-AND-SO SO-AND-SO, AND IF THE WITNESSES DULY SIGNED BELOW, ALL ARE VALID AND THE GET IS TO BE GIVEN TO EACH OF THE WOMEN. IF THE SCRIBE WROTE OUT THE FORMULA²⁵ FOR EACH ONE AND THE WITNESSES SIGNED BELOW, THE ONE TO WHICH THE SIGNATURES ARE ATTACHED²⁶ IS [ALONE] VALID.

GEMARA. Who is the authority [for this rule]?²⁷ — R. Jeremiah said: It is not R. Eleazar. For if we were to follow R. Eleazar, since he holds that it is the witnesses to delivery²⁸ that make [the Get] effective, [they could not do so in this case] since they do not

GITTIN – 48b-90b

know with which [Get] either of the women is divorced. Abaye said: It is possible to ascribe this ruling to R. Eleazar also, since I may say, Granting that R. Eleazar requires the Get to be written in the name of that particular woman, does he also require it to be given in the name of that particular woman?²⁹

IF FIVE WROTE JOINTLY etc, What is meant by **JOINTLY** and what is meant by **FORMULA**? — R. Johanan said: If there is one date for all it is a 'joint' [Get], if there is a separate date for each it is a formula [Get]. Resh Lakish, however, said:

1. V. *supra* 66b.
2. And so we suppose that the scribe not only wrote but also signed.
3. If he wrote himself, and therefore if the scribe wrote without signing, the child is not legitimate.
4. Even if we assume in each case that the scribe wrote without signing.
5. And knows that he is not to write save on definite instruction from the husband. V. *supra*. 71b-72a.
6. And he might have written on the instruction of a third party, in which case the Get is invalid. V. *supra* *ibid*.
7. R. Eleazar thought he referred to the middle clause.
8. So as not to cast a slur on the children.
9. Women within the fifteen forbidden degrees of consanguinity to the deceased husband's brother, v. Yeb. 30b and *supra* p. 383. n. 5.
10. Because the divorce is regarded as valid.
11. I.e., the co-wife of one of those women of forbidden degrees of consanguinity who was divorced with such a Get.
12. Since she is no longer regarded as a co-wife of a woman forbidden to the brother-in-law.
13. Biblically the Get is valid,
14. [Read with *var. lec.* Haifa.]
15. By drinking from it; v. Num. XIX. For explanation, v. *infra*.
16. [So Rashi. It is not clear what species of insect is referred to; v. Lewysohn, Zoologie p. 315.]
17. Whereas others let some drip back from their beaks, and so spoil the water.
18. That the witnesses to delivery render them effective.
19. Which would seem to show that the rule applies to commercial documents also.
20. And does not disqualify the woman from marrying a priest on her husband's death, much less does it enable her to marry again.

21. Rab.
22. R. Hisda being one of them.
23. The Amora of that name.
24. Since we do not know for which it was meant.
25. [G], V. *infra* in the Gemara.
26. Lit., 'with which the witnesses are read'.
27. That the matter may be rectified by giving both documents to each woman.
28. I.e., the delivery by the bearer to the woman.
29. [Once the Get has been written in the name of the woman there is no need for such a special intention to accompany the delivery of the Get.]

Gittin 87a

Even if there is one date for all it is still called a formula [Get],¹ and a 'joint' [Get] is where he writes 'We, So-and-so and So-and-so have divorced our wives So-and-so and So-and-so'² R. Abba strongly demurred to this. If we accept the view of R. Johanan, he said, that a 'joint' [Get] is one where there is the same date for all, have we not to consider the possibility that when the witnesses sign they are attesting only the last? Has it not been taught: 'If witnesses subscribe to an expression of kind regards in a Get, [the Get] is invalid, since we apprehend that they may have attested the expression of kind regards'?'³ —

Has it not been stated in connection with this: R. Abbahu said: It was explained to me by R. Johanan that if it is written 'they gave him greeting',⁴ it is invalid, but if 'and they gave', it is valid? So here we suppose that what is written is, 'So-and-so and So-and-so and So-and-so'.⁵ Moreover, if we accept the view of R. Johanan that a 'formula' [Get] is one where there is a separate date for each, why [should it be invalidated]⁶ as being a 'formula' [Get]? Why not rather as being one which is 'written by day and signed by night'?'⁷ — Mar Kashisha the son of R. Hisda said to R. Ashi: We state as follows in the name of R. Johanan, that [this rule applies] where it is written with each one, On the first day of the week, on the first day of the week.⁸

GITTIN – 48b-90b

Rabina said to R. Ashi: On the view of Resh Lakish — that a 'formula' [Get] is also one in which there is one date for all, and that a 'joint' [Get] is one in which it is written thus: 'We, So-and-so and So-and-so have divorced our wives So-and-so and So-and-so, it follows that two women would be divorced with the same Get, and the Torah has laid down that he must write 'for her', [which implies, for her] and not for her and her neighbor? — [We must suppose] that he further writes, So-and-so divorced So-and-so and So-and-so divorced So-and-so. Rabina thereupon said to R. Ashi: How does this differ from the case regarding which it has been taught: 'If a man makes over all his property in writing to two of his slaves, they acquire possession and emancipate one another'?² — [He replied]: Have we not explained this to apply only where he writes two deeds.¹⁰

It has been taught in agreement with R. Johanan and it has been taught in agreement with Resh Lakish. It has been taught in agreement with R. Johanan: 'If five men wrote in the same Get, So-and-so divorces So-and-so and So-and-so So-and-so and So-and-so So-and-so, and one date [is written] for all of them and the witnesses are subscribed below, all are valid and the document must be given to each woman. If there is a [separate] date for each one and the witnesses are subscribed at the bottom, the one to which the signatures are attached is [alone] valid. R. Judah b. Bathyra says that if there is a space between them it is invalid but if not it is valid, since the date does not constitute a division'.

It has been taught in agreement with Resh Lakish: 'If five persons wrote jointly in the same Get, We, So-and-so and So-and-so have divorced our wives So-and-so and So-and-so, So-and-so divorcing So-and-so and So-and-so divorcing So-and-so, and there is one date for all and the witnesses are signed below, all are valid and the document must be given to each one. If there is a [separate] date for each one or space between one and another and the

witnesses are signed at the bottom, the one to which the signatures are attached is valid. R. Meir says that even if there is no space between them it is invalid since the date makes a division,' But on the view of Resh Lakish why is it required here that there be a [separate] date for each one,¹¹ seeing that he has said that even if there is one date for all it is still a 'formula' [Get]? — That is the case only where they were not lumped together at the beginning,¹² but here where they were lumped together at the beginning, if the various parts are separated by dates, there is a division, but otherwise not.

MISHNAH, IF TWO BILLS OF DIVORCE ARE WRITTEN [ON THE SAME SHEET] SIDE BY SIDE AND THE SIGNATURES OF TWO WITNESSES IN HEBREW¹³ RUN FROM UNDER ONE TO UNDER THE OTHER AND THE SIGNATURES OF TWO WITNESSES IN GREEK¹⁴ RUN FROM UNDER ONE TO UNDER THE OTHER,¹⁵ THE ONE TO WHICH THE TWO FIRST SIGNATURES ARE ATTACHED IS [ALONE] VALID.¹⁶ IF THERE IS ONE SIGNATURE IN HEBREW AND ONE IN GREEK AND THEN AGAIN ONE IN HEBREW AND ONE IN GREEK RUNNING FROM UNDER ONE [GET] TO UNDER THE OTHER,¹⁷ BOTH ARE INVALID.

GEMARA. Why should not one be rendered valid by the signature Reuben [under it] and the other by the signature 'son of Jacob witness'¹⁸ [under it] seeing that we have learnt, 'The signature "son of So-and-so, witness" [renders a document] valid'? — We suppose that he writes 'Reuben son of' under the first Get and 'Jacob witness' under the second. But cannot the first be rendered valid by 'Reuben son of' and the second by 'Jacob witness', since we have learnt, 'The subscription, "So-and-so witness" [renders the document] valid'? — We suppose he did not add 'witness'. Or alternatively I may say that he does add 'witness', but we know that this is not the signature of Jacob.¹⁹

1. And only the last one is valid, because this separates all the others from the signatures.

GITTIN – 48b-90b

2. In this case the signatures can apply to all.
3. And not to the Get itself, v, B. B. 176a.
4. Lit., 'they inquired (of his welfare)'.
5. Hence there is no separation.
6. As far as the upper names are concerned.
7. Which is invalid. V. *supra*, 17a. The questioner presumes that the various divorces bear different dates, with the result that all the divorces except the last have not been signed on the same day as written.
8. I.e., they are all written and signed on the same day.
9. *Supra* 42a. Here too the two slaves are emancipated with the one document; and it is a principle that the emancipation of slaves is regulated by the same laws as those of divorce.]
10. Ibid.
11. In order to make it a 'formula' Get, with only the last one being valid.
12. With the formula 'we, So-and-so'.
13. Lit., 'Hebrew witnesses'.
14. Lit., 'Greek witnesses'.
15. All the signatures being under one another.
16. The Gemara discusses why the other is not also valid.
17. As neither has two names attached immediately beneath it.
18. I.e., supposing the signature is 'Reuben son of Jacob' and 'Reuben' comes under the first Get on the right and son of Jacob' under the second on the left. We can then suppose that we have two distinct signatures, one for each Get.
19. But of his son.

Gittin 87b

But perhaps he signed the name of his father? — A man would not omit his own name and sign the name of his father. But perhaps he uses it as a mark?¹ Did not Rab [for his signature] draw a fish, R. Hanina a palm branch, R. Hisda a Samek, R. Hoshaya an Ayin, and Rabbah son of R. Hanah a mast?² — A man would not take the liberty of using his father's name as a mark. But cannot the one Get be rendered valid by two Hebrew signatures and the other by two Greek signatures,³ since we have learnt, 'A Get written in Hebrew and signed in Greek or written in Greek and signed in Hebrew is valid'? And should you object that since [the second Get] is separated [from its signatures] by two lines⁴ it is not valid, has not Hezekiah

said: If he filled up the space⁵ [with the signatures of] relatives,⁶ it is still valid? — Ze'iri has in fact taught that both of them are valid. What then [is the reason of] our Tanna? — [He thinks perhaps] the [Greek] signatures are reversed,⁷ so that all are subscribed to the one Get.

ONE SIGNATURE IN HEBREW AND ONE IN GREEK. But cannot one Get be rendered valid by one Hebrew signature and one Greek and the other also by one Hebrew signature and one Greek, since we have learnt that if there is one Hebrew signature and one Greek the document is valid? — Ze'iri has in fact taught that both are valid. What then [is the reason of] our Tanna? — He thinks that perhaps one of the signatures is reversed,⁸ so that there are three signatures to one Get and only one to the other.

MISHNAH. IF SOME OF THE GET WAS LEFT OVER [FROM THE FIRST SHEET] AND IS WRITTEN ON THE NEXT SHEET⁹ AND THE WITNESSES [SIGN] BELOW, [THE GET IS] VALID. IF THE WITNESSES HAVE SIGNED AT THE TOP OF THE SHEET OR AT THE SIDE OR ON THE BACK OF AN UNFOLDED GET,¹⁰ IT IS INVALID. IF THE TOP OF ONE GET IS FASTENED TO THE TOP OF ANOTHER AND THE WITNESSES' SIGNATURES ARE BETWEEN THE TWO, BOTH OF THEM ARE INVALID.¹¹ IF THE TWO ARE ATTACHED END TO END AND THE WITNESSES' SIGNATURES ARE BETWEEN, THE ONE ON WHICH THE WITNESSES SIGNATURES FOLLOW DIRECTLY¹² IS VALID. IF THE TOP OF ONE IS ATTACHED TO THE BOTTOM OF THE OTHER AND THE WITNESSES SIGNATURES ARE IN THE MIDDLE, THE ONE IN WHICH THE SIGNATURES COME AT THE END IS VALID. A GET OF WHICH THE TEXT IS IN HEBREW AND THE SIGNATURES IN GREEK, OR THE TEXT IN GREEK AND THE SIGNATURES IN HEBREW, OR WHICH HAS ONE HEBREW SIGNATURE AND ONE GREEK, OR WHICH WAS WRITTEN BY A

GITTIN – 48b-90b

SCRIBE AND SIGNED BY ONE WITNESS, IS VALID. IF A MAN SIGNS, 'SO-AND SO, WITNESS,' IT IS VALID. IF HE SIGNS, 'SON OF SO-AND-SO, WITNESS, IT IS VALID, IF HE SIGNS, 'SO-AND-SO SON OF SO-AND-SO WITHOUT ADDING 'WITNESS', IT IS VALID. THIS WAS THE CUSTOM OF THE MORE ELEGANT CIRCLES¹³ IN JERUSALEM.¹⁴ IF HE WROTE HIS OWN FAMILY NAME AND HERS,¹⁵ THE GET IS VALID.

GEMARA. [IF SOME OF THE GET IS WRITTEN ON THE NEXT SHEET.] But is there not a danger that these were originally two distinct bills, and he has kept the date of the first and the witnesses of the last and cut off the date of the second and the signatures of the first?¹⁶ — R. Abba said in the name of Rab: We suppose there is a space at the bottom.¹⁷ But is there not a danger that he has cut off the date of the second?¹⁸ — As R. Abba in the name of Rab answered in the previous instance, that we suppose there is a space at the bottom,

1. As special signature for the left hand text.
2. V. *supra* 36a.
3. Rashi says that a 'Greek' signature means one in which the name of the father comes before the name of the son, but it is more natural to suppose that it means simply one written in the Greek way, i.e., from left to right, so that the substantive signature would come under the left-hand Get and he separated from it by two lines containing the names of the fathers of the Hebrew signatories.
4. Since the signatures to the first would come partly under this Get. V. previous note.
5. Between the text and the signatures.
6. Who are not eligible as witnesses.
7. I.e., that they may have written from right to left, so as to correspond with the Hebrew signatures.
8. One of the witnesses either Greek or Hebrew might have, under the influence of the preceding signatures, signed in a reverse manner respectively either to the left or to the right, with the result that three of the signatures belong to one document only.
9. I.e., the next column of the roll.
10. V. *supra*.
11. Because the signatures do not follow immediately on either document.

12. I.e., without turning the document upside down.
13. [H] v. Sanh. (Sonc. ed.) p. 131, n. 2.
14. I.e., to sign only 'So-and-so son of So-and-so'. According to another reading, this sentence is placed after the next, and the custom referred to will then be that of writing the family name. V. Tosaf. 88a s.v. [H].
15. Or any other descriptive name instead of his father and her father.
16. I.e., the bottom of the first sheet and the top of the second, taking care that the text shall still be continuous.
17. Which shows that it has not been cut off.
18. By 'date' we must understand all that part which is already found on the first sheet.

Gittin 88a

so here we suppose that there is a space at the top. But perhaps he changed his mind [before completing it] and then after all wrote [the rest subsequently]?¹ — We suppose that 'You are hereby' comes at the end of one sheet and 'permitted' at the top of the next. But perhaps he just happened [to change his mind at that point]? — Such a possibility² we do not apprehend. R. Ashi said: We assume that we can tell from the bottom of the roll.³

IF THE WITNESSES HAVE SIGNED AT THE TOP OF THE SHEET, etc. Is that so? Did not Rab sign at the side? — It is all right if the top of the signature is towards the text.⁴ In that case why does it state **IF THE TOP OF ONE IS FASTENED TO THE TOP OF THE OTHER AND THE SIGNATURES ARE BETWEEN, BOTH OF THEM ARE INVALID?** Cannot we see which signature is turned towards the text,⁵ and declare that Get valid? We suppose there that the signatures run from one to the other like a cross bar.⁶ Then what about the next clause: **IF THE TOP OF ONE IS ATTACHED TO THE BOTTOM OF THE OTHER AND THE WITNESSES' SIGNATURES ARE IN THE MIDDLE, THE ONE IN WHICH THE SIGNATURES COME AT THE END IS VALID?** If they run from one to the other like a bar, they are read neither with one nor with the other? — The fact is that Rab only signed thus on letters.⁷

GITTIN – 48b-90b

A GET OF WHICH THE TEXT IS IN HEBREW AND THE SIGNATURES IN GREEK ... OR WHICH WAS WRITTEN BY A SCRIBE AND SIGNED BY ONE WITNESS IS VALID. R. Jeremiah said: What we have learnt [in explanation of this] is, if the scribe signed.⁸ R. Hisda said: Who is the authority for this ruling? R. Jose. A certain marriage *Kethubah* was brought before R. Abbahu in which the handwriting of the text and the signature of one witness could be identified. He thought of declaring it valid, but R. Jeremiah said to him, What we have learnt is that the scribe signed.⁹

IF HE WROTE HIS FAMILY NAME AND HER FAMILY NAME, IT IS VALID. Our Rabbis taught: The family name of ancestors allowed in bills of divorce is one which has been in use at any time in the past ten generations. R. Simeon b. Eleazar says: If it has been in use within three generations, it is valid, but if only beyond that, [the Get is] invalid. Whose authority is followed in the dictum of R. Hanina: 'An ancestral family name which has been in use within three generations may be inserted in bills of divorce'? — The authority of R. Simeon b. Eleazar. R. Huna said: Where do we find this in the Scripture? [In the verse], When thou shalt beget children and children's children, and ye shall have been long in the land.¹⁰

R. Joshua b. Levi said: The land of Israel was not laid waste until seven Courts of Justice had sanctioned idolatry, namely, [those of] Jeroboam son of Nebat, Baasha son of Ahiah, Ahab son of Omri,¹¹ Jehu son of Nimshi, Pekah son of Remaliah,¹² Menahem son of Gadi, and Hoshea son of Elah, as it says, She that hath borne seven languisheth, she hath given up the ghost, her sun is gone down while it was yet day, she hath been ashamed and confounded.¹³ R. Ammi said: Where is this intimated in the Torah? — [In the verse], When thou shalt beget children and children's children.¹⁴

R. Kahana and R. Assi said to Rab: It is written of Hoshea son of Elah: And he did that which was evil in the sight of the Lord yet not as the kings of Israel,¹⁵ and it is also written, Against him came up Shalmaneser king of Assyria¹⁶, etc.? — He replied to them: Jeroboam had stationed guards on the roads¹⁷ to prevent the Israelites from going up [to Jerusalem] for the festivals, and Hoshea disbanded them, and for all that the Israelites did not go up to the festivals. Thereupon God decreed that for those years during which the Israelites had not gone up to the festival they should go a corresponding number into captivity.

R. Hisda said in the name of Mar 'Ukba, or, according to others, R. Hisda said in the name of R. Jeremiah: Meremar discoursed as follows. What is the point of the words, Therefore hath the Lord watched over the evil and brought it upon us: for the Lord our God is Zaddik [righteous].¹⁸ Because the Lord is righteous, does He therefore watch over the evil and bring it upon us? The truth is that God did a kindness [*Zedakah*] with Israel by driving forth the captivity of Zedekiah while the captivity of Jeconiah was still intact — For it is written of the captivity of Jeconiah, And the Harash [craftsmen] and the Masger [smiths] a thousand.¹⁹ [They were called] Harash [dumb] because when they opened their mouths all became as it were dumb, [and they were called] Masger [closer] because if they once closed [a discussion], no-one would re-open it. How many were they? — A thousand. 'Ulla said: [The righteousness consisted] in anticipating by two years [the numerical value of] We-noshantem ['and ye grow old'].²⁰

1. In which case it is as if he annulled the first part so rendering the Get invalid, v. *supra*, 32b. But v. Tosaf. s.v. [H].
2. That he would break off in the middle of a sentence.
3. That it has not been cut.
4. [Because then it cannot be the signature of another document at right angles to the first, whereas our Mishnah speaks of a case where the foot of the signature is towards the text

GITTIN – 48b-90b

which may indicate that it belongs to another document which has been removed.]

5. Presuming that, the signatures are written parallel to the text.
6. And therefore there is no sure clue to which they belong.
7. V. *supra* 66b.
8. For notes v. *supra* 66b, 71b.
9. With the witness.
10. Deut. IV, 25. As much as to say, beyond three generations it is reckoned as antiquated.
11. Ahab is made responsible rather than Omri as being more prominent.
12. Shallum, Zechariah and Zimri are not reckoned as they reigned less than a year.
13. Jer. XV, 9.
14. ['When thou shalt beget' indicating one generation, and 'children', 'children's' and 'children' two each, (Tosaf.)].
15. II Kings XVII, 2.
16. Ibid. 4.
17. V. B.B. 121b, Ta'an. 28a.
18. Dan. IX, 14.
19. II Kings XXIV, 16. The Rabbis take this to refer to the men of learning.
20. In Deut. IV, 25. The numerical value of the letters of this word is 852. For the sake of these two years, the curse of 'Ye shall soon utterly perish' (Ibid. 26) was not fulfilled in them.

Gittin 88b

R. Aha b. Jacob said: This shows [that the word] soon' [used] by the Master of the Universe means eight hundred and fifty-two years.¹

MISHNAH. A GET GIVEN UNDER COMPULSION [EXERCISED] BY AN ISRAELITE COURT IS VALID, BUT BY A HEATHEN COURT IS INVALID. A HEATHEN COURT, HOWEVER, MAY FLOG A MAN AND SAY TO HIM, DO WHAT THE ISRAELITE [AUTHORITIES] COMMAND YOU, (AND IT IS VALID).²

GEMARA. R. Nahman said in the name of Samuel: A Get given under compulsion [exercised] by an Israelite court with good legal ground³ is valid, but if without sufficient legal ground, it is invalid,⁴ but it still disqualifies [the woman for a priest].⁵ If enforced by a heathen court on good legal

grounds, it is invalid, but disqualifies; if without sufficient legal ground, there is no tincture of a Get about it. How can you have it [both ways]? If the [heathens are] competent to apply compulsion, then it should actually be valid. If they are not competent to apply compulsion, it should not disqualify! —

R. Mesharsheya explained: According to the strict rule of the Torah, a Get enforced by a heathen court is valid, and the reason why [the Rabbis] declared it invalid was to prevent any [Jewish woman] from attaching herself to a heathen and so releasing herself from her husband.⁶ If that is so, [why did Samuel say that] if it is enforced [by a heathen court] without sufficient legal ground, it has not even the tincture of a Get? Let it at least be on a par with the similar Get exacted by an Israelite court, and disqualify the woman [for] a priest? —

The truth is that R. Mesharsheya's [explanation] is erroneous.⁷ And what is the reason? — [A Get enforced by a heathen court] on legal grounds is liable to be confused with [a Get enforced by] an Israelite court on legal grounds,⁸ but [a Get enforced by a heathen court] without proper grounds will not be confused with [a Get enforced by] a Jewish court with legal grounds.

Abaye once found R. Joseph sitting in court and compelling certain men to give a bill of divorce. He said to him: Surely we⁹ are only laymen,¹⁰ and it has been taught: R. Tarfon used to say: In any place where you find heathen law courts,¹¹ even though their law is the same as the Israelite law, you must not resort to them since it says, These are the judgments which thou shalt set before them,¹² that is to say, 'before them' and not before heathens.

Another explanation, however, is that it means 'before them' and not before laymen? — He replied: We are carrying out their commission,¹³ just as in the case of

GITTIN – 48b-90b

admissions and transaction of loans.¹⁴ If that is the case [he rejoined], we should do the same with robberies and injuries?¹⁵ — We carry out their commission in matters which are of frequent occurrence, but not in matters which occur infrequently.¹⁶

MISHNAH. IF COMMON REPORT IN THE TOWN DECLARES A WOMAN TO BE BETROTHED, SHE IS REGARDED [BY THE *BETH DIN*] AS BETROTHED;¹⁷ IF TO BE DIVORCED, SHE IS REGARDED AS DIVORCED.¹⁸ [THIS, HOWEVER, IS ONLY THE CASE] PROVIDED THE REPORT HAS NO QUALIFICATION.¹⁹ WHAT IS MEANT BY A QUALIFICATION? [IF THE REPORT IS,] SO-AND-SO DIVORCED HIS WIFE CONDITIONALLY, HE THREW HER THE BETROTHAL MONEY, BUT IT IS UNCERTAIN WHETHER IT LANDED NEARER TO HER OR NEARER TO HIM — THIS IS A QUALIFICATION.²⁰

GEMARA. And do we [on the strength of such a report] declare her²¹ prohibited to her husband? Has not R. Ashi said that we take no notice of reports spread after marriage? — What [the Mishnah] means is this: 'If common report declares her to be betrothed, we regard her as betrothed; if it declares her to have been betrothed and then divorced,

1. For fuller notes on this passage v. Sanh. (Sonc. ed.) p. 239.
2. [The bracketed words are left out in some texts without however affecting the meaning.]
3. Cf. Keth. 77a.
4. And she cannot marry again on the strength of it.
5. She must not marry a priest if her husband dies before giving her another Get, or if her husband is a priest she must leave him.
6. By inducing the non-Jew to go and extort a Get from him; v. B.B. 48a.
7. [H] v. B.M., (Sonc. ed.) p. 47, n. 1. And the heathen court is in fact not competent to enforce the giving of a Get.
8. And if we allowed the woman after receiving such a Get to live with a priest, it might be thought that she is allowed also after receiving a similar Get enforced by a Jewish court.
9. In Babylonia.

10. I.e., not fully ordained, v. *Glos.* s.v. *Hedyot*, this being impossible outside the Land of Israel. V. Sanh. 14a.
11. [H] cf. [G], 'market-place'.
12. Ex. XXI, 1.
13. Of the Sanhedrin in Palestine.
14. Claims supported by witnesses attesting the defendant's former admission of his liability, or who were actually present at the time of the transaction. V. Sanh. 2b.
15. Whereas the law is that for them ordained judges are necessary. V. *ibid.*
16. V. B.K. 84b.
17. And she must not marry another man without receiving a Get from the first.
18. Apparently this means that if the husband is a priest, she can no longer continue to live with him. But v. the Gemara *infra*.
19. [H] a reason for correcting the report.
20. And no attention is paid to the report.
21. The one reported to have been divorced.

Gittin 89a

she is regarded as divorced.¹ On what ground? Because the report² is accompanied by its own neutralization.

Raba said: If she was reported in the town to have misconducted herself,³ we take no notice, as we can put it down to mere looseness of behavior which has been observed in her. [The same difference of opinion is found] between Tannaim: 'If she ate in the street, if she quaffed⁴ in the street, if she suckled in the street,⁵ in every case R. Meir says that she must leave her husband. R. Akiba says she must do so as soon as gossips who spin in the moon begin to talk about her.

R. Johanan b. Nuri thereupon said to him: If you go so far, you will not leave our father Abraham a single daughter who can stay with her husband,⁶ whereas the Torah says, If he find in her some unseemly thing,⁷ and it further says, At the mouth of two witnesses or at the mouth of three witnesses shall a thing be established;⁸ and just as there the 'thing'⁹ must be clearly ascertained, so here it must be clearly ascertained.

GITTIN – 48b-90b

Our Rabbis taught: [If the report is] that she was lain with we take no notice of it;¹⁰ [if that she is] a married woman, we take no notice; [if that she is] a betrothed woman, we take no notice; [if the name of] the man is not mentioned, we take no notice of it; [if the report is that she has been betrothed] in another town, we take no notice; [if that] she is a bastard, we take no notice; [if that] she is a bondwoman, we take no notice. [If there is report that] So-and-so sanctified his possessions or declared them common property, we take no notice. 'Ulla said: It is not sufficient that a mere rumor should have been heard; [we take notice] only if lights have been seen burning and couches spread and people entering and leaving, and then they said, So-and-so is being betrothed to-day. 'Being betrothed' 'you say?

Perhaps even so she was not betrothed?¹¹ — You should say: [People say that] So-and-so was betrothed to-day. So Levi also taught: 'It is not enough that a mere rumor should be spread; [we only take notice] if lights have been seen burning and couches spread and women spinning by lamplight and congratulating her and saying [to one another], So-and-so is being betrothed to-day.' 'Being betrothed' do you say?

Perhaps after all she was not betrothed? — R. Papa said: You must say, [and what they say is], 'So-and-so has been betrothed to-day'. Rabbah b. Bar Hanah said in the name of R. Johanan: It is not enough that there should be a mere rumor. If, however, lights have been seen burning and couches spread and people entering and leaving, then if they say something¹² this is a report', but if they do not say something this is a qualification.¹³

How can this be, seeing that they have not said anything? — [The object of this statement is] to repudiate the view of Rabbah b. R. Huna who said that the 'qualification' referred to can be something said ten days later. [R. Johanan here] tells us that if [in such conditions] people said nothing at the

time, this is a qualification of the report, but if they said something [of a qualifying nature] after ten days, this is no qualification.

R. Abba said in the name of R. Huna: It is not sufficient to hear a mere rumor; we take notice only if on asking, Who told So-and-so, we are informed, So-and-so, and he again heard from So-and-so, and so on until our inquiries bring us to a reliable statement. But a reliable statement is valid evidence?¹⁴ — The fact is that when R. Samuel b. Judah came, he said in the name of R. Abba who had it from R. Huna who had it from Rab: It is not enough that they should have merely heard a rumor; it is requisite that they should inquire, Where did So-and-so learn this, and they should be told, He heard it from So-and-so who heard it from So-and-so, and they have gone abroad.

Abaye said to R. Joseph: Do we suppress a report¹⁵ or not? — He replied: Since R. Hisda has said that [the *Beth Din* takes no notice] till they hear it from reliable persons, we may infer that we do suppress a report.¹⁶ On the contrary, he rejoined; since R. Shesheth has said that even if spread only by women it is a report to be considered, we may infer that we do not suppress a report. He replied: It depends on the place. In Sura they suppress a report, in Nehardea they do not suppress a report.

A certain woman was reported to have become engaged to a Rabbinical student. R. Hama sent for her father and said to him, Tell me the facts of the case. He replied: He affianced her conditionally, [on condition, that is,] that he would not go to Be Hozai,¹⁷ and he went there. He thereupon said: Since at the time when the report was first spread there was no qualification, it is not in your power to add one now.¹⁸

A certain woman was reported to have been affianced with the flesh sticking to date stones by the well of Be Shifi. R. Idi b. Abin sent to inquire of Abaye what was to be done

GITTIN – 48b-90b

in such a case. He replied: Even those authorities who say that as a rule we should not suppress a report would here advise that it should be suppressed, because people will then say that the Rabbis examined her engagement gift and found that it did not contain the value of a *Perutah*.¹⁹

A certain woman was reported to have become engaged

1. And may marry anyone without a Get from the fiancé.
2. That she was betrothed.
3. With a heathen or a slave, and so disqualified herself for marrying a priest.
4. So Jast. Rashi: walks with outstretched neck.
5. I.e. if she was reported to have done so before marrying a priest (Tosaf.).
6. Because enemies may always spread false reports about her.
7. Deut. XXIV, 1.
8. Ibid. XIX, 15.
9. The matter testified to.
10. To prohibit her to marry a high priest.
11. I.e., the report does not definitely say that she was betrothed.
12. I.e., that she has been betrothed.
13. Which deprives the report of its force.
14. And more than a mere report.
15. If after investigation we cannot confirm it.
16. If there is a *prima facie* ground for considering it wrong.
17. V. *supra* p. 413, n. 1.
18. And she cannot become engaged again till she is divorced from the first.
19. V. Kid. 2a. So that she never was really engaged to the first. Hence no harm can ensue from the suppression of the report.

Gittin 89b

to one of the sons of a certain man. Raba thereupon said: Even those authorities who hold that we should not as a rule suppress a report would advise that here we should suppress it, as people will only say that the Rabbis examined her engagement and found that it was contracted by a minor.

A certain woman was reported to have become engaged to a minor who looked like an adult. In connection with this R. Mordecai said to R. Ashi: In a similar case which

occurred, they said that he had not yet attained to 'the divisions of Reuben',¹ referring to the verse, Among the divisions of Reuben there were great searchings of heart.²

PROVIDED THE REPORT HAS NO QUALIFICATION. Rabbah b. R. Huna said: The 'qualification' they had in mind might be made ten days later. R. Zebid said: If there is room for a qualification,³ we suspect a qualification. R. Papa raised to R. Zebid an objection from the following: **PROVIDED THE REPORT HAS NO QUALIFICATION?** — He replied: It means, provided there is no room for a qualification.

Said R. Kahana to R. Papa: Do you not concur with this, seeing that we have learnt,⁴ 'If a woman [who heard from one witness that her husband had died] became betrothed and then her husband turned up, she is allowed to return to him'.⁵ Now is not the reason [for disregarding the report] because we say that the second betrothed her conditionally?⁶ — There is a special reason there, namely that the husband challenges the betrothal.⁷ If that is the case, then why cannot she return to him even if she married the second? — By marrying she committed an offence⁸ and therefore the Rabbis penalized her, but in becoming betrothed she committed no offence and therefore the Rabbis did not penalize her.

R. Ashi said: A report which has not been confirmed in the *Beth Din*⁹ is no report. R. Ashi further said: We pay no heed to reports spread after marriage. This implies that we do pay heed to reports spread after betrothal? — R. Habiba said: We pay no attention to reports spread after betrothal either. The law is that we pay no heed to such reports.

R. Jeremiah b. Abba said: The disciples of Rab sent to Samuel saying: Would our Master be so good as to instruct us. If a woman was reported to have been engaged to one man, and then another came and

GITTIN – 48b-90b

betrothed her with full formality,¹⁰ what is to be done? He sent back reply: She must leave him, but I want you to ascertain the facts and inform me. What did he mean by saying, 'I want you to ascertain the facts'? Shall I say his object was that if it turned out that the first betrothal was not a valid one the report should be suppressed? How can this be seeing that Samuel was located in Nehardea, and in Nehardea it was not the custom to suppress a report?¹¹ — His object must therefore have been that if it turned out that the first betrothal was a valid one she would not require a Get from the second.

In this he joined issue with R. Huna, who said that if a married woman put out her hand and took the betrothal money from another, she thereby became engaged. [This again is based] on the dictum of R. Hamnuna who said: If a woman says to her husband, You have divorced me, her word is to be accepted, since the presumption is that a woman would not be so brazen as to say this in front of her husband [if it was not true].¹² And the other [Samuel]? — [He can reply:] R. Hamnuna would maintain this only where she speaks in the presence of the husband, but if he is not present she would certainly be impudent enough to say this.

Suppose they could not ascertain the truth of the matter, what [was to happen]? — R. Huna said: The first would have to divorce her and the second could then marry her; but it would not be right for the second to divorce her and the first to marry her. What is the reason? Because people might say that here is a man who is taking back a woman who has been betrothed to him and divorced.¹³ R. Shinnena¹⁴ the son of R. Idi, however, said that it is allowable also for the second to divorce her and the first to marry her, because people would merely say that the Rabbis had examined the betrothal [of the second] and found it invalid.¹⁵

Suppose she was reported [to have become betrothed] to both one¹⁶ and the other, what

is to be done? — R. papa said: In this case also the first must divorce her and the second can then marry her. Amemar, however, said that she is allowed to marry either,

1. I.e., to years of discretion. People would conclude that in spite of his appearance he was not yet grown-up, and therefore the suppression of the report would do no harm.
2. Jud. V, 15. The verse is rendered thus: 'Among the divisions of Reuben it is only the grownups who are rational'.
3. I.e., if the circumstances were such that the report might have been qualified, though it actually was not.
4. Yeb. 92a.
5. Here apparently is a case of a report without qualification that a woman is engaged being disregarded.
6. Viz., on condition that her husband had divorced her, and although this qualification was not actually added to the report, there was room for it, and therefore we allow it to neutralize the report.
7. He is there to say that he never divorced his wife in the first instance, and therefore the betrothal to the second was invalid.
8. Although in such a case the Rabbis permitted her to marry, yet they expected her to make further inquiries, and if after she married the first husband turned up, they penalized her, v. Yeb. 87b.
9. And found to have some substance.
10. Lit., 'betrothed according to the Torah'. I.e., in the presence of witnesses.
11. And though in Sura, the place of Rab, it was the custom, Samuel would naturally rule according to the custom of his own place.
12. V. *supra* 64b.
13. After having become the wife of another man, in violation of Deut. XXIV, 2.
14. Al. Shisha.
15. And so no scandal would arise,
16. The betrothal to the second was also based on mere report.

Gittin 90a

and the law is that she is allowed to marry either.

MISHNAH. BETH SHAMMAI SAY: A MAN SHOULD NOT DIVORCE HIS WIFE UNLESS HE HAS FOUND HER GUILTY OF SOME UNSEEMLY CONDUCT, AS IT SAYS, BECAUSE HE HATH FOUND SOME

GITTIN – 48b-90b

UNSEEMLY THING¹ IN HER.² BETH HILLEL, HOWEVER, SAY [THAT HE MAY DIVORCE HER] EVEN IF SHE HAS MERELY SPOILT HIS FOOD,³ SINCE IT SAYS,⁴ BECAUSE HE HATH FOUND SOME UNSEEMLY THING IN HER.⁵ R. AKIBA SAYS, [HE MAY DIVORCE HER] EVEN IF HE FINDS ANOTHER WOMAN MORE BEAUTIFUL THAN SHE IS, AS IT SAYS, IT COMETH TO PASS, IF SHE FIND NO FAVOR IN HIS EYES.⁶

GEMARA. It has been taught: Beth Hillel said to Beth Shammai: Does not the text distinctly say 'thing'?² Beth Shammai rejoined: And does it not distinctly say 'unseemliness'? Beth Hillel replied: Had it said only 'unseemliness' without 'thing', I should have concluded that she should be sent away on account of unseemliness, but not of any [lesser] 'thing'. Therefore 'thing' is specified. Again, had it said only 'thing' without 'unseemliness', I should have concluded that [if divorced] on account of a 'thing' she should be permitted to marry again, but if on account of 'unseemliness', she should not be permitted to remarry. Therefore 'unseemliness' is also specified.

And what do Beth Shammai make of this word 'thing'?⁸ — [They use it for the following lesson.] It says here 'thing', and it says in another place 'thing', viz. in the text, 'By the mouth of two witnesses or by the mouth of three witnesses a thing shall be established':² just as there two witnesses are required, so here two witnesses are required. And Beth Hillel? — [They can retort:] Is it written 'unseemliness in a thing'? And Beth Shammai? — Is it written, 'either unseemliness or a thing'? And Beth Hillel? — For this reason it is written 'unseemliness of a thing', which can be taken either way.¹⁰

R. AKIBA SAYS, EVEN IF HE FOUND ANOTHER. What is the ground of the difference here [between the various rulings]? — It is indicated in the dictum of Resh Lakish, who said that *ki*¹¹ has four meanings — 'if', 'perhaps', 'but', 'because'.

Beth Shammai held that we translate here: 'It cometh to pass that she find no favor In his eyes, because he hath found some unseemly thing in her,' while R. Akiba held that we translate, 'Or if again he hath found some unseemly thing in her'.¹²

R. Papa asked Raba: If he has found in her neither unseemliness nor any [lesser] thing, [and still divorces her], what are we to do [according to Beth Hillel]? — He replied: Since in the case of a man who has committed a rape the All-Merciful has specifically laid down that 'he may not put her away all his days',¹³ which implies that [if he does so] all his days he is under obligation to take her back, in that case only has the All-Merciful made this the rule, but here, what is done is done.¹⁴ R. Mesharsheya said to Raba: If a man has made up his mind to divorce his wife, but she still lives with him and waits on him, what are we to do with him? — [He replied:] We apply to him the verse, Devise not evil against thy neighbor, seeing he dwelleth securely by thee.¹⁵

It has been taught: R. Meir used to say: As men differ in their treatment of their food, so they differ in their treatment of their wives. Some men, if a fly falls into their cup, will put it aside and not drink it. This corresponds to the way of Papus b. Judah who used, when he went out, to lock his wife indoors. Another man, if a fly falls into his cup, will throw away the fly and then drink the cup. This corresponds to the way of most men who do not mind their wives talking with their brothers and relatives. Another man, again, if a fly falls into his soup, will squash it and eat it. This corresponds to the way of a bad man who sees his wife go out with her hair unfastened and spin cloth in the street

1. Lit., 'unseemliness of a thing'.
2. Deut. XXIV, 1. [The emphasis is on 'unseemliness', (cf. Mishnah ed. Lowe), 'as it says "unseemliness"', and [H] is taken to mean, [H] 'a thing of unseemliness'.
3. ['Bad cooking is a more serious ground for divorce than some modern ones' (Moore, Judaism II, 124, 4, 1.) It has been suggested

GITTIN – 48b-90b

that the expression is merely figurative pointing to some indecent conduct].

4. [The emphasis is on 'thing'. (cf. *loc. cit.* 'as it says "thing"'), and the phrase is taken literally, 'the unseemliness of a thing'.]
5. V. the discussion in the Gemara *infra*.
6. *Ibid.*
7. Which implies that he may divorce her for any cause.
8. Which on their view is apparently superfluous.
9. Deut. XIX, 15.
10. To imply both that a 'thing' is sufficient warrant for divorcing, and that he cannot be compelled to divorce unless there is sufficient evidence of misconduct.
11. Translated here 'if' (he find), 'because' (he hath found, etc.).
12. This being an alternative reason to her not finding favor in his eyes.
13. Deut. XXII, 19.
14. And he is not forced to take her back.
15. Prov. III, 29.

tears, as it says,⁶ And this further ye do, ye cover the altar of the Lord with tears, with weeping and with sighing, insomuch that he regardeth not the offering any more, neither receiveth it with good will at your hand. Yet ye say, Wherefore? Because the Lord hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously, though she is thy companion and the wife of thy covenant.⁷

1. Deut. XXIV, 1, 2.
2. *Lit.*, 'has merit'.
3. *Ibid.* 2.
4. *Ibid.*
5. Mal. II, 16.
6. *Ibid.* 13, 14.
7. [On the subject of Jewish divorce discussed in the closing section of this tractate v. Abrahams, I. Studies in Pharisaism and the Gospels, First Series, pp. 66ff.]

Gittin 90b

with her armpits uncovered and bathe with the men. Bathe with the men, you say? — It should be, bathe in the same place as the men. Such a one it is a religious duty to divorce, as it says, because he hath found some unseemly thing in her ... and he sendeth her out of his house and she goeth and becometh another man's wife.¹ The text calls him 'another', implying that he is not the fellow of the first; the one expelled a bad woman from his house, and the other took a bad woman into his house. If the second is lucky,² he will also send her away, as it says, and the latter husband hateth her,³ and if not she will bury him, as it says, or if the latter husband die;⁴ he deserves to die since the one expelled a wicked woman from his house and the other took her into his house.

For a hateful one put away:⁵ R. Judah said: [This means that] if you hate her you should put her away. R. Johanan says: It means, He that sends his wife away is hated. There is really no conflict between the two, since the one speaks of the first marriage and the other of the second, as R. Eleazar said: If a man divorces his first wife, even the altar sheds