

18.08.04

81a (משנה ח) → 82a (סיום הפרק)

note: in order to avoid rash גיטין, which would particularly affect כהנים (couldn't remarry ex-wife), גט established חכמים, מקושר, which has multiple folds each of which is stiched. Each segment must have an עד signed on it. If one segment is missing its עד, it is invalid and גט קרח, since the husband may have directed all of them to sign and if one neglected to sign, it is invalid

1. ואמרת לפני ה' אלהיך בערתי הקדש מן הבית וגם נתתי ללוי ולגר ליתום ולא למנה ככל מצותך אשר צויתני לא עברתי ממצותיך ולא שכחתי: דברים כ"ג
2. כי תכלה לעשר את כל מעשר תבואתך בשנה השלישית שנת המעשר ונתתה ללוי לגר ליתום ולא למנה ואכלו בשעריך ושבועי: דברים כ"ג

- I 2ח משנה: dispute ב"ה/ב"ש about status of a woman who never received her גט
- a כהונה invalided from ג"ש
 - b כהן may marry גט w/condition and condition unfulfilled, may marry כהן
 - i Related (asked of שמואל): if a rumor circulates that a כהן wrote a גט for his wife but they continue to live together
 - 1 Reply: she must leave husband but it requires investigation
 - 2 Cannot mean: that we should investigate if we quash the rumor – in נהרדעא they don't quash rumors
 - 3 Rather: is giving a גט called "writing"
 - (a) Challenge: even if it is, writing is also called "writing" (perhaps he only wrote the גט)
 - (b) Defense: it may still mean that he gave her the גט
 - (c) Question: even so, why תצא? this is a post-marital קול, which, per ר' אשי, we don't enforce תצא
 - (i) Answer: "תצא" from second כהן husband (if her first husband subsequently died)
 - (ii) Challenge: this mars reputation of children from 1st husband (בני גרושה)
 - (iii) Defense: since she only leaves 2nd husband, people assume that he divorced her just before his death
 - ii Note (ר' יהודה): contrast of ב"ש with ר' דוסא (who was much more lenient – even allowing שבייה to כהן)
 - 1 Related: earlier דור, per v1, would bring fruit through front door to obligate תר"מ; later דור – through roof etc.
 - (a) Per: דרשה ר' ינאי on v. 1 (only liable if they come through front of house)
 - (i) ד"יחונן even coming through חצר obligates them, per v. 2
- II 2ט משנה: dispute ב"ה/ב"ש re: status of גט if the couple lodged together after the divorce
- a עדי ביאה ~ עדי ייחוד (עדי ביאה ~ עדי ייחוד) doesn't require another גט (because עדי ייחוד)
 - b עדי ביאה = עדי ייחוד require new גט (because עדי ייחוד)
 - c Note: dispute only if they were married (intimacy is accustomed); if only betrothed, ב"ה concedes
 - i ד"יחונן dispute only if they saw her having relations – ב"ש assumes that a person would have זנות
 - ii Challenge: from last clause, excepting ארוסה – but if they saw her having relations, is לבו גט בה irrelevant
 - iii Rather: dispute is if they didn't see her have relations (per parenthetic explanation above)
 - 1 And: ר' יחונן was alluding to רשב"א's version of the dispute (only if they saw her have relations)
 - 2 Challenge: ר' יחונן ruled that הלכה כסתם משנה and in our משנה, the dispute is if they didn't see her
 - (a) Answer: dispute among ר' יחונן about אמוראי א"י position regarding משנה סתם
- III 2י משנה: גט קרח – invalid and if she remarries, the above penalties all apply
- a Definition: if it has more "ties" (folded, stiched segments) than signatures (see note above)
 - b Valid signatures: anyone may complete a גט מקושר, per ננס בן
 - i Dissent (ר"ע): only relatives who are otherwise valid עדים, not עבד or גזלן
 - ii Discussion: ר"ע invalidates עבד as they may assume him to be משוחרר (i.e. for יוחסין)
 - 1 Therefore: ר"ע also disallows גזלן (may assume he did תשובה)
 - (a) But: all understand that קרוב isn't inherently invalid, just relationally; won't come to permit קרוב
 - c Parameters of dispute (per ברייתא and ראב"א): dispute ננס/ר"ע if בן ננס/ר"ע and there are already more than 2 עדים
 - i But: if there are 3 ties and only 2 עדים, all agree 3rd עדי must be קרוב
 - ii Challenge: 3 עדים on a גט פשוט are equivalent to 2 on a גט פשוט – should require עדים כשרים!
 - 1 Answer: since the 3rd עדי is not דאורייתא, we allow קרוב
 - iii read in that case (of 3/2) that the 3rd עדי had to be כשר דב יוסף
 - iv only allow 1 of the עדים on a גט מקושר to be קרוב – not more (so they don't validate with 2 קרובים and 1 רחוק)
 - 1 Support (ר"ב אשי): language of ברייתא which consistently moves down in ones
 - v Conclusions (אביי): קרוב may sign anywhere (beginning, middle, end) from lack of position assigned him
 - 1 And: we confirm גט מקושר with any 3, not necessarily proximate (else, קרוב would be assigned a spot)
 - vi Practicum: ר"ע אמי had a גט מקושר completed by an עבד (per ננס בן, against ר"ע)