

18.09.01

82a (משנה א) → 83a (רוואה אני את דברי ר' אלעזר בן עזריה מדברי כולן)

1. כי תבאו אל ארץ כנען אשר אני נתן לכם לאחזה ונתתי נגע צרעת בבית ארץ אחזתכם: ויקרא יד:לד  
 2. ויצאה מביתו והלכה והיתה לאיש אחר: דברים כד:ב  
 3. אשה זנה וחללה לא יקחו ואשה גרושה מאישה לא יקחו כי קדש הוא לאלהיו: ויקרא כא:ז

- I א "אלא לפלוני גט" – validity of a גט given with a stated exception – “you are permitted to all
- a גט ד' אליעזר: valid גט
- b גט חכמים: invalid גט
- i Resolution: he should take it back and give it to her without stating an exception
- ii However: if it was a written exception, it is invalid – even if he erases the exception
- II Analysis of dispute
- a Possibility 1: is the word אלא to be understood as “חוץ” (besides) and that’s where רבנן disagree – as it is a שיור בגט
- i But: if he said על מנת (as a condition) then they would concede that it is valid as in any other condition, OR
- b Possibility 2: is the word אלא to be understood as “על מנת” and that’s where ר"א disagrees
- i But: if he said חוץ, ר"א would agree that it is invalid as he left a שיור בגט
- c Answer (רבינא): from נגעים יב:א – נגעים של גוים – must mean “חוץ”
- i Argument: cannot be a condition of ישראל בתי גוים, טומאה בתי גוים, besides which גוים don't have טומאה per v. 1
- d Observation: our משנה does not follow the version of יהודה ר' יוסי בר יהודה, who interprets their dispute as about על מנת
- i ר"א's reason: just like any other condition on a גט, it is valid – he permits her to all but פלוני
- 1 שיור בגט א טנאי comprises a טנאי – no other טנאי distinguishes between this and any other דבנן
- ii But: if he said “חוץ”, all agree that it is invalid
- e Our משנה: situates the dispute as being about “חוץ” (per רבינא) – what is ר"א's reason for validating?
- i Answer1 (ר' ינאי): v2 – even if he only permits her to one other man (איש אחר) – considered divorced
- 1 דבנן interpret איש as meaning any man, not a man
- ii Answer2 (ר' יוחנן): v3 – even if she is only divorced from her husband – invalid to כהונה (→ גט is valid)
- 1 דבנן the prohibition to כהנים is distinct from the validity of the גט
- III אבא's query: how would this be applied to קידושין לי אלא לפלוני קידושין – i.e. פלוני is not “off-limits” to her)
- a Note: ר"א ורבנן may not maintain their positions
- i ר"א: perhaps he only validates גט as he has a פסוק on which to rely; but קידושין requires a proper קנין
- 1 Or perhaps: due to v2, he would apply those פסוקים to קידושין and validate
- ii דבנן: perhaps they only invalidate because גט requires full excision “כריתות” – and that’s missing;
- 1 But: קידושין requires just any (minimalist) קנין
- 2 Or perhaps: due to v2, they would apply limitation of גיטין to קידושין
- b Answer (ר' אבא himself): both maintain their positions per v2
- c Theoretical application of אבא's conclusion (אבני): (A, B and C are brothers)
- i If: A was מקדש her “besides B”, then B was מקדש her “besides” A
- ii Then: both A and B died
- iii Application: C would perform ייבום and it wouldn't fail due to שני מתים
- 1 Reason: B's קידושין did not impact her relationship to A
- iv Question: what would be a case of שני מתים?
- 1 If: A was מקדש her besides B, then B was מקדש her without condition
- (a) Because: A's קידושין banned her on everyone else, and B's banned her on A

- v *Abbi's query (based on the above): what if he divorced her "besides A and B"*
- 1 *And then he added: (you are permitted) "to A and B" - is this valid?*
    - (a) *Lemma1: he now permitted A and B and all men are permitted (→valid)*
    - (b) *Lemma2: he now permitted A and B but conversely prohibited everyone else (→invalid)*
    - (c) *If we accept the former: what if he only singled out "A" in his 2<sup>nd</sup> statement?*
      - (i) *Lemma1: he intended both A and B – he mentioned A as he was the first mentioned in the exclusion*
      - (ii) *Lemma2: he only intended to permit A and B is still "out" →invalid גט*
      - (iii) *If we accept the latter: what if he later permitted only B?*
        1. *Lemma1: he intended both and mentioned B as he was the last name he mentioned (→גט כשר)*
        2. *Lemma2: he intended to permit only B (→invalid)*
    - (iv) *דב אשי: on that last case – if he said "also B" does that mean "besides A" or "besides everyone else"?*
      1. *Response: תיקו*
- IV *ה-א: טיפוסות (with variations) recording the responses of 4 students of ר' אליעזר to his ruling (after his passing)*
- a *ד' טרפון: if the divorcee went and married the brother of the excluded man and he died*
    - i *Then: doesn't his exclusion uproot a מצוה in the תורה (can't have ייבום as the גט didn't permit him to her)*
  - b *ד' יוסי הגלילי: in all cases of marriage, if she is מותרת to one, she is מותרת to all; if אסורה to one, אסורה to all*
  - c *ד' אב"ע: the תורה requires "excision" – but she isn't cut off from her husband re: the exception*
  - d *ד' ר"ע: if she went and married someone else, had children, then was widowed or divorced and married the exception*
    - i *Then: the גט would be retroactively invalid and her children would be ממזרים*
  - e *ד' ר"ע (second argument): if the exception were a כהן and her divorcing husband then died*
    - i *She is then: a widow in relation to the exception and a divorcee in relation to everyone else*
      - 1 *But still: she would be אסורה to the כהן because of her "divorced" status*
      - 2 *Then: we would reason via ק"ו – if גירושין, which is "light", forbids her to the כהן*
        - (a) *Then certainly: אשת איש, which is more severe, would ban her to any man*
  - f *ד' יהושע: we can't argue against the "lion" after his passing*
  - g *Observation (רבא): each of these objections can be blocked, except for ר' אב"ע's*
  - h *Support: ר' יוסי approved of ר' אב"ע's argument over all the rest*