

18.9.06; 88b (משנה 2) → 89b (לב גדולים חקרי לב) (משנה 2)

1. ואלה המשפטים אשר תשים לפניהם: שמות כא:א

2. כי יקח איש אשה ובעלה והיה אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר כריתת ונתן בידה ושלחה מביתו: דברים כד:א

3. לא יקום עד אחד באיש לכל עון ולכל חטאת בכל חטא אשר יחטא על פי שני עדים או על פי שלשה עדים יקום דבר: דברים יט:טו

4. למה ישבת בין המשפטים לשמע שרקות עדרים לפלגות ראובן גדולים חקרי לב: שופטים ה:טו

- I 20 משנה: the coerced (גט מעושה) – if done by בית-דין, valid; if done by non-Jewish court – invalid
- a However: if the non-Jewish בית דין coerces him to abide by directive of Jewish בית דין – valid
- b שמואל: if done properly בישראל – valid; if done improperly בישראל – invalid but renders her פסולה לכהונה
- i בניי: if done properly – פסול ופוסל; if done improperly, considered nothing (not even “ריח הגט”)
- ii Challenge: if בניי can “coerce”, should be valid; if they cannot, it shouldn’t invalidate her from כהונה
- 1 Answer1 (ר' מרשיא): מה”ת: (ר' מרשיא) they can coerce; חכמים invalidated so that Jewish women shouldn’t run to non-Jewish men to force their husbands to consent and then have non-Jewish court support it
- (a) Challenge: if so, why if done improperly does it not even have ריח הגט? It should make her פסולה לכהונה
- (b) Rather: this report of ר' מרשיא’s explanation was in error (i.e. he never said it)
- 2 Answer2: (they cannot coerce) it is a גזרה; if done properly, could be confused with ישראל
- (a) But: no one would confuse an improper גט done by non-Jews with a proper גט in ישראל
- c Story: רב יוסף found אביי coercing רב יוסף; challenged him as they are no longer סמוכים and v. 1 excludes הדיוטות
- i Answer (רב יוסף): we are acting as agents of the בית דין in א”י; much as we do for admissions and loans
- 1 Challenge: if so, we should enforce payment for חבלה and payment of נסות
- 2 Answer: we only act on their behalf for commonly found issues
- II ט משנה: consequences of “rumors”
- a If: the word “goes out” in town that she is מקודשת or מגורשת, then that is her status
- i Caveat: as long as there is no אמתלא (reasonable explanation)
- 1 Example: the גט was given on condition or the קידושין were midway between them (לרוב לה, קרוב לו)
- b Challenge: why would we prohibit her to her (כהן) husband based on a קול of מגורשת?
- i Support: ר' אשי ruled that any קול post-marriage is ignored
- ii Clarification (of משנה): if the קול went out that she was מקודשת, then she is considered מקודשת
- 1 And if: the קול went out (about a previously known פנויה) that she was מקודשת ומגורשת – that is her status
- 2 Reason: the קול and it’s “defeat” come together
- c Assorted rulings: related to קול
- i זבא: if a קול went out about a single woman that she was מזנה - we ignore it
- 1 Reason: people saw her acting in a “loose manner” and drew their own conclusions
- 2 Note: this is subject to מח' תנאים, regarding status of woman who acts inappropriately in public
- (a) ז”מ: in all cases, she must leave her husband
- (b) ז”ע: only if it becomes a common and consistent rumor
- (c) דיב”נ: if that were the case, no one could stay married and it violates דבר: דבר (vv. 2-3) – clear evidence
- ii בריתא: rumors about a single girl as בעולה, married, betrothed, an unknown fiancé, betrothed in another town, that she is a ממורת or a שפחה – we ignore any of these
- 1 Similarly: if there is a rumor that P was מקדיש or מפקיר all of his property – we pay no attention
- iii עולא: the “rumor” of her being מקודשת (in our משנה) is only taken seriously if there is a party going on with all of the setting for קידושין and people are saying she became betrothed today (not “is going to...” - it may not happen)
- iv ד' יוחנן: similar ruling, with additional consideration – only if they also said: “P מתקדשת today”; else it is an אמתלא
- 1 Challenge: if they didn’t say anything, there is no קול and no need for an אמתלא
- 2 Clarification: to oppose liberal position that אמתלא can even be days later
- v זב parallel ruling (“rumor” not enough) but we check back, source to source until we reach “a clear thing”
- 1 Challenge: if so, it is no longer a rumor
- 2 Rather; רב’s ruling was that we confirm a chain of information and verify that the source is no longer around
- vi Question (בי”ד): do we (the בי”ד) act to quash a קול?
- 1 possibility: since we only allow a קול if it comes from כשרים → we don’t quash
- 2 or: since, per ששת ר’ רב, we accept a קול from women → we do quash
- 3 answer: it depends on the location – in סורא, they quash a קול, in נהרדעא they don’t
- 4 stories: in a case where the קידושין were conditional and no one raised the issue of the תנאי at the time – חוששין
- (a) but: in cases where the קיד’ were with a small amount or a possible קטן (v4) – we quash the קול