

OVERVIEW of the Daf

1) Identifying the sources of the Mishnah's rulings (cont.)

The Mishnah's ruling that the woman becomes disqualified from kehunah is explained to mean that as the daughter of a Levi she becomes unfit to eat maaser.

The Gemara clarifies that the woman of the Mishnah becomes disqualified even from Rabbinic Teruma.

The ruling that she does not receive a kesubah refers to **כתובת בנין דיכרין** and the Gemara explains why it is necessary for the Mishnah to issue this ruling.

The rulings related to yibum and chalitza are explained.

2) Clarifying the dispute

R' Huna states that the three opinions that disagree with Tanna Kamma are presented in order to indicate that the latter Tannaim agree with the earlier Tannaim but the earlier Tannaim do not agree with the latter Tannaim. R' Huna elaborates on each opinion.

R' Yochanan disagrees and maintains that the earlier opinions follow the rulings of the latter opinions but the latter opinions do not follow the rulings of the earlier opinions. R' Yochanan elaborates on each opinion.

3) Marrying on the testimony of two witnesses

R' Huna in the name of Rav rules that if a woman married on the testimony of two witnesses and her husband returns she is permitted to return to her first husband.

R' Nachman questions why R' Huna didn't simply state that the halacha follows R' Shimon's latter ruling.

R' Sheishes challenges the ruling of Rav because all Tannaim agree with this ruling of R' Shimon so there is no need to rule in accordance with R' Shimon.

A Baraisa is cited that supports the contention that Rabanan agree with R' Shimon on this point.

Two alternative explanations are offered for the Baraisa that deflect R' Sheishes' question.

A third explanation of the Baraisa is presented.

4) "What could she have done?"

Ulla unsuccessfully challenges the premise that we do not penalize the woman because of the argument "what could she have done?"

R' Shimi bar Ashi, Abaye, Rava, R' Ashi and Ravina unsuccessfully challenge this assertion.

A related incident is recorded.

5) A rumor the husband is still alive

R' Ashi rules that a woman who was authorized to remarry by Beis Din based on the testimony of one witness is not punished if there are merely rumors that the husband is alive.

The Gemara begins to clarify the type of rumor under discussion. ■

Distinctive INSIGHT

If he was in the east... Who is the he?

היה במזרח וכתב במערב

The Baraisa lists a number of technical situations, any of which cause a **גט** to be invalid. If a woman remarried while relying upon an invalid **גט**, she must be dismissed by her former and current husbands, and all the penalties listed in the Mishnah apply. One of these cases is when "he was in the east [side of the country], and the **גט** records that he was in the west [side of the country]."

Tosafos (**ד"ה היה**) notes that the Gemara in Gittin (80a) understands that the Baraisa is referring to the location of the scribe. In other words, if the scribe was in the east, and in the **גט** he misrepresented the facts and writes that he wrote the **גט** while standing in the west, the **גט** is invalid.

Tosafos questions this, however, because there does not seem to be any reason for the location of the scribe to be recorded in the **גט** in the first place. Accordingly, if his location is recorded inaccurately it should not invalidate the document. Therefore, Tosafos understands that when the Gemara in Gittin says "the scribe" was in the east, it really means the witnesses were in the east, and their location was written incorrectly. The Gemara says "the scribe," but this is just because the witnesses are generally standing near the scribe as the **גט** is being written. The location of the witnesses is critical, because if there is any question about their validity, we would need to be able to ascertain if they were conspirators (**זוממין**) and their precise location is part of this information.

Tosafos in Gittin, however, understands that we are, indeed, referring to the scribe's location, as well as that of the witnesses. The reason a **גט** becomes invalid if this information is inaccurate is that the **גט** appears fraudulent (**מיחזי כשיקרא**). ■

REVIEW and Remember

1. What is **כתובת בנין דיכרין**?
2. What led R' Sheishes to believe that Rav was sleeping when he ruled like R' Shimon?
3. What is the source that one is responsible to read all contracts?
4. Is it acceptable to rule in accordance with a lenient position simply because one can resolve the challenges?

HALACHAH Highlight

Atonement for inadvertent transgressions

מאי הוה לה למיעבד מיאנס אנסה

What could she have done? She was certainly an אנסה

The Panim Meiros¹ was asked whether a person needs atonement for eating from a chicken that was subsequently discovered to have been a treifa. One source that he cites is a Gemara in Beitza² where Rami bar Chama observes that the Torah teaches a lesson in etiquette that a person should not eat from an animal until it has been skinned and cut up into pieces so it could be confirmed that it was not a treifah. Tosafos³ there notes that there is no prohibition against eating an animal before it is examined because chazakah indicates that it is kosher and there is no requirement to be concerned that it is a treifah. Nonetheless, if it is subsequently discovered to be a treifah atonement will be necessary since he should not have been so hasty to eat from the animal without a prior examination. This implies that had the animal been examined and it was subsequently discovered that the animal was in fact a treifah, atonement would not be necessary. Accordingly, the parameters would be as follows: A person who inadvertently transgresses a prohibition without taking steps to determine that he will not violate that prohibition requires atonement but a person who does take

those steps and nevertheless, inadvertently transgresses a prohibition does not require atonement.

The Divrei Chaim of Sanz⁴ cites our Gemara as proof that atonement is necessary. R' Sheishes rules that a woman who marries based on the testimony of witnesses that her husband died is permitted to return to her first husband because what was she to do. Nevertheless, the Mishnah ruled that she is obligated to bring a Korban to atone for her transgression, clearly indicating that although her transgression is an אונס atonement is required. Furthermore, there are many instances⁵ where a person acted according to the ruling of Beis Din and nonetheless when it is discovered that their ruling was incorrect the individual who transgressed a prohibition is obligated to bring a Korban for atonement. Accordingly, the parameters are as follows: A person who inadvertently violates a prohibition because he was not thorough enough in his research is accountable. It is only in those circumstances where it impossible to obtain the necessary information could a person be considered an אונס and thus exempt from liability. ■

1. שו"ת פנים מאירות ח"ב ס' מ"א והובא דבריו בפת"ש יו"ד סי' כ"ט סק"א
2. גמ' ביצה כה
3. תוס' שם ד"ה אור ארעא
4. שו"ת דברי חיים יו"ד ח"ב סי' ס"ח
5. ע' רמב"ם פי"ג מהל' שגות ה"א ■

STORIES Off the Daf

The invalid גט

איבעי לה אקרויי גיטא

There once was a woman from the Caucasus who, not long after her marriage, decided that she wanted a divorce. After much pleading, her husband finally consented and signed a paper in front of witnesses and told her that it was a writ of divorce. She married again and subsequently moved to Eretz Yisrael. When the Beis Din in Yerushalayim checked her 'גט,' they found to their horror that it was not a get at all! They wrote a genuine get immediately, which her former husband duly gave her. The woman and her second husband then asked the author of V'hayah Ha'olam,

zt"l, if they could remarry. Since she didn't know that the first get was invalid when she married him, why should she be held responsible and be forced to leave him as well?

The Rav responded, "The Rashba, zt"l, asks why a woman who accepted marriage and didn't realize that it was binding and subsequently married a second man without a divorce, must leave both husbands. Why is she responsible? He answers that a woman with even the slightest doubt if she is married must check, since she knows the far-reaching ramifications of an error. This is similar to the halachah that a woman may marry if one witness testified that her husband had died since she will surely be very careful before taking such a step. The consequences of a blunder are that she is prohibited to both husbands and

the children are mamzerim, etc."

The V'haya Ha'olam then concluded, "So too in this case. The first husband gave her a worthless piece of paper claiming it was a get. This is similar to Yevamos 91b which tells of a sofer who got confused and mistakenly gave the receipt for the kesuva to the husband and the get to the wife. The husband 'divorced' his wife with the receipt and the wife gave her גט instead of a receipt for the kesuva money! After she married a second time they noticed this blunder. She needs a divorce from both husbands and any children are mamzerim. The Gemara explains that she should have read what she received to make sure it was really a גט. The reason why is that she knows that a mistake has such horrific consequences. If she didn't bother to check then she is to blame!" ■