

IX.

BAVLI GITTIN CHAPTER NINE

FOLIOS 82A-90B

9:1

- A. He who divorces his wife and said to her, “Lo, you are permitted [to marry] any man except for So-and-so” –
- B. R. Eliezer permits [the woman to be divorced on such a condition].
- C. And sages forbid it.
- D. What should he do [in such a circumstance]?
- E. He should take it back from her and go and give it to her again, and say to her, “Lo, you are permitted to marry any man.”
- F. But if he wrote it into the body of the document,
- G. even if he blotted it out,
- H. [the writ remains] invalid.

- I.1** A. [Except for So-and-so:] *The question was raised: Does the word, except, stand for “Except for” or “on the stipulation”? Does it mean, “Except for,” and it is in a case in which he said, “Except for Mr. So-and-so,” that Rabbis and R. Eliezer disagree, on the ground that he has left something out of the writ of divorce; then, where he says, “On condition that you not marry Mr. So-and-so,” rabbis would concur with R. Eliezer, treating this stipulation as equivalent to any other? Or maybe it means, “On condition,” and it is in particular where the husband says, “On condition” that R. Eliezer differs from rabbis, but if he said, “Except,” he agrees with them, on the ground that he has omitted something from the writ?*

B. *Said Rabina, “Come and take note: All houses are susceptible to uncleanness through plagues, except for those of gentiles [M. Neg. 12:1A]. Now if you take the view that it means, except, there is no problem; but if you maintain that it means, on the stipulation that, then is the sense, on the stipulation that gentiles’ houses do not contract uncleanness while Israelites’ houses contract uncleanness? Furthermore, do gentiles’ houses contract uncleanness, since it is taught on Tannaite authority: “And I put the plague of leprosy in a house of the land of your possession” (Lev. 14:34) – the land of your possession contracts uncleanness through the plague of leprosy, but gentiles’ houses do not contract that uncleanness? So it must follow that the sense is, except for.”*

C. *A done deal.*

I.2 A. *Our Mishnah rule is not in accord with the Tannaite authority behind that which has been taught as a Tannaite statement:*

B. *Said R. Yosé b. R. Judah, “R. Eliezer and sages did not differ in the case of him who divorces his wife and said to her, ‘Lo, you are permitted to any man except for Mr. So-and-so,’ in which case she is not divorced. Concerning what did they differ? A case in which he who divorced his wife said to her, ‘Lo, you are permitted to anybody on condition that you do not marry Mr. So-and-so.’ [82B] In this case, R. Eliezer permits her to marry anybody except for that man, and sages forbid it.”*

C. *What is the reason behind the position of R. Eliezer?*

D. *He treats it as any stipulation of any other court [which is perfectly enforceable].*

E. *And rabbis?*

F. *Any other stipulation would not involve omitting something from the writ of divorce, but this stipulation does involve an omission in the writ of divorce [and so is null].*

G. *And as to our Mishnah paragraph, where we have assigned the sense of his statement to be “except,” what is the consideration operative in the mind of R. Eliezer?*

H. *Said R. Yannai in the name of a certain elder, “Since Scripture has said, ‘She shall depart from his house and go and be another man’s wife’ (Deu. 24: 2), even if he has freed her only to one other man, lo, this one is validly divorced.”*

I. *And rabbis?*

- J. “Man” here means, any other man.
 - K. And R. Yohanan said, “The scriptural basis for the position of R. Eliezer is as follows: ‘Neither shall the priests take a woman divorced from her husband’ (Lev. 21: 7) – even if she has been divorced only from her husband [but not permitted to marry any other man], the priests may not marry her [Slotki to Yebamot 52A: since such a divorce has the validity of causing the woman’s prohibition to her husband who is a priest, it might be mistaken for a valid divorce], which shows that that is a valid writ of divorce.”
 - L. And rabbis?
 - M. The case of the priests’ prohibition of marrying a divorced woman is exceptional.
- I.3** A. R. Abba raised this question: “In respect to an act of betrothal, if someone used this language, what is the rule? The question may be addressed to both R. Eliezer and rabbis.
- B. “The question may be addressed to R. Eliezer: R. Eliezer may have taken the position that he does here only because there are verses of Scripture that pertain, but in that case, it is merely a perfectly valid act of acquisition that we require. Or perhaps the language, ‘She shall depart and be’ [married] (Deu. 24: 2), is in play [so whatever applies to divorce applies to betrothals].
 - C. “The question may be addressed to rabbis: Rabbis take the position that they do here only because we require a complete severing of the marital bond, and that is not present, but there, any form of valid acquisition is required. Or perhaps the language that is used, ‘She shall depart and be’ [married] (Deu. 24: 2), is in play [so whatever applies to divorce applies to betrothals]?”
 - D. After he raised this question, he went and solved it: “Whether from the perspective of R. Eliezer or from the view of rabbis, we do invoke the language, ‘She shall

depart and be' [married] (Deu. 24: 2) [*so whatever applies to divorce applies to betrothals*]."

E. Said Abbaye, "Should you approve the position of R. Abba, then, if Reuben came along and betrothed a woman except for the right of Simeon his brother to do the same, and Simeon came along and betrothed her except for the right of Reuben to do the same, and both of them died, then the woman would enter into levirate marriage with Levi, the third brother, and I do not classify her as 'the wife of two deceased brothers.' How come? It is since the act of betrothal of Reuben was valid, but the act of betrothal of Simeon was not valid." [Simon: When he forbade her to all the world except Reuben, the condition was null, as she was already forbidden to everyone by her betrothal to Reuben.]

F. Then how would you find a case of the wife of two deceased brothers?

G. For instance, Reuben came along and betrothed her, forbidding her to everyone except for Simeon his brother, and Simeon came along and betrothed her without further stipulations, in which case the betrothal of Reuben is valid to forbid her to everyone in the world, and the betrothal of Simeon is valid to forbid her to Reuben.

I.4 A. Abbaye raised this question: "If he said to her, 'Lo, you are permitted to marry anybody except for Reuben and Simeon,' and then he went and said to her, 'To Reuben and Simeon,' what is the law? Do we rule, what he forbade he has permitted? Or maybe, what he forbade he has permitted, and what he has permitted he now has forbidden? If you should conclude, **[83A]** that he permits what he forbade, then if he says only the words, 'To Reuben,' what is the law? Do we take it to mean, 'To Reuben and the same is so for Simeon,' and the reason that he said, 'To Reuben,' is because he is the one he

mentioned first? Or perhaps the sense is, to Reuben in particular? And if you should conclude that the sense is, to Reuben in particular, then if he said, 'To Simeon,' what is the law? Is the meaning, 'To Simeon and the same is so for Reuben,' and the reason that he mentioned Simeon is because he left off with him, or perhaps he meant, 'To Simeon in particular'?"

B. R. Ashi raised the question, "If he said, 'Also to Simeon,' what is the law? Does this 'also' mean, 'Besides Reuben,' or, 'Besides everybody else,' but not Reuben?"

C. *These questions stand.*

I.5 A. *Our rabbis have taught on Tannaite authority:*

B. **After the death of R. Eliezer, four elders came together to reply to his opinions, and these are they: R. Yosé the Galilean, R. Tarfon, R. Eleazar b. Azariah, and R. Aqiba.**

C. **R. Tarfon responded, saying, "Lo, if this woman went and married the brother of the one to whom she is forbidden and then he dies without children – will this one not turn out to have uprooted a principle of the Torah? Lo, you learn that this does not therefore constitute a valid severing of the marriage."**

D. **R. Yosé the Galilean responded, saying, "Where do we find a case in which something is forbidden to one party and permitted to another? What is forbidden has to be forbidden to all parties, and what is permitted has to be permitted to all parties. Lo, you learn that this does not therefore constitute a valid severing of the marriage."**

E. **R. Eleazar b. Azariah responded, saying, "'Severing' means what utterly severs the bond between him and her. Lo, you learn that this does not therefore constitute a valid severing of the marriage."**

F. **R. Aqiba responded, saying, "Lo, if this woman went and married a third party and had children and then was widowed or divorced, and then she went and married this one to whom she had been earlier forbidden, won't it turn out that the writ of divorce is retrospectively nullified and her children by the second marriage turned into mamzerim? Lo, you learn that this does not therefore constitute a valid severing of the marriage."**

G. **"Another matter: Lo, if this man to whom she was forbidden was a priest, and the one who divorced her died – won't it turn out that she is merely a widow so far as this one is concerned, but a divorcée to everybody else? Then there is an argument a fortiori: If a divorcée, who involves a minor**

consideration, is forbidden, as a married woman, which is a much weightier matter, all the more so should she be forbidden to everybody? Lo, you learn that this does not therefore constitute a valid severing of the marriage.”

H. Said to them R. Joshua, “People don’t answer the lion once he’s dead” [T. Git. 7:1D-7:5].

I.6 A. Said Raba, “All of these arguments are flawed except for that of R. Eleazar b. Azariah, which is not flawed.”

B. So, too, it has been taught on Tannaite authority:

C. Said R. Yosé, “I prefer the opinion of R. Eleazar b. Azariah to all of the others” [T. Git. 7:1D-7:5].

I.7 A. The master has said, R. Tarfon responded, saying, “Lo, if this woman went and married the brother of the one to whom she is forbidden and then he dies without children – will this one not turn out to have uprooted a principle of the Torah? Lo, you learn that this does not therefore constitute a valid severing of the marriage”:

B. *Is he the one who has uprooted? [So far as he goes, she’s never been divorced!]* Rather: He makes a stipulation to uproot a principle of the Torah.

C. *You speak, moreover, of stipulation, but is there a word said about that? Can’t she suffice without marrying just that man’s brother?* Rather, read: He may cause the uprooting of a principle of the Torah.

D. *Well, what about this case:* He should not marry the daughter of his brother, lest circumstances come about that he die without children and the other turn out to cause the uprooting of a principle of the Torah?

E. *And that’s the flaw in the argument to which reference has been made.*

F. *How then [does Tarfon assume Eliezer differs from rabbis (Simon)]? Should I say that if the husband says, “Except”? In that case, R. Eliezer would allow her to marry that man who has been excepted [the brother of the second husband, in the case of Tarfon, so there is no objection], for it has been taught on Tannaite authority: R. Eliezer concurs in the case of one who divorces his wife and said to her, “Lo, you are permitted to marry anybody except for Mr. So-and-so,” and she went and married a third party, and then was widowed or divorced,*

that she is permitted to marry this one to whom she was originally forbidden. Rather, he must have said, “On the stipulation that...,” and the stipulation has not been met.

I.8 A. **R. Yosé the Galilean responded, saying, “Where do we find a case in which something is forbidden to one party and permitted to another? What is forbidden has to be forbidden to all parties, and what is permitted has to be permitted to all parties. Lo, you learn that this does not therefore constitute a valid severing of the marriage”:**

- B. Is that so? Well, priestly rations and Holy Things, forbidden to this party but permitted to that party [prove the contrary]!
- C. *We’re dealing with prohibitions affecting a woman.*
- D. There are prohibited consanguineous relationships [which vary from party to party]!
- E. *We’re dealing with matters having to do with marriage.*
- F. *And that’s the flaw in the argument to which reference has been made.*
- G. *How then* [does Yosé assume Eliezer differs from rabbis (Simon)]? *Should I say that* if the husband says, “On the stipulation...”? But she is permitted to him through fornication. So it must be, where he says, “Except.”

I.9 A. **R. Aqiba responded, saying, “Lo, if this woman went and married a third party and had children and then was widowed or divorced, and then she went and married this one to whom she had been earlier forbidden, won’t it turn out that the writ of divorce is retrospectively nullified and her children by the second marriage turned into mamzerim? Lo, you learn that this does not therefore constitute a valid severing of the marriage”:**

- B. *If that is so, then in regard to any stipulation of any other kind she also shouldn’t remarry, lest the stipulation not be carried out, and the the writ of divorce is retrospectively nullified and her children by the second marriage turned into mamzerim!*
- C. *And that’s the flaw in the argument to which reference has been made.*
- D. *How then* [does Aqiba assume Eliezer differs from rabbis (Simon)]? *Should I say that* the husband says, “Except”? *In that case, R. Eliezer would allow her to marry that man who has been excepted* [the brother

of the second husband, in the case of Tarfon, so there is no objection], for it has been taught on Tannaite authority: R. Eliezer concurs in the case of one who divorces his wife and said to her, “Lo, you are permitted to marry anybody except for Mr. So-and-so,” and she went and married a third party, and then was widowed or divorced, that she is permitted to marry this one to whom she was originally forbidden. Rather, he must have said, “On the stipulation that...,” and the stipulation has not been met.

I.10 A. **“Another matter: Lo, if this man to whom she was forbidden was a priest, and the one who divorced her died – won’t it turn out that she is merely a widow so far as this one is concerned, but a divorcée to everybody else? Then there is an argument a fortiori: If a divorcée, who involves a minor consideration, is forbidden, as a married woman, which is a much weightier matter, all the more so should she be forbidden to everybody? Lo, you learn that this does not therefore constitute a valid severing of the marriage”:**

B. *How then [does Aqiba assume Eliezer differs from rabbis (Simon)]? Should I say that the husband says, “On the stipulation that...”? [83B] Then lo, she is in regard to fornication a divorcée in his regard [as in regard to everybody else, and the argument just now adduced doesn’t apply]. So it must be a case in which he says, “Except....”*

I.11 A. *Well, then, if R. Aqiba took the view that the difference is where he says, “Except,” why did he not present only the objection that applied in that case [the first of the two objections], and if he supposed that it is a case in which he says, “On the stipulation that...,” then why not just bring the objection deriving from that case?*

B. *Well, R. Aqiba had heard the tradition of him who has said, “Except,” and he also heard that there was he who said that R. Eliezer held it was, “On the stipulation that...,” so for the one who held that it was “Except,” he presented this flaw, and for the one who said that he used the language, “On the stipulation that...,” he adduced the other flaw.*

C. *So what is the flaw [in the second of Aqiba’s two objections]?*

D. *We cannot claim that the prohibition of her marrying a priest is exceptional [and therefore cannot argue from the case in*

which the man to whom she is forbidden is a priest to cases in general (Simon)]. *Is it because R. Eliezer, too, bases his ruling [that the writ is valid as is] on the priestly prohibition?*

- E. *Raba accords with the version that R. Yannai presented in the name of a certain elder [Eliezer bases his ruling on “and she marry another man”].*

I.12 A. Said to them R. Joshua, “People don’t answer the lion once he’s dead”:

- B. *Does this bear the implication that R. Joshua took a position similar to his? And lo, he himself also presented an objection against him!*
- C. *This is the sense of what he said to them: “So far as I am concerned, I, too, can find a flaw in what he has said. Nonetheless, whether for my part or yours, “People don’t answer the lion once he’s dead!”*
- D. *So what’s the flaw that R. Joshua found?*
- E. *It is in line with that which has been taught on Tannaite authority: Said R. Joshua, “Scripture compares her status prior to the second marriage with her status prior to the first marriage. Just as before the first marriage, she may not be linked to any other man, so before the second marriage, she may not be linked to any other man.”*

I.13 A. Reverting to the body of the foregoing: R. Eliezer concurs in the case of one who divorces his wife and said to her, “Lo, you are permitted to marry anybody except for Mr. So-and-so,” and she went and married a third party, and then was widowed or divorced, that she is permitted to marry this one to whom she was originally forbidden.

- B. **R. Simeon b. Eleazar replied to what R. Eliezer said, “Where do we find a case in which what this one forbids another one can permit?” [T. Git. 7:5G].**
- C. And aren’t there any such cases? And lo, there is the case of the levirate widow, whom the husband forbids to marry anyone else, and the levir permits to marry third parties.
- D. *In that case it is the levir who forbids her, since, so far as the husband is concerned [since he has died], she is available and fully permitted to third parties!*

- E. Lo, there is the case of vows, in which the one who takes the vow prohibits something and the sage permits it!
- F. Lo, said R. Yohanan, “A sage permits nothing except in the case of regret [so the vow is retroactively nullified].”
- G. Lo, there is the case of the husband’s nullifying the vow that the wife takes, where she vows and he nullifies the vow!
- H. *In that case it is in accord with what R. Phineas said in the name of Raba, for said R. Phineas in the name of Raba, “Whoever takes a vow does so with the full knowledge and consent of her husband.”*

I.14 A. R. Eleazar b. Azariah responded, saying, “‘Severing’ means what utterly severs the bond between him and her. Lo, you learn that this does not therefore constitute a valid severing of the marriage”:

- B. *And how do rabbis deal with this sense of severance?*
- C. *They require it in line with that which has been taught on Tannaite authority:*
- D. “Here is your writ of divorce on condition that you not drink wine,” “On condition that you not go to your father’s house ever again” – this is not a valid act of severing the marital bond.
- E. If he said, “...for thirty days,” lo, this is a valid severing of the marital bond.
- F. *And the other party?*
- G. *He derives that from the usage of a complex form of the word, cutting off, when a simple form would have served.*
- H. *And the other party?*
- I. *They draw no lesson from that usage.*

- I.15 A.** Said Raba, “‘Lo, this is your writ of divorce on the stipulation that you not drink wine so long as I live,’ this is no severance. ‘...all the days of the life of Mr. So-and-so,’ this is a valid cutting off.”
- B. *What’s the difference? If you say that, when he refers to the life of Mr. So-and-so, the man may die so she can carry out his stipulation, the same is to be said with regard to his referring to his own life, maybe he’ll die and she can carry out the stipulation.*

- C. *Rather, say: If he says, "All the days of your life," this is no cutting off, but if he says, "All the days of my life," or, "Of Mr. So-and-so's life," this is a valid severance.*

- I.16** A. *Raba asked this question of R. Nahman: "If the husband said, 'Today you're not my wife, but tomorrow you'll be my wife,' what is the law? This question should be addressed to R. Eliezer, this question should be addressed to rabbis.*
- B. *"This question should be addressed to R. Eliezer: R. Eliezer takes the position that he does there only because just as he permitted her, she is permitted permanently; but here that is not the case so he would not concur, or maybe he sees no difference between the one situation and the other?"*
- C. *"This question should be addressed to rabbis: Should we say that in that case rabbis ruled in the way they did because she is not completely severed from him, while here they would say that, once she is severed, she is severed?"*
- D. *After he raised this question he reverted and solved it: [84A] "It stands to reason that whether from the perspective of R. Eliezer or rabbis, once she is severed from him, she is severed."*

- I.17** A. *Our rabbis have taught on Tannaite authority:*

- B. *"Lo, this is your writ of divorce on the stipulation that you marry Mr. So-and-so" – Lo, this woman should not remarry, but if she remarried, she should not go forth.*

- I.18** A. *So what's the sense of this statement?*

- B. *Said R. Nahman, "This is the sense of this statement: Lo, this woman should not marry that man, lest people say they're wife-swapping. But if she married a third party, she does not have to go forth. But by reason of a precautionary decree we do not make her leave him."*
- C. *Well, then, are we going to permit a married woman to marry someone else? [Simon: She has not carried out the condition and the writ may be void, and she may still be the wife of the first husband.]*
- D. *Rather, said R. Nahman, "This is the sense of this statement: Lo, this woman should not marry that man, lest people say they're wife-swapping. And if she married him, she need not go forth. For merely by reason of a precautionary decree we do not make her leave him."*
- E. *Said to him Raba, "It is to him that she may not be married, lo, to someone else she may be married! But lo, she has to carry out the stipulation. And should you say that it is possible that she will be*

married today and divorced tomorrow and then carry out the stipulation later on, comparing the case to the one subject to your dispute with R. Judah, for it has been said: ‘Qonam be my eyes sleeping today, if I should sleep tomorrow’ – said R. Judah [said Rab], ‘Let him not sleep today, lest he sleep tomorrow.’ And R. Nahman said, ‘Let him sleep today, and we do not take account of the possibility that he may sleep tomorrow’ – in point of fact, these cases are not parallel at all! For in that case, the matter depends on the person himself, since, if he wants, he can avoid sleeping by pricking himself with thorns, but in this case, is it her decision whether or not she is divorced?’”

F. Rather, said Raba, “Lo, this woman should not marry, either the specified man or anybody else. She shouldn’t marry the specified man, lest people say they’re wife-swapping. She shouldn’t marry someone else, *since she has to carry out the stipulation*. And if she married the specified man, she shouldn’t go forth, *since, on account of a mere precautionary decree, we don’t remove her from that marriage*. If she married a third party, she should go forth, *since she has to carry out the stipulation*.”

G. *It has been taught on Tannaite authority in accord with the view of Raba:*

H. Lo, this woman should not get married either to the specified man or to a third party; and if she married him, she does not have to go forth; but if it was to a third party, she must go forth.

I.19 A. *Our rabbis have taught on Tannaite authority:*

B. **“Lo, this is your writ of divorce, on the stipulation that you go up to the firmament,” “On the stipulation that you go down to the depths,” “On the stipulation that you bring me a cane of a hundred cubits,” “On the stipulation that you cross the Great Sea by foot,” it is not a valid writ of divorce. [T.: If the stipulation is carried out, lo, this is a valid writ of divorce, but if the stipulation is not carried out, it is not a valid writ of divorce.]**

C. **R. Judah b. Tema says, “In such a situation it is a valid writ of divorce.”**

D. **The governing principle did R. Judah b. Tema state, “In any case in which at the end it is not possible for one to carry out the stipulation, but to begin**

with one has made such a stipulation, what we have is mere spitefulness, and the writ of divorce is valid” [T. Git. 5:12].

I.20 A. Said R. Nahman said Rab, “The decided law accords with the position of R. Judah b. Tema.”

B. *Said R. Nahman bar Isaac, “The language of the Mishnah before us also yields that result, for lo, it has been taught by the Tannaite authority: **But any condition which can be carried out in the end and is stipulated as a condition in the beginning – that stipulation is valid.** Lo, if it is not possible for him to carry it out, his stipulation is null.”*

C. *That proves it.*

I.21 A. *The question was raised: “Lo, this is your writ of divorce on the stipulation that you eat pig meat” – what is the law?*

B. *Said Abbaye, “That’s precisely what we were just talking about [the stipulation is void, the document valid].”*

C. *Raba said, “It’s possible for her to eat it and be flogged.”*

D. *From Abbaye’s perspective, the governing principle just now stated is given to encompass the case of pig meat; from Raba’s perspective, the language, **In such a situation**, serves to exclude the case of pig meat.*

E. *An objection was raised: “**Lo, this is your writ of divorce on condition that you have sexual relations with Mr. So-and-so**” – if the stipulation is carried out, lo, this is a writ of divorce, and if not, it is not a writ of divorce. “**On condition that you not have sexual relations with my father,**” or, “**Your father,**” they do not take account of the possibility that she might have sexual relations with them [cf. T. Git. 4:10D-F]. But this ruling does not state, “On condition that you have sexual relations with my father,” or, “Your father”! Now that poses no problem to Abbaye, but to Raba it is a challenge!*

F. *Raba will say to you, “Well, with respect to the matter of pig meat, it is possible for her to eat it and be flogged; in the case of a specific reference to Mr. So-and-so, it is also possible for her to pay him money to marry her; but is it in her power to have sexual relations with his father or her father? Even if she were prepared to do it, would his father or her father do it?”*

- G. *Then from Raba's perspective, the governing principle serves to encompass the case of his father or her father; and the language, **In such a situation**, serves to exclude the case of pig meat.*
- H. **[84B]** *And from Abbaye's perspective, the governing principle serves to exclude the case of pig meat, and **In such a situation** serves to exclude the case of "Mr. So-and-so" [which condition can be carried out].*
- I. *An objection was raised: "Lo, this is your writ of divorce, on the stipulation that you eat pig meat," or if she was an outsider to the priesthood, "On condition that you eat priestly rations," or if she was a Nazirite, "On condition that you drink wine" – if she met the condition, it is a valid writ of divorce, and if not, it is not a valid writ of divorce [T. Git. 4:11]. Now that statement poses no problem to Raba but presents a contradiction to the position of Abbaye.*
- J. *Abbaye may say to you, "Do you think that the cited passage represents the position of all parties [that it should pose a problem to me]? Lo, who is the authority here? It is rabbis."*
- K. *Yes, but why shouldn't he solve the problem by pointing out that the husband has made a stipulation contrary to what is written in the Torah, and whoever stipulates contrary to what is written in the Torah – his stipulation is null?*
- L. *Said R. Ada b. R. Iqa, "When we invoke the principle, whoever stipulates contrary to what is written in the Torah – his stipulation is null, that is in a situation that pertains to a stipulation to hold back provision of food, clothing, and sexual relations, in which case it is the man who nullifies the religious duty, but in this case she is the one who does so."*
- M. *Objected Rabina, "Well, indeed! Isn't her nullifying only meant to carry out his condition? So it turns out that he is the one who nullifies the Torah."*
- N. *Rather, said Rabina, "When we invoke the principle, whoever stipulates contrary to what is written in the Torah – his stipulation is null, that is in a situation that pertains to a stipulation to hold back provision of food, clothing, and sexual relations, in which case it is certainly the man who nullifies the*

religious duty, but in this case, who will tell her that she has to eat? She doesn't have to eat and doesn't have to be divorced."

II.1 A. What should he do [in such a circumstance]? He should take it back from her and go and give it to her again, and say to her, "Lo, you are permitted to marry any man":

B. *Who is the authority behind this unattributed statement?*

C. *Said Hezekiah, "It is R. Simeon b. Eleazar, for it has been taught on Tannaite authority: ["If he said to her, 'Take this bond,' or she drew it out from behind him and read it, and lo, it is her writ of divorce, it is not a valid writ of divorce, unless he says to her, 'Lo, here is your writ of divorce,'" the words of Rabbi.] R. Simeon b. Eleazar says, "It is her writ of divorce only if he takes it back from her and goes and hands it over to her again and says to her, 'Lo, here is your writ of divorce.'" ["If he put it into her hand and she was sleeping and she woke up and read it and lo, it is her writ of divorce, it is in fact not a valid writ of divorce unless he says to her, 'Lo, this is your writ of divorce,'" the words of Rabbi. R. Simeon b. Eleazar says, "It is her writ of divorce only if he takes it back from her and goes and hands it over to her again and says to her, 'Lo, here is your writ of divorce'"] [T. Git. 6:1I-R].*

D. *R. Yohanan said, "You may even maintain that it is Rabbi. Your colleague [Kahana] has stated that the case is exceptional here; since she already has possessed the document when he first delivered it, she is disqualified from marrying into the priesthood."*

III.1 A. But if he wrote it into the body of the document, even if he blotted it out, [the writ remains] invalid:

B. *Said R. Safra, "We have learned the Mishnah paragraph's wording as: if he wrote it into the body of the document."*

C. *Obviously!*

D. *No, what might you have supposed? That this is the ruling [merely saying the words doesn't invalidate the writ] only if he inserts the words after the substantive part of the writ has been composed, but where he made the stipulation prior to the writing of the substantive part, then even if he made the statement orally, the writ would be invalidated? So we are informed that that is not the case.*

- E. And Raba said, “We have learned this rule only to pertain to a case in which he made the reservation after the substantive part of the writ was written, but if before that point, he made such a statement, even orally, the writ is invalid.”
- F. *Raba is consistent with views expressed elsewhere, for Raba said to those who write out writs of divorce, “Keep the husband quiet until you’ve written the body of the writ of divorce.”*

III.2 A. *Our rabbis have taught on Tannaite authority:*

- B. “Any stipulation written in a writ of divorce invalidates it,” the words of Rabbi.
- C. Sages say, “A condition that would invalidate the writ if stated orally invalidates it if written, but one that would not invalidate the writ if stated orally does not invalidate it if it is written.
- D. “Thus the word ‘except’ which invalidates the writ if stated orally invalidates the writ if written down, but ‘on the stipulation that’ which does not invalidate the writ if stated orally doesn’t invalidate it if written down.”

III.3 A. Said R. Zira, “They dispute only in a case in which the stipulation was inserted before the substantive part was written. *Rabbi takes the view that we make a precautionary decree against using the language, ‘On the stipulation,’ because of the unacceptability of the language, ‘Except,’ while rabbis maintain that we do not make such a precautionary decree against the use of ‘on the stipulation’ because of the unacceptability of the language, ‘Except.’* But if the stipulation is inserted after the substantive part has been written out, [85A] all parties concur that the writ is valid.

B. *“As to our Mishnah paragraph, in which it is said, if he has written it, and which we have said pertains to the language, ‘Except,’ but as to the language, ‘On the stipulation that,’ that would not invalidate the writ – if you wish, I shall say that that pertains to the period prior to the writing of the substantive part of the writ and speaks for the view of rabbis, or, if you prefer, I shall say that it pertains to the situation after the writing of the body of the document, and it represents the view of all parties.”*

C. And Raba said, “They dispute about the rule pertaining after the writing of the body of the document. *For Rabbi takes the view that we make a precautionary decree for the situation pertaining after the writing of the body of the document on account of the law that governs during the period before the writing of the document, and rabbis maintain*

that we do not make a precautionary decree for the situation pertaining after the writing of the body of the document on account of the law that governs during the period before the writing of the document. But as to the rule governing the situation prior to the writing of the document, all parties concur that the use of such language invalidates the document.

- D. *“And as to our Mishnah passage, in which it is said, **if he has written it**, and which we have said pertains to the language, ‘Except,’ but as to the language, ‘On the stipulation that,’ that would not invalidate the writ – that speaks of the situation after the writing of the body of the document, and represents the view of rabbis.”*

- III.4** A. *The father of R. Abin recited before R. Zira the following Tannaite formulation: “If the scribe wrote the writ of divorce including a stipulation, all parties concur that it is invalid.”*
- B. *“All parties concur that it is invalid? Lo, there is a dispute on that very matter. Rather, say, in the opinion of all parties, it is valid. Under what circumstances? If it is after the writing of the substantive part.”*
- C. *Why should he not say to him, “Lo, this is invalid,” and it is the position of Rabbi?*
- D. *The Tannaite authority [Zira maintained] had memorized the language, “The words of all authorities,” and while he might confuse the language, “Valid,” or, “Invalid,” he wouldn’t confuse “the words of [Rabbi X]” with “all parties concur.”*

9:2

- A. **[If the husband said,] “Lo, you are permitted to any man, except for my father, and your father, my brother, your brother, a slave, or a gentile,”**
- B. **or any man to whom she cannot become betrothed –**
- C. **it is valid.**
- D. **“Lo, you are permitted to any man, except, in the case of a widow, to a high priest, in the case of a divorcée or a woman who has undergone the rite of removing the shoe, to an ordinary priest, a mamzer girl or a netin girl to an Israelite, an Israelite girl to a mamzer or to a netin,”**
- E. **or any man to whom she can become betrothed, even though it is in transgression [for her to do so] – it is invalid.**

- I.1** A. [Or any man to whom she cannot become betrothed...or any man to whom she can become betrothed, even though it is in transgression for her to do so:] *The governing principle given in the opening clause is meant to encompass others who would be subject to extirpation for having sexual relations with her; the encompassing principle in the concluding clause is meant to take under the rule everyone else who is forbidden to marry her only because of a negative commandment, for example, an Ammonite, Moabite, netin, Egyptian, or Edomite.*
- I.2** A. *Raba asked this question of R. Nahman, "[If he used the language, 'You may marry anybody'] except for being betrothed to a minor, what is the rule? Do we say that at this time at any rate he is not subject to a marital relation? Or perhaps he is going to enter the category of those who can have a marital bond? [Is this an invalidating reservation in the writ, or not?]"*
- B. *He said to him, "You have learned in the Mishnah: A minor girl is divorced [after the father's death] even though her betrothal was contracted by her father. Now why should this be the case? Lo, we require the possibility, 'She shall go forth and be...', [therefore only the father should be able to receive the writ of divorce for her]. So the operative consideration is, at some point she will be capable of entering into a betrothal, and here, too, we say that he will some day be capable of entering into a betrothal [and the writ is therefore null]."*
- I.3** A. *"'You may marry anybody except for those yet to be born' – what is the law? Do we say at this time, at any rate, they have not yet been born, or perhaps, they are destined to be born?"*
- B. *He said to him, "You have learned in the Mishnah: **a slave, or a gentile.** Now if that were a valid reservation, thus invalidating the writ, then the exception of the slave or gentile also should constitute valid reservations, since it can happen that they will convert."*
- C. *"Well, these are not necessarily destined to convert, but those are certainly going to be born."*
- I.4** A. *"'You may marry anybody except for your husband's brother' – what is the law? Do we say that, at this time, at any rate, she is not suitable for him? Or perhaps, it may come about that her sister may die, and she will be suitable for him?"*

B. *He said to him, “You have learned in the Mishnah: **a slave, or a gentile.** Now a slave or a gentile can conceivably convert [so these should form reservations that are valid so as to invalidate the writ]!”*

C. *“Conversion is uncommon, death is routine.”*

I.5 A. *“‘You may marry anybody except for someone with whom you commit fornication’ – what is the law? Do we say that in any event he has not left unsevered any marital tie? Or perhaps he has left unsevered a tie that affects her rights of having sexual relations?”*

B. *He said to him, “You have learned in the Mishnah: **except for my father, and your father.** Now under what circumstances? Should I say it concerns marriage? Well, then, are his father and her father able to marry her? Rather, does it not refer to an act of fornication [and this is not a valid reservation, so the writ is unaffected]. But is it not the fact that a reservation with respect to her father and his father would not constitute a residual bond, but in respect to any other male, it would constitute a residual bond and nullify the writ?”*

C. *“But maybe the exception would pertain to marriage, since he may violate the law and marry her.”*

I.6 A. *“‘You may marry anybody except for having anal intercourse [with anybody]’ – what is the law? Do we say, lo, he has left no residual bond in the realm of vaginal intercourse, or perhaps the verse says, ‘As with a woman’ (Lev. 20:13)?*

B. *“‘You may marry anybody except for the right of nullifying your vows [which I retain for myself]’ – what is the law? In respect to marriage, lo, he has made no reservation whatsoever? Or perhaps ‘her husband may establish it or her husband made invalidate it’ (Num. 30:13)?*

C. *“‘...except for the fact that you may not eat priestly rations if you marry a priest’ – what is the law? In respect to marriage, lo, he has made no reservation whatsoever? Or perhaps ‘the purchase of his money is written’ (Lev. 22:11) [Simon: 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 at all].*

D. *“‘...except that I shall inherit your estate,’ what is the law? In respect to marriage, lo, he has made no reservation whatsoever? Or perhaps ‘to his kinsman and he shall inherit it’ (Num. 27:11) [and since he inherits her estate, she remains his wife in that sense]?*

- E. “...except that you may not be betrothed by a document,’ what is the law? Do we say that she can become betrothed by money or intercourse? Or do we invoke the verse, ‘And she shall depart and marry’ (Deu. 24: 2) – *all kinds of entry into marriage are treated as comparable?*”
- F. *These questions stand.*

9:3

- A. **The text of the writ of divorce [is as follows]:**
- B. **“Lo, you are permitted to any man.”**
- C. [85B] **R. Judah says, “[In Aramaic:] Let this be from me your writ of divorce, letter of dismissal, and deed of liberation, that you may marry anyone you want.”**
- D. **The text of a writ of emancipation [is as follows]:**
- E. **“Lo, you are free, lo, you are your own [possession]” [cf. Deu. 21:14].**
- I.1** A. *It is obvious that* if one said to his wife, “Lo, you are a free woman,” he has said nothing at all. If he said to his slave girl, “Lo, you are permitted to any man,” he has said nothing whatever. If he said to his wife, “Lo, you are your own,” *does he mean, you are entirely your own, or only so far as your work is involved?*
- B. *Said Rabina to R. Ashi, “Come and take note of what we have learned in the Mishnah: The text of a writ of emancipation [is as follows]: ‘Lo, you are free, lo, you are your own [possession].’ Now, if a slave, whose body belongs to the master, thus becomes his own owner when the master says to him, ‘You are your own [possession],’ the wife, whose body does not belong to him, how much the more so!”*
- C. *Said Rabina to R. Ashi, “If the master said to his slave, ‘I have no business in you,’ what is the law?”*
- D. *Said R. Hanin to R. Ashi, and some say, R. Hanin of Hozanaah to R. Ashi, “Come and take note of what has been taught on Tannaite authority: He who sells his slave to gentiles – the slave has come forth to freedom, but he requires a writ of emancipation from his first master. Said Rabban Simeon b. Gamaliel, ‘Under what circumstances? If he did not write out a deed of sale for him, but if he wrote out a deed of sale for him, this constitutes his act of emancipation’ [T. A.Z. 3:16A-C].”*
- E. *What is a deed of sale?*

- F. Said R. Sheshet, “He wrote for him the following language: ‘When you escape from him, I have no claim on you.’”

II.1 A. R. Judah says, “[In Aramaic]: *Let this be from me your writ of divorce, letter of dismissal, and deed of liberation, that you may marry anyone you want*”:

B. What is at stake in the dispute?

C. Rabbis take the position, “Unexplicit abbreviations are valid,” so that even if the husband did not write this language explicitly, the context suffices to indicate that this is the writ of divorce with which he plans to divorce her. And R. Judah maintains, “Unexplicit abbreviations are null [and take effect only if they are made explicit].” So the reason that the husband wrote the language, “And this,” is to show that the writ is valid, and that indicates that he was divorcing her with this writ, but if he didn’t use that language explicitly, people will say he divorced her merely by an oral declaration, and the document serves merely as corroboration.

II.2 A. Said Abbaye, “Someone who writes a writ of divorce should not write out the words so that they may be read as ‘and it is just’ but rather ‘and this’; he should not spell the word that may be read ‘a roof’ but only ‘a letter.’ He should not write the word that may be read ‘to me from this’ nor the word that may be read ‘as a joke.’ He should put three y’s at the end of the words that can take them, since if he writes only two, they can be read ‘that they may be,’ ‘whom they may like.’ The vav in the words release and divorce should be lengthened, so that it can’t be read to yield ‘those who are divorced’ and ‘those who are released.’ The same letter of the word ‘accordingly’ should be lengthened, so as not to yield ‘in vain.’ He should not write the word so that it may be read ‘she shall not be married’ but only so that it can be read ‘to be married.’”

II.3 A. The question was raised: Do we require the words “and this” or do we not require them?

B. Come and take note: Raba ordained the formula of the writ of divorce in this language: “We are witnesses that Mr. So-and-so, son of Mr. Such-and-such, has dismissed and divorced his wife from this day and for all time.” Now we see that he does not mention “and this.”

C. But according to your reasoning, we may ask, did he mention all the rest of the language of the writ of divorce? In fact, we require the rest of the formula, and we require this language, too.

- II.4** A. *The use of the language, “From this day,” serves to exclude the position of R. Yosé, who has said, “The date in the document bears sufficient evidence.”*
- B. *The use of the language, “Forever,” [86A] serves to exclude the language concerning which Raba asked R. Nahman, that is, if the husband said, “Today you are not my wife but tomorrow you will be my wife.”*

III.1 A. **The text of a writ of emancipation [is as follows]: “Lo, you are a free girl, lo, you are your own [possession]”:**

- B. *R. Judah ordained for the deed of sale of a slave the use of the following language: “This slave is legally enslaved and is exempt and absolved from all freedom and claims and demands of king or queen; no mark of any other owner is upon him; he is clear of all blemishes and boils that may break out in the next two years, whether new or old.”*

III.2 A. *What’s the remedy?*

- B. *Said Abbaye, “ [Simon:] Ginger and silver dross, sulphur and vinegar of wine and olive oil, and white naphtha put on with a goose’s quill.”*

9:4

- A. **There are three writs of divorce which are invalid,**
- B. **but if the wife [subsequently] remarried [on the strength of those documents],**
- C. **the offspring [nonetheless] is valid:**
- D. **[If] he wrote it in his own handwriting, but there are no witnesses on it –**
- E. **if there are witnesses on it, but it is not dated;**
- F. **if it is dated, but there is only a single witness –**
- G. **lo, these are three kinds of invalid writs of divorce,**
- H. **but if the wife [subsequently] remarried,**
- I. **the offspring is valid.**
- J. **R. Eleazar says, “Even though there are no witnesses on it [the document itself], but he handed it over to her in the presence of witnesses,**
- K. **“it is valid.**
- L. **“And she collects [her marriage contract] from mortgaged property.**
- M. **“For witnesses sign the writ of divorce only for the good order of the world.”**
- I.1** A. *Is that the whole list? Isn’t there also a superannuated writ of divorce?*

- B. *In that case, she doesn't have to leave her second husband, but here she has to leave her second husband.*
- C. *Well, that poses no problem to the one who says that in the case of writs flawed in the ways that are listed here, she has to leave her husband, but in the view of him who maintains that here she doesn't have to leave the second husband, what is to be said?*
- D. *In that other case she may remarry to begin with, but here, she may stay married only after the fact.*

I.2 A. *Lo, there is the case of the bald writ of divorce?*

- B. *In that case, the offspring is a mamzer, in this case, the offspring is valid.*
- C. *Well, that poses no problem to R. Meir, who has taken the position that in any case in which one has changed the pattern for the document that sages have defined, the offspring is a mamzer, but from the perspective of rabbis, what is to be said?*
- D. *There, she has to leave the second husband, here she doesn't have to do so.*
- E. *That poses no problem to him who has said that in the present instances, she doesn't have to leave the present husband, but from the perspective of him who has said that here she does have to leave the second husband, what is to be said?*
- F. *The passage does not address the case of a folded writ.*

I.3 A. *Lo, there is the writ of divorce that violates the rule concerning keeping peace with the government [and has an improper date]?*

- B. *In that case, the wife has to leave the second husband, but in this case, she doesn't have to leave the second husband.*
- C. *That poses no problem to him who has said that in the present instances, she doesn't have to leave the present husband, but from the perspective of him who has said that here she does have to leave the second husband, what is to be said?*
- D. *The Mishnah passage has to be read to accord with the position of R. Meir, so that there the child is a mamzer, but here it is valid.*

I.4 A. **[There are three writs of divorce which are invalid...lo, these are three kinds of invalid writs of divorce:]** *What is excluded by the specific number stated at the opening clause, and what is excluded by the specific number stated at the concluding clause?*

- B. *The specific number stated at the opening clause serves to exclude those that we have mentioned [that is, adopting Meir's view that in these cases the offspring is a mamzer (Simon)], and the specific number mentioned at the latter clause serves to exclude those covered by that which has been taught on Tannaite authority:*
- C. "He who delivers a writ of divorce from overseas – if he handed it over to the wife but did not say to her, 'In my presence it was written, and in my presence it was signed' – the second husband [who married the woman on the strength of this impaired writ] must divorce her, and any offspring of the second union is in the status of a mamzer [child of a couple that had no right to wed]," the words of R. Meir. [But the provision of the stated declaration is only on rabbinical authority.]
- D. And sages say, "The offspring of the second union is not a mamzer. What is to be done? One should retrieve the writ from the woman and then go and hand it back to her and state to her, 'In my presence it was written, and in my presence it was signed.'"

II.1 A. [If] he wrote it in his own handwriting, but there are no witnesses on it:

- B. Said Rab, "What we have learned here is the language, **in his own handwriting**."
- C. *To which clause does he refer? Should I say it is to the first clause [where there are no witnesses]? Then what new point has he told us? It says in any event the exact wording, **in his own handwriting**! So does it refer to the middle clause? Then what difference does it make whether or not he wrote the document in his own handwriting, since there are witnesses at hand. Accordingly, we must refer to the final clause, namely, **if it is dated, but there is only a single witness**.*
- D. **[86B]** [Then, the point made by Rab is, the offspring is valid,] specifically if the writ is written in his own hand, but if the scribe wrote it, and there is only one witness, the child is not legitimate.
- E. And Samuel said, "Even if the scribe wrote the document and there was only one witness's signature, the offspring is valid, for lo, we have learned: 'If the scribe wrote the document and there was the signature of a single witness, the writ is valid.'"
- F. And Rab?
- G. *Are the cases comparable? There her remarriage is permitted to begin with, here it is only after the fact.*
- H. And Samuel?

I. *No problem, [Simon: even if we assume in each case that the scribe wrote without signing,] in that case we take for granted the scribe is fully competent [Simon: and knows not to write unless the husband has given explicit instructions], but here he is not competent [and might have taken instructions from a third party, so the writ is invalid].*

J. And so said R. Yohanan, “The language we have learned is, **in his own handwriting.**”

K. Said to him R. Eleazar, “Lo, there are signatures of witnesses!”

L. *He said to him that he made reference to the concluding clause.*

II.2 A. *Sometimes Rab said, “The wife has to go forth from the second marriage,” and sometimes Rab said, “She doesn’t have to go forth.”*

B. How so? If she had children, she doesn’t have to go forth, if she didn’t have children, she has to go forth.

C. *Objected Mar Zutra bar Tobiah, “And in every case [of M. 1:1’s fifteen relatives] in which the betrothal or divorce [of the deceased brother] is subject to doubt, lo, these, the co-wives perform the rite of removing the shoe but [of course] do not enter into levirate marriage. What is a case of doubt concerning betrothal? [If] he threw her a token of betrothal – it is a matter of doubt whether it landed nearer to him or nearer to her – this is a case in which there is doubt concerning betrothal. And a case of doubt concerning a writ of divorce? [If] one wrote the writ of divorce in his own hand, but there are no witnesses to attest the document – [if] there are witnesses to attest the document, but it is not dated – [if] it is dated, but it [contains the attestation of] only a single witness – this is a case in which the divorce is subject to doubt [M. Yeb. 3:8]. Now if you maintain that a woman should not leave her second husband, then her co-wife, on the basis of such, might turn out to marry the brother-in-law” [Simon: since she is no longer regarded as a co-wife of a woman forbidden to the brother-in-law].*

D. *So let her enter into levirate marriage and it makes no difference, for it is merely a precautionary consideration of rabbis.*

II.3 A. Levi said, “Under no circumstances must she go forth from the second marriage.”

B. So said R. Yohanan, “Under no circumstances must she go forth from the second marriage.”

- C. *And so said R. Yohanan to the sons of R. Halaftha of Huna, "This is what your father said: 'Under no circumstances must she go forth from the second marriage.*
- D. *"And the large fly found in stacked grain doesn't invalidate purification water."*

II.4 A. *What's this large fly?*

- B. *Said Abbayye, "It's a big fly found in the stacks of grain."*
- C. *Objected R. Daniel b. R. Qattina, "All the fowl render unfit purification water from which they drink, except for the dove, because it sucks up [the water, not drooling into it] [M. Par. 9:3C-D]. But if what you say were so, it should say, except for the dove and the big fly found in stacks of grain."*
- D. *The framer of the passage did not give an unambiguous rule, because a big one doesn't invalidate the water, but the little one does.*
 - E. *How big is little?*
 - F. *Said R. Jeremiah, and some say, R. Ammi, "Up to the size of an olive."*

- III.1** A. **R. Eleazar says, "Even though there are no witnesses on it [the document itself], but he handed it over to her in the presence of witnesses, it is valid. And she collects [her marriage contract] from mortgaged property. For witnesses sign the writ of divorce only for the good order of the world":**
- B. *Said R. Judah said Rab, "'The decided law accords with R. Eleazar in respect to writs of divorce.' But when I reported this before Samuel, he said, 'So, too, in the case of commercial documents.' But Rab held that that is not so in the matter of documents."*
 - C. *But lo, the Tannaite statement holds: **And she collects [her marriage contract] from mortgaged property.***
 - D. *R. Eleazar made two statements, and Rab concurs with him in one and differs from him in the other.*
 - E. *And so said R. Jacob bar Idi said R. Joshua b. Levi, "The decided law accords with R. Eleazar in respect to writs of divorce."*
 - F. *And R. Yannai said, "Even the very whiff of a writ of divorce is not involved [and the writ is invalid and she may even marry a priest if her husband dies; she is deemed never to have been touched by divorce]."*

- G. *But doesn't R. Yannai concur with R. Eleazar's position?*
- H. *This is the sense of what he said: From the viewpoint of rabbis, such a document doesn't even involve a whiff of a writ of divorce.*
- I. And so said R. Yosé bar Hanina said R. Simeon b. Laqish, "The decided law accords with R. Eleazar in respect to writs of divorce."
- J. And R. Yohanan said, "Even the very whiff of a writ of divorce is not involved [and the writ is invalid and she may even marry a priest if her husband dies; she is deemed never to have been touched by divorce]."
- K. *But doesn't R. Yohanan concur with R. Eleazar's position?*
- L. *This is the sense of what he said: From the viewpoint of rabbis, such a document doesn't even involve a whiff of a writ of divorce.*

- III.2.** A. *R. Abba bar Zabeda sent word to Mari bar Mar, "Ask R. Huna: 'Does the decided law accord with R. Eleazar in respect to writs of divorce, or does the decided law not accord with R. Eleazar in respect to writs of divorce?'"*
- B. *In the interim R. Huna died. Said to him Rabbah, his son, "This is what Father said in the name of Rab: 'The decided law accords with R. Eleazar in respect to writs of divorce.'"*
- C. And our rabbis who are expert in the practical law in the name of Our Rabbi have said, "The decided law accords with R. Eleazar in respect to writs of divorce."
- D. *For* said R. Hama bar Gurayya said Rab, "The decided law accords with R. Eleazar in respect to writs of divorce."
- E. *There are those who say:* "Our colleagues who are expert in the practical law and the disciples of Our Rabbi in the name of Our Rabbi have said, 'The decided law accords with R. Eleazar in respect to writs of divorce.'"

F. *For* said R. Hisda said R. Hama bar Gurayya said Rab, “The decided law accords with R. Eleazar in respect to writs of divorce.”

G. *And so when Rabin came*, he said R. Eleazar said Rab said, *for* said R. Hama bar Gurayya said Rab, “The decided law accords with R. Eleazar in respect to writs of divorce.”

9:5

- A. Two [with identical names] who sent [to their wives, also bearing identical names] two writs of divorce [which were] identical, and which were mixed up –
- B. they give both of them to this one and both of them to that one.
- C. Therefore if one of them was lost, lo, the second one is null.
- D. Five who wrote jointly in one [and the same] bill of divorce [bearing a single date]:
- E. “Mr. So-and-so divorces Mrs. Such-and-such,” “Mr. So-and-so divorces Mrs. Such-and-such,” [..., and so on, five times],
- F. and there are witnesses below –
- G. all of them are valid.
- H. And let it be given over to each one.
- I. [If] the formula was written [anew in full] for each of them,
- J. and there are witnesses below –
- K. that with which the names of the witnesses are read is valid.

- I.1** A. [Two [with identical names] who sent [to their wives, also bearing identical names] two writs of divorce [which were] identical, and which were mixed up – they give both of them to this one and both of them to that one. Therefore if one of them was lost, lo, the second one is null:]
Who is the authority behind this rule?
- B. *Said R. Jeremiah, “It is not R. Eleazar, for if it were R. Eleazar, since he has said, ‘The witnesses to the delivery of the writ of divorce are the ones that validate the writ,’ they could not do so here, since they don’t know with which writ either of the women has been divorced.”*

- C. *Abbaye said, "You may even say that it represents the position of R. Eleazar. I might say that Eleazar requires that the document be written for the name of the particular woman; but does he require that it be handed over for the name of a particular woman?"*

II.1 A. Five who wrote jointly in one [and the same] bill of divorce [bearing a single date]: "Mr. So-and-so divorces Mrs. Such-and-such," "Mr. So-and-so divorces Mrs. Such-and-such," [..., and so on, five times], and there are witnesses below – all of them are valid:

- B. *What is the definition of jointly, and what is the definition of the formula?*
- C. Said R. Yohanan, "If there is a common date for all, it is a writ prepared jointly; if there is a separate date for each, it is a formula."
- D. R. Simeon b. Laqish said, [87A] "Even if there is one date for all, it is still called a formula. A joint one is one in which he writes, 'We, Mr. So-and-so and Mr. So-and-so, have divorced our wives, Mrs. Such-and-such and Mrs. Such-and-such.'"
- E. *R. Abba objected, "From the perspective of R. Yohanan, who has said, 'If there is a common date for all, it is a writ prepared jointly,' shouldn't we take account of the possibility that when the witnesses sign the document, that to which they attest is only the last of the documents? Hasn't it been taught on Tannaite authority: If the witnesses that sign place their names to the greetings included in a writ of divorce, the writ is invalid, since we take account of the possibility that what they have signed on to is simply the greetings?"*
- F. *But hasn't it been stated in this regard: Said R. Abbahu, "R. Yohanan himself explained this matter to me: If it is written, 'They greet him,' it is invalid, but if it is written, 'And they give greeting,' it is valid"? Here, too, what is written is, "Mr. So-and-so and Mr. So-and-so and Mr. So-and-so" [without any separation].*
- G. *And furthermore, from the perspective of R. Yohanan, who has said, "If there is a separate date for each, it is a formula," why should it be invalidated as being a formula [so far as the names on top are concerned (Simon)]? Why not regard it as one that was written by day and signed by night [which is invalid, in the assumption that the various divorces bear different dates, so all the divorces except the last one have not been signed on the same day as they were written]?*

- H. *Said Mar Qashisha b. R. Hisda to R. Ashi, "This is what we say in the name of R. Yohanan: This rule applies where it is written with each one: 'On the first day of the week, on the first day of the week' [all being written and signed on the same day]."*
- I.. *Said Rabina to R. Ashi, "From the perspective of R. Simeon b. Laqish, who has said, 'Even if there is one date for all, it is still called a formula. A joint one is one in which he writes, "We, Mr. So-and-so and Mr. So-and-so, have divorced our wives, Mrs. Such-and-such and Mrs. Such-and-such,"' it will turn out that two women are divorced with a single writ of divorce, while the Torah has said, 'He will write for her' (Deu. 24: 1) – not for her and her girlfriend!"*
- J. *[We must assume that] he then went and wrote, "Mr. So-and-So divorces Mrs. So-and-so, and Mr. So-and-So divorces Mrs. So-and-so."*
- K. *Said Rabina to R. Ashi, "Well, how does that differ from that which has been taught on Tannaite authority: He who writes over his property to his two slaves – they have acquired title and free one another?"*
- L. *But haven't we established the fact that this is a case in which there are two distinct deeds [not a single writ of emancipation]?*

- II.2** A. *It has been taught on Tannaite authority in accord with the position of R. Yohanan; it has been taught on Tannaite authority in accord with the position of R. Simeon b. Laqish.*
- B. *It has been taught on Tannaite authority in accord with the position of R. Yohanan:*
- C. *Five men who wrote in the same writ of divorce, "Mr. So-and-so divorces Mrs. Such-and-such," "Mr. So-and-so divorces Mrs. Such-and-such," "Mr. So-and-so divorces Mrs. Such-and-such," "Mr. So-and-so divorces Mrs. Such-and-such," "Mr. So-and-so divorces Mrs. Such-and-such," and a single date is written for all of them, and witnesses sign at the bottom – all are valid, and the document must be handed over to each woman. If there is a separate date for each, and the witnesses sign at the bottom, then the one with which the names of the witnesses are read is valid. And R. Judah b. Betera says, "If there is*

any space between them, it is invalid, and if not, it is invalid, for the date itself does not add up to a division.”

- D. *It has been taught on Tannaite authority in accord with the position of R. Simeon b. Laqish:*
- E. Five men who wrote jointly in a writ of divorce, “We, Mr. So-and-so, and Mr. So-and-so, and Mr. So-and-so, and Mr. So-and-so, and Mr. So-and-so, divorce our wives, Mrs. Such-and-such, and Mrs. Such-and-such, and Mrs. Such-and-such, and Mrs. Such-and-such, and Mrs. Such-and-such, with Mr. So-and-so divorcing Mrs. Such-and-such, and so for the rest, and the whole has a single date, with witnesses signing below, all are valid, and the document is handed over to each one. If there is a separate date for each one, or space between one another, with the witnesses signed at the bottom, the one with which the signatures attached are read is valid. R. Meir says, “Even if there is no space between them, it is invalid, for the date itself does add up to a division of the document.”
- F. *And from the perspective of R. Simeon b. Laqish, what difference does it make that there is a separate date for each one, since he has said that even if there is one date for all, it is still a formula writ?*
- G. *That is the rule only if they weren’t joined together at the outset with the language, “We, Mr. So-and-so, etc.” But in this case, since they were joined together at the beginning, if the various parts are separated by dates, that amounts to a division of the document, but if not, it doesn’t.*

9:6

- A. Two writs of divorce which one wrote side by side,
- B. and [the signatures of] two witnesses, [written in] Hebrew, run from under this one [on the right] to under that one [on the left],
- C. and [the signatures of] two witnesses, [written in] Greek, run from under this one [left] to under that one [right],
- D. that with which the first witnesses’ signatures are read is valid.
- E. [If the signatures of] one, [written in Hebrew], and one [written in] Greek, one [written in] Hebrew and one witness [written in Greek] run from under this one to under that one,

F. both of them are invalid.

- I.1** A. [Two writs of divorce which one wrote side by side, and [the signatures of] two witnesses, [written in] Hebrew, run from under this one [on the right] to under that one [on the left], and [the signatures of] two witnesses, [written in] Greek, run from under this one [left] to under that one [right], that with which the first witnesses' [signatures] are read is **valid:**] *But why shouldn't one be validated by the signature of Reuben under it, and the other by the signature "son of Jacob witness" under it, for we have learned in the Mishnah: "Mr. So-and-so, a witness," is valid testimony?*
- B. *It is a case in which he wrote Reuben son of on the first document, and Jacob, witness, on the second.*
- C. *Well, then, why not validate the one with Reuben son of, and validate the other by the language, Jacob, a witness? For lo, we have learned in the Mishnah: "Mr. So-and-so, witness," validates?*
- D. *It is a case in which he didn't write "witness." And if you prefer, I shall say, he in point of fact did write "witness," but we know as fact that this really isn't the signature of Jacob, but rather of his son.*
- E. **[87B]** *But maybe he signed with his father's name?*
- F. *Someone doesn't leave out his own name and sign his father's name.*
- G. *But maybe he uses it as his mark? Didn't Rab for his signature draw a fish, R. Hanina, a palm branch, R. Hisda would make a mark with an S, R. Hoshayya with an Ayin, Rabbah b. R. Huna would draw a sail!*
- H. *Nobody would have the balls to sign his father's name as his mark!*
- I.2** A. *Well, let this writ of divorce be validated by the two witnesses who sign in Hebrew and the other one by the two witnesses who sign in Greek? For we have learned in the Mishnah: **A writ of divorce which one wrote in Hebrew with its witnesses' signing in Greek, [or which he wrote in] Greek, with its witnesses' signing in Hebrew...is valid.** And should you say, since the second document is separated by two lines from its signatures, it is invalid, hasn't Hezekiah said, "If he filled up the space with signatures of relatives, it is valid"?*
- B. *In fact, Zeiri repeated both as Tannaite formulations, namely, both of them are valid.*
- C. *And our Tannaite authority?*

D. *Maybe the Greek signatures are reversed, so that all are signed to a single writ of divorce [that is, they may have been written from right to left, along with the Hebrew].*

II.1 A. **[If the signatures of] one, [written in Hebrew], and one [written in] Greek, one [written in] Hebrew and one witness [written in Greek] run from under this one to under that one, both of them are invalid:**

B. *So can't one document be validated by one Hebrew signature and one Greek one, and the other by the same, since we have learned in the Mishnah: A writ of divorce which one wrote in Hebrew with its witnesses' signing in Greek, [or which he wrote in] Greek, with its witnesses' signing in Hebrew...is valid?*

C. *In fact, Zeiri repeated both as Tannaite formulations, namely, both of them are valid.*

D. *And our Tannaite authority?*

E. *Maybe one of the signatures is reversed, leaving three on one document and only one on the other.*

9:7

A. **[If] one left over part [of the text of] the writ of divorce and wrote it on the second page,**

B. **and the witnesses are below,**

C. **it is valid.**

D. **[If] the witnesses signed at the top of the page, on the side, or on the backside, in the case of an unfolded writ of divorce,**

E. **it is invalid.**

F. **[If] one joined the top of this [writ of divorce] alongside the top of that writ of divorce,**

G. **and the witnesses are in the middle,**

H. **both of them are invalid.**

I. **[If he joined] the bottom of this one with the bottom of that one, with the witnesses in the middle,**

J. **that with which the names of the witnesses are read [alone] is valid.**

K. **[If he joined] the head of this one alongside the bottom of that one, with the witnesses in the middle,**

L. **that with which the witnesses' names are read at the end is valid.**

9:8A-J

- A. A writ of divorce which one wrote in Hebrew with its witnesses' signing in Greek,
- B. [or which he wrote in] Greek, with its witnesses' signing in Hebrew,
- C. [or which] one witness [signed] in Hebrew and one in Greek,
- D. [or which] the scribe wrote which one witness [signed, with the scribe as the second witness] ,
- E. is valid.
- F. [If it was written,] "Mr. So-and-so, a witness," it is valid;
- G. "The son of Mr. So-and-so, a witness," it is valid;
- H. "Mr. So-and-so, son of Mr. So-and-so," but he did not write, "A witness," it is valid.
- I. And thus did the scrupulous in Jerusalem do.
- J. [If] he wrote [only] his family name and her family name, it is valid.
- I.1** A. [If one left over part [of the text of] the writ of divorce and wrote it on the second page, and the witnesses are below, it is valid:] *But why not take account of the possibility that these were initially two distinct writs, and he kept the date of the first and the witnesses of the second, cutting off the date of the second and the witnesses of the first [Simon: the bottom of the first sheet and the top of the second, keeping the text continuous]?*
 - B. Said R. Abba said Rab, "It is a case in which there is some space at the bottom [so there can have been no cutting off]."
 - C. *But maybe he cut off the date of the second?*
 - D. *It is as* R. Abba said Rab, "It is a case in which there is some space at the bottom [so there can have been no cutting off]." **[88A]** *Here, too, it is a case in which there is space at the top.*
 - E. *And maybe he changed his mind, and then wrote the rest later on?*
 - F. It is a case in which "you are hereby" is at the bottom of one sheet and "permitted" at the top of the next.
 - G. *But maybe he happened to change his mind just then?*
 - H. *We don't go that far in making up possibilities of this sort!*
 - I. R. Ashi said, "We deal with a case in which we can tell from the bottom of the roll [that it has not been cut off]."

- II.1** A. [If] the witnesses signed at the top of the page, on the side, or on the backside, in the case of an unfolded writ of divorce, it is invalid. [If] one joined the top of this [writ of divorce] alongside the top of that writ of divorce, and the witnesses are in the middle, both of them are invalid:
- B. *Well, is that so! But lo, Rab signed at the side!*
- C. That is when the top of the signature is toward the body of the text [Simon: because then it cannot be the signature of another document at right angles to the first, while our Mishnah speaks of a case in which the foot of the signature is toward the text, which may indicate that it belongs to another document that has been removed].
- D. *Well, then, how about that which is stated as the Tannaite rule: [If] one joined the top of this [writ of divorce] alongside the top of that writ of divorce, and the witnesses are in the middle, both of them are invalid? Why not find out which of them is turned toward the text and validate that writ?*
- E. [Simon:] *In that case the signatures run from one to the other like a cross bar [so we don't know where they go (Simon)].*
- F. *Well, what about what comes next: [If he joined] the head of this one alongside the bottom of that one, with the witnesses in the middle, that with which the witnesses' names are read at the end is valid? Now if they run from one to the other like a bar, they are not read with either this one or that one?*
- G. *Rather, Rab would sign in such a manner only on letters.*

- III.1** A. A writ of divorce which one wrote in Hebrew with its witnesses' signing in Greek, [or which he wrote in] Greek, with its witnesses' signing in Hebrew, [or which] one witness [signed] in Hebrew and one in Greek, [or which] the scribe wrote which one witness [signed, with the scribe as the second witness], is valid:
- B. Said R. Jeremiah, "We have learned, if the scribe signs."
- C. Said R. Hisda, "Who is the authority behind our Mishnah paragraph? It is R. Yosé."

III.2 A. *There was a marriage contract that came before R. Abbahu, in which the handwriting of the document and the signature of one witness could be discerned. He considered validating it, but said to him R. Jeremiah, "We have learned, if the scribe signs."*

- IV.1** A. [If] he wrote [only] his family name and her family name, it is valid:
- B. *Our rabbis have taught on Tannaite authority:*

- C. The family name of one's ancestors permitted in writs of divorce is any that has been used over the past ten generations.
- D. R. Simeon b. Eleazar says, "If it has been used for the past three generations, it is valid; from that time and backward, it is invalid."

IV.2 A. *In accord with which authority is the following statement that R. Hanina made, "If one wrote in a writ of divorce his family name used for three prior generations..."?*

B. *In accord with whom? It is in accord with R. Simeon b. Eleazar.*

IV.3 A. *Said R. Huna, "What verse of Scripture is pertinent? 'When you shall beget children and children's children and you shall have been long in the land' (Deu. 4:25)."*

IV.4 A. *Said R. Joshua b. Levi, "The Land of Israel was destroyed only after seven courts had sanctioned idolatry: Jeroboam b. Nebat, Baasha b. Ahiah, Ahab b. Omri, Jehu b. Nimshi, Pekah b. Remaliah, Menahem b. Gadi, and Hoshea b. Elah: 'She who has borne seven has languished, she has given up the ghost, her sun is gone down while it was yet day, she has been ashamed and confounded' (Jer. 15: 9)."*

B. *Said R. Ammi, "What verse of Scripture is pertinent? 'When you shall beget children and children's children' (Deu. 4:25)."*

IV.5 A. *Said R. Kahana and R. Assi to Rab, "In regard to Hoshea b. Elah it is written, 'And he did that which was evil in the sight of the Lord yet not as the kings of Israel' (2Ki. 17: 2), and also, "Against him came up Shalmaneser, king of Assyria' (2Ki. 17: 4)."*

B. *He said to him, "Jeroboam stationed guards on the roads so that the Israelites would not go up for the festival [to Jerusalem]. Hoshea came and dismissed them. Even so, the Israelites did not go up for the pilgrim festivals. Said the Holy One, blessed be He, 'Those years that the Israelites did not go up for the pilgrim festivals they shall go into captivity.'"*

IV.6 A. *Said R. Hisda said Mar Uqba, and some say, said R. Hisda, Mari bar Mar expounded, "What is the meaning of the verse of Scripture, 'And so the Lord has hastened the evil and*

brought it upon us, for the Lord our God is righteous' (Dan. 9:14)?

- B. "Because 'the Lord is righteous' 'does he hasten the evil and bring it upon us.'"
- C. "Indeed so. The Holy One, blessed be He, acted in a righteous way with Israel by bringing the exile of Zedekiah while the exile of Jechoniah was still alive.
- D. "*It is written with reference to the exile of Jechoniah*, 'And the craftsmen and smiths, a thousand' (2Ki. 24:16).
- E. "[Since the word for craftsman may be read as 'deaf,' we may say,] as soon as they opened discourse, everyone became as deaf.
- F. "[Since the word for smith may be read to mean, 'close,'] as soon as they completed the discussion of a law, it was not again taken up.
- G. "How many were they? A thousand."
- H. Ulla said, "He put the exile up by two years [Shachter, Sanhedrin 38A:] as compared with the period indicated by *venoshantem*." [Shachter, p. 239, n. 6: "And ye shall have been long" (lit., 'grown old'), Deu. IV, 25. The numerical value of the word's letters (6+50+6+300+50+400+40) is eight hundred and fifty-two. Subtracting two years according to this Haggadah, there are eight hundred and fifty-two. Subtracting two years according to this Haggadah, there are eight hundred and fifty years left, which is the length of time between Israel's entry into Palestine and the destruction of the Temple. The Temple was erected in the four hundred and eightieth year from the Exodus out of Egypt, and it stood for four hundred and ten year. Subtracting forty years for the period of their wanderings in the desert, we reach a total of eight hundred and fifty years. That acceleration by two years is here regarded as a 'righteous' (i.e., charitable) act, since it averted the complete destruction threatened in Deu. IV, 26.]

- I. **[88B]** Said R. Aha bar Jacob, “That calculation indicates that ‘promptness’ for the Lord of the world means eight hundred and fifty-two years” [Shachter, p. 239, n. 7: (7) For the following verse states, “Ye shall speedily perish completely from off the land.” Thus by ‘speedily’ God meant eight hundred and fifty-two years, alluded to by *venoshantem*].

9:8K-N

- K. **A writ of divorce imposed by a court –**
L. **in the case of an Israelite court, it is valid.**
M. **And in the case of a gentile court, it is invalid.**
N. **In the case of gentiles, they beat him and say to him, “Do what the Israelites tell you to do,” and it is valid.**
- I.1** A. Said R. Nahman said Samuel, “A writ of divorce imposed by an Israelite court in accord with the law is valid; not in accord with the law is invalid and invalidates a woman for marriage to a priest nonetheless. In the case of one required by a gentile court, if it is in accord with the law, it is invalid but invalidates a woman for marriage to a priest, and if it is not in accord with the law, then even the whiff of a writ of divorce is not present.”
- B. *Well, how do you want things? If gentiles can impose a writ of divorce, then it should be valid, and if they’re not qualified to compel, then it shouldn’t disqualify her!*
- C. Said R. Mesharshayya, “As a matter of the law of the Torah, even one that has been imposed by a gentile court is valid, and what is the reason that they have said, ‘In the case of a gentile court it is invalid’? It is so that every woman will not go and throw herself at a gentile so as to free herself from the domain of her rightful, Israelite husband.”
- D. *If so, then in the case of one that was not in accord with the law, why did Samuel say, “Even the whiff of a writ of divorce is not present”? Why not treat it as equivalent to a writ not in accord with the law issued by an Israelite court and so invalidate the woman for marriage into the priesthood? Rather, what R. Mesharshayya has said is nonsense, and what is the operative reason? A writ issued by a gentile court that is in accord with law may be confused with one issued by an Israelite court in accord with law, but one issued by a gentile court not*

within the law is not going to be confused with one issued by an Israelite court on solid ground.

- I.2** A. *Abbaye came across R. Joseph in session and forcing certain men to issue a writ of divorce. He said to him, “Lo, we are not experts, and it has been taught on Tannaite authority: R. Tarfon would say, ‘In any case in which you find gentile law courts, even though their law is the same as Israelite law, you may not go to them, since it says, “These are the judgments that you shall set before them” (Exo. 21: 1) – before them, not before gentiles. Another explanation: “before them,” not before those who are not experts’!”*
- B. *He said to him, “We are serving as their agents, just as is the case with confessions and loan transactions.”*
- C. *He said to him, “If so, then we should do the same with respect to robberies and injuries [while in such a case ordained judges are required]!”*
- D. *“Where we carry out their commission, it is in respect to what is commonplace, but as to what is uncommon, we don’t carry out their commission.”*

9:9

- A. **[If] the word goes around town, “She is betrothed” – lo, she is [deemed] betrothed.**
- B. **“She is divorced” – lo, she is [deemed] divorced,**
- C. **on condition that there should not be some reason to doubt it.**
- D. **And what would be a reason to doubt it?**
- E. **“Mr. So-and-so has divorced his wife conditionally.”**
- F. **“He tossed her her tokens of betrothal” –**
- G. **it is a matter of doubt whether it landed nearer to him or nearer to her –**
- H. **lo, these are grounds for doubt.**
- I.1** A. *And on that basis do we declare a woman forbidden to her husband? Didn’t R. Ashi say, “We pay no attention to any sort of rumor after marriage”?*
- B. *This is the sense of the statement: [If] the word goes around town, “She is betrothed” – lo, she is [deemed] betrothed. “She is betrothed and also she*

is divorced” [89A] – lo, she is [deemed] divorced. *How come?* Because what you have is a rumor along with its own disproof.

- C. Said Raba, “If around town they said a girl drove in the fast lane, people are not to pay attention to it. *How come? People saw in her mere wild behavior.*”
- D. *It is along the lines of the following difference among Tannaite statements:*
- E. If a woman ate in the street or gulped in the street or suckled her child in the street, in all cases R. Meir says, “She goes forth.”
- F. R. Aqiba says, “She does so when common gossips who spin the moonlight begin to talk about her.”
- G. Said to him R. Yohanan b. Nuri, “If so, you won’t leave a daughter of our father Abraham living with her husband! But the Torah has said, ‘If he find in her some unseemly thing’ (Deu. 24: 1), and further, ‘At the mouth of two witnesses or at the mouth of three witnesses shall a thing be established’ (Deu. 19:15), and just as there the ‘thing’ must be established beyond doubt, so here it must be established beyond doubt.”

I.2 A. *Our rabbis have taught on Tannaite authority:*

- B. If a rumor circulated that she was fucked, they don’t pay attention to it; that she was married, they don’t pay attention to it; that she was betrothed, they don’t pay attention to it; if the name of the man is not mentioned, they don’t pay attention to it; that she was betrothed in another town, they don’t pay attention to it; that she is a mamzer, they don’t pay attention to it; that she is a slave girl, they don’t pay attention to it; that someone has sanctified his property or declared it ownerless, they don’t pay attention to it.
- C. Said Ulla, “It is not enough that there should have been a rumor in circulation; we take notice of the matter only if lights were seen burning, couches spread, people entering and leaving, and then they said, ‘So-and-so is being betrothed today.’”
- D. “Being betrothed” *you say? Maybe even so, she wasn’t betrothed!*
- E. Say: “People say that So-and-so was betrothed today.”
- F. *So, too, did Levi teach as a Tannaite statement:* “It is not enough that there should have been a rumor in circulation; we take notice of the matter only if lights were seen burning, couches spread, women

spinning by lamplight and congratulating her and saying, 'So-and-so is being betrothed today.'"

G. "Being betrothed" *you say? Maybe even so, she wasn't betrothed!*

H. *Said R. Pappa, "Say: 'People say that So-and-so was betrothed today.'"*

I.3 A. Said Rabbah bar bar Hannah said R. Yohanan, "It is not that there should have been a mere rumor. But if lights were burning and couches spread and people coming and going; then, if they say something [she has been betrothed], this is a report. But if they don't say something, this would represent 'some reason to doubt it.'"

B. But lo, they didn't say a thing?

C. *It is meant to exclude the view of Rabbah b. R. Huna, who has said, "The grounds for doubt of which they have spoken may be something that was only said ten days later." So we are informed that, if people said nothing at the time, this is a ground to doubt the report, but if they said something ten days later, it isn't.*

I.4 A. Said R. Abba said R. Huna said Rab, "It is not merely that they heard a rumor; it is only if they say, 'Where did Mr. So-and-so hear it,' and he said, 'From Mr. Such-and-such, and he heard from Mr. Such-and-so,' and onward, until we come to a reliable statement of matters."

B. Well, does a reliable statement of matters constitute valid testimony?

C. Rather, when R. Samuel bar Judah came, he said R. Abba said R. Huna said Rab said, "It is not merely that they heard a rumor; it is only if they say, 'Where did Mr. So-and-so hear it,' and he said, 'From Mr. Such-and-such, and he heard from Mr. Such-and-so, and they have gone overseas.'"

I.5 A. *Said Abbaye to R. Joseph, "Do we suppress a rumor or not?"*

B. *He said to him, "Since R. Hisda has said, 'The court does nothing until they hear the report from valid witnesses,' it follows that we do suppress a rumor."*

- C. *He said to him, "To the contrary! Since R. Sheshet said, 'Even if the report comes from women, lo, that constitutes a rumor,' it follows that we do not suppress a rumor."*
- D. *He said to him, "Well, then, it depends on the locale. In Sura they suppress a rumor, in Nehardea they don't suppress a rumor."*

I.6 A. *A certain woman was subject to the rumor that she was betrothed to a member of a master's household. R. Hama sent for her father and said to him, "Tell me what are the facts of the case?"*

B. *He said to him, "He betrothed her on a stipulation, namely, that he would not go to Khuzistan, but he went there."*

C. *He said to him, "Since at the time of the rumor, there were no grounds to doubt it, you don't have the power now to enter grounds to doubt it." [There must be a formal divorce.]*

I.7 A. *There was a woman about whom a rumor circulated that at the well of Be Shifi she was betrothed with the meat of date pits. R. Idi bar Abin sent word to Abbayye, "In a case such as this, what's what?"*

B. *He said to him, "Even in the opinion of him who maintains that we do not suppress rumors, in a case such as this, we do suppress rumors, since people will draw the conclusion that rabbis examined her engagement token and determined that it did not contain something of the required value of a penny."*

I.8 A. *A certain woman was subject to the rumor that she was betrothed to [89B] one of the sons of Mr. So-and-so. Said Raba, "Even in the opinion of him who maintains that we do not suppress rumors, in a case such as this, we do suppress rumors, since people will draw the conclusion that rabbis examined her engagement token and determined that it constituted a betrothal contracted by a minor."*

I.9 A. *A certain woman was subject to the rumor that she was betrothed to a minor who looked like an adult. Said R. Mordecai to R. Ashi, "There was a case, and they ruled, 'He has not yet reached the age to enter the divisions of Reuben,' such as are spoken of in the verse, 'Among the divisions of Reuben there were great searchings of heart' (Jud. 5:15)."*

II.1 A. **On condition that there should not be some reason to doubt it:**

- B. Said Rabbah bar R. Huna, "The grounds for doubt of which they have spoken may arise even ten days later."
- C. R. Zebid said, "If there is room for grounds for doubt, we take account of grounds for doubt."
- D. *Objected R. Pappa to Rab Zebid: "...on condition that there should not be some reason to doubt it!"*
- E. He said to him, "*The sense of the statement is*, on condition that there should be some reason to doubt it."
- F. *Said R. Kahana to R. Pappa, "But don't you concur with that which we have learned in the Mishnah: [If] they told her, 'Your husband died,' and she became betrothed, and afterward her husband came home, she is permitted to return to him [M. Yeb. 10:3M-N]? [Simon: Here apparently is a case of a report without qualification that a woman is engaged, and the report is disregarded.] Isn't that a case in which we disregard the report because we invoke the argument, the second party betrothed her on the stipulation [Simon: 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]?"*
- G. "*That case is exceptional, because it is the husband himself who comes and enters a dissent [saying that he never divorced the wife to begin with, so the betrothal is invalid]!"*
- H. "*Well, if that's what's going on, then even if she actually married the second party, the same rule should apply.*"
- I. "*If she remarried, she actually carried out a transgression, so rabbis imposed an extrajudicial sanction on him, but if she was merely betrothed, not having carried out a violation of the law, they imposed no such sanction.*"

II.2 A. Said R. Ashi, "Any rumor that is not confirmed in court is null."

B. And said R. Ashi, "Of any rumor that circulates after marriage we do not take account."

C. So do we take account of rumors that circulate after betrothal?

D. R. Habiba said, "Even of those that circulate after betrothal we also do not take account."

E. And the decided law is, we do not take account of such a thing.

II.3 A. Said R. Jeremiah bar Abba, "They sent word from the household of Rab to Samuel, 'May our lord instruct us: If a rumor circulated about a woman that

she was engaged to the first party, and then a second party came along and betrothed her with a rite of betrothal that accords with the Torah, what is the law?”

B. *He sent them word, “She must go forth, but clarify the matter and inform me.”*

C. *As to “clarify the matter,” what could he possibly have meant? Should I say that what he meant is, if it should turn out, upon clarification, that the initial act of betrothal was null, then the rumor should be suppressed? But isn’t Nehardea the locale ruled by Samuel, and we do not suppress rumors there! Rather, if it should turn out that the act of betrothal of the first party was a valid act of betrothal, she does not require a writ of divorce from the second party? But that would differ from R. Huna, for said R. Huna, “A married woman who put out her hand and accepted a token of betrothal from a third party is deemed betrothed.” That is in line with what R. Hamnuna said, for said R. Hamnuna, “A woman who said to her husband, ‘You have divorced me,’ is believed, in the assumption that a woman would not be so brazen against her husband [if it were not the truth].”*

D. *And the other party?*

E. *[Samuel may reply as follows:] When that statement of R. Hamnuna was made, it concerned a situation in which she made the claim in the very presence of the husband, but if it was not in his presence, she would most certainly be so brazen as to make such a claim.*

F. *And if they could not clarify the facts of the matter, what is the law?*

G. *Said R. Huna, “The first issues a writ of divorce, and the second marries her. But the second should not issue the writ of divorce and the first party marry her. Why not? People will reach the conclusion that the man is taking back a woman whom he had betrothed and then divorced [after she married someone else, contrary to Deu. 24: 1].”*

H. *R. Shinena b. R. Idi said, “Even the second may divorce her and the first marry her. People will say, rabbis looked into the act of betrothal and held it was an act of betrothal subject to error and so null.”*

- I. If a rumor circulated that she was betrothed to both parties, what is the law [Simon: that is, the betrothal to the second likewise was merely a matter of rumor]?
- J. Said R. Pappa, "Here, too, the first party divorces her and the second party marries her."
- K. Amemar said, "She is permitted to marry either one of them."
- L. **[90A]** *And the decided law is*, she is permitted to marry either one of them.

9:10

- A. The House of Shammai say, "A man should divorce his wife only because he has found grounds for it in unchastity,
- B. "since it is said, 'Because he has found in her indecency in anything' (Deu. 24: 1)."
- C. And the House of Hillel say, "Even if she spoiled his dish,
- D. "since it is said, 'Because he has found in her indecency in anything.'"
- E. R. Aqiba says, "Even if he found someone else prettier than she, since it is said, 'And it shall be if she find no favor in his eyes' (Deu. 24: 1)."

I.1 A. *It has been taught on Tannaite authority:*

- B. Said the House of Hillel to the House of Shammai, "But doesn't Scripture say, 'thing' (Deu. 24: 1)?"
- C. The House of Shammai said to them, "But doesn't Scripture say, 'indecency' (Deu. 24: 1)?"
- D. Said to them the House of Hillel, "If the word 'indecency' were stated but the word 'thing' were not stated, I might have supposed that only on account of indecency she goes forth, but on account of any other 'thing' she does not go forth. Therefore the word 'thing' was used. And if the word 'thing' was used but not the word 'indecency,' I might have supposed that if it was on account of any other thing that she was divorced, then she may remarry a third party, but if it was on account of indecency, she may not marry a third party. Therefore the language 'indecency' was used."

I.2 A. *And how do the House of Shammai deal with the word thing?*

- B. Here we find reference to "thing" and elsewhere we find reference to the same matter [thus establishing an analogy based on verbal

congruence], namely, “By the mouth of two witnesses or by the mouth of three witnesses shall a thing be established” (Deu. 19:15), yielding this proposition: Just as in that case, two witnesses are required, so here, too, two witnesses are required [to establish the facts of the matter].

- C. And the House of Hillel?
- D. *Is the formulation, “indecenty in a thing” [which would have yielded that meaning]?*
- E. And the House of Shammai?
- F. *Is the formulation, either indecenty or a thing?*
- G. And the House of Hillel?
- H. *That is why what is written is “indecenty of a thing,” which bears this meaning and that meaning as well.*

II.1 A. **R. Aqiba says, “Even if he found someone else prettier than she, since it is said, ‘And it shall be if she find no favor in his eyes’ (Deu. 24: 1)”:**

- B. *What’s at stake here?*
- C. *What’s at stake is the issued addressed by R. Simeon b. Laqish, for said R. Simeon b. Laqish, “The word ‘ki’ [if, when, etc.] may be translated in four ways: if, perhaps, but, or because.” The House of Shammai maintain that the verse is to be read, “It comes to pass that she finds no favor in his eyes, because he has found some unseemly thing in her.” R. Aqiba wants us to render it, “It comes to pass that she finds no favor in his eyes, or if again he has found some unseemly thing in her.”*

II.2 A. Said R. Pappa to Raba, “If he found in her neither indecenty nor any other thing, what is the rule?”

- B. *He said to him, “Since the All-Merciful has explicitly revealed with respect to the rapist, ‘He may not be able to put her out all his days’ (Deu. 22:19), which means, his entire life he stands under the obligation to take her back, that is the only case in which the All-Merciful applies this rule, but here, what’s done is done [and he is not forced to take her back even if the grounds for divorce were flimsy].”*

II.3 A. Said R. Mesharshayya to Raba, “If he has decided to divorce her, but she is still subject to him and serving him, what is the law?”

- B. *“In his regard, Scripture states, ‘Do not devise evil against your neighbor, since he is living securely with you’ (Pro. 3:29).”*

II.4 A. *It has been taught on Tannaite authority:*

- B. R. Meir would say, “Just as there are different tastes in food, so there are different tastes in women. You can have a man who, if a fly falls into his cup, tosses out the contents and won’t drink what’s there. This is the type of Pappos b. Judah, who would lock up his wife when he went out.
- C. “You can have a man who, if a fly falls into his cup, tosses out the fly but drinks the contents of the cup, and this is how most men are, who let their wives talk freely with their brothers and relatives.
- D. “And you have a man who, if a fly falls into his dish, squashes it and eats it up. This is the trait of a wicked man, who sees his wife go out with her head uncovered, spinning in the market, naked at the arms – and bathing with men” [T. [Sot. 5:9](#)].
- E. *Do you honestly mean, bathing with men? [Such a thing is not possible.]*
- F. Rather: “Bathing in a place in which men bathe. In this case, it is a religious duty to divorce her, in line with the verse, ‘Because he has found some unseemly thing in her...and he sends her out of his house and she goes and becomes someone else’s wife’ (Deu. 24: 1-2). Scripture calls him ‘another,’ meaning, he is not the match of the first. This one has sent a wicked woman from his house, the other has brought a wicked woman into his house. If the second one has merit, he, too, will send her out, ‘and the latter husband hates her’ (Deu. 24: 2), but if not, she will bury him, ‘if the latter husband die’ (Deu. 24: 2) – he is worthy of death, for this one has sent off a wicked woman from his house, and that one has brought a wicked woman into his house.”

II.5 A. “For a hateful one put away” (Mal. 2:16) –

- B. R. Judah says, “If you have hated her, put her away.”
- C. R. Yohanan says, “He who puts his wife away is hated.”
- D. *They do not differ, one speaks of the first marriage, the other, the second, in line with what* R. Eleazar said, “Whoever divorces his first wife – even the altar sheds tears for what he has done: ‘And this further you do, you cover the altar of the Lord with tears, with weeping and with sighing, insomuch that he regards not the offering any more, neither receives it with goodwill at your hand. Yet you say, “Why?” Because the Lord has been witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and the wife of your covenant’ (Mal. 2:13-14).”