

## VII.

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### BAVLI GITTIN CHAPTER SEVEN

### FOLIOS 67B-77A

#### 7:1

- A. He who was seized by delirium and said, "Write a writ of divorce for my wife," has said nothing whatsoever.
  - B. [If] he said, "Write a writ of divorce for my wife," and [then] delirium seized him, and then he said, "Do not write it,"
  - C. his second statement is nothing.
  - D. [If] he lost the power of speech, and they said to him, "Shall we write a writ of divorce for your wife," and he nodded his head,
  - E. they test him three times.
  - F. If he said for no, "No," and for yes, "Yes," lo, these should write and deliver the writ of divorce to his wife.
- I.1**
- A. [**Delirium:**] *What is the definition of delirium?*
  - B. *Said Samuel, "Being seized by new wine from the vat."*
  - C. *Then the Tannaite formulation should read: He who is seized by new wine from the vat...!*
  - D. *In formulating matters as he does, the Tannaite teacher informs us that the spirit [that causes vertigo] is called "delirium."*
  - E. *So what?*
  - F. *For preparing the right amulet [against it, as a prophylactic].*
  - G. *What is the remedy?*

H. *Red meat broiled on coals and well-diluted wine.*

### **Various Remedies for Maladies. Demonology**

- I.2** A. *Said Abayye, “Mother told me that for sunstroke, on the first day take a jug of water; if it lasts for two days, let blood; if for three, have red meat broiled on coals and well-diluted wine.*
- B. *“If it is chronic, [Simon:] bring a black hen, tear it lengthwise and crosswise and shave the middle of the head, put the bird on the head and leave it there until it sticks; then go down to the river and stand in water up to the neck until faint; then swim out and sit down. If he can’t do this, he should eat leeks and go down and stand in the water up to the neck until faint, then swim out and sit down.*
- C. *“For sunstroke have red meat broiled on coals and well-diluted wine.*
- D. *“For a chill, eat fat meat broiled on coals with undiluted wine.”*
- I.3** A. *As to R. Amram the pious, when the members of the household of the exilarch would harass him, they would force him to lie down on snow. The next day they said, “What would the master want us to bring him?”*
- B. *Knowing that, whatever he said, they would do the opposite, he said to them, “Lean meat broiled on coals and well-diluted wine.”*
- C. *So they brought him fat meat broiled on coals with undiluted wine.*
- D. *Yalta [the exilarch’s wife, daughter of Nahman (Simon)] heard and put him into a bath and they kept him in until the water turned blood-colored and his skin was covered with bright spots.*
- I.4** A. *R. Joseph would work at a mill [to cure shivers].*
- B. *R. Sheshet would carry heavy beams [to cure shivers]. He said, “Work is great for warming you up.”*
- I.5** A. *Said the exilarch to R. Sheshet, “How come the master doesn’t eat with us?”*
- B. *He said to him, “Because the slaves aren’t reliable, since they’re suspect of serving meat that is cut off a living animal!”*
- C. *He said to him, “Who says!”*
- D. *He said to him, “So now I’ll show you.” He said to his servant, “Go, steal and bring me one leg from a living beast.” He brought it to him. He said to the exilarch’s slaves, “Put pieces of the animal before me.”*

- E. *They brought three legs and put them before him. He said to them, "So it was a three-legged animal?"*
- F. *They went and cut the leg off an animal and brought it. He said to his servant, "Show them yours." He did so. He said to them, "So it was a five-legged animal."*
- G. *He said to him, "So if that's how matters are, let the servant of the master prepare the food in your presence and you can eat it."*
- H. *He said to him, "O.K."*
- I. *They put a table out and put meat before him and set in front of him a piece that had a dangerous bone in it. [Since he was blind,] he felt it, and he took it and wrapped it in his handkerchief. When he had finished eating, they said to him, [68A] "A silver cup was stolen from us."*
- J. *While they were searching him, they found the meat wrapped up in his handkerchief, so they said to the exilarch, "See, master, that he didn't eat a thing, but he only wanted to harass us."*
- K. *He said to him, "I ate it and tasted in it the flavor of a boil."*
- L. *They said to him, "We didn't prepare today any animal that had a boil."*
- M. *He said to them, "Go, examine its place [where my piece came from], for said R. Hisda, 'A white spot on black skin or black on white marks a disease.'"*
- N. *They examined the spot and found it was true.*
- O. *When he was about to leave, they dug a pit and threw a mat over it and said to him, "Come, sir, recline."*
- P. *R. Hisda snorted behind him and said to a child, "Tell me the last verse of Scripture you have been memorizing."*
- Q. *The boy said, "'Turn you to the right hand or to the left' (2Sa. 2:21)."*
- R. *He said to his attendant, "What do you see?"*
- S. *He said, "A mat thrown across the path."*
- T. *He said, "Turn me aside from it."*
- U. *When he got out, R. Hisda said to him, "So how did the master know?"*
- V. *He said to him, "First, because you snorted, second, from the verse the child cited, and third, because those slaves are suspect of bring unreliable."*
- I.6** A. *"I got myself male and female singers and the delights of the sons of men, which are shidah and shidot" (Qoh. 2: 8):*
- B. *"Male and female singers": These are kinds of singing.*

- C. "The delights of the sons of men": These are pools and baths.
- D. "Shidah and shidot": *Here they translate it male and female demons; there they say it means carriages.*
- E. Said R. Yohanan, "There are three hundred classifications of demons in Shehin, but I don't know what a shidah is."
  - F. *A master said, "Here they translate it male and female demons."*
  - G. *What did Solomon need them for?*
  - H. As it is written, "And the house when it was being built was made of stone made ready at the quarry; neither hammer nor axe nor any tool of iron was heard in the house while it was being built" (1Ki. 6: 7).

- I.7** A. ["And the house when it was being built was made of stone made ready at the quarry; neither hammer nor axe nor any tool of iron was heard in the house while it was being built" (1Ki. 6: 7):] *He said to the rabbis, "So what should I do?"*
- B. *They said to him, "Well, there is a king of worm called the shamir, which Moses brought for cutting the stones of the ephod."*
- C. *He said to them, "Where is it found?"*
- D. *They said to him, "Bring a male and a female demon and tie them together; maybe they'll know and tell you."*
- E. *He brought a male and female demon and tied them together. They said to him, "We don't know where it is, but maybe Ashmodai, prince of the demons, knows."*
- F. *He said to them, "So where is he?"*
- G. *They said to him, "He is in such-and-so mountain. He dug a pit there, which he fills with water and covers with a stone and seals with his seal. Every day he goes up to Heaven and studies in the academy in Heaven, then he comes back down to earth and studies in the academy on earth, then he goes and examines his seal, opens the pit, drinks from it, and closes it and seals it again and goes away."*
- H. *[Solomon] sent Benaiahu, son of Jehoiada, there and gave him a chain on which the Divine Name was engraved and a ring on which the Divine Name was engraved and fleeces of wool and bottles of wine. Benaiahu went and dug a pit lower down the hill and let the water flow into it and stopped up the hole with the wool fleece; then he dug a pit higher up and poured the wine into it and filled up the pits. He went and sat on a tree. When Ashmodai came, he*

*looked at the seal, opened the pit, and found it full of wine. He said, "It is written, 'Wine is a mocker, strong drink a brawler, and whoever errs through it is not wise' (Pro. 20: 1), and, 'Whoredom and wine and new wine take away understanding' (Hos. 4:11). So I won't drink it."*

- I. *He got thirsty, couldn't hold back, drank and got drunk, and fell asleep. Benaiah came and threw a chain over him and locked it. When he woke up, he struggled. Benaiah said to him, "The Name of your Master is on you, the Name of your Master is on you."*
- J. *As he was dragging him along, he came to a palm tree and rubbed against it and brought it down. He came to a house and brought it down. He came to the hut of a certain widow. She came out, [68B] and she looked for him and bent down so as not to touch him, and broke a bone. He said, "That's in line with the verse, 'A soft tongue breaks the bone' (Pro. 25:15)."*
- K. *He saw a blind man who had lost his way and put him on the right road.*
- L. *He saw a drunken man losing his way and put him on the right road.*
- M. *He saw a wedding procession celebrating and he wept.*
- N. *He heard a man say to a shoemaker, "Make me a pair of shoes to last for seven years," and he laughed.*
- O. *He saw a diviner practicing divination and he laughed.*
- P. *When they got to Jerusalem, they didn't take him to see Solomon for three days.*
- Q. *On the first day he asked, "Why doesn't the king want to see me?"*
- R. *"Because he got drunk."*
- S. *He took a brick and put it one on top of another.*
- T. *When they told this to Solomon, he said to them, "What he meant to say to you is, give him more to drink."*
- U. *On the second day he said to them, "Why doesn't the king want to see me?"*
- V. *They said to him, "Because he ate too much."*
- W. *He took one brick off another and put them on the ground.*
- X. *When they told Solomon, he said to them, "He meant, keep food away from me."*
- Y. *After three days he went to see him. He took a reed and measured four cubits and threw it in front of him: "See now, when you die you will have no more than four cubits in the world. But now you have conquered the whole world, but you're not satisfied unless you conquer me, too."*
- Z. *He said to him, "I don't want anything of you, what I want is to build the Temple, and I need the shamir-worm."*

- AA. *He said to him, "It's not in my hands, it's in the control of the Prince of the Sea, and he gives it only to the woodpecker, to whom he trusts it by oath."*
- BB. *"So what does the bird do with it?"*
- CC. *"He takes it to a mountain, where nothing grows, and puts it on the edge of the rock, which splits, and he takes seeds from trees and brings them and tosses them into the opening, and things grow."*
- DD. *This is what the Aramaic translation means by the words "one that saws the rock" (Lev. 11:19).*
- EE. *So they found a woodpecker's nest with the offspring in it; they covered it over with plain glass; when the bird came, it tried to get in but couldn't, so it went and brought the shamir-worm and put it on the glass. Benaiahu shouted, and the bird dropped the shamir-worm, and he took it, and the bird went and killed itself because of violating its oath.*
- FF. *Benaiahu said to Ashmodai, "Then why, when you saw the blind man losing his way, did you set him back on the path?"*
- GG. *He said to him, "Because in Heaven they declared him a wholly righteous man, and whoever does him a kindness will be worthy of the world to come."*
- HH. *"Why, when you saw the drunkard losing his way, did you set him right?"*
- II. *"Because in Heaven they have declared him wholly wicked, so I did him a favor in this world so that he may enjoy here whatever share he has in the world to come."*
- JJ. *"Why, when you saw the wedding procession, did you cry?"*
- KK. *"The husband will die in thirty days, and she'll have to wait for thirteen years for the deceased childless brother's brother, who is still a child."*
- LL. *"Why, when you heard a man say to the shoemaker, 'Make me shoes for seven years,' did you laugh?"*
- MM. *"That man won't survive for seven days, and he wants shoes for seven years."*
- NN. *"Why, when you saw the diviner divining, did you laugh?"*
- OO. *"He was sitting on a royal treasure, so if he could divine, he should have divined what was right underneath him."*
- PP. *Solomon kept him until he built the Temple. One day, when he was alone with him, he said, "It is written, 'He has toafot and reem' (Qoh. 1:3), which we translate as ministering angels and demons. How come you're better than we are?"*
- QQ. *He said to him, "Take the chain off me and give me your ring, and I'll show you."*

RR. *He took off the chain and gave him the ring. He swallowed him, and he put one wing on the earth and one in the sky and he threw him four hundred parasangs. That is what Solomon meant when he said, "So what profit is there to a man in all his labor wherein he labors under the sun" (Qoh. 1: 3).*

**I.8** A. "And this was my portion from all my labor" (Qoh. 2:10): *What is the meaning of this?*

B. Rab and Samuel:

C. One said, "[All he had at the end] was his staff."

D. The other said, "He had his pitcher."

**I.9** A. He would make the rounds begging, *and wherever he went he would say, "I Qohelet was king over Israel in Jerusalem" (Qoh. 1:12). When he came to the Sanhedrin, rabbis said, "But does a deranged person stick with only one piece of nonsense? What's going on here [since he might not be deranged, holding as he does to a single coherent thing]?"*

B. *They said to Benaiahu, "Does the king ask for you?"*

C. *He said to them, "No."*

D. *They said to the queens, "Does the king visit you?"*

E. *They sent them word, "Yup."*

F. *They sent them word, "Examine his leg" [to see whether it is a demon in Solomon's form, since the demon's legs are like those of a cock (Simon)].*

G. *They sent them word, "He comes in stockings, and he visits the women when they are menstruating, and he calls for his mother, Bath Sheba."*

H. *So they sent for Solomon and gave him back the chain and the ring on which the Name was engraved.*

I. *When he came in, [the demon Ashomedai] saw him. He flew away, and even so, he was afraid of him.*

J. *That is in line with the verse of Scripture, "Behold it is the litter of Solomon, threescore mighty men are about it of the mighty men of Israel. They all handle the sword and are expert in war, every man has his sword upon his thigh because of fear in the night" (Son. 3: 7-8).*

**I.10** A. Rab and Samuel:

B. One said, "He was king, then commoner."

C. The other said, "He was king, commoner, then king again."

- I.11** A. [Simon's translation nearly verbatim follows:] *For blood rushing to the head, the remedy is to take shurbina-cedar and willow and moist myrtle and olive leaves and poplar and rosemary and cynodon and boil them all together. The patient should put three hundred cups on one side of his head and three hundred on the other. Or he should take white roses with all the leaves on one side and boil them and pour sixty cups over each side of his head.*
- B. *For migraine one should take a woodcock and cut its throat with a white [silver] coin over the side of his head on which he has the pain. He should make sure the blood does not blind him. He should hang the bird on his doorpost, so that he should rub against it when he goes in and out.*
- C. **[69A]** *For a cataract the patient should take a scorpion with stripes of seven colors and dry it out of the sun and mix it with stibium in a proportion of one to two and put three paintbrushfuls into each eye, no more lest he blind himself.*
- D. *For night blindness one takes a string made of white hair and ties with it one of his own legs to the leg of a dog, and children should rattle potsherds behind him, saying, "Old dog, stupid cock." He should take seven pieces of raw meat from seven houses and put them on the doorpost and let the dog eat them in the rubbish dump of the town. Then he should untie the string and they should say, "Blindness of Mr. So-and-so, son of Mrs. Such-and-such," and they should blow into the dog's eye.*
- E. *For blindness by day one takes seven milts from the innards of animals and roasts them in the sherd of a blood-letter, and while sitting inside the house, someone else should sit outside, and the blind man should say to him, "Give me something to eat," and the other, with sight, answers, "Take and eat," and after he has eaten, he should break the sherd. Otherwise the blindness will come back.*
- F. *To stop a nosebleed one brings a priest by the name of Levi and writes Levi backward, or anybody and writes, "I, Pappi Shila bar Sumki," backward; or writes, "The taste of the bucket in water of silver, the taste of the bucket in water of blemish." Or take root of clover and the rope of an old bed and papyrus and saffron and the red part of a palm branch and burn them all together and take a fleece of wool and weave two threads and steep them in vinegar and roll them in the ashes and put them in his nostrils. Or look for a*



*watercourse running east to west and stand over it and pick up some clay with your right hand from under your left leg, and with your left hand from under your right leg, and twine two threads of wool and rub them in the clay and put them in your nostrils. Or sit under a gutter pipe while they bring water and pour it over you saying, "As these waters stop, so may the blood of Mr. So-and-so, son of Mrs. Such-and-such, stop."*

- G. *To stop blood from the mouth, test the patient with wheat straw. If the blood sticks, it comes from the lungs and can be cured. If not, it comes from the liver and can't be cured.*
- H. *Said R. Ammi to R. Ashi, "But we learned it in the opposite way as a Mishnah teaching, namely, [if] the liver is removed [missing], so that nothing whatsoever remains of it [M. Hul. 3:1C]."*
- I. *He said to him, "Since it comes out of his mouth, we assume the liver has been dissolved in the lung."*
- J. *The master has said: "If the blood sticks, it comes from the lungs and can be cured." What is the cure?*
- K. *Bring seven handfuls of hashed beets and seven handfuls of mashed leeks and five handfuls of jujube berry and three handfuls of lentils and a handful of camon and a handful of flax and an equivalent quantity of ileum of the firstborn animal and cook the mixture and eat it, washing it down with strong beer made in Tebet.*
- L. *For toothache: Rabbah b. R. Huna said, "He should take the top of a garlic with one stalk only and grind it with oil and salt and put it on his thumbnail on the side where the tooth aches and put a rim of dough around it, and take care that it doesn't touch his flesh, since it can cause leprosy."*
- M. *For swollen glands, R. Yohanan said, "Pellitory leaves are as good as a mamru-herb, and the root of pellitory is better than a mamru-herb, and he should put them into his mouth to prevent it from spreading. To soften it, he takes bran from the top of the sieve and lentils with the dirt with them and clover and hemlock flower and the bud of cuscuta and puts the size of a nut in his mouth. To make it burst, someone should blow into his throat seeds of unripe dates through a wheat straw. To close the flesh he brings dust from the shadow of a privy and kneads it with honey and eats it. This works."*
- N. *For catarrh, take the size of a pistachio of gum ammoniac and the size of a nut of sweet galbanum and a spoonful of white honey and a Mahoza-natla of clear*

wine and boil them together; when the gum ammoniac boils, it is all boiled enough. If he can't do this, take a quarter-log of milk of a white goat [69B] and let it drip on three stalks of carob and stir it with a piece of stem of marjoram; when the stem is boiled, it is all boiled enough. He can take the shit of a white dog and knead it with balsam, but if he can avoid it, he shouldn't eat the dog shit, since it loosens the limbs.

- O. For a gira-fever he takes an arrow of Lilith and places it, point up, and pours water on it and drinks it. Or he can take water a dog has lapped at night, but make sure it wasn't exposed. For drinking water that has been exposed, take an anpak of undiluted wine.
- P. For an abscess, take an anpak of wine with purple-colored aloes.
- Q. For heart palpitations, take three barley cakes and streak them with mili-sauce that has been made within the past forty days, and eat it and wash it down with well-diluted wine.
- R. Said R. Aha of Difti to Rabina, "This will make the heart palpitate more."
- S. He said to him, "I was talking about heaviness of the heart."
- T. For heart palpitations take three stalks of wheat and streak them with honey and eat them and wash them down with strong wine.
- U. For heart pressure take three eggs' bulk of mint and an egg of camon and an egg of sesame and eat them.
- V. For stomach pain take three hundred long pepper grains and every day drink a hundred of them in wine.
  - W. Rabin of Nersh used for the daughter of R. Ashi a hundred and fifty of our grains and that cured her.
- X. For intestinal worms an anpak of wine with bay leaves.
- Y. For white intestinal worms take eruca seed and tie it in a piece of cloth and soak it in water and drink it, but don't swallow the pips, since they can pierce the bowels. For loose bowels, drink moist polio in water.
- Z. For constipation, dry polio in water.
  - AA. The mnemonic is, "Moist twigs stop the stream."
- BB. For swelling of the spleen, take seven leeches and dry them in the shade, and every day drink two or three in wine.
- CC. Or take the spleen of a she-goat that has not yet produced offspring and stick it inside the oven and stand by it and say, "As this spleen dries, so let the spleen of So-and so, son of Mrs. Such-and-such, dry up."

- DD. *Or dry it between the rows of bricks in a house and say the same words. Or look for the corpse of someone who has died on the Sabbath and take his hand and put it on the spleen and say, "As this hand is withered, so let the spleen of So-and-so, son of Mrs. Such-and-such, wither."*
- EE. *Or take a fish and dry it in a smithy and eat it in the water of a smithy and wash it down with the water of a smithy.*
- FF. *A certain goat drank the water of a smithy and when it was killed, it turned out to have no spleen.*
- GG. *Or open a barrel expressly for him.*
- HH. *Said R. Aha b. Raba to R. Ashi, "If he has a barrel of wine, he's not likely to consult you. Rather, say: He should take regularly something to eat early in the morning, since this is good for the whole body."*
- II. *For anal worms he takes acacia and aloe juice and white lead and silver dross and an amulet full of phyllon and dove shit and ties it all up, in summer in linen rags, in winter in cotton rags.*
- JJ. *Or drink strong wine well diluted.*
- KK. *For hip disease, take a pot of fish brine and rub it sixty times around one hip and sixty around the other.*
- LL. *For a bladder stone take three drops of tar and three of leek juice and three drops of clear wine and pour it on the penis of a man or the vagina or a woman.*
- MM. *Or take the ear of a bottle and hang it on the penis of a man or on the breasts of a woman.*
- NN. *Or take a purple thread spun by a whore daughter of a whore and hang it on the penis of a man or the breasts of a woman.*
- OO. *Or take a louse from a man and a woman and hang it on the penis of a man or the vagina of a woman.*
- PP. *And when he urinates he should do it on dry thorns near the socket of the door, and preserve the stone that comes out, since it's good for any fever.*
- QQ. *For external fever take three sacks of date stones and three stacks of adra-cedar and boil each separately, sitting between them, and put them in two basins, and bring a table and set them on it and bend first over one and then over the other until thoroughly warmed, and then bathe yourself in them and drinking them afterward, you drink only of the water of the adra-cedar but not of the date stones, since they cause barrenness.*

RR. *For internal fever take seven handfuls of beet from seven beds and boil them with the dirt and eat them and drink adra-leaves in beer [70A] or grapes from a vine trailing on a palm tree in water.*

SS. *For lichen take seven Arzanian wheat stalks and roast them over a new hoe and smear the patient with the juice that exudes. R. Shimi bar Ashi did it for a heathen for a skin disease and it cured him.*

**I.12** A. *Said Samuel, "Someone who has been injured by a Persian lance will never live. Nonetheless, he is sustained with fat roast meat and strong wine, perhaps he will survive for enough time to set his house in order."*

B. *Said R. Idi bar Abin, "Someone who swallowed a wasp cannot live. But let him drink a quarter-log of strong vinegar, perhaps he will survive for enough time to set his house in order."*

**I.13** A. *Said R. Joshua b. Levi, "If one eats beef with turnips and sleeps in moonlight on the nights of the fourteenth and fifteenth of the lunar month in the season of Tammuz [the summer], he may get a fever."*

B. *A Tannaite statement: And he who fills his belly with anything may get a fever.*

C. *Said R. Pappa, "Even dates."*

D. *So what else is new!*

E. *Well, you might have thought that, since a master has said, "Dates fill, warm, help digestion, give strength, and don't spoil the flavor," I might have supposed that dates are not subject to the admonition; so we are told the contrary.*

**I.14** A. *What is the definition of the fever just now referred to?*

B. *Said R. Eleazar, "It is a burning in the bones."*

C. *What is a "burning in the bones"?*

D. *Said Abayye, "A fire in the bones."*

E. *What's the cure?*

F. *Said Abayye, "Mother told me, all medicines are taken for three, seven, or twelve days, but with this ailment, one goes on with the medicine until cured. All medicines are taken on an empty stomach but in this case no. After one has eaten and drunk and shat and washed his hands, they bring him a handful of shatita-sauce*

*made of flour and honey, with lentils, some old wine, and these then are mixed together, and he eats it and wraps himself in his cloak and sleeps; and he is allowed to wake up on his own. When he wakes up, he has to take off his cloak; otherwise the ailment comes back."*

- I.15** A. Said Elijah to R. Nathan, "Eat a third [of your capacity], drink a third, and leave a third. When you get mad, you will survive your full belly." [Simon: "...for when you get angry, and then you will have had your fill."]
- I.16** A. *R. Hiyya set forth this Tannaite statement:* "Someone who wants to avoid a bellyache should regularly take dippings of bread in wine or vinegar as a relish both summer and winter. A meal you enjoy cut short, and don't hold it in when you have to take a shit."
- I.17** A. *Said Mar Uqba, "Someone who drinks cheap white wine will be seized by weakness."*
- B. *Said R. Hisda, "There are sixty kinds of wine. The best is red aromatic wine, the worst, cheap white wine."*
- C. *Said R. Judah, "Someone who sits by the fire on the mornings in Nisan and rubs himself with oil and then goes and sits in the sun will be seized by weakness."*
- I.18** A. *Our rabbis have taught on Tannaite authority:*
- B. He who has a bloodletting and then has sexual relations will have neurasthenic children; if it took place after both the husband and the wife have had a bloodletting, they will have children suffering with a skin ailment that causes trembling and extreme debility of the body.
- C. *Said R. Pappa, "But that statement pertains only to a case in which one has eaten nothing, but if one has eaten something, then there is no objection."*
- I.19** A. Said Rabbah bar R. Huna, "If someone comes in from a journey and has sexual relations right away, he will have children suffering with a skin ailment that causes trembling and extreme debility of the body."
- I.20** A. *Our rabbis have taught on Tannaite authority:*
- B. He who comes from the privy should not have sexual relations until he has waited for enough time to walk a half a mile, on account of the demon of the privy's

accompanying him. And if he did have sexual relations right away, he will have children suffering from epilepsy.”

- I.21** A. *Our rabbis have taught on Tannaite authority:*
- B. He who has sexual relations standing up will have convulsions; if he does it sitting down, he will have spasms. If the woman is on top and the man on the bottom, he will get diarrhoea.
- C. *So what's spasms?* [There is no response.]
- D. Said R. Joshua b. Levi, “The remedy for diarrhoea is dardara.”
- E. *So what's dardara?*
- F. Said Abbaye, “The crocus of thorns.”
- G. *R. Pappa would crunch it in his teeth and swallow it; R. Pappi would crunch it but spit it out.*
- I.22** A. *Said Abbaye, “He who is inexperienced in sexual matters should take three small measures of safflower and grind it and boil it in wine and drink it.”*
- B. Said R. Yohanan, “That’s just what brought me back to my youthful vigor.”
- I.23** A. Three things weaken someone, and these are they: anxiety, travel, and sin.
- B. Anxiety: “My heart flutters, my strength fails me” (Psa. 38:11).
- C. Travel: “He weakens my strength in the way” (Psa. 102:24).
- D. And sin: “My strength fails because of my iniquity” (Psa. 31:11).
- I.24** A. Three things enfeeble the body: eating standing, drinking standing, and fucking standing.
- I.25** A. Five things leave a person closer to death than life: eating and getting up right away, drinking and getting up right away, letting blood and getting up right away, getting up right away after waking up, getting up right away after sex.
- I.26** A. There are six things from which one who does them dies on the spot and these are they: someone who comes home tired from a trip, lets blood, has a bath, gets drunk, lies down to sleep on the floor, and has sex.
- B. Said R. Yohanan, “But that is so only if he does them in exactly that order.”
- C. Said Abbaye, “If it is in that order, he dies; if not in that order, he gets sick.”
- D. *Well, is that so? And lo, didn't Meorat do only three of these things to her slave and he died?*
- E. *Well, he was weak.*

**I.27** A. Eight things in excess are bad, but done in moderation are good, and these are they: travel, sex, money, work, wine, sleep, baths, and bloodletting.

**I.28** A. Eight things diminish semen: salt, hunger, scalls, weeping, sleeping on the ground, lotus, out-of-season cucumbers, and bloodletting below – which is as bad as any other two.

B. *A Tannaite statement:* Just as it is as bad as any two when done below, so it is as good as any two when done above.

C. Said R. Pappa, **[70B]** “‘Below’ means, below the testicles, ‘above’ means, above the testicles.”

D. *A Tannaite statement:* As to out-of-season cucumbers, as bad as they are out of season, that good are they in season.

E. Said R. Pappa, “‘Out of season’ means summer, ‘in season’ means winter; in autumn and spring they are neither good nor bad.”

**II.1** A. **[If] he said, “Write a writ of divorce for my wife,” and [then] delirium seized him, and then he said, “Do not write it,” his second statement is nothing:**

B. Said R. Simeon b. Laqish, “They write and hand over the writ of divorce on the spot [so the writ is valid].”

C. And R. Yohanan said, “They don’t write it until he gets better.”

D. *What is the foundation of the position of R. Simeon b. Laqish?*

E. *The Tannaite formulation states, **his second statement is nothing.***

F. *And R. Yohanan?*

G. He will say to you, “...**his second statement is nothing** means, when he gets better, the scribe doesn’t have to take counsel with him again, but all the same, the writ is not written until he gets better.”

H. *So what’s at stake?*

I. *R. Simeon b. Laqish invokes the comparison to one who is asleep, R. Yohanan, to an insane person.*

J. *So why shouldn’t R. Yohanan, too, invoke the comparison to one who is asleep?*

K. *A sleeper doesn’t lack any sort of treatment, but this one does.*

L. *So why shouldn’t R. Simeon b. Laqish, too, invoke the comparison to one who is insane?*

M. *For an insane person we have no cure, but for this one we can find a remedy: red meat broiled on coals and diluted wine.*

N. *Well, did R. Yohanan make any such statement? And didn't R. Judah say Samuel said, "If one had cut on a person two organs [the esophagus and trachea] or the greater part thereof, and the man made a gesture so as to indicate, 'Write a writ of divorce for my wife,' lo, these are to write it and hand it over to her"; and it has further been taught on Tannaite authority: **If they saw someone hacked up or crucified on a cross, and he gave a sign as if to say, "Write a writ of divorce for my wife," lo, they are to write it and hand it over to her** [T. **Git. 5:1A-B**].*

O. *But there is hardly a comparison. In that case his mind is clear, only he has gotten weak; here, his mind is what is clouded.*

P. *Well, did Samuel make any such statement? And didn't R. Judah say Samuel said, "If one had cut on a person two organs [the esophagus and trachea] or the greater part thereof, and then he escaped, one may nonetheless give testimony that he has died" [the wife may remarry, since he cannot have survived]. Now if you take the view that he could have lived, how come one may nonetheless give testimony that he has died [the wife may remarry, since he cannot have survived]?*

Q. *Say: He is alive but is sure to die.*

R. *If so, someone who cut his throat unintentionally should go into exile on his account, but then, how come it has been taught on Tannaite authority: If one had cut on a person two organs [the esophagus and trachea] or the greater part thereof, one should not go into exile on his account [if he inadvertently killed this dying man]?*

S. *Lo, it has been stated in that regard: Said R. Hoshaiah, "We take account of the possibility that wind bothered him or he did something to hasten his own death."*

T. *What's the difference?*



U. *The difference is a case in which he killed him in a stone room and the other struggled [we cannot invoke the consideration that wind bothered him], or he slaughtered him out-of-doors and he didn't struggle [in which case we cannot say he hastened his own death].*

**III.1 A.** **[If] he lost the power of speech, and they said to him, “Shall we write a writ of divorce for your wife,” and he nodded his head, they test him three times. If he said for no, “No,” and for yes, “Yes,” lo, these should write and deliver the writ of divorce to his wife:**

B. *Well, why not take account of the possibility that what struck him was an involuntary nodding of the head, either side to side or up and down?*

C. *Said R. Joseph bar Minyumi said R. Nahman, “We say the same question to him at intervals.”*

D. *Well, why not take account of the possibility that what struck him was an involuntary nodding of the head at intervals?*

E. *We maintain that we ask him two questions requiring a negative then one requiring a positive, or vice versa.*

F. *The household of R. Ishmael's Tannaite statement: They speak to him of matters of the dry season in the rainy season, or matters of the rainy season in the dry season.*

G. *What might these be? Should we say a winter or a summer coat? But maybe just at that moment he got a shiver or a sweat [Simon: and even if he asked for a summer coat in winter or a winter coat in summer, his answer might still be rational]? [71A] Rather, they ask him about fruit [Simon: whether he wants fresh fruit when it is out of season].*

**III.2 A.** **Said R. Kahana said Rab, “A deaf-mute who can speak through writing – they write the writ for him and hand it over to his wife.”**

B. *Said R. Joseph, “What does he mean to tell us that we don't already know? We've learned it as a Tannaite statement: [If] he lost the power of speech, and they said to him, ‘Shall we write a writ of divorce for your wife,’ and he nodded his head, they test him three times. If he said for no, ‘No,’ and for yes, ‘Yes,’ lo, these should write and deliver the writ of divorce to his wife!”*

- C. *Said to him R. Zira, “You should have cited a statement about a mute. But that case is exceptional, as has been taught on Tannaite authority: **One who hears but does not speak – that is a mute. One who speaks but doesn’t hear – that is a deaf-mute. And both of these is equivalent to a person of sound mind in every respect [T. Ter. 1:2].**”*
- D. *On what basis do you maintain that **one who speaks but doesn’t hear – that is a deaf-mute, and one who hears but does not speak – that is a mute?***
- E. *“But I am as a deaf man, I don’t hear, and as a dumb man that doesn’t open his mouth” (Psa. 38:14).*
- F. *Or if you prefer, I shall say, it is in line with what people say of a dumb man: “His speech has been taken away from him” [Simon].*
- G. *[With reference to Kahana’s statement,] said R. Zira, “If I have a problem, this is my problem, namely, that which has been taught on Tannaite authority: “If he does not utter it” (Lev. 5: 1) – excluding a mute who cannot speak.’ But why should that be the case? Lo, he can communicate in writing!”*
- H. *Said to him Abbayye, “But you are speaking of giving testimony, and giving testimony is exceptional, since the All-Merciful has said that it must be spoken (Deu. 19:15) ‘at the mouth of two witnesses...’ – and not in writing.”*
- I. *An objection: **Just as they test him as to a writ of divorce, so they test him as to purchases, gifts, inheritances, and statements of testimony [T. Git. 5:11].** Now, in any event, there is a clear reference to statements of testimony!*
- J. *Said R. Joseph bar Minyumi said R. Sheshet, “This refers to testimony on the status of a woman, in regard to which rabbis imposed lenient conditions.”*
- K. *But lo, there is explicit Tannaite reference to inheritances!*
- L. *Said R. Abbahu, “This speaks of the inheritance assigned to the eldest son [designating who is eldest].”*
- M. *But lo, there is explicit Tannaite reference to purchases and gifts – doesn’t this mean, in general?*
- N. *No, it means his in particular.*

- O. *An objection:* In the case of a deaf-mute, they are guided by his gestures, lip movements, and writing, only in respect to movables, but not in respect to a writ of divorce!
- P. *It is, in point of fact, a conflict among Tannaite rules, for it has been taught on Tannaite authority:* Said Rabban Simeon b. Gamaliel, “Under what circumstances [can a deaf-mute’s instructions not be followed with regard to a writ of divorce]? When one is a deaf-mute to begin with, but if one was originally of sound senses but became a deaf-mute only after marriage, he can write a writ of divorce for himself, which others can then sign.”
- Q. And is it the fact that one who is a deaf-mute to begin with cannot do so? Surely, just as he validly married her by a gesture, can’t he also divorce her by a gesture?
- R. *If it were his wife that was under discussion, that would be the fact, but here with what case do we deal? It is his levirate bride [in which case we cannot invoke the argument, just as he validly married her by a gesture, can’t he also divorce her by a gesture; he cannot make the oral statement, “I don’t want to marry her”].*
- S. *Whose levirate widow is under discussion here? If we say it is a levirate widow that came to him from a deceased childless brother who was a deaf-mute, then, in that case, we can invoke the argument, just as he validly married her by a gesture, can’t he also divorce her by a gesture. So it must be a levirate widow from a brother of sound senses; and if you prefer, I shall say, it is in fact one who came to him from his brother who was a deaf-mute, but it is a matter of a decree covering the widow of his brother who was a deaf-mute on account of the widow of his brother who had sound senses.*
- T. *If so, then shouldn’t we also forbid him to divorce his wife?*

- U. *Well, he could readily confuse one levirate widow with another, but he couldn't be confused about his wife.*
- V. *But do we make a precautionary decree covering a deaf-mute on account of the situation of one of sound senses? [71B] And have we not learned in the Mishnah: Two deaf-mute brothers married to two deaf-mute sisters – or two sisters of sound senses – or two sisters, one a deaf-mute and the other of sound senses – or two deaf-mute sisters married to two brothers of sound senses – or to two deaf-mute brothers – or to two brothers, one a deaf-mute and one of sound senses – lo, these women are exempt from the rite of removing the shoe and levirate marriage. But if they were unrelated to one another, they enter into marriage. And if they [the men in the several cases] wanted to put them away, they do put them away [M. 14:1E] [M. Yeb. 14:3]? Rather, the first answer was better.*

**III.3** A. Said R. Yohanan, “Rabban Simeon b. Gamaliel’s colleagues disagreed with him.”

- B. *Said Abayye, “So, too, we have learned in the Mishnah: [If] she became an idiot, he may not put her away. [If] he was made a deaf-mute or became an idiot, he may never put her away [M. Yeb. 14:1I-J]. What is the meaning of never? Surely the sense is, that is the case even though he can communicate in writing!”*
- C. *Said R. Pappa, “Well, if R. Yohanan had not so informed us, I might have thought that the intent of Rabban Simeon b. Gamaliel was to clarify the operative reason behind the ruling of the initial authority, so that what is the meaning of never? It is, even though we see that he is entirely rational. Or it might have been in accord with R. Isaac, for said R. Isaac, ‘In accord with the law of the Torah, an idiot*

woman may be divorced, *since, in a parallel case, a woman of sound senses may be divorced even without her agreement.*’ So how come it is said that she may never be divorced? So that people should not treat her like ownerless property [and taken advantage of].”

## 7:2

- A. [If] they said to him, “Shall we write a writ of divorce for your wife?” and he said to them, “Write,”
  - B. [if] they then instructed a scribe and he wrote it, and witnesses and they signed it,
  - C. even though they wrote it and signed it and delivered it to him, and he handed it over to her,
  - D. lo, this writ of divorce is null,
  - E. unless he himself says to the scribe, “Write,” and to the witnesses, “Sign.”
- I.1**
- A. *The operative consideration then, is that he has not himself stated, “Give,” but if he had said, “Give,” then they may tell others to write and give the writ. Who is the authority behind this Mishnah paragraph?*
  - B. *It is R. Meir, who has said, “Verbal instructions may be handed over to an ancient” [who can give instructions to a third party to carry out his commission].*
  - C. *Then look at what follows: unless he himself says to the scribe, “Write,” and to the witnesses, “Sign.” So we come to the position of R. Yosé, who maintains, “Verbal instructions may not be handed over to an ancient” [who cannot give instructions to a third party to carry out his commission]. So do you maintain that the unattributed rule at the outset is that of R. Meir, and the unattributed rule at the end stands for the position of R. Yosé?*
  - D. *Yup – the unattributed rule at the outset is that of R. Meir, and the unattributed rule at the end stands for the position of R. Yosé.*
  - E. *Abbaye said, “The whole of the rule accords with the position of R. Meir, and here with what situation do we deal? It is one in which he did not say, ‘Give.’” [Simon: In such a case the writ is invalid, unless he tells the scribe what is specified.]*
  - F. *If so, then the language that is used should be, unless he himself says to the scribe, “Give”!*

- G. *Rather, here with what situation do we deal? It is one in which he did not make his statement to three persons [Simon: and if he told only two, even if he used the word, 'give,' they would not be free so to instruct a scribe].*
- H. *If so, then the language that is used should be, **unless he himself says to three persons!***
- I. *Rather, the whole of the paragraph belongs to R. Yosé, and here with what situation do we deal? It is one in which he did not say, "Tell."*
- J. *If so, then the language that is used should be, **unless he himself says, "Tell"!** And furthermore, does R. Yosé concur that the writ is valid if he says, "Tell"? Haven't we learned in the Mishnah: **"Write," and to the witnesses, "Sign," the writ is valid [cf. M. 7:2E]**? And said R. Jeremiah, "We have learned, if the scribe signs," and said R. Hisda, "Who is the authority behind our Mishnah paragraph? **[72A]** It is R. Yosé who has said, 'Verbal instructions cannot be passed on to another agent'!" Now, if it should enter your mind that R. Yosé concedes that the writ is valid where the man says, "Tell the scribe," then a disaster can result, for on occasion he may say to two, "Tell the scribe to write and So-and-so and Such-and-such to sign," and by reason of the offense they may give to the scribe, they may agree that only one of them should sign the document, along with the scribe, and that is not what the husband has said. [Simon: He appointed special witnesses for the signature; this proves that the view that the scribe may witness the writ is not compatible with the view that the husband can say to the agent, "Tell the scribe."]*
- K. *So it is better to conclude, as we proposed, that the unattributed rule at the outset is that of R. Meir, and the unattributed rule at the end stands for the position of R. Yosé.*
- L. *R. Ashi said, "The whole of the Mishnah paragraph accords with the position of R. Yosé, and the second clause is meant to raise the stakes, that is, it is not necessary to say that in a case in which he did not say, 'Give,' that that is so; but even if he said, 'Give,' and not only where he didn't tell three persons, but even if he told three persons, and not only when he didn't say, 'Tell,' but even where he said, 'Tell,' the writ is invalid without instructions to the scribe."*
- M. *So, too, it has been taught on Tannaite authority in accord with the position of R. Ashi, namely: If the scribe wrote the writ for the sake of that particular woman, and the witnesses signed for the same valid purpose, even though they wrote it out and signed it and gave it to him and he gave it to her, lo, this writ of divorce is invalid, unless they hear*

the voice of the husband saying to the scribe, “Write,” and to the witnesses, “Sign.” *Now what is the language, unless they hear..., meant to exclude? It is to exclude the position that R. Yosé will concede that the writ is valid if the husband said, “Tell,” and “his voice” excludes the position taken by R. Kahana in the name of Rab.*

### 7:3

- A. [If he said], “This is your writ of divorce if I die,”
- B. “This is your writ of divorce if I die from this ailment,”
- C. “This is your writ of divorce effective after death,”
- D. he has said nothing.
- E. [If he said, “This is your writ of divorce] effective today if I die,” “Effective now if I die,” lo, this is a valid writ of divorce.
- F. [If he said, “Lo, this is your writ of divorce] effective now and after death,” it is a writ of divorce and not a writ of divorce.
- G. If he dies, [the widow] performs the rite of removing the shoe but does not enter into levirate marriage.
- H. [If he said,] “This is your writ of divorce effective today if I die from this illness,” and then he arose and went about in the market, then fell ill and died –
- I. they make an estimate of his situation. If he died on account of the first ailment, lo, this is a valid writ of divorce.
- J. And if not, it is not a valid writ of divorce.
- I.1** A. [If he said], “This is your writ of divorce if I die,” “This is your writ of divorce if I die from this ailment,” “This is your writ of divorce effective after death,” he has said nothing:
- B. *Therefore the language, if I die, is comparable to the language, after death. But note what follows: “Lo, this is your writ of divorce] effective now and after death.” Therefore it is not equivalent to the language, after death!*
- C. Said Abbaye, “The usage, **if I die**, has two senses: either, it is equivalent to ‘as from now,’ or ‘as from the time of my death.’ If he said to her, ‘From today,’ it is equivalent to saying, ‘As from now’; if he did not say to her, ‘From today,’ it is equivalent to, ‘From the time of my death.’”

- I.2** A. [If he said], “This is your writ of divorce if I die,” “This is your writ of divorce if I die from this ailment,” “This is your writ of divorce effective after death,” he has said nothing:
- B. Said R. Huna, “But the wife still has to perform the rite of removing the shoe.”
- C. *Lo, the Tannaite language is, he has said nothing!*
- D. *The meaning of that language, he has said nothing, is, she is forbidden to marry anyone in the world, but she is also forbidden to marry the levir.*
- E. *Well, since in the latter case, the rule is explicitly stated, If he dies, [the widow] performs the rite of removing the shoe but does not enter into levirate marriage, it must follow that the former case would leave her permitted even to enter into levirate marriage.*
- F. *Then, it follows, the Mishnah paragraph follows the position of rabbis, while R. Huna states the rule that is set forth by R. Yosé, who has stated, “The date on the document provides ample evidence” [Simon: if a man draws up a document that assigns all his property to his sons while he is yet alive, planning to keep the usufruct for himself, rabbis hold, if he wants to transfer to them the body of the property at once, he uses the language, “From today and after my death,” while Yosé holds that that is not necessary, since the date of the document bears that implication].*
- G. *If it is the position of R. Yosé, then she also should not have to perform the rite of removing the shoe. And should you propose that R. Huna was in doubt whether or not the decided law accords with the position of R. Yosé, was he ever in doubt about that fact? And lo, Rabbah bar Abbuha got sick; R. Huna and R. Nahman came to visit him. Said R. Huna to R. Nahman, “Let’s ask Rabbah bar Abbuha whether or not the decided law is in accord with R. Yosé,” and R. Nahman said to him, “I don’t know what the operative consideration behind R. Yosé’s position is, so how can I ask him about the decided law,” to which R. Huna replied, “So you ask him about the decided law, and I’ll tell you the operative consideration.” So he asked him, and he replied, “This is what Rab said, ‘The decided law is in accord with R. Yosé.’” Now when he came out, R. Huna said to him, “The operative consideration behind the position of R. Yosé is this: He took the position, “The date on the document provides ample evidence.”*
- H. *Rather, he was in doubt [72B] about whether or not R. Yosé made his statement with reference to a mere verbal declaration or not [Simon: where the words,*



“This is your writ of divorce if I die,” if used at all, were not inserted into the document but merely spoken].

- I. *But was he ever in doubt in that matter? And have we not learned in the Mishnah: “Lo, this is your writ of divorce, if I do not come back within twelve months,” and he died within twelve months, it is no writ of divorce [M. Git. 7:8A-C]? And in that regard there is this Tannaite statement: Our rabbis permitted the woman to remarry under these circumstances [for example, if her husband died childless, she does not have to undergo the rite of removing the shoe]. And in that context we said, “Who are our rabbis?” Said R. Judah said Samuel, “It is the court that also permitted gentiles’ oil. They concur on the principle of R. Yosé, who said, ‘The date of the document proves the validity thereof’” [it was inserted to make the document effective from the moment of delivery ].*
- J. *Rather, he was in doubt about whether or not the decided law accords with R. Yosé when the statement was a mere verbal declaration or not.*
- K. *But was he ever in doubt about that matter, since Raba said, “If a man says, ‘This is your writ of divorce if I die,’ or, ‘Supposing that I die,’ the writ is valid; if he said, ‘When I die,’ or, ‘After I die,’ the writ is invalid.” Now how can we envisage such a case? Shall we say that he said to her, “From today...,” and Raba accords with rabbis? Then there’s no need to say so, since we have learned in the Mishnah, [If he said, “This is your writ of divorce] effective today if I die,” “Effective now if I die,” lo, this is a valid writ of divorce. It must therefore follow that he has not said to her, “From today,” and Raba accords with the position of R. Yosé, which further proves that the decided law accords with R. Yosé.*
- L. *To Raba the matter was quite clear, to R. Huna it was subject to doubt; if you prefer, I shall say, Raba meant, the man does say, “From today,” and he stood for the position of rabbis, with the intent of explaining in respect to various formulations, for example, “supposing I die” is the same as “if I die,” and “when I die” is the same as “after my death.”*

**I.3** A. *There are those who repeat this statement of R. Huna in connection with the latter clause of the Mishnah, in the following manner:*

B. **“This is your writ of divorce effective after death,” he has said nothing.** Said R. Huna, “In accord with the position of R. Yosé, the wife still has to perform the rite of removing the shoe.”

- C. *So what else is new! Since the concluding clause so far as rabbis are concerned imposes on her the obligation to perform the rite of removing the shoe, in the case of the position of R. Yosé, too, she has to perform the rite of removing the shoe.*
- D. *What might you otherwise have supposed? That in this matter R. Yosé concurs with the position of Rabbi, who has said, "It is a perfectly valid writ of divorce," so she also doesn't have to perform the rite of removing the shoe? So we are informed that Rabbi did not agree with R. Yosé, and R. Yosé did not agree with Rabbi.*
- E. *Rabbi did not agree with R. Yosé: For it has been stated explicitly, "In such a case it is a valid writ of divorce," thus excluding the position of R. Yosé.*
- F. *R. Yosé did not agree with Rabbi: For he stated as his Tannaite rule, "In such a case it is a valid writ of divorce," thus excluding the position of Rabbi.*
- G. *What is the context for Rabbi's statement?*
- H. *It has been taught on Tannaite authority:*
- I. **He who says to his wife, "Lo, this is your writ of divorce effective today, after death" –**
- J. **"It is a writ of divorce and it is not a writ of divorce," the words of sages.**
- K. **Rabbi says, "Such a document as this is a valid writ of divorce" [cf. T. [Git. 5:3](#)].**
- L. *What is the context for R. Yosé's statement?*
- M. *As we have learned in the Mishnah: "If I do not come back within twelve months, write and hand over a writ of divorce to my wife" – [if] they wrote a writ of divorce during twelve months and handed it over at the end of the twelve months, it is not a valid writ of divorce. "Write and hand over a writ of divorce to my wife, if I do not return within twelve months," [if] they wrote it during the twelve months and handed it over after twelve months, it is not a valid writ of divorce. R. Yosé says, "In such a situation it is a valid writ of divorce" [M. [7:9A-F](#)].*

- II.1** A. [If he said,] “This is your writ of divorce effective today if I die from this illness,” and then he arose and went about in the market, then fell ill and died – they make an estimate of his situation. If he died on account of the first ailment, lo, this is a valid writ of divorce. And if not, it is not a valid writ of divorce:
- B. Said R. Huna, “Instructions concerning one’s writ of divorce are in the same classification as instructions concerning a gift. Just as in the case of a gift, if the dying man recovered, he may retract, so in the case of his writ of divorce, if the dying man recovered, he may retract. *And just as in the case of a writ of divorce, even though one has not articulated every detail, once he has said, ‘Write,’ even though he didn’t also say, ‘Give,’ so also is the rule in the case of his gift, namely, once he has said, ‘Give,’ even though he has not said, ‘And transfer title,’ [the gift is valid].*”
- II.2** A. *We have learned in the Mishnah: [If he said,] “This is your writ of divorce effective today if I die from this illness,” and then he arose and went about in the market, then fell ill and died – they make an estimate of his situation. If he died on account of the first ailment, lo, this is a valid writ of divorce. And if not, it is not a valid writ of divorce. Now if you say, if he recovers, he can retract, why do I need an estimate? We see that he has survived!*
- B. *Said Mar b. R. Joseph in the name of Raba, “He just stumbled from one illness to the next.”*
- C. *But the language is used, then he arose!*
- D. *Sure, he got up from one illness and stumbled into the next.*
- E. *But the language is used, and went about in the market!*
- F. *He went with a crutch, [73A] and this serves to inform us that, when he walks on a crutch, we make an estimate of affairs, but in that case, we don’t even require such an estimation.*
- G. *So does it follow that the gift of a sick man who stumbles from one illness to another and then dies is valid?*
- H. *Yes indeed, for said R. Eleazar in the name of Rab, “A dying man who stumbled from illness to illness – his gift is valid.”*
- II.3** A. *Rabbah and Raba did not concur with the reasoning of R. Huna, making a precautionary decree lest people say, “There is the possibility of a writ of divorce issued after death.”*

- B. *Well, then, is there a possibility that, on the basis of the law of the Torah, it would not be a writ of divorce, but on the strength of a precautionary decree, we might permit a man's wife to remarry?*
- C. *Yes indeed, for anyone who betroths a woman does so in acknowledgment of the authority of rabbis, and rabbis in this case have removed the effect of his betrothal.*
- D. *Said Rabina to R. Ashi, "Well, that poses no problems for the one who betroths through a money payment, but if he betrothed through an act of sexual relations, what is there to say?"*
- E. *Rabbis have treated that act of sexual relations as nothing more than fornication.*

**II.4** A. *Our rabbis have taught on Tannaite authority:*

- B. **"This is your writ of divorce, effective today, if I die from this illness," and the man's house fell on him or a snake bit him, it is not a writ of divorce.**
- C. **"...if I don't recover from this illness," and the man's house fell on him or a snake bit him, it is a writ of divorce [T. [Git. 5:2](#)].**
  - D. *What's the difference between the first and the second of the two cases?*
  - E. *They sent word from there: "If a lion ate him, we don't [regard it as a writ of divorce]."*

**II.5** A. *There was someone who sold a piece of land to his fellow, accepting responsibility for any accident that might affect the land. But ultimately the government directed a canal through the property. He came before Rabina. He said to him, "Go, clear it for him, since you guaranteed it against any accident that might affect the land."*

- B. *Said R. Aha bar Tahalipa to Rabina, "But that is an uncommon accident."*
- C. *The matter circulated hither and yon until it came to Raba. He said to them, "It is an uncommon accident."*
- D. **Rabina objected to Raba, "'...if I don't recover from this illness,' and the man's house fell on him or a snake bit him, it is a writ of divorce!"**
- E. *Said to him Raba, "But cite the opening clause, in which it is held, it is not a valid writ of divorce."*

- F. *Said R. Aha of Difti to Rabina, "Because there is a conflict between the first clause and the second, can't we object on the strength of the latter?"*
- G. *He said to him, "Yes, because there is a conflict between the first clause and the second, the matter was not stated in the house of study and it is flawed. So be guided by reasoning [and no one expects that kind of accident in making such a promise]."*

- II.6** A. *R. Pappa and R. Huna b. R. Joshua bought some sesame on the bank of the Royal Canal. They hired some sailors to bring it across. They accepted upon themselves responsibility for any accident that might occur. But in the end the Royal Canal was stopped up. They said to them, "So hire asses and deliver it to us, since you accepted responsibility for any accident that might occur."*
- B. *They came before Raba. He said to them, "You are a couple of white geese, who grab people's cloaks! It is an uncommon accident."*

## 7:4

- A. **She should not afterward continue together with him except in the presence of witnesses,**
- B. **even a slave, even a girl servant,**
- C. **except for her own slave girl, because she is shameless before her slave girl.**
- D. **What is her status in those days?**
- E. **R. Judah says, [73B] "She is in the status of a married woman in every respect."**
- F. **R. Yosé says, "She is divorced but not divorced."**
- I.1** A. ***Our rabbis have taught on Tannaite authority:***
- B. **If they saw that she continued to be with him alone in the dark, or that she slept with him at the foot of the bed, even if he was awake and she was asleep, or he was asleep and she was awake, they do not take account of the possibility that they did some other sort of business, but they do take account solely of the possibility of their having had sexual relations, and they do not take account of the possibility of sexual relations for betrothal.**

C. **R. Yosé b. R. Judah says, “Also: They do take account of the possibility of a betrothal” [T. Git. 5:4I-N].**

D. *What’s the sense of this statement?*

E. *Said R. Nahman said Rabbah bar Abbuha, “This is the sense of the statement: If they saw that she had sexual relations with him, they take account of the possibility that this was for the purpose of a betrothal. If he gave her money, they take account of the possibility that the sex was for the purpose of fornication, since we say, he gave it to her as a harlot’s hire; but then we don’t take account of the possibility that it was for the purpose of a betrothal.*

F. *“R. Yosé b. R. Judah says, ‘Also in this case they do take account of the possibility of a betrothal.’”*

G. *In accord with which of these authorities is the statement that Rabbah bar bar Hannah said R. Yohanan said, “There is a dispute in a case in which they saw that she had sexual relations with the man, but if they didn’t see her having sexual relations with the man, all parties concur that she does not have to get a second writ of divorce from him.” [She is not assumed to have violated the law at hand.]*

H. *In accord with which party? In accord with them both.*

I. *Objected Abbaye to this proposition [of Nahman’s], “So is there the slightest reference in context to giving money?”*

J. *Rather, said Abbaye, “This is the sense of the statement: If they saw that she had sexual relations with him, we take account of the possibility that it was fornication, but we don’t take account of the possibility that it was for betrothal. R. Yosé b. R. Judah says, ‘Also in this case they do take account of the possibility of a betrothal.’”*

K. *In accord with which of these authorities is the statement that Rabbah bar bar Hannah said R. Yohanan said, “There is a dispute in a case in which they saw that she had sexual relations with the man, but if they didn’t see her having sexual relations with the man, all parties concur that she does not have to get a second writ of divorce from him.” [She is not assumed to have violated the law at hand.]*

- L. *In accord with which party? In accord with R. Yosé b. R. Judah.*
- M. *Objected Raba to this proposition, "If so, what is the sense here of 'also'?"*
- N. *Rather, said Raba, "This is the sense of the statement: R. Yosé b. R. Judah says, 'Even if they did not see that she had sexual relations, they take account of the possibility of a betrothal.'"*
- O. *In accord with which of these authorities is the statement that Rabbah bar bar Hannah said R. Yohanan said, "There is a dispute in a case in which they saw that she had sexual relations with the man, but if they didn't see her having sexual relations with the man, all parties concur that she does not have to get a second writ of divorce from him." [She is not assumed to have violated the law at hand.]*
- P. *In accord with which party? In accord with none of the above.*

**II.1** A. **What is her status in those days? R. Judah says, "She is in the status of a married woman in every respect." R. Yosé says, "She is divorced but not divorced":**

- B. *A Tannaite statement: But that is on condition that he dies.*
- C. *So if he dies, is it going to be a valid writ of divorce? Lo, it is an established fact with us that there is no such thing as a writ of divorce after death!*
- D. *Said Rabbah, "It is a case in which he said to her, 'It will be a writ of divorce from the time that I am still in the world.'"*

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

- B. **During the intervening days between the statement and the man's death, the husband acquires what she finds and takes possession of the fruit of her labor and governs the abrogation of her vows and he inherits her estate [74A] and contracts corpse uncleanness to bury her. The governing principle therefore is, lo, she is in the status of his wife for all purposes, but she does not require from him a second writ of divorce," the words of R. Judah.**

- C. R. Meir says, "If she has sexual relations with a third party, a decision on it is held in suspense."
- D. R. Yosé says, "It is subject to doubt."
- E. And sages say, "She is divorced and not divorced, on condition that he dies" [T. Git. 5:4A-F].

**II.3** A. *What is at issue between R. Meir and R. Yosé?*

B. *Said R. Yohanan, "A suspensive guilt-offering is what is at issue between them. In R. Meir's view the man does not have to bring a suspensive guilt-offering, and in the view of R. Yosé he does have to bring a suspensive guilt-offering."*

**II.4** A. **And sages say, "She is divorced and not divorced":**

B. *Sages are the same as R. Yosé!*

C. *At issue between them is what R. Zira said, for said R. Zira said Rabbah bar Jeremiah said Samuel, "In any situation in which sages have said, 'She is divorced and not divorced,' her husband is liable to maintain her."*

## 7:5

- A. **"Lo, this is your writ of divorce on condition that you pay me two hundred zuz,"**
- B. **lo, this one is divorced, and she should pay the money.**
- C. **"...on condition that you pay me within thirty days from now," if she paid him during the period of thirty days, she is divorced.**
- D. **And if not, she is not divorced.**
- E. **Said Rabban Simeon b. Gamaliel, "In Sidon there was a case in which a man said to his wife, 'Lo, this is your writ of divorce, on condition that you give me my cloak,' but the cloak got lost. Sages ruled, 'Let her pay him its value.'"**

**I.1** A. [Lo, this one is divorced, and she should pay the money:] *What is the meaning of, she should pay the money?*

B. R. Huna said, "And she will give the money to him."

C. R. Judah said, "When she gives the money to him."

D. *What is at issue between them?*

E. *At issue between them is a case in which the writ was torn or lost. R. Huna said, "'And she will give the money to him' – she does not*



require a second writ of divorce from him.” R. Judah said, “‘When she gives the money to him’ – she does require a second writ of divorce from him.”

F. *And we have learned the same with respect to betrothals along these same lines, as we have learned in the Mishnah: He who says to a woman, “Behold, you are betrothed to me, on condition that I pay you two hundred zuz” – lo, this woman is betrothed, and he must pay [her what he has promised] [M. Qid. 3:2A-B]. And in that connection, it has been stated, what is the meaning of, she should pay the money?*

G. R. Huna said, “And she will give the money to him.”

H. R. Judah said, “When she gives the money to him.”

I. *What is at issue between them?*

J. *At issue between them is a case in which she put out her hand and took a token of betrothal from someone else.*

K. R. Huna said, “And he will give the money to her – *it is a stipulation, and all he has to do is carry it out.*”

L. R. Judah said, “When he gives the money to her – *the betrothal takes effect when he does so, but at the time, there was no betrothal.*”

M. *And it was necessary to state the matter in both contexts. For had we learned the explanation solely with respect to the matter of betrothal, it might have been that it is in particular in that context in which R. Huna has said, “And he will give...,” since he has the intention of bringing her to himself, but with respect to the divorce, in which case he intends to put her away, I might say that he concurs with R. Judah. And had we learned the rule solely with respect to divorce, it might have been supposed that in that matter in particular R. Huna said, “He shall give,” because he wouldn’t be diffident about asking her, while in the matter of betrothal, where she might be bashful with him, I might have supposed that he concurs with R. Judah. And*

*had the matter been stated only in the context of betrothal, I might have supposed that it is in that case in particular that the sense is, "When she gives," since she is bashful about asking him, but in the case of a writ of divorce, in which case he would not be too shy to ask her, I might have supposed that he concurs with R. Huna. And if the rule had been stated only in the context of divorce, I might have supposed that, in that case in particular, R. Judah says it means, "When she gives," because his intention is to put her away, but in the case of betrothal, where he wants to draw her near to himself, I might have thought that he concurs with the position of R. Huna. So both are required.*

- N. *An objection was raised: "Lo, here is your writ of divorce, on condition that you give me two hundred zuz," even though the writ of divorce was torn or lost, she is divorced, but she may not marry anybody else until she pays him [T. Git. 5:5E-F].*
- O. *And it has further been taught on Tannaite authority: "Lo, here is your writ of divorce, on condition that you give me two hundred zuz," and then he died, if she gave him the money, she is not subject to the levir; if not, she is subject to the levir. Rabban Simeon b. Gamaliel says, "Let her pay his father or brothers or one of his relatives" [T. Git. 5:5A-D].*
- P. *Now to this point the two authorities differ only in that one holds "give me" means "me but not my heirs," the other, "me or even my heirs," but both hold that it is a mere stipulation. Wouldn't that refute R. Judah?*
- Q. *R. Judah may say to you, "Lo, who is the authority behind this formulation? It is Rabbi. For said R. Huna said Rabbi, 'Whoever says, "On condition that...", is as though he says, "As if from now."' Rabbis differ from him, and I concur with rabbis."*

- I.2** A. *Said R. Zira, “When we were in Babylonia, we would state what R. Huna said Rabbi said, namely, ‘Whoever says, “On condition that...,” is as though he says, “As if from now.” And rabbis differ from him.’ But when I came up here, I found R. Assi in session and stating in the name of R. Yohanan, ‘All concur that whoever says, “On condition that...,” is as though he says, “As if from now.” And there is no disagreement on that matter. Where there is a difference, it concerns the language, ‘From today and after death.’”*
- B. *For it has been taught on Tannaite authority: **[74B]** He who says to his wife, “Lo, this is your writ of divorce effective today, after death” –*
- C. *“It is a writ of divorce and it is not a writ of divorce,” the words of sages.*
- D. *Rabbi says, “Such a document as this is a valid writ of divorce” [cf. T. **Git. 5:3**].*
- E. *Now from the perspective of R. Judah, who has said, “There is a dispute in connection with the language, ‘On condition,’ rather than join issue on the language, ‘From now and after my death,’ why shouldn’t they disagree with reference to the language, ‘On condition’?”*
- F. *It is to show you how far Rabbi is prepared to go.*
- G. *Well, why not have them differ on the language, “On condition,” to show how far rabbis are ready to go?*
- H. *The Tannaite authority preferred to give as his stronger case one in which there was the possibility of giving a lenient ruling.*

**II.1** A. **“...on condition that you pay me within thirty days from now,” if she paid him during the period of thirty days, she is divorced. And if not, she is not divorced:**

B. *Yeah, yeah, so what else is new?*

C. *Not at all, what might you have imagined? That he really doesn't give a damn, but he only wants to goose her to do it right away? So we are informed that that's not so.*

**III.1** A. **Said Rabban Simeon b. Gamaliel, “In Sidon there was a case in which a man said to his wife, ‘Lo, this is your writ of divorce, on condition that you give me my cloak,’ but the cloak got lost. Sages ruled, ‘Let her pay him its value’”:**

B. *What rule has been given as a Tannaite statement, to which the case is appended by way of illustration?*

C. *The formulation is flawed, and this is how it should be read: If he said to her, “Lo, this is your writ of divorce, on condition that you give me my cloak,” but the cloak got lost, the language, “My robe,” was meant as a valid stipulation. Rabban Simeon b. Gamaliel says, “She may pay him its value.” And said Rabban Simeon b. Gamaliel, “In Sidon there was a case in which a man said to his wife, ‘Lo, this is your writ of divorce, on condition that you give me my cloak,’ but the cloak got lost. Sages ruled, ‘Let her pay him its value.’”*

**III.2** A. *R. Assi raised this question of R. Yohanan, “‘Lo, this is your writ of divorce, on condition that you give me two hundred zuz,’ and then he went and said to her, ‘The debt is forgiven to you,’ what is the law? You may raise this question both of rabbis and of Rabban Simeon b. Gamaliel. You may raise this question of rabbis: Rabbis take the position that they do there [with respect to the robe] only in a case in which he did not forgo the claim, but here, we see that he tells her she can keep the money. You may raise this question of Rabban Simeon b. Gamaliel: He takes the position that he does only because she made it up to him by paying money, but where she pays nothing at all, he wouldn't concur that she is divorced.”*

B. He said to him, “She is not divorced.”

C. *An objection was raised: He who says to his fellow, “Qonam be benefit you derive from me, if you do not come and give my son a kor of wheat and two jugs of wine” – R. Meir says, “He is prohibited until he will give [what the other has demanded].” And sages say, “Also: This one can*

annul his vow without consultation with a sage, and one [who made the vow] says to him, ‘Lo, it is as if I have received what I demanded’” [M. 8:7D-G]. [The condition must be fulfilled to the letter.]

- D. *But are the cases parallel? In the one case, he wanted to harass her but hasn’t, in this, he wanted to gain something and could do without.*

**III.3** A. *There was someone who said to his sharecropper, “In general people irrigate three times a year and collect a fourth of the crop; you irrigate four times and collect a third.” Before the sharecropper completed the irrigation process, it rained. Said R. Joseph, “Well, he didn’t actually irrigate the fourth time.”*

B. *Rabbah said, “Lo, it was not necessary to do so.”*

C. *Now may we propose that R. Joseph concurred with rabbis, Rabbah with Rabban Simeon b. Gamaliel?*

D. But do you imagine so? Lo, it is an established fact with us that the decided law accords with Rabbah, but in this case, the decided law is not in accord with Rabban Simeon b. Gamaliel. Rather, in point of fact the law accords with rabbis. R. Joseph obviously is in accord with rabbis. And Rabbah may say to you, “I make my statement even in accord with rabbis. Rabbis take the position that they do there in that case only so as to harass the woman, but here, it is so as to gain an advantage, and he found that it wasn’t necessary.”

**III.4** A. *We have learned there: At first someone would hide on the day on which the twelve months were completed, so that it [the house] should become his permanently. Hillel the Elder ordained that one should deposit his money in the [Temple] office, break down the door [of the house], and take possession. Whenever the other wants, he may come and take his money [M. Ar. 9:4D-F]. And said Raba, “On the basis of Hillel’s ordinance [and the rule expressed there, that giving redemption money against the recipient’s will constitutes a valid act of transfer, we may draw the conclusion that in other cases, a transfer against the recipient’s will is not valid, since, in this case alone, it was necessary to provide through a special ordinance that such a transfer is valid here, it would follow that if a man said,] ‘Lo, here is your writ of divorce on condition that you give me two hundred zuz,’ if the wife then paid the money with the husband’s consent, she is validly divorced, but if it was contrary to his wishes, she is not validly divorced. [The payment*

against the man's wishes in the matter of the writ of divorce is invalid; only in the present instance is it validated by ordinance.] *Since it was necessary for Hillel to make a special ordinance in the present case that a gift against the recipient's will is a valid gift, [75A] it must follow that, in general, a gift against the recipient's wishes is not a valid gift.*"

B. *To this proposition R. Papa, and some say, R. Ashi, raised the objection, "But perhaps Hillel found it necessary to make such an ordinance [covering the present case], because the recipient was not present, but if the recipient had been present, then, whether it was with his consent or against his will, it would have been a valid gift. [The special case at hand involves a gift in the absence of the recipient, but if the recipient had been present, then if the funds are handed over, the gift is valid whether or not the recipient consents.]"*

C. *There are those who report the matter as follows:*

D. Said Raba, "From the ordinance of Hillel, [it follows that if a husband said,] 'Lo, here is your writ of divorce on condition that you give me two hundred zuz,' and she gave it to him, whether this was with his consent or against his will, it is a valid gift. *But where it was necessary for Hillel to make a special ordinance, it was when the gift took place in the recipient's absence. But if it had been in his presence, then, whether it was with his consent or against his will, it is a valid gift.*"

E. *R. Papa, and some say, R. Shimi bar Ashi, objected, "And perhaps whether it was in the recipient's presence or in his absence, if it was with his consent, it was [valid] and if it was against his will, it was not [valid]; and as to Hillel, what was necessary [in the case at hand] is all that he covered in his ordinance."*

**III.5** A. Said Rabbah bar R. Hana said R. Yohanan: "In any passage in our Mishnah that has been repeated by Rabban Simeon b. Gamaliel the law accords with his view, except for the three cases identified as Surety, Sidon, and the Second Ruling on Proof."

**III.6** A. *Our rabbis have taught on Tannaite authority:*

B. "Here is your writ of divorce, but the paper is mine" – she is not deemed divorced.

C. "...on condition that you return the paper to me" – lo, she is divorced [T. **Git. 2:4L-M**].

D. *What's the difference between the first and second cases?*

- E. *Said R. Hisda, "Lo, who is the authority behind this unattributed passage? It is Rabban Simeon b. Gamaliel, who has said, 'She may give him the value of the paper.' Here, too, it is possible that she may appease him with money."*
- F. *Objected Abbaye, "Well, I might maintain that Rabban Simeon b. Gamaliel has made his statement in a case in which the object was not in hand, but would he take that position in a case in which the object itself is in hand?"*
- G. *Rather, said Abbaye, "Lo, who is the authority behind this unattributed ruling? It is R. Meir, who has said, 'We require that the stipulation be stated in a double formulary, and here, lo, he has not doubled the expression of his stipulation.'"*
- H. *Objected Raba, "The operative consideration then is that he has not doubled the expression of his stipulation [using positive and negative formulations]. Lo, then, if he had done so, would it not have been a valid writ of divorce? But then let's see – how do we derive the rule governing stipulations? It is from the case of the child of Gad and Reuben [Num. 32:20ff.: 'If you do...and if you don't do...']. But just as in that case, the stipulation was prior to the act that is made conditional upon it, so in all cases the stipulation must be prior to the act that depends on it, and that would exclude the case at hand, where the act is mentioned prior to the stipulation."*
- I. *Rather, said Raba, "It is because the act is mentioned prior to the operative condition."*
- J. *Objected R. Ada bar Ahbah, "The operative consideration then is that the action is expressed prior to the stipulation. Lo, if the stipulation were expressed prior to the action, would it not have been a valid writ of divorce? But then let's see – how do we derive the rule governing stipulations? It is from the case of the child of Gad and Reuben [Num. 32:20ff.: 'If you do...and if you don't do...']. But just as in that case, the stipulation concerns one thing, the act another, so in all cases the stipulation must refer to one thing, the act to another and that would exclude the case at hand, [75B] where the stipulation and the act refer to the same thing!"*
- K. *Rather, said R. Ada bar Ahbah, "It is because the stipulation and the act refer to the same thing!"*

- L. *R. Ashi said, “Lo, who is the authority at hand? It is Rabbi, for said R. Huna said Rabbi, ‘Whoever says, “On condition that...,” is as though he says, “As if from now.””*

- III.7** A. *Samuel ordained that a writ of divorce given by a dying man should read, “If I don’t die, this will not be a writ of divorce, and if I do die, it will be a writ of divorce.”*
- B. *Well, why not word it, “If I die, it will be a writ of divorce, and if I don’t die, it won’t be a writ of divorce”?*
- C. *Someone doesn’t like to start off by speaking evil of himself.*
- D. *Why not have him say, “It won’t be a writ of divorce if I don’t die”?*
- E. *We require that the stipulation appear prior to the act.*
- F. *Objected Raba, “But then let’s see – how do we derive the rule governing stipulations? It is from the case of the child of Gad and Reuben [Num. 32:20ff.: ‘If you do...and if you don’t do...’]. But just as in that case, the yes comes prior to the no, so every case must be the same – thus eliminating the present case, in which the no comes before the yes.”*
- G. *Rather, said Raba, “This should be the formulation: If I don’t die, it is not to be a writ of divorce, if I die, it is to be a writ of divorce, if I don’t die, it will not be a writ of divorce. How come? First comes, ‘If I don’t die, it will not be a writ of divorce,’ so as to avoid starting off by mentioning evil for oneself; then, ‘If I die, it will be a writ of divorce, if I don’t die, it won’t be a writ of divorce,’ to put the affirmative before the negative.”*

### 7:6

- A. **“Lo, this is your writ of divorce on condition that you serve my father” –**
- B. **“...on condition that you give suck to my son” –**
- C. **how long must she give suck to him [for the writ to remain valid]?**
- D. **Two years.**
- E. **R. Judah says, “Eighteen months.”**
- F. **If the son died, or the father died, lo, this is a valid writ of divorce.**
- G. **[If he said,] “Lo, this is your writ of divorce on condition that you serve my father for two years,” “On condition that you give suck to my son for two years,”**
- H. **if the son died, or if the father died,**
- I. **or if the father said, “I don’t want her to serve me,”**



- J. [if this is] not because of provocation [on the woman's part],
  - K. it is not a writ of divorce.
  - L. Rabban Simeon b. Gamaliel says, "Such a writ is a valid writ of divorce."
  - M. A general principle did Rabban Simeon b. Gamaliel say, "In the case of any hindrance which does not come from her – lo, this is a valid writ of divorce."
- I.1**
- A. [How long must she give suck to him for the writ to remain valid? Two years:] *Do we really require so long a period as two years?*
  - B. *By way of objection: If she served him for one day or gave suck for one day, lo, this is a valid writ of divorce [T. Git. 5:6B].*
  - C. *Said R. Hisda, "No problem, the one stands for the position of rabbis, the other, of Rabban Simeon b. Gamaliel. Our Mishnah paragraph presents the position of Rabban Simeon b. Gamaliel, and the cited external formulation presents the view of rabbis."*
  - D. *But since the concluding passage of the Mishnah paragraph explicitly cites Rabban Simeon b. Gamaliel, surely that bears the implication that the opening passage does not represent his view! Rather, the external Tannaite formulation stands for the view of Rabban Simeon b. Gamaliel, who imposes only a lenient rule in fulfilling conditions, and the Mishnah provides the position of rabbis.*
  - E. *Raba said, "No problem, the one speaks of a situation in which the husband has not spelled out a time limit, the other, a case in which he mentions a time limit."*
  - F. *R. Ashi said, "Any case in which no time limit has been mentioned is equivalent to mentioning a time limit of one day."*
  - G. *We have learned in the Mishnah: How long must she give suck to him [for the writ to remain valid]? Two years. R. Judah says, "Eighteen months." Now from the perspective of Raba, there is no problem, but from the view of R. Ashi, why require two years or eighteen months, when one day should suffice!*
  - H. *Here is the sense of the statement: one day in the span of the next two years, thus excluding time after two years have passed; one day in the next eighteen months, excluding the spell after eighteen months have passed.*
  - I. *By way of objection: [If he said,] "Lo, this is your writ of divorce on condition that you serve my father for two years," "On condition that you give suck*

to my son for two years,” if the son died, or if the father died, or if the father said, “I don’t want her to serve me,” [if this is] not because of provocation [on the woman’s part], it is not a writ of divorce. [76A] *Now there is no difficulty from the perspective of Raba, for the opening clause speaks of a situation in which there was no articulated span of time, the closing clause, a case in which there was a specified span. But from the perspective of R. Ashi, what differentiates the opening from the concluding examples?*

J. *That’s a problem.*

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

B. “‘Lo, this is your writ of divorce on condition that you serve father for two years,’ or, ‘On condition that you suckle my son for two years,’ even though the condition is not met, the writ is valid, because he didn’t say first, ‘If you look after,’ and then, ‘If you don’t,’ ‘If you give suck,’ then, ‘If you don’t...,’” the words of R. Meir.

C. Sages say, “If the stipulation is met, it is a valid writ, and if not, it isn’t.”

D. Rabban Simeon b. Gamaliel says, “No condition stated in Scripture is valid that is not stated twice” [T. [Git. 5:6G-J](#)].

**I.3** A. *There are those who say that [Simeon b. Gamaliel] made that statement to R. Meir, and there are those who say that he said it to rabbis.*

B. *There are those who say that [Simeon b. Gamaliel] made that statement to R. Meir, and this is the sense of what he said to him: “No condition stated in Scripture is valid that is not stated twice, with the result that you have two verses of Scripture that yield the same inference, and any case in which there are two verses of Scripture that yield the same inference, no conclusions are to be drawn.”*

C. *And there are those who say that he said it to rabbis, and this is the sense of what he said to him: “No condition stated in Scripture is valid that is not stated twice, and we derive our governing analogy from them.”*

D. *An objection was raised: “‘Lo, this is your writ of divorce on the stipulation that you serve my father for two years,’ ‘...on condition that you suckle my son for two years,’ if the father died or the son died, it is no writ of divorce,” the words of R. Meir.*

- E. And sages say, “Even though the stipulation is not carried out, lo, it is a valid writ of divorce. She can say to him, ‘Hand over your father and I’ll serve him,’ ‘Hand over your son and I’ll suckle him.’” [cf. T. [Git. 5:6K-L](#)].
- F. *Now this poses a contradiction to the opinion of R. Meir on the basis of this version of his viewpoint, and the same is so for rabbis!*
- G. *There is no contradiction between the two statements of R. Meir. In that case, the husband did not state his stipulation in both positive and negative language, in the latter, he did.*
- H. *There is no contradiction between the two positions of rabbis, for by “sages” here is meant Rabban Simeon b. Gamaliel, who has said, “In the case of any hindrance which does not come from her – lo, this is a valid writ of divorce.”*

**I.4** A. *Our rabbis have taught on Tannaite authority:*

- B. If he said to her before two witnesses, “Lo, this is your writ of divorce on the stipulation that you serve my father for two years,” and then he went and said to her before two witnesses, “Lo, this is your writ of divorce on condition that you give me two hundred zuz,” the second statement does not nullify the first. If she wanted, she serves the father, if she wanted, she gives him two hundred zuz.
- C. But if he said to her before two witnesses, “Lo, this is your writ of divorce on the stipulation that you give me two hundred zuz,” and then he went and said to her before two witnesses, “Lo, this is your writ of divorce on condition that you give me three hundred zuz,” the second statement nullifies the first.
- D. And one of the first two witnesses does not join together with one of the second two witnesses [cf. T. [Git. 4:10A-C](#)].

**I.5** A. *To which of the clauses does that final statement pertain? Should we say that it pertains to the latter? But lo, the statement is nullified. So it must pertain to the former.*

- B. *Yes, but then it is self-evident [and hardly requires specification]!*
- C. *What might you otherwise have supposed? In any case in which the witness can help confirm that there was a condition, the witnesses to the two transactions are joined together? So we are informed that that is not the case.*

7:7

- A. “Lo, this is your writ of divorce, if I do not return within thirty days,”
- B. and he was going from Judah to Galilee,
- C. [if] he reached Antipatris and came home,
- D. his condition is null.
- E. “Lo, this is your writ of divorce, if I do not return within thirty days,”
- F. and he was going from Galilee to Judah,
- G. [if] he reached Kefar Otenai and came home,
- H. his condition is null.
- I. “Lo, this is your writ of divorce, if I do not return within thirty days,”
- J. and he was going overseas,
- K. [if] he reached Akko and came home,
- L. his condition is null.
- M. “Lo, this is your writ of divorce if I remain away from your presence for thirty days,”
- N. if he was coming and going, coming and going,
- O. since he did not continue together with her,
- P. lo, this is a writ of divorce.

**I.1** A. [If] he reached Antipatris and came home, his condition is null:

- B. *Is that to imply that Antipatris is in Judah and Kefar Otenai in Galilee? And by way of objection: Antipatris is in Judah and Kefar Otenai in Galilee. As to the area in between them, they assign it to its more stringent status: She is divorced and not divorced [T. Git. 5:7A-C].*
- C. [76B] *Said Abbayye, “He has made two stipulations with her. If I get to Galilee, then forthwith it is a valid writ of divorce, and if I tarry on the way for thirty days and do not return, it will be a writ of divorce. Then if he got to Antipatris and came back, in which case he didn’t reach Galilee and he also didn’t stay en route for thirty days, his stipulation is null.”*

**II.1** A. “Lo, this is your writ of divorce, if I do not return within thirty days,” and he was going overseas, [if] he reached Akko and came home, his condition is null:

- B. *Is that to imply that Akko is classified as overseas? And lo, said R. Safra, “When our rabbis were leaving one another, they did it in Akko, since it is forbidden for those who live in the Land of Israel to leave it”!*

C. Said Abbaye, “He has made two stipulations with her. If I get overseas, then forthwith it is a valid writ of divorce, and if I tarry on the way for thirty days and do not return, it will be a writ of divorce. Then if he got to Akko and came back, in which case he didn’t go overseas and he also didn’t stay en route for thirty days, his stipulation is null.”

**III.1 A.** “Lo, this is your writ of divorce if I remain away from your presence for thirty days,” if he was coming and going, coming and going, since he did not continue together with her, lo, this is a writ of divorce:

B. But isn’t it the fact that he is remaining away [if he was coming and going, coming and going]?

C. Said R. Huna, “What is the meaning of the language, away from your presence? It refers to sexual relations. And why is it called your presence? That is a euphemism.”

D. And R. Yohanan said, “In point of fact, the language, away from your presence, means what it says. Is the language used, ‘Lo, this woman is divorced’? The language that is used is, ‘Lo, this is a valid writ of divorce,’ meaning, under these circumstances it is not a superannuated writ of divorce [one that was followed by sexual relations between the couple], so if thirty days go by without his seeing her, it is a valid writ of divorce.”

E. It has been taught on Tannaite authority along the lines of the position of R. Yohanan:

F. “Lo, this is your writ of divorce if I remain away from your presence for thirty days,” if he was coming and going, coming and going, since he did not continue together with her, lo, this is a writ of divorce, and we do not take account of the possibility of its being classified as a superannuated writ of divorce, for lo, he has not been alone with her [T. Git. 5:8A-E].

**III.2 A.** But why not take account of the possibility that the couple has been reconciled?

B. Said Rabbah bar R. Huna, “This is what my father, my teacher, said in the name of Rab: ‘It is a case in which he says, “She is believable to me to testify that I did not come to her.”’”

C. There are those who repeat this clarification to our Mishnah paragraph, as follows: “Lo, this is your writ of divorce effective now, if I do not come back here in twelve months,” and he died

**within twelve months, lo, this is a valid writ of divorce [M. 7:8D-F].**

- D. *But why not take account of the possibility that the couple has been reconciled?*
- E. Said Rabbah bar R. Huna, “This is what my father, my teacher, said in the name of Rab: ‘It is a case in which he says, “She is believable to me to testify that I did not come to her.”’”
- F. *He who repeats this statement with respect to our Mishnah paragraph all the more would assign it to the external Tannaite formulation; he who repeats it with respect to the external Tannaite formulation would not assign it also to the Mishnah paragraph, for [Simon: as far as we know] he has not come to see her [and therefore such an undertaking is not necessary].*

### **7:8**

- A. **“Lo, this is your writ of divorce, if I do not come back within twelve months,”**
- B. **and he died within twelve months,**
- C. **it is no writ of divorce.**
- D. **“Lo, this is your writ of divorce effective now, if I do not come back here in twelve months,”**
- E. **and he died within twelve months,**
- F. **lo, this is a valid writ of divorce.**

### **7:9**

- A. **“If I do not come back within twelve months, write and hand over a writ of divorce to my wife” –**
- B. **[if] they wrote a writ of divorce during twelve months and handed it over at the end of the twelve months,**
- C. **it is not a valid writ of divorce.**
- D. **“Write and hand over a writ of divorce to my wife, if I do not return within twelve months,”**
- E. **[if] they wrote it during the twelve months and handed it over after twelve months, it is not a valid writ of divorce.**
- F. **R. Yosé says, “In such a situation it is a valid writ of divorce.”**
- G. **[If] they wrote a writ of divorce after twelve months and handed it over after twelve months, and then he died,**

- H. if the writ of divorce came before death, lo, it is a valid writ of divorce.
- I. But if the death came before the writ of divorce, it is not a valid writ of divorce.
- J. And if the facts are not known, this is the case of which they have said, “She is divorced and not divorced.”
- I.1 A. *A Tannaite statement:* [Even if the husband didn’t say, “From now,”] our rabbis permitted her to remarry.
  - B. *Who are “our rabbis”?*
  - C. *Said R. Judah said Samuel, “It is the court that permitted gentiles’ oil.”*
  - D. *They follow the reasoning of R. Yosé, who has said, “The date of a document is sufficient proof [of the author’s intention. In this case the writ of divorce is valid, so the wife is divorced and not a widow].”*
  - E. *And said R. Abba b. R. Hiyya bar Abba said R. Yohanan, “R. Judah the Patriarch, son of Rabban Gamaliel, son of Rabbi, made that decision, but the sages did not concur with him throughout his time.”*
- I.2 A. *R. Eleazar asked a certain old man, “When you permitted the woman to marry, did you permit her to marry right away, since the man was not coming back, or was it after twelve months, so as to meet the stipulation that he had made?”*
  - B. *“Why not address your question to the Mishnah, for we have learned in the Mishnah: ‘Lo, this is your writ of divorce effective now, if I do not come back here in twelve months,’ and he died within twelve months, lo, this is a valid writ of divorce [M. Git. 7:8A-E]. For lo, the stipulation has been met. Then ask, does the writ of divorce take effect right away, since the man was not coming back, or was it after twelve months, so as to meet the stipulation that he had made?”*
  - C. *“Indeed so. But since you were in that number, [I wanted to ask you].”*
- I.3 A. *Said Abayye, “All concur that, if the husband had said, ‘When the sun rises from its sheath,’ [77A] he meant to say that the writ of divorce took effect at sunrise, so if he should die during the night, it is then a writ of divorce that took effect after death and is invalid. If he said, ‘It is on condition that the sun goes forth from its sheath,’ the meaning was, ‘It is valid as from now, and should he die during the night, it was assuredly a valid stipulation and a writ of divorce that was issued during the man’s lifetime and a valid one.”*

- B. *That is in accord with R. Huna, for said R. Huna, “Whoever says, ‘On condition that...,’ is as though he says, ‘As if from now.’ The dispute arises only if the language is used, ‘If it goes forth....’ R. Judah the Patriarch takes the view of R. Yosé, who has said, ‘The date of a document is sufficient proof [of the author’s intention].’ Accordingly, the usage is as though he had said, ‘As of today, should I die,’ ‘From now, if I die.’ And rabbis do not concur with the position of R. Yosé, so it is as if he had said only the language, ‘This is your writ of divorce if I should die.’”*

**II.1 A. “If I do not come back within twelve months, write and hand over a writ of divorce to my wife” – [if] they wrote a writ of divorce during twelve months and handed it over at the end of the twelve months, it is not a valid writ of divorce:**

- B. *Said R. Yemar to R. Ashi, “May one then propose that R. Yosé takes the position, if one has written a writ of divorce subject to a stipulation, even if the stipulation is not met, the document is valid?”*
- C. *“Not at all. In point of fact, I shall say to you, it is invalid. But the present case is exceptional, since the husband should have said, ‘If I don’t come, write and deliver,’ but he said, ‘Write and deliver if I don’t come,’ and we assume his meaning was, ‘Write from now and deliver if I don’t come.’ Rabbis don’t differentiate between these two formulations.”*

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

- B. [If the husband said, “Lo, this is your writ of divorce if I do not return] until after the passage of the cycle of seven years,” we wait an extra year; “Until after a year,” we wait an extra month; “Until after a month,” we wait an extra week.

**II.3 A. If he said, “After the Sabbath,” what is the rule?**

- B. *In session before R. Assi, R. Zira stated this matter, and some say, R. Assi before R. Yohanan: “Into the category of ‘after the Sabbath’ fall Sunday, Monday, and Tuesday; into the category of ‘before the Sabbath’ fall Wednesday, Thursday, and Friday.”*

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

- B. Rabbi says, “If he said, ‘Until after the festival,’ we wait thirty days.”

**II.5 A. R. Hiyya went out and expounded this in the name of Rabbi, and everybody praised him; he said it in the name of the majority of sages**



*at large and no one praised him. Therefore the law is not in accord with that statement.*