

# VIII.

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## BAVLI GITTIN CHAPTER EIGHT

### FOLIOS 77A-82A

#### 8:1

- A. He who threw a writ of divorce to his wife,
  - B. and she was in her own house or in her own courtyard –
  - C. lo, this one is divorced.
  - D. [If] he threw it to her in his house or in his courtyard,
  - E. even if it [the writ] is with her in bed,
  - F. she is not divorced.
  - G. [If he threw it] into her bosom or into her basket,
  - H. she is divorced.
- I.1** A. *What is the scriptural source of this ruling?*
- B. *It is as our rabbis have taught on Tannaite authority:*
  - C. “He writes a writ of divorce and puts it into her hand” (Deu. 24: 1) – I know that that is possible with her hand. How do I know that the same pertains to her roof, courtyard, or enclosure?
  - D. Scripture states, “And he shall give” – any which way.
    - E. *So, too, it has been taught on Tannaite authority with regard to a thief:*
    - F. “If the theft be found at all in his hand” (Exo. 22: 3) –
    - G. I know only that the law pertains when the theft is located in “his hand.”

- H. How do I know that the same rule applies if it is found on his roof, in his courtyard, or in his corral?
- I. Because Scripture states, “If the theft be found at all” – wherever it may be found.

**I.2** A. *And both cases had to be set forth. For had we been informed about the delivery only of the writ of divorce, it might have been that that is because she is divorced willy-nilly, but as to a thief, who is not forced to do what he did, I might say that that is not the case. And if we had been informed of the case of the thief, that might have been because the All-Merciful has imposed upon him a harsh sanction, so I might have thought that that is not the case. So both were required.*

**II.1** A. [In her own courtyard:]

- B. But it is the fact that what a wife acquires her husband acquires [so how can she have a courtyard]?
- C. Said R. Eleazar, “It refers to a case in which he writes her a document that states, ‘I have no claim on your property.’”
- D. *Yeah, well, even if he wrote her such a document, what difference does it make? And has it not been taught on Tannaite authority: He who says to his fellow, “I have no claim whatsoever on this field, and I have no involvement with it, and my hands are utterly removed from it,” has said nothing whatsoever!?*
- E. *Said the household of R. Yannai, “It is a case in which he wrote the document while she was only betrothed, and that is in accord with R. Kahana, for said R. Kahana, ‘As to an inheritance that is coming to someone from some outside source [not from the father or family], one may stipulate in that regard that he will not accept the inheritance.’ And it is further in accord with Raba, for said Raba, ‘He who says, [77B] “I am not interested in taking advantage of the ordinance of rabbis in such a case,” is listened to.’”*
- F. *What is the sense of, in such a case?*
- G. *It is in line with what R. Huna said, for said R. Huna, “A woman has the power to say to her husband, ‘I shall not accept maintenance from you, and I do not want you to benefit from the work that I do.’”*

**II.2** A. *Raba said, “Doesn’t her hand also belong to her husband? Rather, her writ of divorce and her hand simultaneously become hers, here, too, her courtyard and her writ of divorce simultaneously become hers.”*

- B. *Said Rabina to R. Ashi, "Did Raba find a problem with the matter of the woman's hand? [Why otherwise give a special reason to legalize it (Simon)?] Granting that the husband acquires the hand so far as owning the work of her hands, does he acquire title to the hand itself?"*
- C. *He said to him, "Raba found a problem with the matter of the hand of the slave. From the perspective of him who maintains that a slave acquires his freedom by a writ of emancipation that he himself receives, how can this take place, since the hand of the slave is tantamount to that of the master? So we must suppose that his hand and his writ of emancipation become his simultaneously. Here, too, her courtyard and her writ of divorce simultaneously become hers."*

**II.3** A. *A dying man once wrote a writ of divorce for his wife on the eve of the Sabbath but did not suffice to hand it to her prior to sundown. The next day his condition turned critical. They came before Raba. He said to them, "Go, tell him to transfer to her title to the place in which the writ is located, let her go, close and open a door there, and take title to the document, as we have learned in the Mishnah: [If ] one has locked up, walled in, or broken down in any measure at all – lo, this constitutes securing a claim through usucaption [M. B.B. 3:3S-T]."*

- B. *Said R. Ilish to Raba, "What a woman acquires her husband acquires."*
- C. *He blushed with embarrassment. In the end, however, it turned out that she was only betrothed. Said Raba, "If they have made that statement with respect to a married woman, does it then apply also to a betrothed one?"*
- D. *Then Raba said, "There is no distinction between a betrothed woman and a married one: Her writ of divorce and her ownership of the courtyard come to her simultaneously."*
- E. *But isn't this just what Raba said anyhow?*
- F. *When Raba made that statement, it was with reference to this particular incident that he made it.*

**III.1** A. **And she was in her own house:**

- B. Said Ulla, "But that applies only when she is standing beside her house or beside her courtyard."
- C. R. Oshayya said, "Even if she is in Tiberias and her courtyard is in Sepphoris, she in Sepphoris and her courtyard in Tiberias, she is divorced."
  - D. *But lo, the language of the Mishnah is, **and she was in her own house or courtyard!***
  - E. *This is the sense of the statement: while she is as though in her own house or in her own courtyard. Since the courtyard is guarded with her full knowledge and consent in her behalf, she is deemed to have been divorced.*
  - F. *May we say that at issue between Ulla and Oshayya is that the one authority [Ulla] takes the view that the rule about the courtyard derives from "her hand," and the other regards the courtyard as analogous to her agent?*
  - G. *Not at all, both parties concur that the rule about the courtyard derives from "her hand," and one authority reads the analogy in this way: Just as her hand is near her, so her courtyard must be near her.*
  - H. *And the other party?*
  - I. *Well, since her hand is actually attached to her, does her courtyard, too, have to be attached to her? Rather, it is like her hand: Just as her hand is guarded with her full knowledge and consent in her behalf, so her courtyard must be guarded with her full knowledge and consent in her behalf, excluding a courtyard that is guarded not with her full knowledge and consent.*

- III.2** A. *Somebody threw a writ of divorce to his wife while she was standing in a courtyard. The writ went and fell on a block of wood. Said R. Joseph, "We examine the facts of the case. If the block was four by four cubits, it would form a distinct domain, but if not, it is simply part of the courtyard."*
- B. *Well, with what sort of a situation do we deal? If we say that the courtyard belongs to her, then if the block were four cubits square, what difference does it make? So it must be a courtyard belonging to him. But then, if it is not four cubits square, what difference does it make?*
  - C. *It is necessary to make such a determination for a case in which he lent her the spot; people will usually lend one spot,*

*not two. Further, we don't say that it is one with the courtyard unless it is not ten handbreadths high; if it is, we don't say that, even if it's not four by four cubits. And we don't say so unless the spot has no [78A] name unto itself, but if it has got a name unto itself, it is not included, even though it is not ten handbreadths high or four cubits square.*

**IV.1 A. Even if it [the writ] is with her in bed:**

- B. Said Raba, "That rule pertains only in a case in which the bed belongs to him, but if the bed belongs to her, she is divorced."
- C. *So, too, it has been taught on Tannaite authority:*
- D. R. Eliezer says, "If the bed is his, she is not divorced; if the bed is hers, she is divorced."

**IV.2 A. Well, if the bed is hers, is she divorced? But we have a case in which the utensils of the purchaser are located in the domain of the seller. *What follows is that* if the utensils of the purchaser are located in the domain of the seller, the purchaser acquires title.**

- B. *Not so; it would be necessary to take account of a case in which the bed was ten handbreadths high.*
- C. *But there is the place where the legs are located to be considered!*
- D. *People really don't pay much attention to the fact that they may own the locus of the legs.*

**V.1 A. [If he threw it] into her bosom or into her basket, she is divorced:**

- B. *How come?* This is a case in which the utensils of the purchaser are located in the domain of the seller.
- C. Said R. Judah said Samuel, "It is a case in which the workbasket is hanging on her."
- D. So said R. Eleazar said R. Oshayya, "It is a case in which the workbasket is hanging on her."
- E. R. Simeon b. Laqish said, "It was fastened to though not hanging on her."
- F. R. Adda bar Ahba said, "The basket was located between her thighs."
- G. R. Mesharshayya b. R. Dimi said, "The husband was selling women's workbaskets" [Slotki: so he does not mind her possessing the ground on which the basket stands].
- H. R. Yohanan said, "The place occupied by her lap and the place occupied by her workbasket are her own property."

- I. *Raba said, "The reason behind the position of R. Yohanan is that someone does not object to giving over to his wife either the place occupied by her lap or the place occupied by her workbasket."*
- J. *So, too, it has been taught on Tannaite authority:*
- K. If he tossed it to her into her lap or workbasket or anything like her workbasket, she is divorced.
- L. *What is the meaning of anything like her workbasket?*
- M. *That encompasses also the dish from which she nibbles dates.*

### 8:2A-G

- A. [If] he said to her, "Take this bond of indebtedness,"
- B. or if she found it behind him and read it, and lo, it is her writ of divorce,
- C. it is not a valid writ of divorce –
- D. until he says to her, "Here is your writ of divorce."
- E. [If] he put it into her hand while she is sleeping, [then] she woke up, read it, and lo, it is her writ of divorce,
- F. it is not a valid writ of divorce –
- G. until he will say to her, "Here is your writ of divorce."
- I.1** A. *So if he says to her, "Here is your writ of divorce," what difference does it make? It's as though he said, "Pick up your writ of divorce from the floor," and said Raba, "'Pick up your writ of divorce from the floor' – he has said nothing at all"!*
- B. *Say: She pulled it out from behind him.*
- C. *So if she pulled it out from behind him, what difference does it make? We require that there be fulfillment of the clause, "And he give it into her hand" (Deu. 24: 3), and that condition has not been met!*
- D. *It is necessary to cover a case in which he jerked his side toward her, and from there, she pulled out the writ of divorce [that being construed as an act of donation].*
  - E. *So, too, it has been taught on Tannaite authority:*
  - F. **"If he said to her, 'Take this bond,' or she drew it out from behind him and read it, and lo, it is her writ of divorce, it is not a valid writ of divorce, unless he says to her, 'Lo, here is your writ of divorce,'" the words of Rabbi.**

- G. R. Simeon b. Eleazar says, “It is her writ of divorce only if he takes it back from her and goes and hands it over to her again and says to her, ‘Lo, here is your writ of divorce.’”
- H. “If he put it into her hand and she was sleeping and she woke up and read it and lo, it is her writ of divorce, it is in fact not a valid writ of divorce unless he says to her, ‘Lo, this is your writ of divorce,’” the words of Rabbi.
- I. R. Simeon b. Eleazar says, “It is her writ of divorce only if he takes it back from her and goes and hands it over to her again and says to her, ‘Lo, here is your writ of divorce’” [T. [Git. 6:11-R](#)].
- J. *It was necessary to state both situations. For if the rule had been stated in the first case, it would be in that case in particular that Rabbi took the position that he did, since the woman at that moment could indeed be divorced, but if he put it in her hand while she was sleeping, in which case she was not subject to being divorced at all, I might have supposed that he concurs with R. Simeon b. Eleazar. And if the matter had been stated in this case, it would be in this case in particular that R. Simeon b. Eleazar took the position that he did [for pretty much the same reason], but in that case I might have said that he concurs with Rabbi. So both items were necessary.*

- I.2** A. Said Raba, “If he wrote a writ of divorce for her and gave it into the hand of her slave while the slave was asleep and she was watching the slave, it is a valid writ of divorce; if he was awake, it is not a valid writ of divorce.”
- B. *Now why should this be the case?* Here we have a moving courtyard, and a moving courtyard cannot effect the transfer of title. *And should you say that a case in which he is sleeping is exceptional*, said Raba, “In any case in which, if he were walking about, he should not effect transfer of title, if he is standing in one spot or sitting down, he also has not effected transfer of title”!
  - C. *The decided law concerns a case in which the slave was tied up.*

## 8:2H-K

- H. [If] she was standing in public domain and he threw it to her,
- I. [if] it is nearer to her, she is divorced.

- J. [If] it is nearer to him, she is not divorced.
- K. [If] it is exactly halfway, she is divorced and not divorced.

### 8:3A-F

- A. And so is the rule with regard to betrothals.
- B. And so is the rule with regard to a debt.
- C. [If] the creditor said to him, "Throw me [what you owe] me [as a debt]," and he threw it to him,
- D. [if] it is closer to the lender, the borrower has the advantage.
- E. [If] it is closer to the borrower, the borrower is liable.
- F. [If] it is exactly in between, both of them divide [the sum, should it be lost].

- I.1 A. *How are we to imagine a case in which it is nearer to her, and how are we to imagine a case in which it is nearer to him?*
- B. Said Rab, "If it is within her four cubits, this is a case in which it is nearer to her; if it is within four cubits of him, lo, this is a case in which it is nearer to him."
- C. *How are we to imagine a case in which it is exactly halfway?*
- D. Said R. Samuel bar R. Isaac, "For instance, if both of them were standing in a space of four cubits."
  - E. *Well why not just find out which party was there first? And should you say that maybe both came simultaneously, it is not possible that they should both have come exactly simultaneously!*
  - F. *Said R. Kahana, "Here we deal with a case of eight cubits precisely, [78B] and the writ extends from the four cubits of space that are nearer to the husband to the four nearer to the wife."*
  - G. *But then it is regarded as attached to him [but the whole has to be assigned to her]!*
  - H. *Rabbah and R. Joseph both say, "Here we deal with a case in which there are two groups of witnesses. One says, 'It landed nearer to her,' and the other says, 'It landed nearer to him.'"*
  - I. R. Yohanan said, "The language that we have learned is, **nearer to her**, even if it is a hundred cubits away, and the language that we have learned is, **nearer to him**, even if it is a hundred cubits away."

- I.2 A. *How are we to imagine a case in which it is exactly halfway?*
- B. *Said R. Shemen bar Abba, "It was explicitly explained to me by R. Yohanan: 'If it is a case in which he can guard the document and she can't guard it, this is a*



case in which it is **nearer to him**. If she can guard it and he cannot guard it, this is a case in which it is **nearer to her**. If both of them can guard it, or neither of them can guard it, it is a case in which **it is exactly halfway**.”

- C. *Rabbis stated this statement before R. Yohanan in the name of R. Jonathan. He said, “Do our colleagues in Babylonia also know how to explain matters along these lines? So, too, it has been taught on Tannaite authority: R. Eliezer says, ‘In any case in which it is nearer to her than to him and the dog came and ran off with it, she is not divorced.’”*
- D. *She is not divorced do you say?! How long does she have to continue taking care of the document for the divorce to take effect!? Rather, the sense is this:*
- E. *“In any case in which it is nearer to her than to him, and should a dog come and grab it, he can take care of it but she can’t, she is not divorced.”*
- F. *Said Samuel to R. Judah, “Sharp wit! It has to be nearer enough that she can stoop down and pick it up. But you don’t validate it until it actually reaches her possession.”*
- G. *Said R. Mordecai to R. Ashi, “There was a case of this kind, and in the circumstances prevailing, rabbis required the woman to perform the rite of removing the shoe [deeming her not wholly divorced by the deceased childless husband].”*

## **II.1 A. And so is the rule with regard to betrothals, and so is the rule with regard to a debt:**

- B. *Said R. Assi said R. Yohanan, “They made this statement with respect to writs of divorce but not to any other matter.”*
- C. *Objected R. Abba to R. Assi, “And so is the rule with regard to betrothals!”*
- D. *“That’s a special case, since it is written, ‘She may go forth and be someone else’s wife’ (Deu. 24: 2).”*
- E. *He objected, “And so is the rule with regard to a debt: [If] the creditor said to him, ‘Throw me [what you owe] me [as a debt],’ and he threw it to him, [if] it is closer to the lender, the borrower has the advantage. [If] it is closer to the borrower, the borrower is liable. [If] it is exactly in between, both of them divide [the sum, should it be lost]!”*
- F. *“Here with what case do we deal? It is a case in which he said to him, ‘Toss me what you owe me and be done with it.’”*
- G. *“If so, then what’s the point?!”*

- H. *"It was necessary to cover a case in which he said to him, 'Throw me what you owe me under the law governing the delivery of writs of divorce.'"*
- I. *"Yeah, yeah, so then what's the point?!"*
- J. *"What might you otherwise have supposed? That the other can say to him, 'I was just kidding you.' So we are informed that that is not a permissible plea."*
- II.2** A. Said R. Hisda, "If the writ of divorce is in the wife's hand, and a rope in the husband's hand, if the husband can retrieve the writ of divorce out of her hand by the rope, she is not divorced, but if not, she is divorced. *How come? We require a complete act of cutting off, which is obviously not present.*"
- II.3** A. Said R. Judah, "If her hand was held sloping and he threw the writ to her, even if the writ reached her hand, she is not divorced."
- B. *How come? When it falls to the ground, it falls within four cubits of the woman?*
- C. *It is a case in which it has not come to rest there.*
- D. *Well, shouldn't she be divorced since it has come into the airspace of the four cubits near her?*
- E. *On the strength of the fact that that is not the case, you can solve the problem raised by R. Eleazar: "As to the four cubits of which they have spoken, do they encompass the airspace or do they not encompass the airspace?" You may solve the problem by concluding that they do not encompass the airspace.*
- F. *Well, here with what situation do we deal? She is standing on the bank of a canal, so that to begin with the writ will be lost if she loses it.*

### 8:3G-L

- G.** [79A] [If the wife] was standing on the rooftop and he threw it to her,
- H.** once it has reached the airspace of the roof, lo, this woman is divorced.
- I.** [If] he is above and she is below and he threw it to her,
- J.** once it has left the domain of the roof,
- K.** [even if] it should be blotted out or burned,
- L.** lo, this woman is divorced.
- I.1** A. **Once it has reached the airspace of the roof, lo, this woman is divorced:**
- B. *But lo, the writ is not yet in safekeeping!*
- C. *Said R. Judah said Samuel, "We deal with a roof that has a parapet."*

D. *Ulla bar Menasayya in the name of Abimi said, "Here we deal with the space that is within three handbreadths of the roof, for any space less than three handbreadths above the roof is tantamount to the roof."*

**II.1 A. [If] he is above and she is below and he threw it to her, once it has left the domain of the roof:**

B. *But lo, the writ is not yet in safekeeping!*

C. Said R. Judah said Samuel, "It is a case in which the lower partitions are higher than the upper ones."

D. And so said R. Eleazar said R. Oshayya, "It is a case in which the lower partitions are higher than the upper ones."

E. And so said Ulla said R. Yohanan, "It is a case in which the lower partitions are higher than the upper ones."

F. *Said R. Abba to Ulla, "In accord with whom? It is in accord with Rabbi, who has said, 'An object caught in the air is equivalent [in respect to the Sabbath] to one that has come to rest.'"*

G. *He said to him, "You may even maintain that it represents the position of rabbis. Rabbis differ from Rabbi only with respect to the Sabbath, but in the present case, the operative consideration is that the document be properly protected, and lo, it is properly protected."*

H. And so said R. Assi said R. Yohanan, "It is a case in which the lower partitions are higher than the upper ones."

I. *Said R. Zira to R. Assi, "In accord with whom? It is in accord with Rabbi, who has said, 'An object caught in the air is equivalent [in respect to the Sabbath] to one that has come to rest.'"*

J. *He said to him, "You may even maintain that it represents the position of rabbis. Rabbis differ from Rabbi only with respect to the Sabbath, but in the present case, the operative consideration is that the document be properly protected, and lo, it is properly protected."*

**III.1 A. [Even if] it should be blotted out:**

B. Said R. Nahman said Rabbah bar Abbuha, "That is taught only for the case in which the blotting was as the document descended, but if it was blotted as it ascended, that is not the rule. *How come? To begin with it wasn't destined to come to rest in that way [and it is not regarded as having been given while it is on the rise].*"

**IV.1 A. Or burned:**

- B. Said R. Nahman said Rabbah bar Abbuha, “That is taught only for the case in which the writ was thrown before the fire started, but if the fire started first, that is not the case *How come? To begin with it was destined to be burned.*”

**IV.2** A. Said R. Hisda, “Domains are held to be distinct for purposes of writs of divorce” [Simon: if the outer one was lent to the wife for the purpose of receiving the writ of divorce therein, it does not follow that the inner court was lent with it].

- B. *Said R. Ammi bar Hama to Raba, “How does the elder know this?”*

C. *He said to him, “It is a Mishnah paragraph, namely: **[If the wife] was standing on the rooftop and he threw it to her, once it has reached the airspace of the roof, lo, this woman is divorced.** With what situation do we deal here? If we say that the roof belonged to her and the courtyard to her, then what need do I have to make reference to the airspace of the roof? So it must be a case in which the roof belongs to him and the courtyard to him. But then, even when the writ reached the airspace of the roof, what difference does it make? So it is obvious that the roof belongs to her and the courtyard to him. Then note what follows: **[If] he is above and she is below and he threw it to her, once it has left the domain of the roof, [even if] it should be blotted out or burned, lo, this woman is divorced.** Now if we deal with a case in which the roof is hers and the courtyard his, then why is she divorced? So it must be a case in which the roof is his and the courtyard is hers. So do you really claim that the opening clause speaks of a case in which the roof is hers and the courtyard his, while the concluding clause deals of a case in which the roof is his and the courtyard is hers? Rather, isn’t it a case in which he has lent her a space for receiving her writ, and that would indicate [in line with the announced hypothesis] that people lend one place but not two.”*

- D. *He said to him, “Well, what makes you reach that conclusion? Maybe each case is to be read in its own terms, so the first clause really does speak of a case in which the roof is hers and the courtyard his, the second, the roof is his and the courtyard hers.”*

**IV.3** A. Said Raba, “There are three principles with respect to writs of divorce, the one stated by Rabbi: ‘An object caught in the air is equivalent [in respect to the Sabbath] to one that has come to rest.’ *Rabbis differ from Rabbi only with respect to the Sabbath, but in the present case, the operative consideration is that the document be properly protected, and lo, it is properly protected. The second is the one of R. Hisda: If someone stuck into private domain a pole, on*

top of which was a basket, and he threw up something into the basket and it came to rest on it, even if it is a hundred cubits high, he is liable, since private domain extends upward without limit. *That is the case only with respect to the Sabbath, but in the present case, the operative consideration is that the document be properly protected, and lo, it is properly protected. [79B] And the third is that which* said R. Judah said Samuel, ‘Someone shouldn’t stand on this roof and gather rainwater from someone else’s roof, for, just as the houses are deemed distinct down below, so they are deemed distinct up above.’ *That is the case only with respect to the Sabbath, but in respect to writs of divorce, the operative consideration is whether or not the owner is particular, and in this matter [for receiving the writ], he is not particular [and his loan of the roof for receiving the writ would cover the next adjoining roof].”*

- IV.4** A. Said Abbaye, “Two courtyards, one within the other, the inner one belonging to her, the outer one belonging to him, with the walls of the outer one taller than the walls of the inner one, if he threw the writ of divorce to her, once it has reached the airspace of the outer partitions, lo, this woman is divorced. *How come? Because the inner space itself is protected by the partitions of the outer courtyard.* But that is not so in the case of baskets. In the case of two baskets, one inside the other, the inner one being hers and the outer one being his, if he tossed it to her, even if it reached the airspace of the inner basket, she is not deemed divorced. *How come? Lo, it has not come to rest.*” [Simon: The sides of the basket do not afford safekeeping.]
- B. *So if it came to rest, so what?* You have a case in which the utensils of the buyer are in the domain of the seller!
- C. *Here with what situation do we deal?* It is a basket that has no bottom [Simon: so that the inner basket rests on the ground and isn’t in the husband’s domain].

## 8:4

- A. The House of Shammai say, “A man dismisses his wife with an old writ of divorce.”**
- B. And the House of Hillel prohibit it.**
- C. And what is an old writ of divorce?**
- D. It is any writ of divorce, after the writing of which, the man continued alone with her.**
- I.1** A. *So what’s at stake?*

- B. *The House of Shammai take the view that we do forbid her to remarry lest people later on say that her writ of divorce came before her child [with the husband who divorced her], and the House of Hillel maintain that we do take the position that we make a precautionary decree forbidding her to remarry, lest people say, her writ of divorce is prior to her child with the first husband.*
- C. Said R. Abba said Samuel, "If she remarried, however, she doesn't go forth."
- D. *And there are those who say,* said R. Abba said Samuel, "If she was divorced, she may remarry to begin with."

## 8:5

- A. [If] he wrote [the writ of divorce dating it] according to an era which is not applicable,
- B. for example, according to the era of the Medes, according to the era of the Greeks,
- C. according to the building of the Temple, according to the destruction of the Temple,
- D. [if] he was in the east and wrote, "In the west,"
- E. in the west and wrote, "In the east,"
- F. she goes forth from this one [whom she married on the strength of the divorce from the former husband] and from that one [the first husband].
- G. And she requires a writ of divorce from this one and from that one.
- H. And she has no claim on the payment of her marriage contract, or on the usufruct [of plucking property], or to alimony, or to indemnity [for loss on her plucking property], either against this one or against that one.
- I. If she collected [such payment] from this one or from that one, she must return what she has collected.
- J. And the offspring from either marriage is a mamzer.
- K. And neither one nor the other contracts uncleanness from her [if they are priests, and she should die and require burial].
- L. And neither this one nor the other gains possession of what she may find, or of the fruit of her labor, or is vested with the right to abrogate her vows.
- M. [If] she was an Israelite girl, she is invalidated from marrying into the priesthood.
- N. [80A] [If she was] a Levite girl, [she is invalidated] from eating tithe.
- O. [If she was] a priest girl, she is invalidated from eating heave-offering.

- P. And the heirs neither of this one nor of that one inherit her marriage contract.
- Q. And if they died, the brothers of this one and the brothers of that one perform the rite of rite of removing the shoe but do not enter into levirate marriage.
- R. [If] he changed his name or her name,
- S. the name of his town or the name of her town,
- T. she goes forth from this one and from that one.
- U. And all these [above] conditions apply to her.

8:6

- A. All those prohibited relationships of which they have said that their co-wives are permitted [to remarry without levirate marriage],
- B. [if] these co-wives went and got married and this [woman who is in a prohibited relationship] turns out to be barren –
- C. she goes forth from this one and from that one.
- D. And all the above conditions apply.

8:7

- A. He who marries his deceased childless brother's widow,
- B. and her co-wife went off and married someone else,
- C. and this one turned out to be barren –
- D. she [the co-wife] goes forth from this one and from that one.
- E. And all the above conditions apply.

8:8A-I

- A. [If] the scribe wrote a writ of divorce for the man and a quittance [receipt given to the husband for her marriage contract payment] for the woman,
- B. and he erred and gave the writ of divorce to the woman and the quittance to the man,
- C. and they then exchanged them for one another,
- D. and [if] after a while, lo, the writ of divorce turns up in the hand of the man, and the quittance in the hand of the woman –
- E. she goes forth from this one and from that one.
- F. And all the above conditions apply.
- G. R. Eliezer says, "If it turned up on the spot, this is not a writ of divorce [= E].

- H. “If after a while it turned up, lo, this is a valid writ of divorce.
- I. “It is not within the power of the first husband to render void the right of the second.”
- I.1** A. [If he wrote the writ of divorce dating it according to an era which is not applicable:] *What is the meaning of an era which is not applicable?*
- B. It is the Roman era.
- C. *And how come it is called an era which is not applicable?*
- D. It is because they don’t have a script or language [of their own].
- I.2** A. Said Ulla, “How come sages have ordained that the date of the regime be inscribed in writs of divorce? On account of keeping peace with the government.”
- B. So on account of keeping peace with the government should a woman go forth and her offspring be a mamzer?
- C. *Yes indeed. R. Meir is consistent, for said R. Hamnuna in the name of Ulla, “R. Meir would say, ‘Whoever makes an alteration in the fixed form that sages have defined for writs of divorce – the offspring is a mamzer.’”*
- II.1** A. **According to the era of the Medes, according to the era of the Greeks, according to the building of the Temple, according to the destruction of the Temple:**
- B. *All these examples were required. For had we been informed of the matter of an era that is not applicable, I might have supposed that that is because it is presently ruling, but with respect to the empires of Media and Greece, I might have supposed that what’s done is done. And had we been informed of the rule as to the kingdoms of Media and Greece, I might have thought that that is because they were once empires, but in respect to the building of the Temple, what’s past is past. And if we had been informed of the rule governing the building of the Temple, I might have thought that the objection is that they might say, the Jews are remembering the former glory, but as to the destruction of the Temple, which is a source of anguish, I might have said that that is not the case. So all instances were required.*
- III.1** A. [if] he was in the east and wrote, “In the west,” in the west and wrote, “In the east”:
- B. *Who is subject to discussion here? Should I say that it is the husband? But that is covered by the language, [If] he changed his name or her name, the name of his town or the name of her town! So isn’t it with regard to the scribe?*



*And it is in accord with what Rab said to his scribes, and so said R. Huna to his scribes, "When in Shili, write, 'At Shili,' even though the instructions were given to you in Hini, and when you are in Hini, write, 'In Hini,' even though the instructions were given to you in Shili."*

**III.2** A. [As to invalidating the writ of divorce by reason of improperly mentioning the year of the current government,] said R. Judah said Samuel, **[80B]** "This is the view of R. Meir, but sages say, 'Even if the document was written only with the date of the term of office of the senator of that town, she is validly divorced.'"

**III.3** A. *There was a writ of divorce that was dated by the term of office of the governor of the district of Bashcar. R. Nahman bar R. Hisda sent word to Rabbah: "In such a case, what's the rule?"*

B. *He sent word back to him, "In such a case even R. Meir would concur. How come? Because he belongs to that same government."*

C. *And what's the difference with the case of the senator in that town?*

D. *In that case it is demeaning to them, but here it is a compliment to them.*

**III.4** A. Said R. Abba said R. Huna said Rab, "That is the view of R. Meir. But sages say, 'The offspring is valid.'"

B. "But sages concur with R. Meir that **[if] he changed his name or her name, the name of his town or the name of her town**, the offspring is a mamzer."

C. *Said R. Ashi, "We, too, have also derived that same matter from the Tannaite formulation: **[If] he changed his name or her name, the name of his town or the name of her town, she goes forth from this one and from that one. And all these [above] conditions apply to her.** Now who stands behind this unattributed statement? Could it be R. Meir? Then one could as well have joined these several statements and set them forth as a single Tannaite statement. So it must follow that it is the position of rabbis."*

D. *That does follow.*

**IV.1** A. **All those prohibited relationships of which they have said that their co-wives are permitted [to remarry without levirate marriage], [if] these co-wives went and got married:**

B. *If they went and got married, they are penalized in this way, but if they just fornicated, they're not. May we then say that this refutes what R. Hamnuna*

said, for said R. Hamnuna, “A woman awaiting levirate marriage who committed an act of fornication is invalidated to marry her deceased childless husband’s brother”?

- C. No, what it means is, if they **went and got married**, and the same rule applies if they merely fornicated, *and the reason that the Tannaite formulation makes reference to their getting married is to use more seemly language.*
- D. *There are those who say:* if they **went and got married**, and the same rule applies if they merely fornicated. *May we then say that this supports what R. Hamnuna said, for said R. Hamnuna, “A woman awaiting levirate marriage who committed an act of fornication is invalidated to marry her deceased childless husband’s brother”?*
- E. *No, the sense is, if they in particular got married, because in that case there may be confusion with a woman whose husband went overseas. [Simon: If such a woman was informed on good authority that her husband died and she remarried and then the husband returned, she may not go back to him, for fear that people might say that the husband had divorced her before she remarried and is now taking her back; if the sister-in-law in this case were allowed to marry the brother-in-law after marrying a third party, this might create a precedent, but not if she merely fornicated.]*

- V.1 A. He who marries his deceased childless brother’s widow, and her co-wife went off and married someone else, and this one turned out to be barren – she [the co-wife] goes forth from this one and from that one:**
- B. *Both this matter and the rule governing the forbidden consanguineous relationships had to be spelled out. For had we been told only the first of the two items, I might have supposed that the operative consideration for the woman to be penalized and forbidden to the levir is that the religious duty of levirate marriage has not been fulfilled, but here, where the religious duty has been fulfilled, I might have supposed that the rule does not pertain. If we had been given only this case, we might have supposed that the reason was that she was made available to him by the death of her husband, but in the other instance, in which she was not available to him [Simon: her potential co-wife exempts her forthwith at the death of her husband from both levirate marriage and the rite of removing the shoe] I might have supposed that that is not the case. So both rules had to be spelled out.*

- VI.1 A. [If] the scribe wrote a writ of divorce for the man and a quittance [receipt given to the husband for her marriage contract payment] for the woman,**

and he erred and gave the writ of divorce to the woman and the quittance to the man, and they then exchanged them for one another, and [if] after a while, lo, the writ of divorce turns up in the hand of the man, and the quittance in the hand of the woman – she goes forth from this one and from that one. And all the above conditions apply. R. Eliezer says, “If it turned up on the spot, this is not a writ of divorce [= E]. If after a while it turned up, lo, this is a valid writ of divorce. It is not within the power of the first husband to render void the right of the second”:

- B. *How do we define on the spot, and how do we define, after a while?*
- C. Said R. Judah said Samuel, “So long as they are in session and engaged with that very matter, that is the meaning of **on the spot**. If they adjourned, that is the meaning of **after a while**.”
- D. And R. Ada bar Ahbah said, “If she was not remarried, that is the meaning of **on the spot**. If she remarried, that is the meaning of **after a while**.”
- E. *We have learned in the Mishnah: It is not within the power of the first husband to render void the right of the second. Now from R. Ada bar Ahbah’s perspective, we can well see how the Tannaite formulation should make reference to the second. But from Samuel’s perspective, what can the reference to the second possibly mean?*
- F. **[81A]** It means, the right that is appropriate for a second husband.

### 8:8J-L

- J. **[If he wrote [a writ of divorce] to divorce his wife and changed his mind,**
- K. **the House of Shammai say, “He has invalidated her from marrying into the priesthood [for priests cannot marry divorcées].”**
- L. **And the House of Hillel say, “Even though he gave it to her on a condition, and the condition was not carried out [so that she is not divorced], he has not invalidated her from marrying into the priesthood.”**
- I.1** A. R. Joseph b. R. Manassah of the town of De-vil sent word to Samuel, “May our lord instruct us: If a rumor circulated: ‘Mr. So-and-so, a priest, has written a writ of divorce for his wife, but she is still living with him and serving him’ – what is the law?”
- B. He sent him word, “She must go forth, but the matter has to be looked into.”
- C. *What’s involved? Should we say that we look into the matter of whether or not we can stop the rumor? But lo, Nehardea was the*

*locale of Samuel, and in Nehardea the court didn't try to stop rumors. Rather, what is at issue is whether or not handing over the writ of divorce is classified as writing.*

- D. *For even if they call "giving" "writing," don't they call "writing" "writing"?*
- E. *True enough, but the reason she has to go forth is, if giving is called writing, then perhaps when people say he has written the document, they mean, he has given it to her.*
- F. *So does she have to leave him? And didn't R. Ashi say, "After marriage we don't take account of rumors of any kind"?*
- G. *What is the meaning of, she has to leave him? It means, she has also to go forth from the second marriage.*
- H. *If that is so, you call into question the parentage even of the children of the first marriage.*
- I. *Since it is from the second husband that we remove her, but not from the first, people will come to conclude that he divorced her right before dying.*

- I.2** A. Said Rabbah bar bar Hannah said R. Yohanan in the name of R. Judah bar Ilai, "Come and take note of how the latter generations are different from the earlier ones. The first generations stand for the House of Shammai, the latter generations, R. Dosa.
- B. *"For it has been taught on Tannaite authority: 'A woman taken captive [and returned to her husband] continues to eat heave-offering [when she returns to her husband, who is a priest],' the words of R. Dosa. [And sages say, 'There is a woman taken captive who may eat heave-offering, and there is a woman taken captive who may not do so. How so? The woman who says, "I was taken captive, but I remain clean," eats [heave-offering], for the mouth which imposed a prohibition [on the person] is the mouth which released the prohibition [from that same person]. But if there were witnesses that she had been taken captive, while she says, "I am clean," she may not eat heave-offering]' [M. Ed. 3:6]. [Dosa continues:] 'For what has this Arab done to her? Simply because he stroked her between her breasts, has he invalidated her for marriage into the priesthood?'"*

- I.3** A. And said Rabbah bar bar Hannah said R. Yohanan in the name of R. Judah bar Ilai, “Come and take note of how the latter generations are different from the earlier ones.
- B. “The earlier generations bring in their crops through the kitchen garden, to make the produce liable to tithing; the latter generations bring in the crops over the roofs and through enclosures, to avoid making the produce liable to tithing.”
- I.4** A. For said R. Yannai, “Produce from which tithes and offerings have not been separated is not held to be liable [for the designation of those holy parts] **[88A]** until it sees the front of the house [that is, until it is taken into the house through the front door, not through the roof or the backyard (Freedman)], as it is written, ‘Then you shall say before the Lord, your God, I have removed the sacred portion out of my house’ (Deu. 26:13).”
- B. R. Yohanan said, “Even entry into the courtyard imposes liability to the separation of these things, since it is said, ‘That you may eat within your gates and be filled’ (Deu. 26:12).”

### **8:9A-G**

- A. He who divorced his wife and spent a night with her in an inn –**
- B. the House of Shammai say, “She does not require a second writ of divorce from him.”**
- C. And the House of Hillel say, “She requires a second writ of divorce from him.”**
- D. Under what circumstances?**
- E. When she was divorced following consummation of the marriage.**
- F. But they concur in the case of one divorced after betrothal alone, that she does not require a second writ of divorce from him.**
- G. For he is not yet shameless before her.**
- I.1** A. Said 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, **[81B]** *for the House of Shammai take the view that a man will have sexual relations merely to fornicate, and the House of Hillel take the view that a man will not have sexual relations merely to fornicate. 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.*”

- B. *We have learned in the Mishnah: But they [the House of Hillel] concur in the case of one divorced after betrothal alone, that she does not require a second writ of divorce from him. For he is not yet shameless before her.* Now if it is a case in which they saw that she had sexual relations with the man, what difference does it make to me whether this was after betrothal or marriage? *Rather, our Mishnah paragraph speaks of a case in which they did not see that she had sexual relations with the man, and R. Yohanan made his statement in line with the position of the following Tannaite authority, as has been taught on Tannaite authority: Said R. Simeon b. Eleazar, “The House of Shammai and the House of Hillel did not dispute about a case in which people didn’t see that she had sexual relations; she doesn’t require a second writ of divorce from him under those circumstances. Concerning what situation did they differ? It is one in which they did see that they had sexual relations. For the House of Shammai say, ‘A man will have sexual relations merely to fornicate.’ And the House of Hillel say, ‘A man will not have sexual relations merely to fornicate.’” [T. Git. 6:8E-G].*
- C. *Well, then, with reference to our Mishnah paragraph, which we have established to refer to a case in which they didn’t see her have sexual relations, what is at issue between the House of Shammai and the House of Hillel?*
- D. *A case in which there are witnesses that they have been alone together but no witnesses that they have had sexual relations. The House of Shammai take the view that the witnesses to their being alone together are not regarded as equivalent to witnesses that they have had sexual relations, and the House of Hillel maintain that we do hold that the witnesses that they have been alone together are the same as witnesses that they have had sexual relations.*
- E. **But they [the House of Hillel] concur in the case of one divorced after betrothal alone, that she does not require a second writ of divorce from him. For he is not yet shameless before her.** *We do not maintain that the witnesses that they have been alone together are the same as witnesses that they have had sexual relations.*
- F. *But did R. Yohanan make any such statement? And didn’t R. Yohanan say, “The decided law is in accord with the unattributed Mishnah statement,” and we have established the fact that our Mishnah speaks of a case in which they did not see her having sexual relations?*
- G. *What we have in hand are two Amoraic versions of what R. Yohanan said.*

## 8:9H-J

- H. If he married her on the strength of [her having been divorced from a former husband] by a “bald” [defectively witnessed] writ of divorce,
- I. she goes forth from this one and from that one.
- J. And all the above conditions apply.

## 8:10

- A. As to “bald” [defectively witnessed] writ of divorce –
- B. “All complete it,” the words of Ben Nannos.
- C. R. Aqiba says, “Only they complete it who are relatives suitable to give testimony under some other circumstance.”
- D. What is “bald” [defectively witnessed] writ of divorce?
- E. One that has more folds than witnesses.

- I.1 A. [If he married her on the strength of her having been divorced from a former husband by a “bald” writ of divorce, she goes forth from this one and from that one. And all the above conditions apply:] *How come a bald writ of divorce is invalid?*
- B. It is a precautionary decree to take account of the possibility that he said, “All of you write” [Simon: in which case we assume that the number of folds corresponds to the number of persons present at the time, and one of these has neglected to sign; that would invalidate the writ].

- II.1 A. As to “bald” [defectively witnessed] writ of divorce – “All complete it,” the words of Ben Nannos. R. Aqiba says, “Only they complete it who are relatives suitable to give testimony under some other circumstance”:
- B. *As to R. Aqiba’s position, on what basis does he not validate a slave as witness?*
- C. *So that people won’t conclude that he is valid to give testimony.*
- D. *Well, then, in the case of a relative, the same should apply: so that people won’t conclude that he is valid to give testimony. Rather, this is the reason for the exclusion of the slave: People might come to think that he derives from Israelite genealogy.*
- E. *Well, then, a robber who can prove that he is of Israelite genealogy should be able to testify here. But how come we learn in the present Mishnah paragraph: R. Aqiba says, “Only they complete it who are relatives suitable to give testimony under some other circumstance”? That is to say, a relative, but not a robber.*

F. *Rather, this is the reason for the exclusion of the slave: People may conclude that he has been freed. In the case of the robber, they may conclude that he has repented. But as to a relative, what is there to say? Everybody knows that he is a relative.*

**II.2** A. Said R. Zira said Rabbah bar Sheilta said R. Hamnuna the Elder said R. Ada bar Ahbah, “Concerning a bald writ of divorce that has seven folds and six witnesses, or six folds and five, or five folds and four, or four folds and three do Ben Nannos and R. Aqiba differ. But if the folds are three and the witnesses two, both parties concur that only a relative may complete it.”

B. *Said R. Zira to Rabbah bar Sheilta, “But three in a folded writ correspond to two in one that is flat [Simon: three being the minimum for a folded writ as two for a plain one, in order to protract the proceedings]. But if a relative is forbidden to sign the plain writ, shouldn’t a relative be forbidden to sign a folded one?”*

C. *He said to him, “I, too, found that a problem, and I addressed the question to R. Hamnuna, and R. Hamnuna to R. Ada bar Ahbah, and he said to him, ‘Don’t pay attention to the matter of three on a folded writ, since the requirement of three does not derive from the Torah.’”*

D. *So, too, it has been taught on Tannaite authority: A bald writ of divorce has seven folds and six witnesses, or six folds and five, or five folds and four, or four folds and three [T. Git. 6:9G]. Up to this point do Ben Nannos and R. Aqiba differ.*

E. *If a slave then completed the signatures –*

F. *Ben Nannos says, “The offspring of the subsequent marriage is valid.”*

G. *And R. Aqiba says, “The offspring is a mamzer.”*

H. *But if there are three folds and two witnesses, all parties concur that only a relative may complete the signatures.*

**II.3** A. *R. Joseph repeated as the Tannaite statement: a valid party.*

B. *But has it not been taught on Tannaite authority: a relative?*

C. *Said R. Pappa, “Repeat: a valid one.”*

**II.4** A. Said R. Yohanan, “Only a single relative has been validated to sign as a witness, but not two, lest it should turn out that the writ is confirmed on the basis of the signatures of two relatives and only one valid witness.”



- B. *Said R. Ashi, "A close reading of the Mishnah paragraph confirms that view, [82A] for the formulation goes up by steps one by one, which shows that that is the case]."*
- C. *Said Abbaye, "It further implies that a relative may sign wherever he wishes, beginning, middle, or end; we conclude from the fact that there is no fixed place assigned to him. It further implies that the writ is validated on the strength of any three signatures, and we don't require the three to stand next to one another. If you should imagine that we do want them next to one another, then a place should be assigned to the relative at the outset, in the middle, or after the signatures of each two competent ones; and therefore several relatives could be permitted."*
- D. *When they would come before R. Ammi, he would say to them, "Go and have a slave from the market complete it."*