



בס"ד

Intro

Today we will בע"ה learn מסכת גיטין of דף פ"ב learn מסכת גיטין of מסכת some of the topics we will learn about include.

The Machlokes רבי אליעזר וחכמים רegarding המגרש את אשתו המגרש את אחם המארם ואמר לכל אדם ואמר לה הרי את מותרת לכל אדם אלא לפלוני

If a person divorced his wife and told her you are permitted to marry anyone except for so and so; חכמים holds she is divorced while the חכמים hold she is not divorced.

The question of whether the Machlokes is only in a case of שיור in which he placed a שיור, an exclusion in the actual Gett - OR the Machlokes is only in a case of על מנת a condition, to the Gett.

The question of בקידושין היאך

If he gives Kiddushin to a woman and states התקדשי לי חוץ מפלוני

You shall become my wife and are forbidden to marry anyone except for so and so, is the Kiddushin effective or not.

קידושין

אסר לה אכולי עלמא כהקדש

If a person gives Kiddushin to a woman, she becomes his wife, and she is thereby forbidden to all others.



В

גירושין

הרי היא מותרת לכל אדם

If a person gives a **G**ett to his wife, she becomes divorced, and she is released in that she is now permitted to marry all others.

אשת שני מתים

If a woman was considered married to two brothers ראובן and they died without children, she does not fall to Yibum to the third brother, because the Pasuk states ומת אחד מהם וגו' יבמה יבא עליה

Yibum applies only to a יבמה that has but one זיקה from one husband. However she has two זיקה, one זיקה from ניקה, and also a ייקה from נישמעון.









So let's review ...

Zugt Di Mishnah

המגרש את אשתו

ואמר לה הרי את מותרת לכל אדם

אלא לפלוני

If a person divorced his wife and told her you are permitted to marry any man other than so and so;

רבי אליעזר מתיר

וחכמים אוסרים

רבי אליעזר says she IS divorced, while the Chachamim say she is NOT divorced.

כיצד יעשה

What must be done according to the Chachamim? יטלנו הימנה ויחזור ויתננו לה

ויאמר לה הרי את מותרת לכל אדם

He takes the **G**ett back, gives it to her a second time, and states you are permitted to marry all men.

The Gemara asks

איבעיא להו

האי אלא

חוץ הוא

או על מנת הוא

Is the word אלא understood as חוץ, an exclusion, or as a חוץ, a stipulation?

And the Gemara elaborates:

In the lexicon of the Mishnah אלא means חוץ. The Gemara proves this from a Mishnah regarding גגעים, where it cannot be understood otherwise.

המגרש את אשתו
ואמר לה הרי את מותרת לכל אדם
אלא לפלוני

You are permitted to marry any man
other than so and so

ממיר
מתיר
אוסרים
מתיר
אוסרים
יאנו פיאנפ ויחזור ויתננו אפ
ויאני אפ פרי את מותנת אבל אפק

He takes the Gett back, gives it to her a second time,
and states you are permitted to marry all men.





Dedicated By: _





Therefore, the Machlokes must be explained as follows: If he said

הרי את מותרת לכל אדם

חוץ מפלוני

You are permitted to marry any man except for so and so; חכמים אוסרים

The Gett is not valid at all, and she may not marry anyone, because

דהא שייר לה בגט

The Gett does not release her completely; and as the Gemara later explains

דבעינן כריתות וליכא

The Pasuk states ספר כריתות; a **G**ett must be a complete severance, while here she is still bound to him regarding edition.

However,

רבי אליעזר מתיר

The Gett IS valid, because רבי אליעזר derives from the following Pesukim that שייר לה בגט does NOT invalidate the Gett.

אבל בעל מנת מודו ליה

However, the Chachamim agree that if he states הרי את כוותרת לכל אדם

על מנת שלא תנשאי לפלוני

You are permitted to marry any man on the condition that you do not marry so and so, the Gett IS valid, because מידי דהוה אכל תנאי דעלמא

It is no different than any other תנאי; because a חנאי does not limit the כח of the actual Gett. She is released completely, but merely with a condition attached to the Gett. In other words, the condition attached to the to dett. In other words, the condition attached to the cett. In other words, the מלוני that does not allow her to marry :edition of the condition of the condi





Dedicated By: _





4

The Gemara then cites the two Pesukim from which רבי אליעזר derives that the Gett is valid even though שייר לה בגט

רבי ינאי says, because the Pasuk states ויצאה מביתו והלכה והיתה לאיש אחר

She leaves his home and marries another person. The words איש אחר refer to one person, and therefore אפילו לא התירה אלא לאיש אחר

הרי זו מגורשת

Even if the Gett permits her to only one person, the Gett is valid regarding that person.

While the Chachamim hold לכל איש ואיש

The word איש does not refer to one person, but rather to each and every person.

2.

רבי יוחנן says, because the Pasuk regarding a Kohen states ואשה מאישה לא יקחו

A Kohen may not marry a woman who is divorced from her husband. The words האישה imply גרושה אלא מאישה אפילו לא נתגרשה אלא מאישה

נפסלה מן הכהונה

Even if she was only divorced from her husband but was not released to marry others, the **G**ett disqualifies her to a Kohen.

However, in our case where she WAS released to marry others with the exception of one person, the Gett is valid, and she may marry anyone except for that one person.

While the Chachamim hold

איסור כהונה שאני

The Pasuk considers this a Gett only regarding the Issur of marrying a Kohen, but not regarding other matters.

=======



י^{הי יוחן} ואשה גרושה מאישה לא יקוזו

A Kohen may not marry a woman who is divorced The words גרושה מאישה imply

> אפילו לא נתגרשה אלא מאישה נפסלה מן הכהונה

Even if she was only divorced from her husband but was not released to marry others, the Gett disqualifies her to a Kohen.

The Chachamim hold

איסור כהוכה שאני It is a Gett only regarding the Issur of marrying a Kohen but not for other matters. יפ*י יפי* ויצאה מביתו והלכה והיתה לאיש אזור

The words איש אתר refer to one person, and therefore

אפילו לא התירה אלא לאיש אתר הרי זו מגורשת

Even if the Gett permits her to only one person, the Gett is valid regarding that person.

The Chachamim hold לכל איש ואיש

The word איש does not refer to one person, but rather to each and every person.



Dedicated By: _





6

The Gemara cites a Braisa in which רבי יוסי ברבי יהודה disagrees with our Mishnah and says that the Machlokes is only in a case of

על מנת שלא תנשאי לפלוני

And the Machlokes is explained as follows:

רבי אליעזר מתיר

The Gett is valid, because

מידי דהוה אכל תנאי דעלמא

A ישיור is not a תנאי. She is released completely, but with a condition attached to the Gett. Therefore, she is permitted to marry anyone except for פלוני. While

חכמים אוסרים

The Gett is not valid, because

הכא שייר לה בגט

This תנאי IS considered a חנאי in the גט, because practically, she cannot marry פלוני.

======

The Gemara goes on to ask בקידושין היאך

What is the Halachah in a similar case of Kiddushin? If a man gives a woman Kiddushin and states התקדשי לי חוץ מפלוני

You shall become my wife and are forbidden to all men except for פלוני; is the Kiddushin effective or not?

תיבעי לרבי אליעזר תיבעי לרבנן

The question can be asked according to both רבי אליעזר and the Chachamim

תיבעי לר"א

Do we say that רבי אליעזר agrees that regarding Kiddushin וחוץ מפלוני is NOT valid, because only regarding Gett is חוץ מפלוני valid, because

דכתיבי קראי

The Pesukim of ארש אחר מאישה and גרושה מרושה specifically teach that a **G**ett is valid if it only releases her partially. However, regarding Kiddushin

קנין מעליא בעינן

The husband must acquire her completely in that she becomes forbidden to all.

OR

We say that רבי אליעזר holds that even regarding Kiddushin חוץ מפלוני is valid, because there is a היקש, a comparison of Kiddushin to Gett through the words ויצאה והיתה the Pasuk

ויצאה מביתו והלכה והיתה לאיש אחר

And just as a partial Gett is valid, a partial Kiddushin is valid as well.



What is the Halachah in a similar case of Kiddushin?

If a man gives a woman Kiddushin and states

התקדשי לי חוץ מפלוני

תיבעי לרבי אליעזר

Does he agrees regarding Kiddushin that חוץ מפלוני is not valid

Only regarding Gett is תוץ מפלוני valid, because the Pesukim of ברושה מאישה and לאיש אתר teach that a Gett is valid if it only releases her partially. However, regarding Kiddushin קנין מעליא בעיכן

The husband must acquire her completely in that she becomes forbidden to all.

OR

We say that he holds that Even regarding Kiddushin מוץ מפלוני is valid because there is a היקש, a comparison of Kiddushin to Gett through the words









And

תיבעי לרבנן

Do we say that the רבון agree that regarding Kiddushin חוץ מפלוני is valid, because only regarding Gett is חוץ מפלוני not valid, because

דבעינן כריתות וליכא

The Pasuk states ספר כריתות, that a **G**ett must be a complete severance, while here she is still bound to him regarding chitz. However, regarding Kiddushin התם קנין כל דהו

The Kiddushin is valid even if it only partially restricts her.

OR

The רבנן hold that even regarding Kiddushin חוץ מפלוני is not valid, because of the היקש of ויצאה והיתה

The Gemara concludes בין לרבי אליעזר בין לרבנו בעינן ויצאה והיתה בעינן ויצאה והיתה Therefore, in this case of התקדשי לי חוץ מפלוני We have the same Machlokes, but in the reverse: רבי אליעזר אוסר

וחכמים מתירים According to רבי אליעזר it's a valid Kiddushin, while according to the הכמים it's not a valid Kiddushin.









The Gemara continues that according to ד רבי אליעזר it would be possible for a woman to be married to two husbands simultaneously; and although she is prohibited to each one because she is a אשת איש of the other, it is relevant in a case of Yibum regarding the Halachah of אשת שני מחים

If a woman was considered married to two brothers ראובן and they both died without children, she does not fall to Yibum to the third brother, because the Pasuk states ומת אחד מהם וגו' יבמה יבא עליה

יבום applies only to a יבמה that has but one זיקה from one husband. But if she has two זיקות, one זיקה from jrom, and also a זיקה from שמעון there's no Yibum.

As the Gemara elaborates

בא ראובן וקידשה חוץ משמעון

ובא שמעון וקידשה חוץ מראובן

ומתו שניהם

If ראובן first gave a woman Kiddushin forbidding her to marry everyone except his brother שמעון; then שמעון gave her Kiddushin forbidding her to marry everyone except his brother , ראובן, and then they both died מתיבמת ללוי

ואיו אני קורא בה אשת שני מתים

She does fall to Yibum to the third brother לי, and she is not considered the wife of both brothers, because קידושי דראובן אהנו

קידושי דשמעון לא אהנו קידושי דשמעון

Only ראובן's Kiddushin is effective, because it did restrict her to all others, but שמעון Kiddushin is not effective, because it did not restrict her to anyone, because, as Rashi explains

שהרי אסורה ועומדת על הכל חוץ מראובן

She was already forbidden to all through יראובן's Kiddushin, and remains permitted to Ruvain.

However,

בא ראובן וקידשה חוץ משמעון

ובא שמעון וקידשה סתם

If ראובן gave her Kiddushin forbidding her to marry everyone except for his brother שמעון, then שמעון gave her Kiddushin forbidding her to marry everyone, including ראובן,

אינה מתיבמת ללוי

She does not fall for Yibum to לוי, because she is אשת שני, because

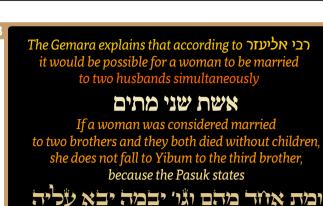
דקידושי ראובן אהנו למיסרא אעלמא

וקידושי דשמעון אהנו למיסרא אראובן

's Kiddushin was effective in that it restricted all others, and שמעון's Kiddushin was effective in that it restricted ראובן.

=======

Dedicated By: __



יבוס applies only to a זיקה that has but one זיקה from one husband. But if she has two זיקה, one זיקה from יבמה, and a ינקה from שמעון there's no Yibum.

ובא שמעון
וקידשה
חוץ מראובן

en אין און gave her מניהם ddushin forbidding שניהם her to marry veryone except his

> מתיבמת ללוי מ*אומן* אין און כורא רה

ואין אני קורא בה אשת שני מתים

בא ראובן וקידשה זוע משמעונ

If PIKI first gave a woman Kiddushin forbidding her to marry everyone except his brother NYNI

> קידולי דנאובן אפנו

שהרי אסורה ועומדת על הכל חוץ מראובן
She was already forbidden to all through אופן Kiddushin,
and remains permitted to Ruvain

ובא שמעון וקירשה

מתם

Then IIYNl gave her Kiddushin forbidding her to marry everyone, including PILI

בא ראובן

וקידשה זוץ משמעו

If PIET gave her
Kiddushin forbidding
her to marry everyone
except for his brother
INNO

Because she is

ומתו

אשת שני מתים

בקיבולי ראובן אפקו אתיסרא אצאתא נקיבולי בלתצון אפקו אתיסרא אראופו

p/x)'s Kiddushin was effective in that it restricted all others and pyve's Kiddushin was effective in that it restricted p/x







9

The Gemara continues;

בעי אביי

אמר לה הרי את מותרת לכל אדם חוץ מראובן ושמעון וחזר ואמר לה לראובן ושמעון

מהו

If the husband stated you are permitted to all except for and שמעון, and then he stated, you are permitted to שמעון and then he stated. שמעון אובן

Do we say

מאי דאסר שרא

He added to his initial statement, and he now released her also to שמעון and "שמעון,

OR

מאי דאסר שרא

ומאי דשרא אסר

He retracted from his previous statement, and now released her only to שמעון and שמעון, but he restricted her to all others.

The Gemara proceeds with several other questions, but they remain unresolved.





