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Intro

Today we will בע"ה learn מסכת גיטין of מסכת גיטין Some of the topics we will learn about include.

The Mishnah's Halachah regarding יצא שמה בעיר מקודשת הרי זו מקודשת

If a rumor circulated in the city that an unmarried woman accepted Kiddushin from so and so, she is considered married לחומרא, and is forbidden to marry anyone else without a Gett.

A קול is effective only if it includes דברים נכרים, supporting details;

If the origin of the קול is known;

The Mishna's Halachah... יצא שמה בעיר מקודשת פרי זו מקודלת א קול is effective ONLY if it includes... The origin is KNOWN

Several cases that are considered merely a קול הברה, a simple rumor, and disregarded, because there are no דברים נכרים

The Machlokes regarding מבטלינן קלא

If a קול was first established that a woman accepted Kiddushin, but after Bais Din investigated the matter they discovered that the rumor was false, does Bais Din cancel the קול and permit her to marry, or not.

Several incidents in which all agree that

Because there are mitigating circumstances









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אמתלא

If a קול circulated, but they provided a good explanation to the קול's origin, the קול is cancelled.

The Machlokes regarding אמתלא שאמרו אמרלא שאמרו אפילו מכאן ועד עשרה ימים אפילו מכאן ועד עשרה ימים If a אמתלא is one that circulated even 10 days after the קול, or only if it circulated together with the קול.

כל קלא דבתר נישואין ליה לא חיישינן ליה לא חיישינן ליה If after she married, a קול began to circulate that she already married someone else, the קול is not effective.



The Machlokes regarding בתר אירוסין

If after she accepts Kiddushin the קול began to circulate, does she require a Gett from that person or not.

Several Halachos regarding a קול that already circulated before the Kiddushin.





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1 So let's review ...

Zugt Di Mishnah

יצא שמה בעיר מקודשת

הרי זו מקודשת

If a rumor circulated in the city that an unmarried woman accepted Kiddushin from פלוני, so and so, she is considered married לחומרא and is forbidden to marry anyone else without a **G**ett from פלוני.

מגורשת

הרי זו מגורשת

And if afterward a rumor circulated that she also received a Gett from פלוני, she is considered divorced, in that she is now forbidden to marry a Kohen. But she does not become permitted to others without a Gett, because a קול can only cause concern לחומרא, to act stringently, but cannot be relied upon לקולא, to act leniently.

The Gemara explains that a קול הברה, a general rumor with no basis, is totally disregarded.

For a קול to be regarded and considered, as taught in the Mishnah, it must meet one of the following two requirements:

1

דברים נכרים

Supporting details;

For example, in the case of a קול of Kiddushin, at least two people testify before בית דין that they saw the following:

שיהו נרות דולקות

ומטות מוצעות

ובני אדם נכנסין ויוצאין

ואומרים פלונית נתקדשה היום

Today in a certain house, candles were lit, couches decorated, and people were coming and going and saying that so and so accepted Kiddushin.

2. OR

פלוני מהיכן שמע

Its origin is known, even though it cannot be verified. For example,

פלוני מהיכן שמע

מפלוני

ופלוני מפלוני

והלכו להם למדינת הים

ראובן heard the rumor from שמעון who heard it from לי, who heard from two עדים who witnessed the Kiddushin, but they traveled abroad.







אף כאן דבר ברור



The Gemara mentions other cases of קול that are disregarded for various reasons.

1. אמר רבא יצא לה שם מזנה בעיר אין חוששין לה A rumor that a woman strayed is disregarded and she may remain with her husband, because פריצותא בעלמא הוא דחזו לה We assume that she was merely seen acting inappropriately, but no actual ונות occurred. This is supported by רבי יוחנן בן נורי in a Braisa who says that a woman cannot be divorced merely for acting inappropriately in public or based on gossip. The husband must divorce his wife only based on עדים, witnesses to actual זנות. This is based on a גזירה שוה of the words דבר; The Pasuk regarding אט states כי מצא בה ערות דבר And the Pasuk regarding עדות states על פי שנים עדים או על פי שלשה עדים יקום דבר מה להלן דבר ברור





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4 Similarly, the Braisa states

בעולה

אין חוששין לה

A קול that she is not a virgin is disregarded, because as Rashi explains;

דדלמא פריצותא בעלמא חזו לה

And there are no דברים נכרים.

נשואה וארוסה

אין חוששין לה

A קול that she was previously married or that she had previously accepted Kiddushin is disregarded, because as Rashi explains,

דקלא דמתניתין היינו שאומרים

היום נתקדשה פלונית

The קול is regarded only if the occurrence was today.

שלא לפלוני

Or

בעיר אחרת

אין חוששין לה

If the קול did not mention from whom she accepted Kiddushin, or in a different city, it is disregarded, because it's not sufficiently דברים נכרים.

ממזרת ושפחה

אין חוששין לה

A קול that she is a Mamzeres or maid-servant is likewise disregarded.

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The Gemara proceeds with a Machlokes regarding מבטלינן קלא

If a קול was first established that a woman accepted Kiddushin, but upon investigation the Bais Din discovered that the rumor was false; do they cancel the קול and permit her to marry, or not?

בסורא

מבטלי קלא

The Bais Din in סורא held that a קול may be cancelled, and there is no concern for חשד. While

בנהרדעא

לא מבטלי קלא

The Bais Din in נהרדעא held that a קול may not be cancelled;

מפני החשד

There is a concern that people might accept the קול as the truth, and say that the Chachamim permitted a אשת איש to remarry without a **G**ett.

The Gemara then proceeds with several incidents in which all agree that

מבטלינן קלא

Because there were mitigating circumstances;

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6 The Mishnah continues

ובלבד שלא יהא שם אמתלא

If there is a good explanation for the origin of the קול, the קול, is cancelled.

איזו היא אמתלא

What is an effective אמתלא?

In a case of a Gett;

גירש איש פלוני את אשתו על תנאי

The קול was that the Gett also included a stipulation. The קול is cancelled, and if פלוני dies she is permitted to a Kohen, because the תנאי was possibly never fulfilled. And in a case of קידושין;

זרק לה קידושיה ספק קרוב לה ספק קרוב לו

זו היא אמתלא

The אקול was that פלוני threw the money toward her, but it was questionable whether it landed closer to her or closer to him. The קול is cancelled and she is permitted to marry anyone, because the money possibly landed closer to him and she was never מקודשת.

רבה בר רב הונא says אמתלא שאמרו אפילו מכאן ועד עשרה ימים

A אמתלא cancels the קול even if it's heard 10 days after the

קול.

However, קול holds that it must be heard with the קול.

רב זביד says במקום אמתלא חוששין לאמתלא

Even if there was no actual אמתלא, but rather there is a possibility for a קול is still cancelled.

ובלבד שלא יהא שם אמתלא

If there is a good explanation the קול is CANCELLED



איזו היא אמתלא?

In a case of a Gett; The lip was

גירש איש פלוני את אשתו **על תנאי**

The Ip is cancelled

If פלוני dies she is permitted to a כהן

The Kin was possibly never fulfilled

In a case of a pl17p; The lip was

זרק לה קידושיה ספק קרוב לה ספק קרוב לו

The lip is cancelled She is permitted to marry anyone

The money possibly landed closer to HIM she was never stapp

אמתלא שאמרו

כ' יוחןן

ובה בר וב הוא

Must be heard WITH the קול

אפילו מכאן ועד עשרה ימים

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במקום אמתלא חוששין לאמתלא



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7 The Gemara continues

רב אשי says

כל קלא דלא איתחזק בבי דינא

לאו קלא הוא

A rumor that's not confirmed in Bais Din is disregarded.

וא"ר אשי

כל קלא דבתר נישואין

לא חיישינן ליה

If after she married, a קול began to circulate that she was already married to someone else, the קול is disregarded, and she does not even require a Gett from that person because, as Rashi explains

נמצאת אוסרה על בעלה

This would validate the קול, and she would become forbidden to her current husband since he apparently married a אשת איש.

However,

דבתר אירוסין

חיישינן ליה

If after she accepted Kiddushin this קול began to circulate, she does require a Gett from that person, because she would not become forbidden to her current husband since he did not marry her yet.

רב חביבא disagrees and says אפילו דבתר אירוסין נמי

לא חיישינן ליה

Even after she accepted Kiddushin, the קול is disregarded and she does not require a Gett from that person, because as Rashi explains

שלא תתגנה על בעלה

This will demean her in her husband's eyes.

והלכתא

לא חיישינן ליה









יצא עליה קול מראשון ובא אחר וקדשה

> If after there already was a קול that she had accepted Kiddushin from ישמעון, she accepted Kiddushin from ישמעון; the בית דין must investigate, and it depends;

מצאו הדבר על בוריו If Bais Din verified that the קול is true; שמואל holds לא צריכה גט משני

She goes back to ראובן and does not require a Gett from שמעון, because his Kiddushin was certainly not effective. However, according to רב הונא

צריכה גט משני

She does require a Gett from שמעון, because לחומרא his Kiddushin is effective, because

חזקה אין אשה מעיזה פניה בפני בעלה

We assume that ראובן already divorced her, because she would not have the audacity to accept a second Kiddushin while she is still married to him.

However, שמואל holds that

שלא בפניו

מעיזה ומעיזה

לא מצאו דבר על בוריו If Bais din could not verify that the קול is true; רב הונא says מגרש ראשון ונושא שני If שמעון gives her a Gett, שמעון may marry her. However,

vice versa

מגרש שני

ונושא ראשון

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If שמעון gives her a Gett, ראובן may not marry her, because אתי למימר מחזיר גרושתו מן האירוסין

There is concern of חשד that people will assume that באובן married her and divorced her, and then שמעון married her, and now ראובן is remarrying his divorcee, which is prohibited.

רב שיננא בריה דרב אידי disagrees and says אף מגרש שני ונושא ראשון

If אמעון gives her a Gett, ראובן may marry her, because מימר אמרי עייני רבנן בקידושי וקידושי טעות הוה

There is no concern for חשד, because people will assume that the Rabbanim found ראובן's first Kiddushin to be erroneous.











10

יצא עליה קול מזה ומזה

If a קול circulated that she accepted Kiddushin from ראובן and then from שמעון;

רב פפא says

אף זו מגרש ראשון ונושא שני

The Machlokes applies in this case as well. According to רב הונא, Ruvain may not marry her, because there is a חשד. While according to דב שיננא בריה דרב אידי, Ruvain may marry her, because there is no חשד.

אמימר however says מותרת לשניהם

There is no Machlokes in this case. All agree that she is permitted to either one after a גיט from the other, because there is no קול, since both were merely a קול.

And the Gemara concludes:

והלכתא מותרת לשניהם





