

מסכת גיטין • דף כ"ה ע"א

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THE SUGYA

In this daf, we dive deeper into the sugya of yesh breirah—whether a retroactive clarification can validate an action after the fact. The Gemara focuses on the final case of our mishna, where a husband tells a scribe to write a get for whichever wife he chooses later. We explore whether this get is completely invalid or if there is a doubt that requires us to be machmir, which would disqualify the woman from marrying a kohen.

We will see how the gedolei amoraim, including Rav Asi, Ze'eiri, and Rabbi Yochanan, analyze this question. The discussion expands beautifully to other areas of halacha, comparing the rules of divorce to the halachos of how brothers divide an inheritance of land and how they must return it in the Yovel year, as well as the sweet ways a father encourages his children to run to do the mitzvah of Korban Pesach.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

MISHNAH מִשְׁנָה

MISHNAH

קטן ואנפיליא – פסולות ואין פוסלות.

If the yavam was a **minor**, or if she performed chalitzah wearing an **anpileya**, a soft cloth shoe, these acts of chalitzah are **invalid**, and yet **they do not disqualify** her from marrying a kohen or from yibum.

GEMARA גְּמָרָא

STATEMENT

זעירי אמר: כולן אין פוסליו, חוץ מן האחרון.

Ze'eiri said: All of the invalid bills of divorce mentioned in our Mishnah **do not disqualify** the woman from marrying a kohen, **except for the last** case, where the husband left the choice of which wife to divorce for later.

STATEMENT

וכן אמר רב אסי: כולן אין פוסליו, חוץ מן האחרון.

And similarly, Rav Assi said: All of them **do not disqualify**, except for the last case.

STATEMENT

ורבי יוחנן אמר: אף אחרון נמי אינו פוסל.

But Rabbi Yochanan said: Even the last case **also does not disqualify** her, because there is no retroactive clarification at all.

EXPLANATION

ואֲזָדָא רַבִּי יוֹחָנָן לְטַעְמִיהּ – דְּאָמַר רַבִּי אָסִי, אָמַר רַבִּי יוֹחָנָן: הָאֲחִין שֶׁחֲלָקוּ – לְקוּחוֹת הֵן, וּמַחְזִירֵין זֶה לָזֶה בַּיּוֹבֵל.

And Rabbi Yochanan follows his own line of reasoning elsewhere, as Rav Assi said that Rabbi Yochanan said: Brothers who divided an inheritance are considered like purchasers from one another, and therefore they must return their portions to each other in the Jubilee Year, because we do not say that the division retroactively clarifies what was theirs from the start.

EXPLANATION

וצָרִיכָא; דְּאִי אֵיתְמַר בְּהָא, בְּהָא קָאמַר רַבִּי יוֹחָנָן דְּאִין בְּרִירָהּ, מְשׁוּם דְּבָעִינָן "לָהּ" – לְשִׁמְיָהּ;

And it is necessary for Rabbi Yochanan's view to be stated in both cases; for if it had been stated only in this case of a get, one would say that in this case Rabbi Yochanan says there is no retroactive clarification, because we require that the get be written "for her"—meaning for her sake at the time of writing;

EXPLANATION

אֲבָל הֵתָם, מָכַר – הוּא דְּאָמַר רַחֲמָנָא לִיהִדֵּר בַּיּוֹבֵל, אֲבָל יְרוּשָׁה וּמִתְנָה – לֹא.

but there, regarding inheritance, one might say that it is only a sale that the Merciful One said must return in the Jubilee Year, but inheritance and gifts do not return, and thus the division would stand.

EXPLANATION

ואִי אֲשַׁמְעִינוּ שְׁדָה, מְשׁוּם דְּלְחוּמָרָא; אִי נָמִי, כְּתִחִילָהּ; אֲבָל הָכָא – אֵימָא לָא, צָרִיכָא.

And if he had taught us only regarding the field, one might say that is because of a stringency, or also because the Jubilee requires returning the land to its original state; but here, regarding a get, say that there is retroactive clarification and she is divorced. Therefore, both are necessary.

QUESTION

בָּעָא מִינֵיהּ רַב הוֹשַׁעְיָא מֶרַב יְהוּדָה: אָמַר לְלִבְלָר: "כְּתוּב לְאִיזוֹ שֶׁתֵּצֵא בַּפֶּתַח תְּחִילָה", מַהוּ?

Rav Hoshaya asked of Rav Yehuda: If a husband said to a scribe: "Write a get for whichever of my wives comes out of the doorway first," what is the halachah?

ANSWER

אָמַר לֵיהּ, תְּנִיתוּהָ: יִתֵּר מִיכּוֹן, אָמַר לְלִבְלָר "כְּתוּב לְאִיזוֹ שֶׁאֲרָצָה אֲגַרֵּשׁ" – פָּסוּל לְגַרֵּשׁ בּוֹ, אֲלֵמָא אִין בְּרִירָהּ!

He said to him: You already learned it in our Mishnah: Moreover, even if he said to a scribe, "Write a get for whichever wife I will want to divorce with it," it is unfit to divorce with it. Consequently, we see that there is no retroactive clarification!

OBJECTION

אֵיתִיבֵיהּ, הָאֻמַּר לְבָנָיו: "הֲרִינִי שׁוֹחֵט אֶת הַפֶּסַח עַל מִי שֶׁיַּעֲלֶה מִכֶּם רִאשׁוֹן לִירוּשָׁלַיִם"; כִּיּוֹן שֶׁנִּכְנַס רִאשׁוֹן רִאשׁוֹ וְרוּבּוֹ – זָכָה בְּחֶלְקוֹ, וּמִזְכָּה אֶת אַחֲרֵי עֲמוֹ.

He raised an objection to him from a Mishnah: One who says to his children, "Behold, I am slaughtering the Pesach offering for whichever of you ascends first to Yerushalayim"; once the first child has entered his head and the majority

of his body, he has acquired his portion, and he acquires the portions of his brothers with him. This implies there is retroactive clarification!

RESOLUTION

אמר ליה: הושיעא ברי, מה ענין פסחים אצל גיטין? הא אתמר עלה, אמר רבי יוחנן: כדי לזרז במצות!

He said to him: Hoshaya, my son, what is the connection of Pesach offerings to bills of divorce? Was it not stated on that Mishnah that Rabbi Yochanan said: This was not based on retroactive clarification, but was said merely in order to encourage them in mitzvos!

PROOF

דיקא נמי, דקתני: כיון שנכנס ראשון ראשו ורובו – זכה בחלקו, ומזכה את אחיו עמו.

The language of the Mishnah is also precise, as it teaches: Once the first has entered his head and the majority of his body, he has acquired his portion, and he acquires the portions of his brothers with him.

EXPLANATION

אי אמרת בשלמא דאמנינהו מעיקרא – שפיר; אלא אי אמרת דלא אמנינהו, לאחר שחיטה מי קמיתמנו?

Granted, if you say that he registered them from the outset, it is well; but if you say that he did not register them initially, can they be registered after the slaughtering of the Pesach offering?

PROOF

והתנן: נמנין, ומושכין ידיהן ממנו, עד שישיחט!

But didn't we learn in a Mishnah: People may register and withdraw their hands from it only until it is slaughtered, but not after!

PROOF

תנא נמי הכי: מעשה, וקדמו בנות לבנים, ונמצאו בנות זריזות ובנים שפלים.

It was also taught likewise in a Braisa: There was an incident, and the daughters preceded the sons, and the daughters were found to be diligent and the sons lazy. This shows they all ate from it, proving they were registered beforehand.

OBJECTION

אמר אביי: קא בעי מיניה תולה בדעת אחרים, וקא פשיט ליה תולה בדעת עצמו, והדר מויתב ליה תולה בדעת אחרים!

Abaye said: He asked him about a case where one makes it dependent on the decision of others, and he resolved it from a case where one makes it dependent on his own decision, and then he objected to him from a case dependent on the decision of others!

RESOLUTION

אמר רבא: מאי קושיא? דלמא, דמאן דאית ליה ברירה – לא שנא תולה בדעת עצמו ולא שנא תולה בדעת אחרים, אית ליה ברירה, ומאן דלית ליה ברירה – לא שנא תולה בדעת עצמו ולא

שָׁנָא תוּלָה בְּדַעַת אַחֲרִים, לִית לִיה בְּרִירָה!

Rava said: What is the difficulty? Perhaps for whoever holds there is retroactive clarification, there is no difference whether it is dependent on his own decision or on the decision of others; and for whoever holds there is no retroactive clarification, there is no difference either way!

OBJECTION

אָמַר לִיה רַב מִשְׁרָשִׁיא לְרַבָּא: וְהָא רַבִּי יְהוּדָה, דְּתוּלָה בְּדַעַת עֲצָמוּ לִית לִיה בְּרִירָה, וְתוּלָה בְּדַעַת אַחֲרִים אִית לִיה בְּרִירָה!

Rav Mesharshiya said to Rava: But there is Rabbi Yehuda, who holds that when it is dependent on his own decision there is no retroactive clarification, but when it is dependent on the decision of others there is retroactive clarification!

PROOF

תוּלָה בְּדַעַת עֲצָמוּ לִית לִיה בְּרִירָה – דְּתַנָּא: הַלּוֹקֵחַ יַיִן מִבֵּין הַכּוֹתִימִים, אָמַר: שְׁנֵי לוגִין שְׂאֵנִי עֲתִיד לְהַפְרִישׁ – הָרִי הֵן תְּרוּמָה; עֲשָׂרָה מַעֲשָׂר רִאשׁוֹן; תְּשַׁעָּה מַעֲשָׂר שֵׁנִי;

That when it is dependent on his own decision he holds there is no retroactive clarification, as it was taught in a Braisa: One who buys wine from among the Kutim says: "Two login that I will eventually separate shall be terumah; ten shall be first tithe; and nine shall be second tithe";

SUMMARY

The Gemara begins by clarifying that while an invalid chalitza performed by a minor or with a soft cloth shoe does not disqualify a yevama from yibum, the amoraim dispute which invalid gittin from the mishna disqualify a woman from marrying a kohen. Ze'eiri and Rav Asi hold that only the final case of the mishna—where the husband leaves the choice of which wife to divorce for later—causes a disqualification due to the safek of yesh breirah. Rabbi Yohanan, however, rules that even in this case she is not disqualified because there is absolutely no breirah, a principle he consistently applies to the division of inherited land in Yovel. Finally, the Gemara addresses Rav Hoshaya's question regarding a get written for whichever wife exits the door first, resolving a seeming contradiction from a mishna in Pesachim about a father registering his children for the Korban Pesach by explaining that the father registered them all from the beginning simply to encourage them to be expeditious in their mitzvos.

In our Gemara, we see a beautiful and surprising dynamic. When a father tells his children that he is slaughtering the Pesach offering only for the one who reaches Jerusalem first, the Gemara explains that this was not a strict legal mechanism of retroactive selection. Rather, as Rabbi Yochanan teaches, the father did it for one reason: "to encourage them in the performance of mitzvos." He wanted to create a healthy, loving excitement to run and do the will of the Aibershter.

This is a profound lesson in our own avodah and how we guide our families. Sometimes, we get so caught up in the strict, dry rules of discipline that we forget the power of encouragement and positive excitement. A wise parent or educator knows that the goal is not to create a cold system of rewards and punishments, but to kindle a fire in the neshama, making the path of Torah sweet and desirable.

When we find creative, warm ways to motivate those around us—and even ourselves—to run toward a mitzvah, we are following in the footsteps of the holy Tannaim. We are building a home where serving Hashem is not a burden, but a joyful race.

Today, find one creative way to enthusiastically encourage a child, a spouse, or yourself to do a mitzvah with joy, rather than out of mere habit.