

מסכת גיטין • דף ל"ג ע"א

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

We begin this section of the daf by wrapping up the sugya regarding the minimum number of judges required for a beis din, specifically looking at the wording of a prosbol. The Gemara analyzes whether a prosbol signed by two judges is valid, contrasting the views of Rav Nachman and Rav Sheshet on whether two people can constitute a court in this context, and clarifying the role of witnesses versus judges on the document.

Next, we delve into the famous takanah of Rabban Gamliel the Elder, who instituted that a husband may not annul a get (bill of divorce) in a court elsewhere without his wife's knowledge. The Gemara explores the underlying reason for this enactment, presenting the classic dispute between Rabbi Yochanan, who holds it was enacted to prevent the tragic creation of manzerim, and Reish Lakish, who explains it was to prevent women from becoming agunos (deserted wives) who are afraid to remarry.

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

PROOF

פלוני ופלוני הדיינין שבמקום פלוני.

The text of the prosbol reads: **So-and-so and so-and-so, the judges who are in such-and-such a place**. This shows that even two people are referred to as judges.

OBJECTION

ורב ששית – אטו תנא כי רוכלא ליחשיב וליייל?!

And Rav Sheshet would respond to this: **Is that to say** that the Tanna, when giving an example, **should go on counting like a peddler** listing all his wares, by writing 'so-and-so, so-and-so, and so-and-so'? He merely wrote 'so-and-so' twice to show that the names must be specified, not to define the number of judges.

STATEMENT

אמר רב נחמן: מנא אמינא לה? דתנן: הדיינים חותמין למטה, או העדים.

Rav Nachman said: **From where do I say this**, that two are sufficient? **As we learned in a Mishnah** regarding a prosbol: **The judges sign below** the text, **or the witnesses** sign.

INFERENCE

מאי, לאו דיינים דומיא דעדים – מה עדים שנים, אף דיינים נמי שנים?

What, **is it not** that we compare them, and say that judges are **similar to witnesses**; just as witnesses are two, so too judges are also two?

OBJECTION

ורב ששית – מידי איריא? הא כדאיתא, והא כדאיתא.

And Rav Sheshet would respond: **Are the cases comparable** at all? **This** case of the witnesses **is as it is**, requiring two, and **that** case of the judges **is as it is**, requiring three.

QUESTION

למה לי למיתנא דיינים, למה לי למיתנא עדים?

The Gemara asks: **Why do I need** the Tanna **to teach** that it can be signed by **judges**, and **why do I need** him **to teach** that it can be signed by **witnesses**?

ANSWER

הא קא משמע לן, דלא שנא פתוב בלשון דיינים וחתמי עדים, ולא שנא פתוב בלשון עדים וחתמי דיינים.

The Gemara answers: **This comes to teach us**, that there is **no difference** if the prosbol was **written in the terminology of judges and witnesses signed** it, and there is **no difference** if it was **written in the terminology of witnesses and judges signed** it; either way it is valid.

QUESTION

מפני תיקון העולם: מאי "מפני תיקון העולם"?

We learned in the Mishnah that Rabban Gamliel the Elder enacted that a husband may not cancel a get in a court elsewhere, **for the betterment of the world**. The Gemara asks: **What** is the meaning of '**for the betterment of the world**' in this context?

ANSWER

רבי יוחנן אמר: מפני תקנת ממזרים. ריש לקיש אמר: מפני תקנת עגונות.

Rabbi Yochanan said: It is because of an ordinance to prevent the birth of **mamzerim**. Reish Lakish said: It is because of an ordinance to prevent women from becoming **agunot**.

EXPLANATION

רבי יוחנן אמר מפני תקנת ממזרים – סבר לה כרב נחמן, דאמר בפני שנים; ובי תרי לית להו קלא; והיא לא שמעה ולא ידעה ואזלה ומינסבא, ואיכא ממזרים.

The Gemara explains: Rabbi Yochanan said it is because of an ordinance to prevent **mamzerim**, because he holds in accordance with Rav Nachman, who said that a husband can cancel a get in the presence of two people; and a matter before two people does not generate a rumor. Therefore, she does not hear and does not know that the get was canceled, and she goes and remarries, and there will be **mamzerim** born from the second marriage.

EXPLANATION

וריש לקיש אמר מפני תקנת עגונות – סבר לה כרב ששת, דאמר בפני שלשה; ובי תלתא אית להו קלא; ושמעה וידעה ולא מינסבא; ותקנת עגונות הוא דאיכא.

And Reish Lakish said it is because of an ordinance to prevent **agunot**, because he holds in accordance with Rav Sheshet, who said that a husband can only cancel a get in the presence of three people; and a matter before three people does generate a rumor. Thus, she hears and knows that the get was canceled, and she will not remarry. Therefore, there is no concern of **mamzerim**, but there is a concern of an ordinance for **agunot**, as she will remain bound to him and afraid to remarry.

BRAISA

תנו רבנן: בטלו – מבטל, דברי רבי.

The Rabbis taught in a Braisa: If the husband transgressed the enactment and canceled it, it is canceled; this is the statement of Rabbi Yehuda HaNasi.

BRAISA

רבן שמעון בן גמליאל אומר: אינו יכול לא לבטלו ולא להוסיף על תנאו, שאם כן, מה כח בית דין יפה?

Rabban Shimon ben Gamliel says: He is unable to cancel it, and he is not able to add to its condition; for if so, what power does the Beis Din have if their enactment can be so easily bypassed?

QUESTION

ומי איכא מידי דמדאורייתא בטל גיטא, ומשום "מה כח בית דין יפה", שרינן אשת איש לעלמא?

The Gemara asks: And is there anything which by Torah law makes the get canceled, so that she remains a married woman, and yet because of 'what power does the Beis Din have' we permit a married woman to the world by declaring her divorced?

ANSWER

אין, כל דמקדש – אדעתא דרבנן מקדש, ואפקעיהו רבנן לקידושין מיניה.

The Gemara answers: Yes, anyone who betroths a woman, betroths her subject to the understanding of the Sages, and in this case the Sages expropriated the kiddushin from him retroactively, making her a single woman.

QUESTION

אמר ליה רבינא לרב אשי: תינח דקדיש בכסף, קדיש בביתא מאי איכא למימר?

Ravina said to Rav Ashi: This works out well if he betrothed her with money, where we can say the Sages declared the money ownerless; but if he betrothed her through marital relations, what is there to say?

ANSWER

שויה רבנן לבטלה בעילת זנות.

The Gemara answers: The Sages declared his marital relations to be relations of licentiousness, which do not effect kiddushin.

BRAISA

תנו רבנן, אמר לעשרה: "כתבו גט לאשתי", יכול לבטל זה שלא בפני זה, דברי רבי.

The Rabbis taught in a Braisa: If a husband said to ten people, 'Write a get for my wife,' he can cancel his instructions to this one not in the presence of that one; this is the statement of Rabbi Yehuda HaNasi.

BRAISA

רבן שמעון בן גמליאל אומר: אינו יכול לבטל אלא זה בפני זה.

Rabban Shimon ben Gamliel says: He is unable to cancel the instructions unless he does so to this one in the presence of that one, meaning all of them must be present.

QUESTION

בְּמַאי קָמִיפְלָגִי? בְּעֵדוֹת שֶׁבִטְלָה מִקְצָתָהּ בְּטָלָה כּוּלָּהּ קָמִיפְלָגִי;

The Gemara asks: **Regarding what principle do they disagree?** They disagree regarding the rule of **testimony that is partially invalidated**, is it entirely invalidated?

EXPLANATION

רַבִּי סָבֵר: עֵדוֹת שֶׁבִטְלָה מִקְצָתָהּ

For **Rabbi holds: Testimony that is partially invalidated** is not entirely invalidated, and the remaining agents can still write the get.

SUMMARY

The Gemara transitions into a major halachic discussion regarding the post-facto validity of an annulled get. If a husband violates Rabban Gamliel's takanah and annuls the get anyway, Rabbi Yehuda HaNasi holds the annulment is still biblically valid, whereas Rabban Shimon ben Gamliel rules that the husband cannot annul it, asking, "What advantage does the court have?" To explain how the Sages have the power to uphold a get that was biblically annulled, the Gemara introduces the fundamental principle of 'afke'ihu rabanan lekiddushin minei'—that anyone who betroths a woman does so subject to the will of the Sages, who have the authority to retroactively expropriate the kiddushin money or declare the marital act to be licentious. Finally, the daf begins a new discussion regarding a husband who instructs a group of ten people to write a get for his wife, and whether he can annul his instructions to some of them in the absence of the others.

The Gemara on our daf wrestles with a profound question: How can the Chachamim declare a Torah-level marriage null and void simply to protect the integrity of the court's ordinance? The Gemara answers with a fundamental principle of our mesorah: "Kol d'mekadesh, ada'ata d'Rabanan mekadesh", whoever betroths a woman does so contingent on the will of the Sages. When a person enters into the most sacred, personal covenant of marriage, they are not acting as an isolated individual. They are consciously anchoring their personal life within the broader framework of the Torah community and the authority of Chazal.

This teaches us a beautiful lesson about how we must approach our own lives and our relationship with the Torah. A Yid does not live in a vacuum. Our personal choices, our business dealings, and even our most private relationships are not ours alone to govern. By aligning ourselves with the Rabanan, we are saying that we want our lives to be elevated and protected by the collective holiness of the Jewish people. We willingly submit our personal will to the wisdom of the Torah's leaders, knowing that this is what gives our actions true permanence and spiritual validity.

When we realize that our personal avodah is bound up with the authority of the Chachamim, it changes how we look at halacha. It is not a set of external restrictions, but the very foundation that holds our lives together. Just as the Sages have the power to uphold the sanctity of a home, their guidance in our daily lives is what keeps us aligned with the will of Hashem.

Today, when making a decision or facing a dilemma, pause and ask yourself: "How does the Torah guide me here?" Actively seek to align your personal will with the guidance of Chazal and the Shulchan Aruch, consciously placing your day under the authority of the Torah.