



"If the time arrived and they were not wedded"

"If the year elapses and לא נישאו , he must support her"			
He refuses	He is ill	She is ill/niddah	She refuses
נשאו	נשאו	נישאו	נישאו
Support	?	?	Don't support

Rav Achai Read it as **לא נישאו**, and support where either of them is ill/niddah

Rav Ashi Read it as **לא נשאו**, and support only where he is the ill one

Rava asks whether the oness exemption will work for a conditional get

- Rava Version 1: The exemption where the obstruction is oness doesn't apply to a conditional get
 - Q: What is Rava's source for this halachah?
 - A1: A mishnah in Gittin: If he says this is his get if he doesn't return in 12 months, and he dies in that period, the get isn't valid.
 - So illness does not disqualify the get. Oness is not a valid claim.
 - A2: The end of that mishnah in Gittin: If he says this is his get from now if he doesn't return in 12 months, and he dies in that period, the get is valid
 - So even death doesn't disqualify the get, and certainly then illness (a lesser oness) does not disqualify the get. Oness is not a valid claim.
 - A3: The case of a man who said it's a get if doesn't return in 30 days, and a river stopped, and Shemuel said it was a valid get.
 - A4: Rava said it on his own, not due to oness but because of צנועות and פרוצות:
 - (3a) צנועות – Who would refuse to remarry if there was a chance it had been oness
 - פרוצות – Who would assume it wasn't oness, and remarry inappropriately.
 - Q: If the get is invalid biblically, how does Rava create a valid get rabbinically?!
 - A: We marry on condition that the rabbanan are ok with it.¹ The rabbanan removed the kiddushin – and even if it is kiddushin via biah.²

א. משנה גיטין ז:ג

"זה גטך אם מתי" "זה גטך אם מתי מחולי זה" "זה גיטך לאחר מיתה" לא אמר כלום.
 "מהיום אם מתי" "מעכשיו אם מתי" הרי זה גט...

ב. משנה גיטין ז:ח

"הרי זה גטך אם לא באתי מכאן ועד שנים עשר חדש" ומת בתוך שנים עשר חדש אינו גט.
 "הרי זה גטך מעכשיו אם לא באתי מכאן ועד שנים עשר חדש" ומת בתוך שנים עשר חדש הרי זה גט:

Rabbi Ben-Zion Uziel (20th century Israel), Mishpatei Uziel Even haEzer 44:3

ובאמת כשנעיינו בתלמודין נמצא דמה שאמרו חז"ל הפקיעו רבנן לקדושין מיניה, היינו באחת משלש פנים: א) הפקעת הקדושין מעיקרם שלא לתת להם שום חלות אפילו שעה אחת, וזהו דוקא בקדושין שנעשו שלא כהוגן (עיינו יבמות ק"י וב"ב מ"ה). ב) ע"י עדות של מיתה. (רש"י שבת קכ"ה). ג) הפקעת הקדושין ע"י אשור הגט, גם במקום שיש בו ספיקא דדינא לבטולו.

In truth, when we examine the Talmuds we find that when the Sages said that the Rabbis removed his *kiddushin* from him, it involved one of three types of cases:

- (1) Removal of *kiddushin* from the start, not allowing them to be binding for even a moment, and this is specifically where the *kiddushin* themselves were improper;
- (2) Testimony that he is dead;
- (3) Removal of *kiddushin* by validating a *get* in a case where there is reasonable doubt which could cancel it.

¹ Tosafot: Hence כדת משה וישראל. But note Even haEzer 27:1, and Nachlas Shivah with other reasons for this language

² When else may this be done? Mishpatei Uziel Even haEzer 44:3