

Ein Oness B'Gittin (Ketubot 2b/3a)

אמר רבא ולענין גיטין אינו כן אלמא קסבר רבא אין אונס בגיטין

Rava said: And although delays caused by circumstances beyond his control exempt the groom from providing support to his betrothed at the time originally designated for the wedding, with regard **to bills of divorce that is not so. Apparently, Rava maintains that unavoidable circumstances** have **no** legal standing with regard **to bills of divorce**. If one stipulated that the bill of divorce will take effect only with the fulfillment of a condition, even if that condition was fulfilled due to circumstances beyond his control, the bill of divorce takes effect.

מנא ליה לרבא הא אילימא מהא דתנן "הרי זה גיטיך אם לא באתי מכאן ועד שנים עשר חדש" ומת בתוך שנים עשר חדש אינו גט מת הוא דאינו גט האחלה הרי זה גט...

The Gemara asks: **From where does Rava** learn **this** principle?...

אלא מהא דהוא דאמר להו "אי לא אתינא מיכן ועד תלתין יומין ליהוי גיטא" אתא בסוף תלתין יומין ופסקיה מברא אמר להו חזו דאתאי חזו דאתאי אמר שמואל לאו שמייה מתיא

Rather, proof may be cited **from this** case, **where a certain man who said to** the agents with whom he entrusted the bill of divorce: **If I do not return from now until after thirty days** have passed, **let this be a bill of divorce. He came at the end of thirty days**, before the deadline passed, **but was prevented** from crossing the river **by the ferry** that was located on the other side of the river, so he did not come within the designated time. **He said to the** people across the river: **See that I have come, see that I have come. Shmuel said: This is not considered** to be **a return**.

Apparently, even if the condition was fulfilled due to circumstances beyond his control, the condition is considered fulfilled.

ודלמא אונסא דשכיח שאני דכיון דאיבעי ליה לאתנויי ולא אתני איהו דאפסיד אנפשיה

The Gemara rejects that proof: **And perhaps unavoidable circumstances that are common** and could be anticipated, e.g., the ferry is located at the other side of the river, **are different, since he should have stipulated** that exception when establishing the condition, **and he did not stipulate it, he brought the failure** to arrive **upon himself**. Although he regrets it now, at the time his intent was that even if the condition were fulfilled due to that circumstance, the divorce would take effect. In contrast, however, if the condition is fulfilled due to an uncommon circumstance that could not have been anticipated, the divorce would not take effect.

אֵלָא רַבָּא סְבָרָא דְנַפְשִׁיהּ קֵאמַר מְשׁוּם צְנוּעוֹת וּמְשׁוּם פְּרוּצוֹת מְשׁוּם צְנוּעוֹת דָּאִי
אִמְרַתְּ לָא לְהוּי גֵּט

Rather, Rava is stating a *halakha* based on his own reasoning. Circumstances beyond one's control are not a factor in determining whether or not a condition is fulfilled, and this is **due to virtuous women and due to licentious women**. The Gemara articulates: There is concern **due to virtuous women, as, if you said: Let it not be a bill of divorce**, if the reason that the condition was not fulfilled was due to circumstances beyond his control,

3a

זִימְנִין דְּלֹא אָנִיס וְסְבָרָה דְּאָנִיס וּמֵיעָגָא וַיִּתְבָּה וּמְשׁוּם פְּרוּצוֹת דָּאִי אִמְרַתְּ לָא
לְיֵהוּי גֵּיטָא זִימְנִין דְּאָנִיס וְאִמְרָה לָא אָנִיס וְאִזְלָא וּמֵינְסָבָא וְנִמְצָא גֵּט בְּטֵל וּבְנֵיהּ
מִמְזֵרִים

then **sometimes, where he was not** detained **unavoidably** but he fulfilled the condition willingly to effect the divorce, **and** the wife **thinks** that he was detained **unavoidably, she will sit deserted**, forever unable to remarry. **And** the concern **due to licentious women** is, **as, if you said: Let it not be a bill of divorce**, then **sometimes, when he was** detained **unavoidably and she thinks** that he was **not** detained **unavoidably**, she goes **and remarries**. **And** the result will be **that the bill of divorce is void, and her children** from the second marriage will be ***mamzerim***, products of an adulterous relationship.