it not that the Son of the Hawk keeps it back, it would devastate the whole world; for so it says, *Doth the hawk soar by thy wisdom, and stretch her wings towards the south?*1

Raba and R. Nahman b. Isaac were once sitting together, when R. Nahman b. Jacob passed by in a giel carriage and wearing a purple cloak. Raba went to meet him, but R. Nahman b. Isaac did not stir, for he said: 'Perhaps it is one of the court of the Exarch, and Raba needs them but I do not.' When he saw R. Nahman b. Jacob approaching he bared his arm and said, 'The south wind is blowing.' Raba said: Thus said Rab: A woman bears prematurely [when this wind blows]. Samuel said: Even pearls in the sea rot away. R. Johanan said: Even the seed in a woman's womb putrefies. Said R. Nahman b. Isaac: All these three Rabbis derived their statements from the same verse of Scripture, viz., *Though he be fruitful among his brethren, an east wind shall come, the breath of the Lord coming up from the wilderness, and his spring shall become dry and his fountain shall be dried up, he shall spoil the treasure of all pleasant vessels.*2

The spring is the source of a woman; the fountain shall be dried up' refers to the seed in the woman's womb; 'the treasure of all pleasant vessels' is the pearl in the sea.

Raba said: This one comes from Sura where they examine the Scripture minutely. What is the meaning of the words, *Though he be fruitful [yafrı] among his brethren?*—Raba said: Even [zor] the pin in the handle of the plough becomes loose [zaf]. R. Joseph said: Even a peg in a wall becomes loose. R. Aha b. Jacob said: Even a cane in a wicker basket becomes slack.3

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**Mishnah.** If a man after dispatching a Get to his wife meets the bearer, or sends a messenger after him, and says to him, the Get which I have given to you is cancelled, then it is cancelled. If the husband meets the wife before [the bearer] or sends a messenger to her and says, the Get I have sent to you is cancelled, then it is cancelled. Once, however, the Get has reached her hand, he cannot cancel it. In former times a man was allowed to bring together a Beth Din whenever he was and cancel the Get. Rabban Gamaliel the Elder, however, laid down a rule that this should not be done, so as to prevent abuses.4

**Gemara.** [The Mishnah] does not say ‘meets him,’ but simply ‘meets’, that is to say, even accidentally; and we do not say in that case that he merely desires to annoy his wife.5 or sends a messenger after him etc. Why state this?—You might think that the commission given to the second has no more force than that given to the first and therefore should not countermand it. Now I know [that this is not so], if he meets his wife before the bearer etc. Why state this?—You might think that although we rejected [above the idea] that he desires to annoy [his wife], this is only when he says to the bearer [that the Get is cancelled], but [if he says so] to [the wife] herself he certainly does mean

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1 An angel so named. Cf. B.B. 25a. 2 Job XXXIX, 26. 3 Being the son-in-law of the Exarch (Rashi). Tosaf. 'Being a wealthy man'; Tosaf. being of the opinion that it was R. Nahman b. Jacob who was the Exarch's son-in-law. For an explanation of Rashi's view, v. Hymen, Toldoth II p. 930. 4 Al. 'east wind'. Al. 'a she-devil'. 5 Hos. XIII, 15. 6 Which fastens the handle to the blade. 7 The meaning is that this wind causes things which are usually closely united like brothers to fall apart, the word yafrı (יָפִּר) being interpreted as pois (יָפָה) 'lossens' or 'slackens'.

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1 Lc., three persons. 2 Lit., 'for the better ordering of society'. Lost the bearer should give it to her in ignorance that it was annulled and she marry on the strength of it. 3 By holding up the Get for a month or two; for had he been intent on annulling it he would have made a special effort to overtake the bearer. 4 It seems self-evident.
merely to annoy her. Now I know [that this is not so]. or sends a messenger to her. Why state this?—You might think that while he would not put himself out merely to annoy her, yet if he sends a messenger, to whose trouble he is indifferent, he certainly desires merely to annoy her. Now I know [that this is not so].

Once the Get has reached her hand he cannot cancel it. Is not this self-evident?—It required to be stated in view of the case where he made efforts from the very first to cancel it. You might think that in this case, subsequent events prove him to have actually annulled [the Get]. Now I know [that this is not so].

Our Rabbis have taught: [If he says,] 'It is cancelled [batel],' 'I don't want it,' his words take effect. [If he said,] 'It is invalid,' 'it is no Get,' his words are of no effect. This means to say, does it not, that the expression batel is equivalent to 'let it be cancelled.' How can this be, seeing that Rabban b. Aibu has said in the name of R. Shesheth (or, according to others, Rabban b. Abbah said), if the recipient of a gift says after it has come into his possession, 'This gift is to be cancelled,' 'let it be cancelled,' 'I don't want it,' his words are of no effect, but if he said, 'It is cancelled [batel],' 'it is no gift,' his words have effect. This shows, does it not, that batel means 'cancelled from the outset'?

Abaye replied: The expression batel [33b] has two meanings: it means 'cancelled already' and it means 'will be cancelled.' If used either of a Get or of a gift, it is used in the sense most effective for the purpose.

Abaye said: We have it on authority that the bearer of a gift is on the same footing as the bearer of a Get. The outcome of this [principle is that the expression 'take' has not the same force as 'take on behalf of.'

(1) Because he is describing its character wrongly. (2) Present tense. (3) And not a description of its character. (4) (As he cannot by a mere declaration annul a thing already in his possession. (5) (And therefore the gift had never passed into possession. Applying this mutatis mutandis in the case of a Get, batel should have no effect, because it is a wrong description of the character of the Get. (6) I.e., if a man says, 'Take this gift to So-and-so, the bearer does not become a recipient, and the giver may still retract, even as in the case of a Get.

Rabina found R. Nahman b. Isaac leaning against the bolt of the door and revolving the question: What is the expression 'batel'? This was left unanswered. R. Shesheth says or, according to others, it has been laid down in a Baraitha: [If a man said] 'This Get shall not avail,' shall not release [the woman], 'shall not part,' 'shall not dismiss,' 'shall not divorce,' 'let it be a potsherd,' 'let it be like a potsherd,' his words take effect. If he said, 'It does not avail,' 'it does not free,' 'it does not part,' 'it does not dismiss,' 'it does not divorce,' 'it is a potsherd,' 'it is like a potsherd,' his words are of no effect. The question was raised: What of the expression 'Behold it is a potsherd'?—Rabina said to R. Aha the son of Raba, or, according to others, R. Aha the son of Raba said to R. Ashi: How does this differ from the expression, 'Behold it is sanctified,' 'beheld it is common property'?

Can the man afterwards [use the same Get to] divorce with or not?—R. Nahman says that he may use it again to divorce with, R. Shesheth says he may not. The law is according to the ruling of R. Nahman. Is that so? Has it not been laid down that the law [in the case of a betrothed woman] is according to the ruling of R. Johanan, who said that she may retract?—Are [the two cases] parallel? There it is a case of words merely on each occasion: one set of words comes and cancels another. Here, even granted that the husband cancels the commission of the bearer, he surely does not cancel the Get itself.

In former times etc. It has been stated: How many must be present at the cancelling?—R. Nahman says two, R. Shesheth says three. R. Shesheth says three, because the Mishnah speaks of a 'beth din'; R. Nahman says two, because two are also called a Beth din. Said R. Nahman: What is my ground for saying this? Because we have learnt: [He says:] I hand over in the presence of

(1) Without the words 'it is'. (2) Lit., 'will not cause to leave'. (3) Because he is correctly stating his intention. (4) Because he is wrongly describing the get. (5) Which does take effect. (6) If a man said to her, 'Be betrothed to me at the end of thirty days' time with this money,' and she consented, she may retract within the thirty days. Just as the betrothal is there cancelled, so the Get should be here. (7) Her 'I will not' cancels her 'I will.'
you [334a] So-and-so and So-and-so the judges in such-and-such a place. ¹ And R. Shesheth?—[He may rejoin:] Is the Tanna to reckon them out like a pedlar selling his wares?² Said R. Nahman [again]: What is my ground for saying so? Because we have learnt: 'And the judges sign below or the witnesses.'³ Are not the judges here placed on a par with the witnesses, so that just as two witnesses suffice, so two judges suffice? And R. Shesheth?—[He can reply:] Is this an argument? Judges and witnesses each follow their own rule. [And if you ask] why [the Mishnah] mentions both witnesses and judges, it is to teach us that it makes no difference if they word the document as judges and then sign as witnesses or if they word the document as witnesses and then sign as judges.

To prevent abuses. What is referred to?—R. Johanan said: To prevent illegitimacy. Resh Lakish said: To prevent wife-desertion. 'R. Johanan said to prevent illegitimacy,' for he held with R. Nahman who said [that the Get could be cancelled] before a Beth din of two: [the proceedings] of two are not generally known, so she, not having heard and not knowing that the Get is cancelled, might go and marry again, and bear illegitimate children.⁶ Resh Lakish said to prevent wife-desertion,' for he again held with R. Shesheth who said [that he has to cancel it] before a Beth din of three. The proceedings of three are generally known, so she hearing and knowing that the Get was cancelled, would remain unmarried, and we have therefore to save her from being a deserted wife.⁷

Our Rabbis have taught: If [the husband] did cancel [the Get before a Beth din] it is cancelled.⁸ This is the ruling of Rabbi. Rabban Simeon b. Gamaliel, however, says that he can neither cancel it nor add any additional conditions, since if so, what

becomes of the authority of the Beth din?¹ And is it possible then, that where a Get is according to the Written Law cancelled we should, to save the authority of the Beth din, [declare it valid and] so allow a married woman to marry another?—Yes. When a man betroths a woman, he does so under the conditions laid down by the Rabbis, and in this case the Rabbis annul his betrothal. Said Rabina to R. Ashi: This is quite right if the husband had originally betrothed his wife with money. But if he had betrothed her by the act of marriage,¹ what can we say?—The Rabbis declared the act of marriage to be retrospectively non-marital.

Our Rabbis have taught: 'If a man said to ten persons, Write a Get for my wife,¹ he can countermand the order to each of them separately.'⁶ This is the ruling of Rabbi. Rabban Simeon b. Gamaliel, however, says that he can only countermand the order when they are together.⁶ What is the point at issue between them? The point at issue is whether if part of an evidence has been nullified the whole of it is nullified. Rabbi was of opinion that if part of an evidence has been nullified [334b] the whole of it is not nullified. If therefore those [who have not heard the order countermanded] go and write [the Get] and give it to her, their action is quite proper.⁷ Rabban Simeon b. Gamaliel was of opinion that if part of an evidence is nullified the whole is nullified. If therefore those [who] do not know [that the order is countermanded] go and write [the Get] and give it to her, then they are enabling a married woman to marry again. Or if you like I can say that both Rabbi and Rabban Simeon b. Gamaliel are agreed that if part of an evidence is nullified the whole is not nullified, and the reason of Rabban Simeon b. Gamaliel here is that in his opinion a thing

¹ Lit., 'how is the power of the Beth din (left) unimpaired.' The Beth din of Rabban Gamaliel which made the regulation. ¹ Because the Beth din can declare the money he gave her as šiddušin, public property [latter.] v. infra 356. ¹ V. Qid. 26. (4) In which case one writes and two sign. Infra 66b. (5) In spite of the regulation of Rabban Gamaliel. (6) As to do otherwise would be to disregard the regulation. (7) Because as the Get has not been annulled the regulation is not disregarded.
which is done in the presence of ten can only be undone in the presence of ten.

The question was raised: Suppose he said 'All of you write,' what are we to say? Do we say that the reason of Rabbi Simeon b. Gamaliel [for forbidding in the case where he did not say 'all of you'] is that in his opinion if part of an evidence is nullified the whole is nullified, and since he said to these 'all of you,' they cannot write the Get and give it [without these two], or is his reason that in his opinion a thing which has been done in the presence of ten can only be undone in the presence of ten, and therefore even if he said 'all of you' [he can only countermand the order when they are all together]? If a man said to two persons, Give a Get to my wife, he can countermand the order to one without the other. This is the ruling of Rabbi Simeon b. Gamaliel, however, says that he can only countermand it to both of them together. Now two here are equivalent to 'all of you,' and yet we see that Rabbi and Rabban Simeon differ.

—Said R. Ashi: If the two are witnesses to the Get, then Rabban Simeon would also admit [that he can countermand separately]. Here, however, we are dealing with witnesses to the taking of the Get. This opinion is borne out by the conclusion of the passage quoted: 'If he told each of them separately [in the first instance], he can countermand to them separately.' For if you say that it

1. Hence the practical difference between Rabbi and Rabban Simeon b. Gamaliel is that according to the former he can at least prevent any two from signing, whereas according to the latter he cannot even do this, unless he forbids them all together. (1) In which case one must write and sign. (2) Tosef. Git. III. (3) As one cannot sign the Get without the other. (4) And therefore if we allowed this harm would ensue, as the rest might sign when they had no right to do so. (5) And therefore no harm can ensue and he may do this. (6) And the two whom he forbids can disregard his instruction. (7) Viz., if, the annulment of the Get in another place and the countermanding of one witness not in the presence of the other. (8) If the judges estimated an article at a sixth more or less than its real value, the sale is invalid. Keth. 99b. (9) V. Tosef. p. 335, n. 1. (10) Which shows that the authority of the Beth din is in all cases to be upheld. (11) Viz., that the annulment in another place is ineffective, since, if not, the authority of the Beth din is not upheld. (V. Tosef. s.v. n. 1.)
heard R. Shesheth say to you, 'Let the Get be cancelled,' and R. Shesheth forced him to give another Get. And did R. Shesheth then, asked Abaye, cancel other men's bills of divorce? In fact the man himself cancelled it, and the reason why he used these words was on account of his [R. Shesheth's] beaddles.

Said Abaye: What makes me take my view? Because Rab Judah once forced the son-in-law of R. Jeremiah Bira'ah to give his wife a Get, and he cancelled it, whereupon he forced him again. He cancelled it again and he again forced him to give it, and he said to the witnesses, Stuff grass into your ears and write it. Now if you assume that the revealing of intention makes a difference in a Get, do they not see him running after them? And Raba? — [He will reply that they may think] the reason why he ran after them was to tell them to make sure to give it to her so that he could put an end to his troubles.

Said Abaye further: What makes me take this view? Because there was a man who said to the witnesses, If I do not come within thirty days, this shall be a Get. He came on the thirtieth day, but could not get across the river, and he called to them, 'See that I have come, see that I have come,' and Samuel said that this was no coming. And Raba? — [He can rejoin:] In that case did he want to annul the Get? What he wanted was but to fulfil his condition, and his condition was not fulfilled.

A certain man said [on writing a Get for his betrothed], If I do not marry her within thirty days, this shall be a Get. When the thirtieth day came, he said, See, I am busy making the preparations. Now why should we have any doubts [about the validity of the Get]? If because the man was forcibly prevented [from marrying],

(1) Because he had made it clear that he did not desire the Get to be given.
(2) Because, it is clear that R. Shesheth, (3) Who beat him and asked him why he had cancelled it. Thus according to Abaye there was here not a mere revealing of intention but an actual annulment.
(4) Lit., 'in', (5) That you may not hear the annulment.
(6) Lit., 'the ferry prevented him', as there was no ferry available for him to cross. (7) This proves that his revealing of his intention to annul the Get made no difference. (8) By calling 'See, I have come' he did not mean to annul the Get, but simply to announce that he had endeavoured to fulfill the condition which should invalidate the Get.
A certain man said [on writing a Get for his betrothed], If I do not marry by the first day of Adar, this will be a Get. When the first of Adar came he said, I meant the first of Sivan. Now should we have any doubts about the validity of the Get? If because he was forcibly prevented, force majeure does not invalidate a Get. If because he revealed his intention, on this point there is a difference of opinion between Abaye and Raba.  

The law follows Nahman, and the law follows Nahman, and the law[34b] follows Nahman.

Mishnah. Originally the husband was allowed to give [in the Get] an adopted name of himself or of his wife, or an adopted town of himself or of his wife. Rabbi Gamaliel the Elder made a regulation that he should write, 'The man so-and-so or by whatever names he is known,'  9 'the woman so-and-so or by whatever names she is known,' to prevent abuses.  

Gemara. Rab Judah said in the name of Samuel: The Jews from overseas sent to Rabban Gamaliel the following inquiry: If a man comes here from Eretz Yisrael whose name is Joseph but who is known here as Johanan, or whose name is Johanan but who is known here as Joseph, how is he to divorce his wife? Rabban Gamaliel thereupon made a regulation that they should write in the Get. The man so-and-so or by whatever names he is known, the woman so-and-so or by whatever names she is known, to prevent abuses.  

R. Ashi said: This is necessary only if the man is known to have two [or more] names. Said R. Abba to R. Ashi: R. Mari and R. Eleazar concur with you in this. It has been taught in agreement with R. Ashi: If a man has two wives, one in Judea and the other in Galilee, and he has two names by one of which he is known in Judea and by the other in Galilee, and if he divorces his wife in Judea under the name which he bears in Judea and his wife in Galilee under the name which he bears in Galilee, the divorce is not effective: it does not become so until he divorces his wife in Judea under the name he bears in Judea with the addition of the name he bears in Galilee, and his wife in Galilee under the name he bears in Galilee with the addition of the name he bears in Judea.  

If, however, he goes away to another place  1 and gives a divorce under one of the names only, the divorce is effective. But did you not just say, 'with the addition of the name he bears in Galilee'?  

This shows that the one rule  1 applies where he is known [to have more than one name], and the other rule  6 applies where he is not known [to have more than one name].

There was a woman who was known to most people as Miriam but to a few as Sarah, and the Nehardeans ruled that [in a Get she should be referred to as] 'Miriam or any other name by which she may be called' and not 'Sarah or any other name by which she may be called.'

1. i.e., to prevent people, in case she remarries, from saying that the first husband never divorced her.  
2. This seems to confirm the opinion of Tosaf., that all the names must be written in the Get.  
4. Which shows that his other names must be included.  
5. That his other name must be included.  
6. That one name is sufficient.  
7. This would seem to show that the Mishnah is to be taken in its literal sense and not as interpreted by Tosaf.
MISHNAH. A widow has [by rights] no power to recover [her Kethubah] from the property of orphans save on taking an oath; but they [the Rabbis] refrained from imposing an oath on her. Rabban Gamaliel the elder thereupon made a regulation that she should take any vow which the orphans chose to impose on her and so recover her Kethubah, and similarly witnesses sign their names to a get to prevent abuses; Hillel the elder also instituted the prosbul to prevent abuses.

GEMARA. Why is this rule [about an oath] laid down with reference to a widow, seeing that it applies to everybody, since it is an established rule that ’one who seeks to recover payment from the property of orphans cannot recover save on taking an oath’?—There is a special reason for the mention of a widow. For it might occur to you to say that [15a] in order to render marriage more attractive the Rabbis made a concession in her case. We are told [therefore that this is not so].

They [the Rabbis] refrained from imposing an oath on her. What was the reason of this refusal? Shall we say it is to be found in the incident reported by R. Kahana, or, according to others by Rab Judah in the name of Rab, viz., that in a year of scarcity a certain man deposited a denar of gold with a widow, who put it in a jar of flour. Subsequently she baked the flour and gave [the loaf] to a poor man. In course of time the owner of the denar came and said to her, ’Give me back my denar, and she said to him: May death seize upon one of my sons if I have derived any benefit for myself from your denar, and not many days passed—

(1) V. Glor. (2) That she had not received any part of the kethubah. (3) V. infra. (4) E.g., a vow to abstain from certain kinds of food. If it should be found that she had already received any part of the kethubah. (5) V. infra. Lik., for the better ordering of society. (6) V. Glo. and infra. (7) For a debt incurred by their father. (8) B.B. 53; Keth. 87a. (9) To women in general by making it easier for them to recover their Kethubah. (10) Lik., May the poison of death have benefit from one of the sons of this woman.

so it was stated—before one of her sons died. When the Sages heard of the incident they remarked: If such is the fate of one who swears truly, what must be the fate of one who swears falsely? Why was she punished? Because she had derived advantage from the place of the denar. How then could the Sages speak of her as one who had sworn truly?—What they meant was, One who might be said to have sworn truly. If that is the reason [why the Rabbis refrained from imposing an oath], why only to a widow? Why not also to a divorced woman? Why has R. Zera said in the name of Samuel, “This rule applies only to a widow, but to a divorced woman an oath is administered”?—There is a special reason in the case of a widow, because she finds a justification for herself [for swearing falsely] on account of the trouble she has taken on behalf of the orphans.

Rab Judah stated in the name of R. Jeremiah b. Abba: Rab and Samuel were both agreed that this rule applied only to an oath imposed in the Beth din, but outside the Beth din an oath may be imposed on a widow. Is this so? Is it not a fact that Rab would not enforce payment of a kethubah [by orphans] to a widow?—This is a difficulty. This is the version given in Sura. In Nehardea the version is as follows. Rab Judah said in the name of Samuel: This rule applies only to an oath imposed in the Beth din, but outside the Beth din an oath may be imposed on a widow. Rab, however, held that even outside the Beth din an oath may not be imposed on her. [This dictum of Rab is] in conformity with his expressed view, for Rab would not enforce payment of a kethubah to a widow. Why did he not make her take a vow and so let her recover?—In the time of Rab, vows were not treated lightly.

A certain woman appealed to R. Huna to enforce payment of

(1) Which saved her the corresponding quantity of flour. (2) For which she is entitled to some compensation. (3) Within the Beth din she would be required to take a scroll of the Law or a pair of phylacteries in her hand and swear by one of the divine Names, but outside the Beth din these solemnities would be dispensed with. (4) Surely he could have had an oath imposed on her outside the Beth din. (5) In accordance with the regulation of Rabban Gamaliel. V. Mishnah.
her ketubah). He said to her, What can I do for you, seeing that Rab would not enforce payment of a ketubah to a widow? She said to him: Is not the only reason the fear that perhaps I have already received part of my ketubah by the Lord of Hosts I swear that I have not received a penny from my ketubah. Said R. Huna: Rab would admit [that we enforce payment] where the widow takes the oath spontaneously. 1

A certain woman appealed to Rabbah son of R. Huna [to enforce payment of her ketubah]. He said to her: What can I do for you seeing that Rab would not enforce payment of a ketubah and my father also would not enforce payment of a ketubah to a widow? She said to him: At least grant me maintenance. He replied: You are not entitled to maintenance either, since Rab Judah has said in the name of Samuel: If a woman claims her ketubah in the Beth din, she has no claim to maintenance. 2 She said to him: Turn his seat upside down! He gives me [the worst of] both authorities. 3 They turned his seat over and put it straight again, but even so he did not escape an illness. Rab Judah said to R. Jeremiah Bira:ah: Impose a vow on her in the Beth din and administer an oath to her outside the Beth din, and see that the report reaches my ears, since I desire to make this a precedent. 4

The text above stated: 'R. Zera said in the name of Samuel: This rule applies only to a widow, but to a divorced woman an oath is administered.' Cannot then a divorced woman recover her ketubah on [merely] taking a vow? Was not [a communication] sent from there saying that 'So-and-so the daughter of So-and-so received a Get from the hand of Aha b. Hedia who is also known as Ayah Mari and took a vow binding herself to abstain from all produce whatsoever if she should be found to have received of her ketubah anything besides a blanket, a book of the Psalms, a copy of Job and a copy of Proverbs much worn. 5 And we valued them at five manah. When she presents herself to you, empower her to collect the rest.'—R. Ashi said: The Get in that case was one given by a brother-in-law. 6

RABBAN GAMALIEL THE ELDER MADE A REGULATION THAT SHE SHOULD TAKE A VOW, etc. R. Huna said: This rule applies only if she is not married again, but if she is married, she cannot take the vow. What is the reason why she cannot take it if she is married? Because her husband may annul it. 7 Even if she is not married, cannot the husband annul it when she marries again?—A husband cannot annul vows taken previously to his marriage with her. 8 But is there not a possibility that she may apply to a Sage 9 and obtain release from him?—R. Huna held that the particulars of the vow must be stated to the Sage. 10 R. Nahman held that even after the [second] marriage [she may take the vow]. But if she is married there is no question that the husband can annul the vow?—The vow must be taken by her in the presence of a company. 11

An objection [against R. Huna’s ruling] was raised [from the following]: If she has married again, she may recover her ketubah provided she has taken a vow. Does not this mean if she takes a vow now?—No: it means, if she has taken a vow before [the second marriage]. But has it not been taught: If she marries again, she can take a vow and recover her ketubah?—There is a difference

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1 Lit., ‘jumps forward’. 2 V. Keth. 54a. 3 [May he be humiliated (Rashi)—a curse the allusion of which is not quite clear. Goldschmidt connects it with the action of overturning the seat of one who died.] 4 i.e., you follow Rab in refusing to collect the ketubah and Samuel in refusing maintenance. 5 [That the force of the curse should find itself spent in its literal fulfilment]. 6 Rab Judah was a disciple of Samuel, and desired to impose his ruling on R. Huna and the other disciples of Rab. 7 From Erets Yisrael to Babylon.
on this point between Tannaim, since there is an authority who holds that a vow which has been taken in the presence of a company can be annulled, and there is an authority who holds that it cannot be annulled.  

The question was raised in the Academy: Is it necessary to state the particulars of the vow [on seeking annulment] or is it not necessary?—R. Naḥman said that it is not necessary, R. Papa said that it is necessary. R. Naḥman said that it is not necessary, because if you say that it is, it may happen that the applicant will not state the case fully, and the sage will act on what he has been told. R. Papa said it is necessary, to prevent forbidden things being done.

We have learnt: 'If [a priest] marries a woman whom he should not, he is disqualified [from participating in the Temple service] until he vows to have no benefit [from his wife]' and in this connection it was taught, he can take the vow and participate in the service and give the divorce when he descends. Now if you say that it is not necessary to state particulars of the vow, is there not a possibility that he may apply to a Sage and obtain release?—We assume that the vow is taken by him in the presence of a company. This is a valid reason for one who holds that a vow which has been taken in the presence of a company cannot be annulled. But what are we to say to one who holds that it can be annulled?—We must say that the vow is imposed on the authority of the company. For Amemar has said: The law is that even according to those who hold that a vow made in the presence of a company cannot be annulled, one made on the authority of a company cannot be annulled. This, however, is the case only with a vow relating to some optional action, but if it interferes with a religious duty, it can be annulled. A case in point is that of the teacher of children whom R. Aha bound by a vow on the authority of a company [to give up teaching], because he maltreated the children, but Rabina reinstated him because no other teacher could be found as thorough as he was.

WITNESSES SIGN A GET TO PREVENT ABUSES. Is this rule only to prevent abuses? It derives from the Scripture, does it not, since it is written, And subscribe the deeds and seal them?—Rabbah said: [All the same this reason] is necessary on the view of R. Eleazar, who said that the witnesses to delivery make [the Get] effective. The Rabbis nevertheless ordained that there should be witnesses to sign [as well], to prevent abuses, since sometimes the witnesses [to delivery] may die or go abroad. R. Josep had: You may even say [that this reason is necessary] on the view of R. Meir, [and what] they ordained was that the witnesses should subscribe their names in full, to prevent abuses, as it has been taught: At first the witness used simply to write: 'I, So-and-so, subscribe as witness.' If then his writing could be found on other documents, the Get was valid, but if not, it was invalid. Said Rabban Gamaliel: A most important regulation was laid down [by the Rabbis], that the witnesses should write their names in full in a Get, to prevent abuses. But is not a mark enough? Did not Rab [sign by] drawing a fish and R. Hanina by drawing a palm-branch, R. Hida with a Sanek, R. Hoshila with an 'Ajin, and Rabbah son of R. Huna by drawing a sail?—The Rabbis are different, because

(1) And this authority therefore allows her to recover the kelimah on taking such a vow even after she is married. (2) Lit., 'will eat short his account.' (3) And he may grant release where it should be withheld or vice versa. (4) E.g., to prevent the woman from obtaining money wrongfully or to prevent someone from doing a wrong act from which he has vowed to abstain. (5) Bek. 45b. (6) Lit., 'in transgression', e.g., a divorced woman. (7) i.e., to divorce her (Rashi). (8) From the altar after finishing the service. (9) So that retrospectively he proves to have taken part in the service when disqualified. (10) Lit., 'by the knowledge' or 'will of'; i.e., they say to him, 'We administer this vow to you on our responsibility.'
their marks are well known. How did they make these signs known to begin with?—On letters. 1

HILLEL INSTITUTED THE PROSBUL. We have learnt elsewhere: A prosbul prevents the remission of debts [in the Sabbatical year]. This is one of the regulations made by Hillel the Elder. For he saw that people were unwilling to lend money to one another and disregarded the precept laid down in the Torah, Beware that there be not a base thought in thine heart saying, etc. 1 He therefore decided to institute the prosbul. The text of the prosbul is as follows: 'I hand over to you, so-and-so, the judges in such-and-such a place, [my bonds], so that I may be able to recover any money owing to me from so-and-so at any time I shall desire'; 2 and the prosbul was to be signed by the judges or witnesses. 3

But is it possible that where according to the Torah the seventh year releases Hillel should ordain that it should not release?—Abaye said: He was dealing with the Sabbatical year in our time, 4 and he went on the principle laid down by Rabbi, as it has been taught: Rabbi says: [It is written], Now this is the matter of the release; [every creditor] shall release. 5 The text indicates here two kinds of release. 7

one the release of land 4 and the other the release of money. When the release of land is in operation the release of money is to be operative, and when the release of land is not operative the release of money is not to be operative. 5 [6b] The Rabbis, however, ordained that it should be operative, in order to keep alive the memory of the Sabbatical year, and when Hillel saw that people refrained from lending money to one another, he decided to institute the prosbul. 3

But is it possible that where according to the Torah the seventh year does not release, the Rabbis should ordain that it does release?—Abaye replied: It is a case of 'sit still and do nothing'. 3 Raba, however, replied: The Rabbis have power to expropriate [for the benefit of the public]. 6 For R. Isaac has said: How do we know that the Rabbis have power to expropriate? Because it says, And that whosoever came not within three days according to the counsel of the princes and the elders, all his substance should be forfeited, and himself separated from the congregation of the captivity. 2 R. Eleazar said: We derive it from here: These are the inheritances which Eleazar the priest and Joshua the son of Nun and the heads of the fathers’ houses etc. 8 Now why is the word ‘fathers’ [here] put next to ‘heads’? 9 To show that just as fathers transmit to their children whatever property they wish, so the heads transmit to the public whatever they wish.

The question was raised: When Hillel instituted the prosbul, did he institute it for his own generation only or for future generations also? What is the practical bearing of this question? 10—In case we should desire] to abolish it. If you say that Hillel instituted the

1 At the Jubilee. V. Lev. XXV, 13. (2) The Jubilee was not operative in the time of the Second Temple because the land was not fully occupied by Israel. But v. Tosef. s.v. 312. (j) Which therefore meant reserving only a regulation of the Rabbis, not a precept of the Torah. (4) For by so doing they rob creditors of their just due. (5) They do not tell the debtors to commit an actual trespass but merely to refrain from paying debor. (6) Lit., ‘Anything declared for (ownerless) by the Beth din is forer’. (7) Exra, R. 8. (8) Josh. XX, 51. (9) It would have been sufficient to say, ‘heads of the tribes’. (10) In any case the regulation goes on till it is rescinded.
prohibul only for his own generation, then we may abolish it, but if for future generations also, [this would not be easy] since one Beth din cannot annul the decisions of another unless it surpasses it in wisdom and in numbers. 1 What [then is the answer]?—Come and hear, [since] Samuel has said: We do not make out a prohibul save either in the Beth din of Sura 2 or in the Beth din of Nehardea. 3 Now if you assume that Hillel instituted the prohibul for all generations, then it should be made out in any Beth din?—Perhaps when Hillel instituted it for all generations, he meant it to be issued by a Beth din like his [Samuel’s] or like that of R. Ammi and R. Assi, which are strong enough to enforce payment [where necessary], but not for the ordinary Beth din.

Come and hear: Samuel said: This prohibul is an assumption 4 on the part of the judges; if I am ever in a position, I will abolish it. 5 He abolish it? How so, seeing that one Beth din cannot annul the decision of another unless it is superior to it in wisdom and numbers?—What he meant was: If ever I am in a stronger position than Hillel, I will abolish it. 6 R. Nahman, however, said: I would confirm it. Confirm it? Is it not already firmly established?—What he meant was: I will add a rule that even if it [the prohibul] is not actually written it shall be regarded as written.

The question was raised [in the Academy]: Does this word ‘ilibana mean ‘assumption’ or ‘convenience’?—Come and hear, for ‘Ulla once exclaimed: O shameless [‘alabah] 9 bride, to be false under the very bridal canopy! 10 Said R. Mari the son of Samuel’s daughter [in reference to this]: What scriptural verse indicates this? The verse, When the king sat at his table my spikenard sent forth its fragrance. 11

1 A.Z. 56a. (2) The Beth din of Rab. (3) His own Beth din. (4) Heb. ‘ilibana. The meaning of this word is discussed later. (5) Which shows that Hillel ordained it only for his own generation. (6) Even without a superior Beth din. (7) I.e., did Samuel mean that it was an assumption on the part of the judges to seize money wrongfully, or that it was a convenience for the judges that creditors did not ask them to secure payment of their debts for them before the seventh year. (8) In reference to the making of the Golden Calf. (9) This proves that the root ‘alab means ‘to be shameless’ or ‘arrogant’. (10) I.e., shameless Israel, to be false to God while the Shechinah still hovered over them at Mount Sinai. (11) Gen. I, 22.