

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

# Hilchos Gittin Lesson 1

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## Mareh Makomos for this Shiur

Tur and Shulchan Aruch, section Even Ha'ezer, chapter 119, paragraphs 1 – 5.

The Commentary of the Rama (ibid.)

Tractate Yevamos 37: b

Rambam, Laws Pertaining to Prohibited Intimate Relations, chapter 21,  
Halacha 28.

Rashba's Responsa, Siman 18.

Tractate Gittin 90: a; 90: b.

Commentary of the Rif on Gittin, 50: b.

Commentary of the Rosh on Gittin, Siman 15.

Rambam. Interpretation of Mishnayos, Gittin, end of chapter 9.

Sefer Ha Agudah (on Gittin, Siman 164).

Rambam; Laws Pertaining to Geirushin (Divorce) chapter 10, Halacha 21.

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*Living with a woman while harboring the intention to divorce her. Under which conditions is the husband permitted to divorce his wife?*

**Chapter 119. What dibbah (iniquity, evildoing, vice, flaw) shall [the husband] find in [his] wife that [would serve him as a reason to] divorce [her]? [According to law] a gerushah (divorcee) must not live with him (i. e. her former husband) in [the same] chatzer (literally 'courtyard') (Containing 11 paragraphs).**

*Siman 119 Seif 1*

**1** A person must not marry a woman while harboring the intention to divorce her. However, if he informs her at the beginning (i. e. prior to marriage), that he is marrying her [only] le-yamim (literally, 'for days', i. e. temporarily), it is permissible.

*Siman 119 Seif 2*

**2** She must not live with him [literally, under him] and serve him (i. e. fulfill her spousal duties) while he is contemplating divorcing her.

*Siman 119 Seif 3*

**3** A person must not divorce his first wife unless he finds "an ervas davar in her" (i. e. something immoral about her).

**Rama:** For if [he divorces his first wife] not for this reason, our Sages say [about such a divorce] "Whoever divorces his first wife, the altar sheds tears about him" (Tur). This [prohibition was valid] specifically in their days when [men] divorced [their wives] against their will. However, if he divorces her with her consent, it is permissible (Agudah, chapter Hamegresh, and so writes the Ran).

Shulchan Aruch: It is improper to hurry to divorce his first wife. However, if he hates [his] second [wife], he ought to divorce her.

## Short Introduction.

בס"ד We are beginning to learn the *Halachos* of *Gittin* (Divorce) in detail. The Torah mentions several conditions and details concerning the laws of divorce, and our Sages were also very stringent and meticulous about all the nuances that the proper arrangement of the bill of divorce entails. Hence, there are so many details and particulars that have to be observed. In the following *shiurim*, we shall learn *Hilchos Gittin* according to the order of their appearance in the **Shulchan Aruch**.

In the process of study, we shall acquaint ourselves with the words of the *Genara* and the commentaries of *Rishonim* (early commentators) on the subjects under discussion, as well as the rulings of the **Shulchan Aruch** and the **Rama**.

We shall discuss the views of some *Acharonim* (later commentators), such as the **Beis Shmuel** (the leading authority on **Shulchan Aruch Even Ha-Ezer**), **Hagoan Rabbi Shmuel** זצ"ל, *Av beis din* of Fiorda.

Another work that we will be privileged to learn is the **Chelkas Mechokek**, authored by the famous authority on *Even Ha-Ezer*, **Hagoan Rabbi Moshe** זצ"ל, *Av beis din* of Brisk, Lithuania.

The next one will be the **Turei Zahav (Taz)** commentary written by **Hagoan Rabbi David Halevi**, זצ"ל.

We shall also make use of the **Baer Heitev** Commentary by *Dayan* of Tiktin, **Hagoan Rabbi Yehuda Ashkenazi**, זצ"ל.

The **Pischei Teshuvah** anthology of numerous Responsa by the *Acharonim* compiled by **Hagoan Rabbi Avraham Tzvi Hirsch Eisenstein** of Utian זצ"ל will also help us a great deal.

## Marrying a Woman with the Intention to Divorce Her

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SIMAN 119:1

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The source of this *din* is in Tractate *Yevamos*, 37: b. The *Gemara* quotes Rabbi **Eliezer ben Yaakov** as ruling that a man must not marry a woman if he is harboring a prior intention to divorce her (that is to say, he marries with a prior intention to live with her only temporarily).

**He adds however,**

If the man lets her know before marriage that he intends to marry her only for a limited amount of time, it is permissible. The *Gemara* relates that there were a number of Sages who had married women having warned them beforehand that their intention was to divorce them after a certain period of time.

The **Rambam** also rules so in the Laws Pertaining to Prohibited Intimate Relations, chapter 21, *Halacha* 28.

The **Shulchan Aruch** rules in similar vein:

A person must not marry a woman while harboring the intention to divorce her. However, if he informs her at the beginning that he marries *le-yamin*, it is permissible.

The **Baer Heitev** (*Seif Katan* 1) writes,

In his introduction to *Hilchos Gittin* that *Geirushin* constitutes a *Mitzvas aseh* (Biblical commandment), and a person who, according to *Halacha*, has a good enough reason to divorce his wife, fulfills a *Mitzvas aseh* by giving her a *get*.

He adds that the above statement explains the custom to make a *shchiv me-ra* (a person in his death throes) give his wife a *get* before he dies, even if he dies childless and by divorcing his wife prior to death he prevents the performance of the *mitzvah* of *yibum* or *chalitzah*. Since *Geirushin* is also a *Mitzvas aseh*, the custom is to let the dying man fulfill yet another *mitzvah* by divorcing his wife before he dies.

The **Baer Heitev** (*ibid.*) investigates another question: if *Geirushin* is indeed a *mitzvah*, why do we not recite a blessing upon it?

**In response to this question,**

The **Baer Heitev** quotes the **Rashba** (Responsa, *Siman 18*) who answers that the no blessing is recited upon *Geirushin* because some *Geirushin* is not considered *Mitzvos*.

**On the contrary,**

It constitutes a transgression, such as in the case when the man divorces his wife not because he has found an *ervas davar* in her (i. e. something immoral about her). Such *Geirushin* is considered a transgression, and *Hashem Yisbarach* hates such a man.

## Living with a Man While He Contemplates Divorcing Her

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SIMAN 119:2

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The source of this law is in Tractate *Gittin* (90: a).

The *Genara* says that a person who lives with his wife, and she duly fulfills her marital duties, while he contemplates divorcing her, thereby transgresses the prohibition implicit in the verse

"Do not devise evil against your fellowman, seeing he dwells securely with you".

Thus, in the previous paragraph we learned that one must not marry a woman while harboring the intention to divorce her. In this paragraph, we learn that one must not even live with her while harboring the intention to divorce her.

The **Shulchan Aruch** rules concisely:

SHE MUST NOT LIVE WITH HIM AND SERVE HIM (I. E. FULFILL HER SPOUSAL DUTIES) WHILE HE IS CONTEMPLATING DIVORCING HER.

## Letting the Woman Know that He is Marrying Her with the Intention to Divorce Her

We already know that if the man informs the woman prior to marriage that he is marrying her temporarily, it is permissible to live with her even though he contemplates divorce.

**The question is,**

Whether, in the case when she is already married to him, the husband will be permitted to continue living with her if he lets her know he has married her only for a limited period of time.

**Regarding this question the Chelkas Mechokek writes (*Seif Katan 1*),**

If she is already married to him, it will be to no avail to let her know this, because there is nothing she can do about it: She cannot become divorced from her husband without his consent. So she lives a life of misery, while he is transgressing the prohibition of devising evil against his fellowman (i. e. his wife), seeing she dwells securely with him.

The **Perishah** also says that after marriage such an announcement will be to no avail.

## Intimate Relations with the Wife while Contemplating Divorce

Is the husband prohibited to live with his wife while contemplating divorce only when he maintains intimate relations with her, or he is prohibited to live with her even without maintaining intimate relations?

The *poskim* (*halachic* authorities) differ on this issue.

1. The **Chelkas Mechokek** (*Seif Katan 1*) infers from the way the *Genara* expresses itself (*yosheves tachtav u-meshamashto*, literally, "she dwells under him and serves him") that the husband is prohibited to live with his wife while contemplating divorce only if he maintains intimate relations with her, and if he does not maintain intimate relations with her he is not prohibited to live with her if he contemplates divorce. At the end of his commentary, the **Chelkas Mechokek** rejects this ruling, but does not explain why.
2. However, the **Beis Shmuel** (*Seif Katan 1*) quotes the **Perishah** who holds the opinion that even if the husband does not maintain intimate relations with his wife; he is prohibited to live with her if he contemplates divorce.

## Under What Condition is the Husband Permitted to Divorce his Wife?

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SIMAN 119:3

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The *Genara* in *Gittin* (90: a; 90: b) discusses these conditions.

The Torah mentions *Geirushin* in the Book of *Devarim* (*Parashas Ki Setzeh*, 24: a, b.):

*"When a man takes [himself] a wife and marries her, if then, he does not like her because he found something immoral about her, he shall then write for her a bill of divorce and put [it] in her hand, and thus release her from his house. She then leaves his house and she then goes and marries another man..."*

In the *Mishnah* **Beis Shammai** and **Beis Hillel** disagree over the conditions under which the husband is permitted to divorce his wife. Each school of thought bases its viewpoint on the above verse in its own particular way:

1. **Beis Shammai** interprets the phrase "*ervas davar*" (something immoral) literally: the husband is permitted to divorce his wife if he does not like when he finds out that she has committed adultery with another man. This is how they interpret the Torah's expression "*ervas davar*" and this is how they explain the reason for his dislike.
2. **Beis Hillel** on the other hand, are of the opinion that the husband has the right to divorce his wife even if he does not find anything immoral about her, but only if she purposely burns his food while cooking it (*hikdicha tavshilo*). This is because **Beis Hillel** are of the opinion that by the phrase "*ervas davar*" the Torah meant both something immoral in the sense of illicit, such as adultery, but it also meant undercooked or overcooked food, and any other kind of misdemeanor, or any other disobedient, defiant act performed against him.
3. **Rabbi Akiva** holds the view that the husband can divorce his wife even if he has found another woman more beautiful than his present wife. **Rabbi Akiva** is of the opinion that by the phrase "*ve-haya im lo timtza chein be-einav*", (literally, "if she does not find *chein*", etc.), the word "*chein*" conveys the concept of beauty. It could of course be something immoral in the sense of illicit, such as adultery, but it could also be a lack of beauty *be-einav* (in his eyes) that would arouse the husband's dislike and permit him to divorce his wife because of it.

## The Psak Halacha of the Rishonim

### Whose approach do the *Rishonim* adopt?

The **Rif** (on *Gittin*, 50: b) and the **Rosh** (on *Gittin*, last chapter, *Siman* 15) do not write according to whom the *Halacha* is established. In other words, they refrain from expressing their opinion on the subject. The question is why? Do not these *Rishonim* always express their view on greatly disputed subjects? Why should they have refrained from expressing their learned opinion about this important dispute that took place in the *Mishnah*?

### Regarding this question,

The **Beis Yosef** writes that it seems to him that the *Rishonim* did not bother to express their opinion on this subject in written form because they relied on the fact that students already knew that when **Beis Hillel** disagree with **Beis Shammai** or with **Rabbi Akiva**, the *Halacha* is always established according to **Beis Hillel**. The same must have happened in this case as well.

The **Rambam** (in his *peirush* on *Mishnayos*, *Gittin*, at the end of chapter 9) writes explicitly that the *Halacha* in this case is established according to **Beis Hillel**.

By the way, the **Tur** rules this *din* as follows:

"AND THE *HALACHA* IS ESTABLISHED ACCORDING TO THE **BEIS HILLEL**, THAT IF THE WIFE HAS COMMITTED SOME INIQUITY, HE CAN DIVORCE HER, BUT HE MUST NOT DIVORCE JUST BECAUSE HE HAS FOUND SOMEBODY MORE BEAUTIFUL THAN SHE IS".

## The Reason For Divorce in First and Second Marriage

Is there a difference between the first and the second marriage as far as the reason to permit divorce is concerned?

Regarding this issue the *Genara* writes (ibid. 90: b) that the entire aforementioned disagreement (i. e. **Beis Hillel** versus **Beis Shammai** or versus **Rabbi Akiva**) about the reason to permit divorce concerns only the second marriage.

**However, in the case when it is the man's first marriage,**

He ought not to hurry to divorce her even if she does him something wrong, such as *hikdicha tavshilo* (purposely burns his food, etc...).

The reason for it is **Rabbi Elazar's** statement:

*"Whoever divorces his first wife, the altar sheds tears about him".*

Therefore, he must not divorce her if she has done him something wrong.

The **Beis Yosef** says that he found a certain work that quotes the **Sefer Agudah** (on *Gittin, Siman* 164) as writing that **Rabbi Elazar's** statement about a person who divorces his first wife, that the altar sheds tears about him applies specifically to the case when he divorces her against her will.

**However, if the wife agrees to it,**

Divorce is not considered such a grave crime, because it can be viewed as divorce occurring in a second marriage.

The **Beis Shmuel** states the following in *Seif Katan 2*:

**According to the Tur's approach,**

The difference of opinion among the *Tanayim* in the *Mishnah* concerns only the second marriage. That is when **Beis Hillel** holds that by the phrase "*ervas davar*" the Torah meant both something immoral in the sense of illicit, such as adultery, but it also meant undercooked or overcooked food and any other kind of misdemeanor, or any other disobedient, defiant act performed against him.

**Beis Hillel** admits, though,

That *beis din* should actively prevent the husband from divorcing his first wife unless he finds *ervas davar* (something immoral about her).

**On the other hand,**

**Rashi** is of the opinion that the *Tanayim* differ even about the first marriage, and the *Gemara* meant to say that the husband is permitted to divorce his wife for any reason, such as if she only makes him angry or he finds some other woman who is more beautiful than she is. Nevertheless, such a *meqadesh* is considered "hated" (loathsome) by *HaKadosh Boruch Hu*.

The **Baer Heitev** (*Seif Katan 3*) quotes the **Knesses Ha-Gedolah** who states that even if his first wife is extremely repulsive and her husband is disgusted by her, he must not divorce her.

**The Baer Heitev adds,**

In the name of **Sefer Ha-Chasidim** that in the case when the husband is incapable of performing the marital act, and he seeks medical assistance but fails to be cured, further life together constitutes a transgression. (The reason is most probably due to the husband's obligation to fulfill the commandment of *pru u-rvu*, or because of the reason mentioned in *Even Ha-Ezer*, chapter one).

## The Precise Definition of Zivug Rishon (first marriage)

What is the precise definition of the concept of *zivug rishon*? Could it mean that this woman is his first wife although she was already married to a different man once before?

Regarding this question the **Baer Heitev** writes in the name of the **Pri Chadash** that *zivug rishon* (first marriage) means that a man marries a *besullah* (virgin).

The **Pischei Teshuvah** (*Seif Katan 2*) quotes the **Beis Meir** as writing that it is to be inferred from that *Gemara* that the concept of *zivug rishon* comprises both the male and the female: she is his first wife, and he is her first husband, in terms of her being a virgin when he marries her.

## The Rambam's Approach.

On the basis of the above *Gemara* (the way the **Beis Yosef** presents it), the **Rambam** writes the following in the Laws Pertaining to *Geirushin* (Divorce) chapter 10, *Halacha* 21:

*"A person shall not divorce his first wife unless he finds ervas davar (something immoral) about her, and it is improper to hurry to divorce one's first wife. However, he may divorce the second one, if he hates her".*

Incidentally, the **Beis Yosef** deduces from the words,

*"May divorce the second one, if he hates her"*

The **Rambam** supports the view of **Beis Hillel** in the *Mishnah*

It proves that the **Rambam** does not interpret the phrase "*ervas davar*" (something immoral) literally, like **Beis Shammai**:

The husband is permitted to divorce his wife only if he finds out that she has committed adultery with another man. There is yet another discovery:  
The phrase

"IF HE HATES HER"

As used by the **Rambam**, implies that the husband can divorce his wife because of something wrong that she has done to him.

**This is unlike Rabbi Akiva,**

Who holds the view that the husband can divorce his wife even if he has found another woman more beautiful than his present wife. Had the **Rambam** paskened (ruled) according to **Rabbi Akiva**, the concept of *sin'a* (hatred) would not have been the decisive factor of the husband's permission to divorce his wife.

**On the contrary,**

It would have been his love for another, more beautiful woman that would permit him to divorce his present wife, as **Rabbi Akiva** rules. All this clearly proves that the **Rambam** identifies with the view of **Beis Hillel**, who hold that if the husband's wife purposely burns her husband's food, etc, he is permitted to divorce her.

**Shulchan Aruch** adopts **Beis Hillel's** approach, ruling that a person must not divorce his first wife unless he finds "an *ervas davar* in her" (i. e. something immoral about her).

The **Rama** quotes the *Gemara* according to which,

If the husband divorces his first wife not because he has found something immoral about her, our Sages say about such a divorce:

"Whoever divorces his first wife, the altar sheds tears about him"

Then the **Rama** adds the ruling of the **Agudah**, who says,

This prohibition applied specifically in their days when men divorced their wives against their will. However, if the husband divorces his wife with her consent, it is permissible. (and so writes the **Ran**).

The **Shulchan Aruch**,

Adds that the husband ought not to hurry to divorce his first wife. However, if it is his second wife and he hates her, he ought to divorce her. (The **Rambam** according to **Beis Hillel**: if she overcooks or undercooks his food, it is sufficient cause for divorce).

## Is Divorcing One's First Wife Considered a Genuine Prohibition?

The **Chelkas Mechokek** (*Seif Katan 2*) poses a question on the approach of the **Shulchan Aruch**: In the beginning of the paragraph the **Shulchan Aruch** rules:

"A PERSON MUST NOT DIVORCE HIS FIRST WIFE UNLESS HE FINDS "AN  
ERVAS DAVAR IN HER" (I. E. SOMETHING IMMORAL ABOUT HER)".

This implies that such an act constitutes a prohibition. On the other hand, at the end of the paragraph the **Shulchan Aruch** writes:

"He ought not to hurry to divorce his first wife"

**Which implies,**

If he divorces her without having found anything immoral about her, such an act does not constitute a prohibition, but it sounds like mere counsel, a piece of advice.

**The Chelkas Mechokek offers two explanations:**

1. At the end of the paragraph the **Shulchan Aruch** talks about *Geirushin* carried out with the wife's consent, therefore he rules that such a divorce does not constitute a prohibition, although it is improper (not nice) to do so, even if she agrees to it.
2. Another explanation is that at the end of the paragraph the **Shulchan Aruch** seems to be suggesting that even if with the help of an *eid echod* (single witness) the husband finds an *ervas davar* about his first wife, in which case nothing can prevent him from divorcing her, he must nevertheless not say: "I trust the witness" and divorce her immediately. Rather, he must show some reserve and not hurry to divorce her. He must first thoroughly investigate the matter, because perhaps in the end he will not have to divorce her at all.

**We infer from these two explanations,**

Divorcing the first wife against her will indeed constitutes a prohibition, and the **Shulchan Aruch** talks about a special case at the end of the paragraph.

Not everybody agrees with the first explanation of the **Chelkas Mechokek**, according to which at the end of the paragraph the **Shulchan Aruch** talks about *Geirushin* carried out with the first wife's consent.

**This is why he rules,**

Such a divorce does not constitute a prohibition, although it is improper to do so, even if she agrees to it.

Regarding this issue the **Pischei Teshuvah** (*Seif Katan* 3) quotes the **Beis Meir** who is of the opinion,

The advice not to divorce one's first wife even if she agrees is true only for the case when the husband is the one who demands divorce.

In which case, even if she gives her consent, in her heart of hearts she feels very sorry about it. Therefore, it is improper to hurry to do so. However, if the wife does not just passively agree to it, but she is the one who actively demands divorce, then the husband is certainly permitted to divorce her, in spite of the fact that she is his first wife.

## Questions and Answers

1. Is it permissible to marry a woman while harboring the intention to divorce her?

Rabbi Eliezer ben Yaakov in the *Genara* rules that a man must not marry a woman if he is harboring a prior intention to divorce her (that is to say, he marries with a prior intention to live with her only temporarily). He adds however, that if the man lets her know before marriage that he intends to marry her only for a limited amount of time, it is permissible. The *Genara* relates that there were a number of Sages who had married women having warned them beforehand that their intention was to divorce them after a certain period of time.

2. Does the act of divorce constitute a *mitzvah*?

Yes, it does. The Baer Heitev writes in his introduction to *Hilchos Gittin* that *Geirushin* constitutes a *Mitzvas aseh*, and a person who, according to *Halacha*, has a good enough reason to divorce his wife, fulfills a *Mitzvas aseh* by giving her a *get*.

3. How does one explain the custom to make a *shchiv me-ra* give his wife a *get* before he dies, even if he dies childless and by divorcing his wife prior to death, he prevents the performance of the *mitzvah* of *yibum* or *chalitzah*?

The custom to make a *shchiv me-ra* give his wife a *get* before he dies, even if he dies childless and by divorcing his wife prior to death he prevents the performance of the *mitzvah* of *yibum* or *chalitzah* is explained by the fact that since *Geirushin* is also a *Mitzvas aseh*, it is better to let the dying man fulfill yet another *mitzvah* by divorcing his wife before he dies.

4. If *Geirushin* is indeed a *mitzvah*, why do we not recite a blessing upon it?

In response to this question, the **Baer Heitev** quotes the **Rashba** (*Responsa, Siman 18*) who answers that no blessing is recited upon *Geirushin* because some *Geirushin* is not considered *Mitzvos*.

On the contrary, it constitutes a transgression, such as in the case when the man divorces his wife not because he has found an *ervas davar* in her (i. e. something immoral about her). Such *Geirushin* is considered a transgression, and *Hashem Yisbarach* hates such a man.

5. Is the husband prohibited to live with his wife while contemplating divorce only when he maintains intimate relations with her or the prohibition applies even if they do not maintain intimate relations?

The *poskim* differ on this issue.

1. The **Chelkas Mechokek** infers from the way the *Gemara* expresses itself (*yosheves tachtav u-meshamashto*, literally, "she dwells under him and serves him") that the husband is prohibited to live with his wife while contemplating divorce only if he maintains intimate relations with her, and if he does not maintain intimate relations with her he is not prohibited to live with her if he contemplates divorce. At the end of his commentary, the **Chelkas Mechokek** rejects this ruling, but does not explain why.
2. However, the **Beis Shmuel** quotes the **Perishah** who holds the opinion that even if the husband does not maintain intimate relations with his wife; he is prohibited to live with her if he contemplates divorce.

6. State the approaches of **Beis Shammai** and **Beis Hillel** regarding the question when the husband is permitted to divorce his wife.

1. **Beis Shammai** interprets the phrase "*ervas davar*" (something immoral) literally: the husband is permitted to divorce his wife if he does not like when he finds out that she has committed adultery with another man. This is how they interpret the Torah's expression "*ervas davar*" and this is how they explain the reason for his dislike.

2. **Beis Hillel**, on the other hand, are of the opinion that the husband has the right to divorce his wife even if he does not find anything immoral about her, but only if she purposely burns his food while cooking it (*hikdicha tavshilo*). This is because **Beis Hillel** are of the opinion that by the phrase "*ervas davar*" the Torah meant both something immoral in the sense of illicit, such as adultery, but it also meant undercooked or overcooked food, and any other kind of misdemeanor, or any other disobedient, defiant act performed against him.

7. **What are the rulings of the Rif and the Rosh?**

The **Rif** and the **Rosh** do not write according to whom the *Halacha* is established. In other words, they refrain from expressing their opinion on the subject. The **Beis Yosef** writes that it seems to him that the *Rishonim* did not bother to express their opinion on this subject in written form because they relied on the fact that students already knew that when **Beis Hillel** disagree with **Beis Shammai** or with **Rabbi Akiva**, the *Halacha* is always established according to **Beis Hillel**. This means that they rule that the *Halacha* is established in accordance with **Beis Hillel**.

8. **Is there a difference between the first and the second marriage as far as the reason to permit divorce is concerned?**

Regarding this issue the *Gemara* writes that the entire disagreement (i. e. **Beis Hillel** versus **Beis Shammai** or versus **Rabbi Akiva**) about the reason to permit divorce concerns only the second marriage. However, in the case when it is the man's first marriage, he ought not to hurry to divorce her even if she does him something wrong, such as *hikdicha tavshilo* (purposely burns his food, etc...). The reason for it is **Rabbi Elazar's** statement: "Whoever divorces his first wife, the altar sheds tears about him". Therefore, he must not divorce her if she has done him something wrong.

9. **When is the husband permitted to divorce his first wife?**

The **Beis Yosef** says that he found a certain work that quotes the **Sefer Agudah** as writing that **Rabbi Elazar's** statement about a person who divorces his first wife, that the altar sheds tears about him applies specifically to the case when he divorces her against her will. However, if the wife agrees to it, divorce is not considered such a grave crime, because it can be viewed as divorce occurring in a second marriage.

10. What is the precise definition of the concept of *zivug rishon* (first marriage)? Could it mean that this woman is his first wife although she was already married to a different man once before?

Regarding this question the **Baer Heitev** writes in the name of the **Pri Chadash** that *zivug rishon* means that the man marries a *besullah* (virgin). The **Pischei Teshuvah** (*Seif Katan 2*) quotes the **Beis Meir** as writing that it is to be inferred from that *Genara* that the concept of *zivug rishon* comprises both the male and the female: she is his first wife, and he is her first husband, in terms of her being a virgin when he marries her.