

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses the two types of documents, open (פשוט) and tied (מקושר) and notes a number of distinctions between them.

2) The sources for two varieties of documents

R' Chanina cites a verse as the source for two different varieties of documents and explains how the verse teaches the requisite number of witnesses for each document.

Rafram suggests another source for the existence of these two documents and also explains how the verse teaches the requisite number of witnesses for each document.

Rami bar Yechezkel offers an alternative source and also explains how the verse teaches the requisite number of witnesses for each document.

The Gemara successfully challenges all three sources and concludes that the tied document is a Rabbinic innovation.

The rationale behind this enactment is explained.

The reason Chazal extended this enactment to include documents in addition to the get is explained.

3) Placement of the witnesses' signatures

R' Huna and R' Yirmiyah bar Abba disagree concerning the correct placement of the witness's signature on a tied document.

R' Huna's opinion that the signatures are placed between knots is explained.

The Gemara unsuccessfully challenges this position out of concern that the holder of the document may add more content to the document after it was signed. ■

REVIEW and Remember

1. What are two differences between an "open" document and a "tied" document?

2. How do we know that the "tied" document will contain more signatures than an "open" document?

3. What was the impetus behind the creation of the "tied" document?

4. What is the point of dispute between R' Huna and R' Yirmiya bar Abba?

Distinctive INSIGHT

The legal validity of an act done out of anger

והוה קפדי טובא ומגרשי נשייהו

The Gemara began with searching for the source for having two distinct types of documents, one which is plain (גט פשוט), and another which is tied and folded (גט מקושר). Some Rishonim understand that the Gemara felt that the Torah itself sometimes requires a tied and folded document, and that this is based upon verses. The Gemara finally comes to the conclusion that the institution of a tied and folded document is only rabbinic, albeit an enactment which dated back to the period of the first Beis HaMikdash. This custom was originally enacted in a place where there were many kohanim, and, according to Rashbam, they used to get angry and divorce their wives. A plain document can be written and arranged quickly, and the matter was finished before the kohen husband would calm down. Unfortunately, this resulted in a tragic situation, because once he did calm down it was too late, as a kohen is not allowed to marry a divorcée, even his own. In order to alleviate this situation, the sages enacted that a folded and sewn document must be used for divorce, and the delay necessary in preparing it would hopefully give a kohen husband a chance to come to his senses in case he wished to reconsider the divorce.

Toras Chaim notes, based upon this comment of Rashbam, that any transaction, gift, or gesture of מחילה which a person does out of anger is nevertheless valid. We see that a kohen who divorces his wife out of anger has performed an act which is legally valid, and the sages enacted an entire set of rules of a גט מקושר to hopefully avoid the tragedy which it creates.

Based upon this halacha, Toras Chaim questions Rema in Choshen Mishpat (end of 333) who rules that if an employer fires a contracted worker, the worker can walk away from the job without returning any fees or payments he might have received in advance. If, however, the employer fired the worker out of anger, the worker cannot walk away. The impetuous reaction of the employer does not carry legal weight to cancel any financial arrangements. Why, then, is the angry act of a kohen divorcing his wife valid? Several answers are offered to resolve this question.

תשובות מהרי"ם (#38) point out that we do not ascribe validity to words that are blurted out in anger. The angry comments of the employer are dismissed. If someone does

HALACHAH Highlight

The meaning of the term *גט שטר* and *גט*

An open document has the witnesses signed on the inside etc.

The members of the community of Tirol agreed that all documents that would be written in the future must be written and signed by the scribe together with the signature of another witness. Any document that did not meet these qualifications would be considered invalid and anyone who would produce such an invalid document would be fined twenty gold coins. This enactment gave rise to two questions regarding a *גט*. The first question was whether *גטין* were included in the enactment regarding documents, and secondly, if we assume that *גטין* were included in the enactment, what would be the status of a *גט* that did not meet these qualifications?

Rivash¹ responded by first demonstrating that in the language of Chazal the term *שטר* – document – is used to refer to *גטין* as well as other documents. One example is found in the Gemara Gittin (10b) which states that all documents (*שטרות*) that were drawn up in secular courts are valid except for women's divorce documents. The necessity to exclude divorce documents from this principle indicates that the term *שטר*, by definition, includes divorce documents. Similarly, we find that the term *גט* refers not only to divorce documents but to legal documents in general. One example is our Mishnah that states that a *גט פשוט* – an open document – has the

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an act, even out of anger, the act is valid, such as we find regarding writing of a *גט*.

Rabbi Akiva Eiger (שו"ת ח"ד חו"מ א') writes that anger is not a reason to undermine the validity of an action performed by a competent adult. The ruling of Rema is based upon the fact that the employer might not have intended to fire the worker at all, but simply to say, "I don't want to see you again," but not to forego any financial commitments they promised to each other. ■

witness's signature on the inside and a *גט מקושר* – a tied document – has the witness's signature on the outside. Since the Mishnah refers to all types of legal documents we see that the term *גט* can be used as a generic term for all types of documents.

Nevertheless, writes Rivash, when it comes to interpreting stipulations that people make with one another and the meaning of enactments accepted by a community words are interpreted according to their commonly used definition. The way the Torah or Chazal use and interpret a word does not necessarily have bearing on its common use or definition. Therefore, since people use the term *גט* to refer exclusively to divorce documents and the term *שטר* to refer to all other legal documents, any enactment that addresses *שטרות* does not include divorce documents. Therefore, *gittin* that do not follow the accepted guidelines of writing legal documents are nevertheless valid. ■

1. שו"ת הריב"ש סי' ד"ש. ■

STORIES Off the Daf

Rav Raphael's Tallis Katan

"אתרא דכהני הוו והוו קפדי טובא..."

On today's daf we find that kohanim anger easily by nature. In Kiddushin 70, the sages expounded on the verse, "ועמך כמרבי כהן" — And your people are as like those kohanim who fight.¹ For this reason, a certain precaution in *gittin* applies to kohanim so that they do not get carried away by their strong natures in haste.

The Imrei Chaim of Vizhnitz, zt"l, would conduct his tisch with a great deal of fervor. After learning with diligence the entire day as usual he would

devote every ounce of his remaining strength to the tisch that would last for hours. By the time he reached the door of his house, he was depleted. After one tisch, he got home but the man in charge of bringing the key to the house was late. It was winter, and freezing rain showered down as the Rebbe and his companion waited. Throughout the downpour, he told the following inspiring story:

"Rav Raphael of Barshad, zt"l, yearned to wear a tallis katan woven of the high-quality wool raised in Eretz Yisrael. After a long period of toil, he finally obtained enough wool to use as a tallis katan. He was overjoyed with his good fortune and he immediately gave

the wool to one of his chassidim to sew him a proper tallis katan. Unfortunately, the chassid folded the garment a second time before cutting the hole for Rav Raphael's head. The result was two large holes, which rendered the garment absolutely unfit for use.

The chassid was very afraid to show this to his rebbe, but what choice did he have? When he finally got up the courage to explain his error, Rav Raphael was obviously pained, but he responded in a very surprising manner. "Why does Raphael require two holes in his tallis katan? One for his head and the second so that Raphael should not get angry!"² ■

1. הושע ד:ד.

2. האיגוד, טבת תשס"ו, ע' קל"ו. ■