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גיטין ד׳
The Chicago Center

OVERVIEW of the Daf

1) Clarifying Rabbah's position (cont.)

The Gemara explains how, according to Rabbah, the Mishnah can be reconciled with the opinion of R' Elazar.

R' Ashi explains that the Mishnah follows the opinion of R' Yehudah.

The Gemara explains why it did not attempt to reconcile the Mishnah with R' Yehudah in the first place.

2) The declaration that the גט was written and signed in his presence (cont.)

It is suggested that the dispute in the Mishnah related to the borders of Eretz Yisroel is related to the dispute between Rabbah and Rava.

The Gemara demonstrates how Rabbah and Rava can each explain the dispute in the Mishnah according to their respective positions.

It is suggested that the dispute between Tanna Kamma and Chachamim whether a declaration is needed when delivering a גט in chutz la'aretz that was written in Eretz Yisroel is related to the dispute between Rabbah and Rava.

The Gemara demonstrates how Rabbah and Rava can each explain the dispute in the Mishnah according to their respective positions.

Rabbah's view is unsuccessfully challenged from the Mishnah.

According to a second version, the Mishnah is cited to challenge Rava, although unsuccessfully.

(Continued on page 2)

REVIEW and Remember

1. Why did the Gemara prefer to explain the Mishna according to R' Meir and R' Elazar?

2. How does Rava explain the dispute between Tanna Kamma, R' Gamliel and R' Elazar?

3. How does Rabbah explain the dispute between Tanna Kamma and Chachamim?

4. According to the Gemara's conclusion, what is the practical difference between Rabbah and Rava?

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Gemara GEM

Do the חכמים argue with the תנא קמא ?

ורבנן בתראי סברי גזרינן מוליך אטו מביא

The Mishnah at the beginning of the Massechta taught that a messenger bringing a גט must declare that it was written and signed in his presence. Later in the Mishnah, חכמים say that the only one who must make this declaration is a messenger bringing a גט from a distant land to Eretz Yisroel or one who brings a גט from Eretz Yisroel to a foreign land. According to Rabbah, the reason for any statement of a messenger is in order to verify that the גט was written לשמה. This forces the Gemara to ask why the חכמים require a גט which originates in Eretz Yisroel to have this information verified, when the residents of Eretz Yisroel were recognized as being competent in regard to לשמה.

Rabbah answers that the first Tanna in the Mishnah and the חכמים agree that one bringing a גט from outside Eretz Yisroel (מביא) must provide with the information that it was written לשמה. However, the חכמים require the messenger to say בפנו״נ even when taking a גט in the other direction, as well—from Eretz Yisroel to a foreign land (מוליך). Although in the case where a גט originates in Eretz Yisroel there is no doubt that it was written לשמה, the חכמים instituted a גזירה so that there will be no confusion to think that a messenger might not have to say בפנו״נ when bringing a גט from חוץ לארץ.

According to Rava, however, there is no argument between the first Tanna and the later חכמים. The issue is that witnesses are difficult to find over a far distance, and it makes no difference whether the messenger comes from a foreign land to Eretz Yisroel or if he takes the גט from Eretz Yisroel to the foreign land. Either way, there is a need to verify the signatures on the document ahead of time. The חכמים are coming simply to clarify and explain the opinion of the first Tanna.

We could ask, therefore, why Rabba's approach to the Mishnah does not use the same approach and say that there is no argument at all, and the חכמים who say that the messenger must say בפנו״נ even for מוליך is explaining the first Tanna. Why don't we say that everyone agrees that we make a גזירה for מוליך?

Sefer קיקיון דיונה explains that if the first Tanna held that מוליך had to say 'בפני נכתב וכו, he would not have left this unsaid, thus relying upon the חכמים to later clarify it. This would have been too important of a detail to be left unclear. It is only according to Rava, who says that the reason for בפנו״נ is due to מצויין לקיימו, that the first Tanna did not have to differentiate between מוליך and מביא. The issue of distance causes the locating of the witnesses to be a problem regardless of whether the גט originated in a foreign land or in Eretz Yisroel. ■

HALACHAH Highlight

Going to Yerushalayim for Yom Tov after the destruction of the Beis Hamikdash

תינח בזמן שבית המקדש קיים בזמן שאין בית המקדש קיים מאי איכא למימר

That is acceptable when the Beis Hamikdash was in existence but during a time when the Beis Hamikdash no longer exists what can be said?

It is evident from our Gemara that once the Beis Hamikdash was destroyed, caravans could no longer be found going to Eretz Yisroel since people stopped traveling to Yerushalayim for Yom Tov (See also Daf Digest #689, to Taanis דף י). Sdei Chemed[1] cites Maharatz Chayos[2] who demonstrates at length that even after the destruction of the Beis Hamikdash Tannaim would travel to Yerushalayim for Yom Tov. He also expresses astonishment that Maharatz Chayos did not cite the Midrash that compares Klal Yisroel to a dove in this regard. The Midrash writes that just like a dove does not forget its nest, so too Klal Yisroel did not stop ascending to Yeurshalayim for Yom Tov even after the Beis Hamikdash was destroyed. Sdei Chemed concludes that in every generation there have been people who spared no expense or effort to make the trip, whether by wagon, horseback or foot, to be in Yerushalayim for Yom Tov and he prays that the merit of these tzadikim should protect the Jewish People until the coming of Moshiach. Sefer Chassidim[3] also relates that Rav Hai Gaon would travel from Bavel to Yerushalayim for Sukkos and would walk seven circuits around Har Hazeisim on Hoshana Rabba with kohanim in front of him, with the rest of the people following behind.

Noda B'Yehudah[4], however, maintains that there is no mitzvah to go to Yerushalayim for Yom Tov after the destruction of the Beis Hamikdash. Noda B'Yehudah was asked why Poskim did not record the Gemara's statement that one is obligated to visit a rebbi on Yom Tov. Noda B'Yehudah responded that the mitzvah of visiting a rebbi is linked to the mitzvah of ascending to the Beis Hamikdash on Yom Tov. The obligation to ascend to Yerushalayim when the Beis Hamikdash was still in existence was to bring the mandated offerings. Therefore, nowadays that we do not have a Beis Hamikdash to visit there is also no mitzvah to ascend to Yerushalayim, and there is also no mitzvah to visit one's rebbi. ■

1. שדי חמד אסיפת דינים מערכת ארץ ישראל אות א'.
2. חידושי מהר"ץ חיות לנדרים כ"ג. ד"ה מעשה
3. ספר חסידים סי' תר"ל.
4. שו"ת נודע ביהודה מהדו"ת או"ח סי' צ"ד. ■

(Overview. Continued from page 1)

Another challenge to Rabbah is presented and accepted as a successful challenge.

The Gemara therefore explains that Rabbah agrees with Rava's explanation and maintains that there are two reasons for the declaration.

In light of this explanation, the Gemara identifies two practical differences between Rabbah and Rava.

Rabbah's position is challenged. ■

STORIES Off the Daf

The Invalid Witness

"במזוייף מתוכו שהוא פסול..."

During 1988, many protested against cars that drove through religious neighborhoods in Yerushalalyim on Shabbos. A coalition called 'Sheves Achim" was formed to try and hammer out a compromise amenable to all parties. The goal of the group was that Jews of all stripes join. Formed of individuals who ran the gamut from completely non-observant to fervently Orthodox, it was hoped that if they sat together and sought a solution, they would find one.

When one of the organizers approached a chareidi member of the Knesset to join this forum he said he would consider it. He immediately contacted Rav Shlomo Zalman Auerbach, zt"l, with the obvious question: "Should I join?"

"Definitely," declared Rav Shlomo Zalman. "They should not think we are 'perei adam' [unbridled and uncivilized.]"

After several sessions, the organizers of the group expressed an interest to incorporate a member of the Reform clergy as a member of the group.

Once again, the chareidi member approached Rav Shlomo Zalman. "What should I do? Should I stay? But If I go, what can I say that will not be insulting and make a chilul Hashem?"

"You definitely may not stay," ruled Rav Shlomo Zalman. "To explain your departure in a peaceable manner you should point out in a pleasant way that religious Jews cannot remain with those who counterfeit Judaism. This is especially true since there is a big struggle in America between the Orthodox on one hand and the Reform and Conservative on the other. To sit with such a rabbi in a single organization gives his movement credibility and detracts from the efforts of the religious Jews abroad."

On today's daf we find that although Rabbi Eliezer doesn't require witnesses to sign on a גט, if invalid witnesses sign it is indeed פסול. he same is true in terms of Judaism. If one knows that he is not observing normative traditional Judaism, we can deal with him. It is only the person who defiles Yiddishkeit and still claims to be an observant Jew whom we cannot countenance! ■

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