

This month's Daf Digest is dedicated
לע"נ Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev ע"ה (23 Av).
Family Weiss, London

OVERVIEW of the Daf

1) Writing a גט (cont.)

The Gemara continues to analyze the text of the גט instituted by Rava.

2) Selling a slave

The text of the bill of sale of a slave instituted by R' Yehudah is recorded.

Tangentially, the Gemara presents the remedy for boils.

3) **MISHNAH:** The Mishnah discusses three gittin that are, according to Tanna Kamma, Biblically acceptable but rabbinically invalid. R' Elazar maintains that one of those gittin could still be valid.

4) Three types of invalid gittin

The Gemara suggests other cases that are Biblically valid but rabbinically invalid and explains why these additional cases were not included in the Mishnah.

The cases that are included by the Mishnah's statement that there are three cases of gittin that are Biblically acceptable and rabbinically invalid are identified.

5) Clarifying the Mishnah

Rav teaches that the Mishnah refers to a case of the husband's handwriting.

After analysis, the Gemara concludes that Rav refers to the last case and teaches that only when the גט was written by the husband will the גט be valid בדיעבד.

Shmuel disagrees and asserts that the Mishnah's last case could even refer to a גט written by a scribe with the signature of one additional witness.

An exchange between Rav and Shmuel about this matter is recorded.

6) Three types of invalid gittin (cont.)

The Gemara relates that, in reference to the three gittin of the Mishnah, Rav would sometimes rule that the woman must leave her second husband and other times he would say it was not necessary. It is explained that both rulings are correct and the matter depends upon whether there are children.

This ruling is unsuccessfully challenged.

The opinions of additional Amoraim are presented.

Tangentially, the Gemara discusses whether a fly that drinks from Chatas water disqualifies that water.

7) R' Elazar

R' Yehudah in the name of Rav teaches that the halacha follows R' Elazar in matters of gittin and Shmuel adds that halacha also follows his opinion regarding financial documents.

Rav's position is unsuccessfully challenged.

The opinions of additional Amoraim are presented.

8) **MISHNAH:** The Mishnah discusses a case of two gittin that become mixed up. The Mishnah also addresses the possibility of multiple couples divorcing with a single גט.

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Distinctive INSIGHT

A גט written in the husband's handwriting, but without עדים

כתב בכתב ידו ואין עליו עדים

The Mishnah teaches three cases of gittin which the rabbis considered to be invalid, but, בדיעבד, if the woman were to remarry having relied upon any of them, the children from the subsequent marriage would not be considered illegitimate. One of these is a גט written in the handwriting of the husband, but no witnesses were signed on it.

The Mishnah introduces the famous opinions of Rabbi Meir and Rabbi Eliezer regarding גט. Rabbi Meir holds עידי חתימה כרתי - that a גט is effected by the witnesses who are signed on it. Rabbi Eliezer is of the opinion that a גט is effected by the witnesses who see the document given from the husband to his wife (עידי מסירה כרתי). The first halacha of our Mishnah is not the view of Rabbi Meir, as he would hold that a גט without witnesses recorded on it is not only disqualified rabbinically, but any children resulting from its implementation would be mamzeirim (and not "kosher" as the Mishnah rules). The author of this first statement also cannot be Rabbi Eliezer, as Rabbi Eliezer appears later in the Mishnah to disagree. As a result of this observation, Rashi here explains that this view is a third opinion, which holds that a גט is kosher even without witnesses, provided it is written by the husband. This גט has fulfilled the verse "וכתב ונתן," as it was written and given by the husband. The rabbis, however, disqualify such a divorce document לכתחילה, as they were concerned that it might be confused with a גט written by a scribe, which would be פסול without the signatures of witnesses, and where the children of a subsequent marriage would be illegitimate.

Tosafos (3a, ד"ה כתב) explains that a גט without witnesses is disqualified because the husband can write any date upon it that he wishes, so, in effect, it is as if there is no valid date upon it at all. Tosafos (ibid, ד"ה שלשה) also suggests that our Mishnah could be the view of Rabbi Meir, and we consider the handwriting of the husband to be valid "as one hundred witnesses."

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REVIEW and Remember

1. What three gittin are valid only בדיעבד?

2. What cases are included by the Mishnah's repeated reference to the number three?

3. What is the "scent" of a גט?

4. Can numerous couples use a single גט?

HALACHAH Highlight

A גט that contains the wrong date

יש לה בנינים לא תצא אין לה בנינים תצא

If she has children she is not required to leave her husband, if she does not have children she is required to leave her second husband

There was once a גט that was written in the year 5635 (תרל"ה). The scribe, however, made an error while writing the גט and left out the number in the tens place, so the גט recorded that the divorce occurred in 5605 (תר"ה). The rabbi who arranged the גט asked Rav Yitzchok Elchonon Spector¹ about the validity of the גט and he responded, at that time, that he did not see any room for leniency. Some time later the woman remarried without receiving a second גט from her first husband. Rav Spector was asked whether this woman is obligated to divorce her second husband, since she never received a valid גט from her first husband, or perhaps once she is already married we will not require her to leave the second husband (אם נשאת לא תצא).

Rav Spector cited the ruling of Shulchan Aruch² that states that if a woman remarried with a גט where the scribe left out the number in the tens place she is not required to divorce that husband. He then proceeds to demonstrate that this ruling applies whether the mistake resulted from an erroneous ruling of a Torah sage or even when it results from the woman acting on her own without consulting a Rav, as in our case. Proof to this assertion can be found in our Gemara. It was noted that regarding certain gittin Rav would sometimes instruct the newly married couple that they must divorce and other times he allowed the couple to remain married. The explanation

9) Identifying the Tanna of the Mishnah

R' Yirmiyah asserts that the Mishnah does not follow R' Elazar's position that the witnesses to the delivery of the גט are the ones who make it valid.

Abaye explains how the Mishnah could even follow R' Elazar.

10) Clarifying the Mishnah

R' Yochanan maintains that one date indicates that all the couples are using a single גט and separate dates indicates that there are separate gittin. ■

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tion for the conflicting rulings related to whether she was remarried with children or not. The Gemara did not, however, distinguish between a case where the woman remarried because of an erroneous ruling or where she married without consulting a Rabbinic authority. Accordingly, Rav Spector ruled that it is permitted for the woman to remain married to her second husband.

Another interesting part of this responsa is that Rav Spector³ entertains the possibility that the גט should be invalid due to the fact that it is predated. He concludes, however, that the concern does not apply in this case since the woman in question was young (28) and it is evident that she was not even alive in the year 5605; thus this גט is similar to the case where the scribe left out the number that corresponds to the hundreds place where Shulchan Aruch rules that it is kosher since it is evident that the date was written in error and it is treated like a גט that does not contain a date. ■

1. שו"ת עין יצחק ח"ב אה"ע סי' י"ד אות א'.

2. שו"ת אה"ע סי' קכ"ז סעי' י"ג.

3. שו"ת עין יצחק שם אות ג'. ■

STORIES Off the Daf

The Sofer's crimes

"תינשא לכתחילה..."

Today's daf discusses a spectrum of possible divorces—from those that permit a woman to remarry a priori, to those that are completely invalid.

There was once a sofer who was well regarded and had written hundreds of pairs of tefillin. One day, a former client decided to check his tefillin. To his utter dismay, his decade-old tefillin contained no parshios at all! When he told others about this outrage, everyone who had purchased tefillin from this sofer began to check their tefillin. Sure enough, there was not one pair that had a full four parshios. Many were empty and some had one or two parshios.

When this sofer heard that his fraud was exposed, he immediately fled.

Suddenly, people remembered that this man had also penned all the divorces in their small town. He had been the town sofer for

twelve years. They wondered what the halachah was regarding the unfortunate women who had received a divorce written by this wicked man. When they asked their Rav, his view was lamentably bleak. "I can't see any way of permitting this, since clearly this man is a man who sins to anger Hashem. He knew how to write, yet he didn't bother! I am afraid all women who received a divorce written by him were never divorced and must separate from their husbands. Any children are illegitimate...."

However, the Rabbi didn't want such a terrible responsibility on his shoulders, so he consulted with the Maharsham, zt"l.

The Maharsham ruled differently. "I must tell you that I completely disagree with your ruling. First of all, he did what he did for monetary gain. This makes him a sinner for his own pleasure, not one who sins to anger Hashem. While a divorce written by one who sins to anger Hashem is invalid as you wrote, one written by the lesser evil of a person who sins for gain is not invalid. It is clear that he did have a small modicum of fear of heaven, since they found that he put some parshiyos in a portion of the tefillin.

The Maharsham concluded, "Not only are this man's divorces valid post-facto for the women who already married, they are even valid for those who have not yet remarried. If we disqualify those who have not yet married, people will speak against those who already married and their children from their new marriages..."¹ ■

1. שו"ת מהרש"ם, חלק ג', סימן קמ"ט

(Insight...Continued from page 1)

Pnei Yehoshua explains why Rashi did not explain the Mishnah as did Tosafos. Rashi feels that there is no risk that a husband might write any date he wishes, for if so, such a גט would be invalid even בדיעבד, as this would allow the husband to be מחפה על בת אחרות (a man married to his niece would write her a pre-dated גט to protect her if she committed adultery). It must be, Rashi understands, that even with the handwriting of the husband, a divorce is only valid if the date is from when we first see it and beyond, but never earlier. Rather, the concern is that we might allow a גט written by a scribe, but without witnesses. ■