

OVERVIEW of the Daf

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

The Gemara concludes its challenge against Rabbah's position.

The Gemara presents a lengthy exchange that defends Rabbah against the challenge to his position.

Two more unsuccessful challenges to Rabbah's position are presented.

The dispute between Rabbah and Rava is related to a dispute between R' Yochanan and R' Yehoshua ben Levi.

The Gemara cites an incident to demonstrate that R' Yehoshua ben Levi subscribes to the position that is concerned that the declaration is necessary out of concern that the גט was not written for the sake of the woman (לשמה).

A point regarding the incident just cited is clarified.

2) Delivering the גט

R' Yochanan and R' Chanina dispute how many people must be present when the agent delivers the גט.

The Gemara successfully demonstrates that R' Yochanan holds that the גט must be delivered in the presence of two people.

It is suggested that the point of dispute between R' Yochanan and R' Chanina relates to the same issue disputed by Rabbah and Rava.

This explanation is rejected and an alternative explanation is suggested.

The second explanation is also rejected and the Gemara settles on a third explanation of the dispute.

A Baraisa is cited that supports R' Yochanan's position.

The Gemara clarifies that R' Meir, cited in the previous Baraisa, holds that the גט is disqualified if there is a deviation from standard procedures of a גט, and a child born to the mother in her second marriage is a mamzer.

Two related incidents are presented. ■

Today's Daf Digest is dedicated in memory of
 Nejat ben Elyahoo, Rebbi Elazar ben Shemuel,
 Amos ben Azizolah, Meir ben Shlomo,
 Yaacov yashar ben Moshe, Shazdeh bat Shajon

Distinctive INSIGHT

The גט brought before Rabbi Yehoshua ben Levi

ותסברא והא רבה אית ליה דרבא, ועוד הא אמרינן שמא יחזור דבר לקולו

A גט was brought by Rabbi Shimon bar Abba from a foreign land in front of Rabbi Yehoshua ben Levi, and he ruled that the messenger who brought the גט did not have to say בפני נכתב ובפני נחתם. The reason, he explained, was that the only need to say בפנו"נ was only as long as there was a lack of knowledge of לשמה. Now, when people were aware of writing a גט properly, the messenger no longer had to verify this detail.

The Gemara asks two questions. First of all, we have established that Rabbah agrees with Rava. Even if we solve the problem of לשמה, we still have to deal with the lack of availability of the witnesses (מצויין לקיימו). Furthermore, the Gemara told us that we always have to be alert that the situation of knowing about לשמה might deteriorate, and we therefore never ceased to demand that the witnesses tell us about לשמה. Why, then, did Rabbi Yehoshua ben Levi not require the גט to be verified with the messenger saying בפנו"נ?

Rashba notes that the question of the Gemara seems presumptuous. How does the Gemara know that Rabbi Yehoshua ben Levi ruled that the messenger is not required to say anything to verify the גט? Perhaps Rabbi Yehoshua simply meant that he need not say בפנו"נ regarding לשמה, but that the document still needed some form of קיום, at least for the signatures. Rashba answers

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REVIEW and Remember

1. Is a woman able to serve as the agent to deliver her own גט?

2. If a גט was delivered from the Diaspora and the agent did not declare that it was written and signed in his presence, is the גט valid?

3. What is the point of dispute between R' Yochanan and R' Chanina?

4. How much of the גט must be written in the presence of the agent?

HALACHAH Highlight

Is it permitted to be stricter than earlier generations

נמצא אתה מוציא לעו על גיטין הראשונים

It will emerge that you are putting into question the validity of the earlier gittin

Sefer Yad Malachai¹ quotes Ra'anach who wrote that concerning marriage-related matters it is not permitted to adopt more stringent standards than earlier generations, because it will lead to unfounded concerns about the yichus of numerous families. In other matters of halacha, however, it is permitted to adopt more stringent standards than previous generations. Even if those standards would indicate that earlier generations violated a prohibition, that fact will have no bearing on people who are alive today, so it is of no consequence. Other Poskim² disagree with this approach and maintain that even regarding others areas of halacha it is not permitted to behave more strictly than previous generations since it would diminish the honor that they deserve.

In a related matter, Poskim dispute whether later generations are permitted to adopt stringencies (חומרות) that were not observed by previous generations. Radvaz³ wrote that one should not adopt stringencies that were not observed by previous generations. He expresses the wish that people would rather observe what is obligatory rather than concern themselves with additional stringencies. His primary fear is

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that the ruling of Rabbi Yehoshua was “לא צריכת,” which indicates that no response at all was expected from the messenger. If Rabbi Yehoshua simply meant that לשמה did not have to be ascertained, but קיום was needed, he would have clearly stated that the signatures still needed to be authenticated. ■

that by trying to do too much people will end up without observing even the basic obligations, in addition to eventual non-compliance with the additional stringencies. Shearim Metzuyanim B'halacha⁴ maintains that it is permitted to adopt stringencies that were not observed in previous generations, but he notes that the Yerushalmi relates that Shmuel was disturbed when Rav adopted a stringency that was not previously observed. To reconcile these conflicting sources he writes that before adopting a stringency it is necessary for a person to be introspective about what compels him to adopt the stringency. If the stringency emanates from a desire to attain higher levels of kedusha it is certainly permitted. Sometimes, however, a person seeks to be strict about a matter because his trust in Chazal is weak, or some other related issue, and in such a case it is not appropriate for a person to adopt the stringency. ■

1. ספר יד מלאכי כללי הדינים כלל שני"א.

2. עי' מג"א סי' ל"ב ס"ק מ"ח.

3. שו"ת רדב"ז ח"א סי' ק"ס ומובא דבריו בפת"ש יו"ד סי' קפ"ד סק"ה.

4. שערים מצויינים בהלכה ח"א קונטרס סדר תורת הלימוד אות כ"ו. ■

STORIES Off the Daf

A “גברא רבה” - Great Man” Appointed over Gittin

“אתא לקמי' דר' אחא דהוה ממונה אגיטין...”

On today's daf we find that when Bar Hedyah wished to give a גט, he appeared before Rav Achai who was appointed to administer gittin.

There was once a person named Avraham who arranged גיטין and חליצות without having been granted permission from a גברא רבה - a competent authority. The Mahari Vayil, ז"ל, was approached regarding the unfortunate woman who received a גט

over which this man Avraham had officiated. What was her real status?

The Mahari Vayil replied, “Although we don't know if he is an expert in the halachos, the גיטין he presided over are פסול even בדיעבד. It is not for nothing that the earlier authorities ruled that one may not officiate over a גט without permission from a גברא רבה. There are many halachos which are easy to confuse in this area, so we may only trust one who has already received approval from a גברא רבה.”

The Chasam Sofer, ז"ל, went even further than the Mahari Vayil, however. “...Those who preside over גיטין using a “Seder Gittin” (a step-by-step checklist of procedures for a divorce

proceeding) which tells them what to do for a kosher גט (much like they use a seder Haggadah on Pesach night) multiply mamzeirim among the Jewish people. The “Seder Gittin” is good for one who has already learned these halachos thoroughly beginning with the Gemara and through the later poskim. This reminds him of what he already learned. But those who preside over gittin who never learned the halachos and merely use the “Seder Gittin” are worse than the people who lived at the time of the flood!”

The Rema holds that במקום עיגון when there is no chance of getting another גט the woman is permitted even if she only has a גט written by one who is not an expert. ■

