

## OVERVIEW of the Daf

### 1) Including the date on a גט (cont.)

Ravina presents two unsuccessful challenges to the effectiveness of the decree to include the date on a גט.

### 2) Calculating the three-month waiting period

Rav and Shmuel disagree whether the three-month waiting period before remarrying is calculated from when a גט is delivered or from when it is written.

Shmuel's position that the three months are calculated from the time the גט was written is unsuccessfully challenged.

A Beraisa is cited that supports Rav and another Beraisa is cited that supports Shmuel.

After citing the rulings of different Amoraim, the Gemara rules that the three months are calculated from when the גט was written.

### 3) Shemittah cancelling a kesubah

Rav and Shmuel disagree about when a kesubah is considered a regular loan that becomes cancelled by Shemittah.

Each Amora cites a Beraisa that supports his position.

### 4) A predated kesubah

Shmuel asserts that a predated kesubah is valid similar to any other act of Bais Din (מעשה בית דין).

A related incident is cited that teaches that a כתובה is not considered predated when the parties are involved in discussing the kesubah from the beginning of its writing until it is signed.

### 5) A predated גט

Rava explains the rationale behind R' Shimon's position validating a predated גט.

Reish Lakish qualifies R' Shimon's ruling.

R' Yochanan rejects this qualification.

### 6) Instructing ten men to write a גט

If a man instructs ten men to write a גט R' Yochanan maintains that two of them are witnesses and the others should sign it. This is how the husband's instructions are to be understood. Reish Lakish disagrees and asserts that they are all witnesses.

The exact case under dispute is clarified.

Two practical differences between these two positions are presented.

The Gemara teaches that if a relative or ineligible witness signs the גט there is a dispute whether the גט is valid.

The Gemara tells a related story. ■

## Distinctive INSIGHT

### *The divorce is a catastrophe*

לא מקדים איניש פורענותא

The Gemara cited the opinions of Rav Yochanan and Reish Lakish each who explain why it is critical that a גט have a date recorded in it.

Ravina asked Rav Ashi what the halacha would be where a husband wrote a גט, but he held onto it for a while, hoping and waiting to see if the troubles in the marriage would be resolved. The husband finally realized that the situation was hopeless, and he gave his wife the גט. This case is certainly feasible, and, as such, no date recorded on a גט can be trusted as being precise. Does this case not undermine the purpose of writing a date in a גט?

Rava responded that we do not have to consider such a scenario. No husband would ever write a גט ahead of time, being that a גט is a misfortune.

Rashi explains that the very writing of the גט is a misfortune for the husband, and no man would sit down and actually begin writing it unless he was convinced that he was, in fact, going to divorce his wife. Maharik (#23) explains that even if finding a competent scribe is usually difficult, and the husband now is in a position where a scribe is easily accessible, the husband will still not use the opportunity to have the גט written, unless he is convinced that he will divorce his wife.

Ritva, however, explains that writing is only considered a disaster for a husband who has not yet decided to divorce his wife. This man is still considering a possible peaceful resolution to his troubled marriage. However, once the man has exhausted what he considers to be all avenues to salvage his marriage, and he decides that the divorce is inevitable, he will not necessarily delay in having the גט written and prepared. While he is in no personal hurry to deliver the document, he despises the woman, and he wants to dismiss her.

Avnei Milu'im (127:#8) notes that the mere writing of the גט is a tragic move for the husband, even before having witnesses signing their name to it.

According to these explanations, the husband is the only one who considers a גט written prematurely to be evil. When the people of the מדינת הים were unaware of the need to have a גט written לשמה, someone other than the husband might have a גט written with his friend's name (and his friend's wife's name), or for one's own wife (among many with similar names) without being specific which wife. In these cases, being that the divorce was either not his or not specifically targeted to a particular wife, such a גט would be at risk of being written prematurely and then kept in the man's pocket for when it might be needed. ■

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# HALACHAH Highlight

## Defining appeasement

חיישין שמה פייס

*We are concerned that perhaps the husband appeased [his wife]*

There was once a couple that faced irreconcilable differences and the husband decided to divorce his wife. She was sick in a hospital and he was out of town so he sent the גט with an agent to deliver the גט. After sending the agent to deliver the גט the husband hurried to the town where his wife was in the hospital and knocked on the agent's door. The agent came to the door and the husband asked the agent whether he had already delivered the גט. When the agent informed him that he hadn't yet delivered the גט he told the agent that he would prefer to be married than divorced. The husband went to the hospital and spoke to his wife at length and appeased her and they decided to remain married. She remained in the hospital and he went to sleep in their home. In the morning she waited for her husband to come visit, but he never arrived. She left the hospital to look for her husband, but when she arrived home she discovered that he had stolen all her cash and valuables. She subsequently heard that he escaped to America and had not been heard from for three months. The local rabbi wondered whether the agent could deliver the גט to prevent her from being an agunah. He sent the question to Rav Yitzchok Elchonon Spektor, the Ein Yitzchok<sup>1</sup>, for a ruling.

Rav Yitzchok Elchonon analyzed the two reasons that were suggested as grounds for leniency. The first approach is based on Tosafos in our Gemara<sup>2</sup> who states that included in an appeasement (פיוס) is an explicit nullification of the גט. Since in this case the

# REVIEW and Remember

1. What is the dispute between Rav and Shmuel concerning the three month waiting period between marriages?

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2. At what point does a kesubah become subject to the halacha of a debt that is cancelled by Shemittah?

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3. Why does R' Shimon allow a predated גט?

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4. What are the practical differences in the dispute between R' Yochanan and Reish Lakish concerning ten people instructed to write a גט?

husband never explicitly declared that he was nullifying the גט perhaps he never halachically appeased her and the agent is still authorized to deliver the גט. Another rationale for leniency is that we see clearly that his intention in appeasing his wife was only a ruse so that he could steal all her valuables. Accordingly, we should be able to declare that the end attests to the fact that he never truly intended to appease her and, thus, since there was no appeasement the agent should be authorized to deliver the גט. After analyzing the veracity of these two possible reasons for leniency Rav Yitzchok Elchonon concluded that the agent could deliver the גט since the husband never halachically appeased his wife. She was **לכתחילה** permitted to marry with this גט. ■

1. שו"ת עין יצחק ח"ב אה"ע סי' מ"ד.

2. תוס' י"ח: ד"ה שמה פייס. ■

# STORIES Off the Daf

## The Waiting Period

"מאימתי מונין לגט..."

The sins perpetrated by Soviet communism against the Jewish people are well known. The communists transformed an entire generation of Torah-true Jews into disbelievers. Many who tried to resist lost their positions and were sent to Siberia—if they were lucky. After the iron curtain fell away and emigration was a viable option for anyone interested, many Jews chose to immigrate. Some came to America, while others chose Israel or a variety of countries in the free world. Many felt that anywhere was better than remaining in the former U.S.S.R.

Understandably, seventy years of communism generated some very unusual halachic questions. One woman was brought

up completely secular and married her first husband in Lithuania within the ordinary secular framework. After a while, they both tired of each other and arranged a civil divorce. Subsequently, this woman met another man and bore two sons. After glasnost, she immigrated to Israel, while her first husband moved to Los Angeles. When she met another man she was interested in, they approached the Rabbinic court in Jerusalem to get married. After hearing her history, the court explained that she required a halachic divorce from her first husband. She eventually found him and the divorce was written in תמו תשס"ב. Three months later, in תשרי תשס"ג, it was given in front of the beis din.

However, a question remained. Could this woman marry immediately or must she wait three months before marrying?

The following is an excerpt from the Beis Din's decision: "In Gittin 18 there is a dispute regarding from what point a di-

vorced woman counts her three months of waiting. Although Rav says that the clock is running from the time the woman receives the divorce, Shmuel holds that the waiting period begins when the divorce decree is written. Rav Yosef Karo follows the opinion of Rav, but the Rema language is "that it is fitting to be stringent" and wait from when the woman received the divorce. The Ksav Sofer, ז"ל and the Maharsham, ז"ל, write that the Rema did not mean to rule that one must be strict according to the letter of the law, merely that one ought to be strict...

"In this instance, the first husband's divorce may be completely unnecessary since a civil marriage may not require a halachic divorce even if the two lived together for years. Therefore, she need not wait longer than from when the divorce was written, as Rav Yosef Karo explains..."

A date was made and the two were wedded shortly after! <sup>1</sup> ■

<sup>1</sup>פיסקי דין—ירושלים (כרך ח' עמוד תט"ו)