

OVERVIEW of the Daf

1) Disqualification from a kohen (cont.)

Rava answers that neither R' Yehudah nor R' Shimon distinguishes between different varieties of ברירה.

2) **MISHNAH:** The Mishnah teaches which information must be left blank in different legal documents.

3) Clarifying the Mishnah

R' Yehudah in the name of Shmuel teaches that the scribe must also leave blank the words, "You are permitted to any man - הרי את מותרת לכל אדם" and the Mishnah follows R' Eliezer that it is the witnesses to the delivery that sever the relationship.

The Gemara explains why it was necessary for R' Yehudah in the name of Shmuel to teach three times that the Mishnayos follow R' Elazar.

4) Clarifying the term מפני התקנה

R' Yochanan explains the meaning of the Mishnah's phrase, "מפני התקנה" and from this explanation he explains the different opinions of the Mishnah.

5) Clarifying R' Elazar's opinion

The Gemara clarifies how R' Elazar derives his position from the verse cited in the Mishnah.

A contradiction concerning R' Elazar's position is noted.

The Gemara answers that there are two opinions regarding R' Elazar's position.

6) Clarifying the term "מפני התקנה"

R' Shabsai in the name of Chizkiya offers another explanation for the phrase "מפני התקנה" and thus asserts that the Mishnah follows R' Meir's opinion.

R' Chisda in the name of Avimi suggests an alternative explanation for the phrase "מפני התקנה" which could follow R' Meir of R' Elazar.

7) Leaving space for the date

The Gemara explains why it is necessary to leave the date open according to the different opinions for requiring the date in a גט.

8) Issuing a ruling about the dispute in the Mishnah

Rav is cited as ruling like R' Elazar that generic documents may be written in advance except for gittin.

The permissibility of writing other documents in advance is unsuccessfully challenged. ■

Distinctive INSIGHT

Listing the names of the couple and the names of their cities
 הכותב טופסי גיטין צריך שניח מקום האיש ומקום האשה

The Mishnah later (34b) mentions that, among other details, the name of the city of the husband and the city of the woman should be listed in the גט. Tosafos Yom Tov cites the Mordechai and הגהות אשר"י who note that due to the fact that our Mishnah leaves this detail out, we see that the listing of the cities is not essential to the validity of the גט. Most poskim concur with this conclusion.

Nevertheless, Rashba learns that the names of the cities is critical, and that it is understood to be included in our Mishnah's stating that the husband's and wife's names must be listed. Rashba also notes that the Mishnah also does not explicitly write that the scribe must leave room for the words "הרי את מותרת לכל אדם—You are hereby permitted to any man," which is the essential body of the גט. The Rishonim (Ramban, Nimukei Yosef, Ra'aved, Mordechai in the name of Rabeinu Tam) rule that if the names of the cities are not listed, the גט is not valid. There is an opinion listed in the Bais Shmuel that says that if the husband and wife were both from the city in which the גט was written, and the name of the city where the גט was written was recorded as part of the document, we would correctly assume that the couple was from that city as well, and we could rely upon that reference as being adequate.

הגהות אשר"י, in the name of Or Zarua, writes that if the names of the husband and wife are not listed in the גט, the document is completely disqualified, and if the woman was to go and get remarried to someone else based upon this גט, the children from the subsequent marriage would be illegitimate. Ramban and Ran also state that recording the names of the couple is an essential part of the ספר כריתות, the relating of the severing of the relationship, and without it the story is untold.

Ramban and Ritva do mention, though, that there are opinions which say that the need to mention the names of the husband and wife is only essential according to Rabbi Meir, who says that "וכתב" refers to the signing of the גט, and that details of the divorce must be internally evident in the document (מוכח מתוכו). However, according to Rabbi Elazar, the document does not have to be internally evident, and it is only according to the enactment of Rabban Gamliel that the names of the parties must be included. הגהות אשר"י cites Mordechai in the name of Rabeinu Yoel who says that according to Rabbi Elazar, a גט without the names of the husband and wife is kosher, בדיעבד. ■

HALACHAH Highlight

Printed kesubos

הכותב טופסי גיטין וכו'

One who writes the tofos of a גט etc.

Shulchan Aruch¹ rules that a scribe is permitted to write the tofos of a contract so that he should have contracts available for those who need them and the only part that should be left blank is a place for the date in order that the document should not be predated. Nesivos Hamishpat² writes in the name of Tumim that the ruling of Shulchan Aruch represents the common practice. Shach³ disagrees, citing other authorities who maintain that it is necessary to leave blank a place for the names as well as other information specific to this transaction, e.g. the place of the transaction and the amount. Aruch Hashulchan⁴ writes that barring a custom to the contrary the position of Shach should be followed.

Teshuvos Afraksta D'anya⁵ opposed the use of printed kesubos primarily because they were often printed with mistakes that would require a correction to the text and confirmation of that correction (אשרתא). Even if one were able to obtain a kesubah that followed the exact text of Nachalas Shiva, there is still an issue since some spaces must be left open for the names of the man, woman, place of the marriage etc. and the responsibility to fill in these blanks is often left in the hands of people who are not qualified to fill in a kesubah. He also cites the opinion of Arugas Habosem who writes that it is not proper to use a kesubah that leaves empty spaces for the names and date, etc because of the stringency of Shach.

Rav Moshe Feinstein⁶ noted that there are people who are particular to write the entire kesubah themselves rather than rely

REVIEW and Remember

1. What is the טופס of a גט?
2. What does the phrase of the Mishnah "מפני התקנה" mean?
3. Why is the date necessary on a גט written from אירוסין?
4. Is it permitted to reuse a loan document for a second loan?

on a printed version and in his opinion there is no advantage to a handwritten kesubah over a printed kesubah. Therefore, he writes that it's a waste of time for a person to write a kesubah when they could use one that was printed. Shevet Halevi⁷ maintains that writing a kesubah is certainly a מצוה הידור but experience shows that writing a kesubah by hand creates its own set of issues, e.g. mistakes while copying the text of the kesubah, using inferior quality paper or ink that will not last for decades to come. Consequently, he advises the use of printed kesubos. ■

1. שוייע חוי"מ סי מ"ח סעי א'.
2. נתה"מ שם חדושים סק"א.
3. ש"ך שם סק"א.
4. ערוה"ש חוי"מ סי מ"ח סעי א'.
5. שו"ת אפרקסתא דעניא ח"א סי פ"א.
6. שו"ת אג"מ אה"ע ח"א סי קע"ח.
7. מובא דבריו בספר כתובה כהלכתה ח"ב סי כ"ו. ■

STORIES Off the Daf

A Midnight Prayer

"יומנין דהוה ליה קטטה בהדה ורתח עלה..."

On today's daf Rav Chisdah explains that although the תורה, the segment that includes the names of the גט, is actually kosher even if written שלא לשמה, the sages made an enactment forbidding a sofer from writing the תורה before the husband requests a גט. They forbade this because we are afraid that if the husband finds a ready-made גט available he will immediately divorce his wife and she will have a hard time remarrying. We can learn from here the terrible results of acting impulsively from anger.

Rav Tzvi Hirsch Zaks, zt"l, recounted that one of the students of his grandfather, the illustrious Chofetz Chaim, zt"l, noticed that his Rebbe would often slip out of his house every night after midnight, enter a shul, and remain there for many hours. This student burned with curiosity: what could his Rebbe be doing alone in the shul? Learning? Surely he could do that at home. His mind abounded with possibilities... Tikkun chatzos? Perhaps he was davening heartfelt prayers for the sick and unfortunate?

Finally he could no longer stand the pressure of his curiosity and he hatched a plan to find out what the Chofetz Chaim was actually doing after midnight alone in the shul. He entered the women's section of the shul somewhat before midnight so

he would be able to observe the area easily. He would be unnoticeable, but would surely see and hear everything that the Chofetz Chaim did.

Around midnight, the Chofetz Chaim entered the shul, proceeded to the front, and threw open the holy ark. He began to cry profusely. In a voice choked with tears he cried, "Ribono Shel Olam! Yisroel Meir is a kohein and kohanim are easily angered. So please, Hashem, help me overcome my tendency to get angry..."

The Chofetz Chaim stood there for hours petitioning Hashem over and over again to protect him from anger—the cause of so much destruction and machlokes! ¹

¹ שאל אביך ויגדך, חלק ג' ע' קס"ז