

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss different errors that may invalidate a גט and the consequences that result from using these defective gittin.

2) Clarifying the Mishnah

The Gemara explains what is meant by the reference to the “unworthy kingdom.”

3) Including a date on a גט

Ulla suggests a reason why Chazal mandated that a גט should be dated according to the king.

The motivation for making this enactment is explained.

The Gemara explains why the Mishnah gives all the different examples of improper date references.

4) The place where the גט is written

The Gemara explains that the Mishnah’s case of writing the wrong location refers to where the scribe wrote the wrong location of where the גט was written.

5) Including a date on a גט

R’ Yehudah in the name of Shmuel asserts that the Mishnah which requires dating the גט according to the local king follows R’ Meir but Chachamim maintain that a גט could be dated according to a local official.

A related incident is recorded.

R’ Huna in the name of Rav presents an alternative version of the position of Chachamim.

R’ Ashi notes that the Mishnah supports this explanation.

6) A woman waiting for yibum

The Gemara draws an inference from the Mishnah that indicates that a woman waiting for yibum who has relations does not become prohibited to the yavam.

This inference is rejected.

A second version of this exchange is recorded.

The Gemara explains why the two similar cases involving a yevamah are presented in the Mishnah.

7) Defining “immediately” and “after a time”

R’ Yehudah in the name of Shmuel offers one explanation for R’ Elazar’s reference to “immediately” and “after a time.”

R’ Ada bar Ahava offers another explanation for those terms.

The Gemara begins to present a challenge to Shmuel’s position. ■

Distinctive INSIGHT

Good relations with the government

משום שלום מלכות

Pnei Yehoshua (to Rosh Hashana 2a) explains the concept of שלום מלכות—maintaining positive relations with the government. When the Jewish nation enjoyed its independence and they lived under a Jewish government ruled by a king, all documents carried a date commemorating the current year of the Jewish king. When our people were later exiled, the sages enacted that documents should now list the year of the reign of the local ruler, for if this would not be featured in our documents the gentiles would accuse us of not viewing the local government as being significant. If we had not had our custom of writing the year of the Jewish king, the gentiles would not feel that omitting this detail would be a problem. Now, however, if we change our custom and neglect to mention anything about the year of the ruler, this might cause animosity toward us on the part of the government which hosts us in our exile.

Tosafos (ד“ה מפני) explains that the issue of writing the year of the ruler is only applicable in the case of a גט document. The gentile-run government recognizes that a divorce is an official procedure which separates between a husband and wife, and they also understand that a formal document is required when this occurs. However, other documents, such as for loans or sale of land, need not have the date of the ruler. The proof which Tosafos brings is from a Gemara in Avoda Zara (10a), where we find that documents in the diaspora were dated in reference to Yavan (Greece). We see, notes Tosafos, that if in the entire diaspora the date of the Greek empire was listed, even though the Jewish communities were scattered among many countries, there was no specific regard placed upon being sensitive to שלום מלכות in these countries.

Pnei Yehoshua discusses this issue and points out that had Tosafos not made their comment, perhaps we could have said that the Mishnah which was written in Eretz Yisroel, was sensitive to שלום מלכות, and that is where they wrote the date corresponding to the government which ruled over the land. The Gemara in Avoda Zara might be listing the law as it related to the Jewish communities throughout the world, and in these locations the date only reflected the Greek empire. ■

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 By the Wolper family
 in memory of their father and grandfather
 ר' יהושע שכנא בן ר' יהודה לייב ע"ה

HALACHAH Highlight

If the scribe changed the name of the husband's father

שינה שמו ושמה שם עירו ושם עירה

If the scribe changed his or her name or the name of his city or the name of her city

The Mishnah only mentions the halacha related to a mistake that was made while writing the name of the husband or the wife but the Mishnah does not mention the halacha of a mistake that was made writing the name of the father of the husband or wife or that there is even a necessity to include the name of the husband and wife's father. Rosh¹ writes that if the name of their fathers was not included in the גט it is nonetheless, valid. Beis Yosef² cites Rashba who maintains that even לכתחילה it is unnecessary for the name of their fathers to be included in the גט. A related issue is what is the consequence of making a mistake when writing the name of one of their fathers? For example, if the husband's name is Yosef ben Shimon and the scribe wrote Yosef ben Shmuel what is the status of the גט? Rosh rules that a גט that contains this type of error invalidates the גט since the mistake could lead one to believe that it is another person, named Yosef ben Shmuel, who divorced his wife, rather than Yosef ben Shimon.

Rav Akiva Eiger³ suggests that the rationale behind Rosh's strict position on this matter comes from our Mishnah. The Mishnah rules that if the scribe made an error writing the name

REVIEW and Remember

1. What is the "unworthy kingdom"?
2. What city does the scribe use when he writes a גט?
3. What is the dispute between R' Meir and Chachamim?
4. How long is לאלתר?

of the husband or wife's city the גט is invalid, even though if the scribe did not mention the name of the city altogether the גט would be valid. Nevertheless, if the name of the city was included it must be recorded correctly. Similarly, although Rosh maintains that if the name of the father was not included in the גט altogether the גט would be valid, nevertheless, once the name was included it must be accurate and if it is written inaccurately the גט is invalid. Teshuvos Avodas Hagershuni⁴ disagrees and maintains that if the scribe changed the name of the husband's father the גט is not invalid. He cites Tosafos who writes that there are certain details of the גט that will not invalidate the גט in the event that the information was false. ■

1. רא"ש פ"ח סי' ט'.
2. בית יוסף אה"ע סי' קכ"ט.
3. שו"ת רעק"א ח"א סי' קט"ז.
4. שו"ת עבודת הגרשוני סי' נ"ה.
5. תוס' ד"ה ושם. ■

STORIES Off the Daf

Two Names

"ומודים חכמים לר"מ שאם שינה שמו ושמה..."

Nota was a very restless person. After only being married a short while, he began to feel as though he had had enough of married life and ran away from home. In order to evade possible pursuit he took on a pseudonym. Everyone in his new city knew him as Mordechai.

But after a few months, his atrocious behavior began to trouble him. It was obvious that his irresponsible actions were ruining his wife's life. If he didn't want to live with her did this mean that she should not ever live with anyone else? She may have refused to accept a divorce but he suspected that now that he was gone for so long she would be amenable. What other

option did she have?

He approached the local beis din to arrange a divorce. He told them that he had been known as "Nota" his entire life in his hometown, but from the moment he had left home he had changed his name to Mordechai. The beis din decided to write only "Nota" in the writ of divorce.

The man sent the גט home with a messenger. He was entirely correct about his poor wife, who was only too happy to be his former wife as soon as possible. However, when the messenger handed her the divorce "from Mordechai," a problem cropped up. When asked why he called her husband Mordechai, the messenger explained that that was how he was known to everyone in his town.

The גט was examined, and to the beis din's dismay it contained only the name "Nota" without "Mordechai." They wondered if this was similar to the case of the one who had changed his name, as found

on Gittin 80. The Gemara concludes there that such a divorce is completely invalid, and if the woman remarried, her children would be illegitimate. The Rashba explains that, in that case, the beis din that issued the divorce had used a name that applied only in the more distant location, while the name with which the person was known locally was omitted.

This question was submitted to the Shev Yaakov, zt"l, who ruled that it was kosher בדיעבד. "In Bava Basra we find that Shmuel called together ten people to publicize an innovative ruling. The Rashbam explains that this was to publicize the matter. It follows that since custom today is to formulate the divorce before ten people, and since they all heard that he has another name in his hometown, it is as if he is called both names in his present location and the גט is kosher."¹ ■

1. שב יעקב, סימן ל"ג