

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

Reish Lakish asserts that the characteristic of a collective גט is when the names of the men and the women are grouped together.

Two unsuccessful challenges to R' Yochanan are presented.

Reish Lakish's explanation is unsuccessfully challenged.

A Baraisa is cited in support of R' Yochanan and another Baraisa is cited in support of Reish Lakish.

A detail regarding the last Baraisa is explained.

2) MISHNAH: The Mishnah discusses cases of two gittin written side by side and the placement of the signature of the witnesses.

3) Clarifying the Mishnah

The Gemara makes numerous suggestions why both gittin should be valid in the Mishnah's first case by virtue of the upper set of witnesses, but all the suggestions are rejected.

It is suggested that both gittin should be valid by virtue of the lower set of witnesses and the Gemara notes that there is indeed an opinion which maintains that both gittin are valid. The Gemara explains why the Tanna of our Mishnah did not subscribe to that view.

It is suggested that the gittin that have Hebrew and Greek witnesses should be valid.

The Gemara notes that there is an opinion that maintains that the gittin are valid and the Gemara explains why the Tanna of our Mishnah did not follow that view.

4) MISHNAH: The Mishnah begins with a discussion of unusual ways of writing gittin and whether such gittin are valid. There is also a discussion of whether the גט and the signatures must be done in the same language and how much of the witnesses' name must be written to constitute a valid signature.

5) Clarifying the Mishnah

The Gemara wonders why the גט in the first case of the Mishnah is valid when there is the possibility that they were originally two separate gittin.

Different explanations are suggested and rejected. ■

Distinctive INSIGHT

Recording the names of the couple and of the witnesses in a גט

איש פלוני בן איש פלוני ולא כתב עד, כשר, וכך היו נקיי הדעת שבירושלים עושין. כתב חניכתו וחניכתה כשר

The Mishnah teaches two halachos regarding names and witnesses signing on a גט. Rashi, based upon his text which is the same as we have in the Mishnah, explains that the "pure-minded" in Yerushalayim used to omit the title "עד—Witness" after signing their name the bottom of a גט. In other words, they would economize and shorten their signatures to the bare minimum, leaving off anything that was not essential. Therefore, they would sign their name only, "Ploni, the son of Ploni." Rabeinu Tam (cited in Tosafos, 88a, *ד"ה וכך היו*), however, has a slightly different text in the Mishnah, and accordingly, his reading records that the "pure-minded" of Yerushalayim used to write *חניכתו וחניכתה*. This means that when the careful people of Yerushalayim wrote the names of the *husband and the wife* in a גט, they wrote the family names of the couple, but not their first names. This halacha in the Mishnah is not a reference to the signing of the witnesses, but rather the way the names of the principals of the divorce were recorded. According to Rabeinu Tam, this is an acceptable way of writing names in a גט.

According to the way Rashi and Rabeinu Tam each learns the Mishnah, if the witnesses did not write the title "Witness" after his name, Rashi would hold that the signature is kosher, but Rabeinu Tam would hold that the situation is acceptable only *בדיעבד*.

There is discussion among the Rishonim regarding the precise definition of the word "*חניכה*". Rashi explains that it refers to the family name. The Mishnah teaches that if, instead of using the proper names of the couple, the גט uses family names and, for example, writes "Gerkins divorced his wife of the Whitefish family," the גט would be kosher. This is not taught in the Mishnah, however, and it would only be *בדיעבד*.

Rabeinu Tam and Rabeinu Chananel explain that there are two categories of "*חניכה*—reference names". Our Mishnah is dealing with the first names of the husband and wife, not the family names. One is the common name people usually use to refer to a person ("nickname"). When the person is called to the Torah or signs his or her name, though, they use their more formal name. When the Baraisa later (88a) teaches that instead of using the first names of the couple, it is acceptable to use the *חניכת אבות* back to three generations, it refers to a different type of name designation, unlike what the Mishnah refers to. ■

HALACHAH Highlight

Adding titles to names on a kesubah or גט

וליתכשר האי בראובן והאי בן יעקב

Let this גט be valid with the name "Reuven" and the other with the name "ben Yaakov"

Rema¹ rules that לכתחילה one should not utilize any titles of honor in a גט like רב or חכם even if the person is known to be worthy of those titles. Rather, a person's name should be written as *Ploni ben Ploni*. Sefer Nachalas Shiva² writes that one should be as careful when writing a kesubah as one would be when writing a גט. This approach however is not universally accepted. Teshuvos K'nai Bosem³ was asked to comment about what seemed to be a new concern regarding the writing of titles into a kesubah. There were rabbis who maintained that adding titles to people's names in a kesubah can, kabbalistically, cause harm to the couple and should thus be avoided. Teshuvos K'nai Bosem responded that a review of the writings of Poskim does not support this concern since many Poskim wrote what they felt was the best language to use for a kesubah and these kesubos include titles as well. This clearly indicates that the practice is allowed and should not be adjusted based on new concerns.

Rav Menashe Klein⁴ suggested that our Gemara could be proof to the position that opposed adding titles to titles on a גט. The Gemara suggests that two side-by-side gittin

REVIEW and Remember

1. According to Reish Lakish, what language has to be employed for a גט to be considered collective (כלל)?
2. What is the primary characteristic of a Greek signature?
3. Does a person's signature necessarily include his name?
4. Is it necessary for a witness to write the word "עד"?

should be kosher since the name "Reuven" appears under one גט and the name "ben Yaakov" under the second גט. The fact that names were signed "Reuven ben Yaakov" as opposed to "Reuven the son of our teacher Rabbi Yaakov" tells us that people signed their names without any titles whatsoever. Additionally, since there is no mention of the terms שליטיא or זצ"ל we can infer that these references are not needed when signing a legal document and it is not considered disrespectful to one's father to leave out those references. Moreover, signing one's name in this fashion does not violate the prohibition against referring to one's father by his name since all he is doing is accurately identifying himself. ■

1. רמ"א אה"ע סי' קי"ט סעי' ז'.
2. ספר נחלת שבעה סי' י"ב ס"ט:ז.
3. שו"ת קנה בשם ח"ג סי' ק"ח.
4. שו"ת משנה הלכות ח"י"ד סי' קכ"ח. ■

STORIES Off the Daf

Which Name?

"כתב חניכתו וחניכתה כשר..."

A certain couple decided to divorce. Sadly, the woman's father had "converted" to Islam for financial gain. As was customary, a new convert to Islam would assume a non-Jewish name.

When the Rav who was issuing the divorce was confronted with this situation he was unsure how to write the name of the unfortunate woman's father. Should he use the Hebrew name the father had not used for years, or

his adopted Arabic name by which he had come to be known?

He decided to consult with the Rashba, ז"ל, regarding this question. The Rashba replied, "It is possible that one need not write the father's name in a גט at all. After all, it merely says to write "his and her name" and the cities they are from. But even if the father himself were to ask for a גט, we would use his original Hebrew name. Rabbeinu Tam said that we should never use a non-Jewish name in a גט.

The Rashba added, "The reason why it is enough to use only his Jewish name is because we find in Gittin 87 that if they only wrote his nickname, it

is still kosher. Clearly his original Jewish name by which he was known most of his life is no worse than a nickname."¹

When the Rosh, ז"ל, was asked about a similar case, he said the same and added, "Besides, it says in the divorce explicitly: '...any name or nickname he has...' Another proof of this is the Tosefta which states that a convert who changed his name to a Kutite name may divorce with this name. Obviously, if we are told that he may use the new name, his original Jewish name is at least as good!"² ■

1. שו"ת הרשב"א, חלק א', סימן אלף קע"ו
2. שו"ת הרא"ש, כלל י"ז, סימן י"א