

OVERVIEW of the Daf

1) Different gittin cases (cont.)

Rava suggests an answer to Rami bar Chama's inquiry about a get written on a tablet that belonged to the wife but his suggestion is rejected by R' Ashi.

R' Ashi demonstrates that it is assumed the wife gave the tablet to her husband before he wrote the גט upon it.

Rava rules that if a גט is written and handed to a slave and then the husband writes a gift contract to his wife for the slave she is divorced.

This ruling is challenged and Rava is forced to qualify his ruling.

Rava issues another ruling that involves a field rather than a slave.

The necessity of the two rulings is explained.

Abaye challenges these rulings.

R' Shimi bar Ashi unsuccessfully attempts to undermine Abaye's challenge.

2) Writing a גט on a cow

The Gemara explains why the husband must give his wife the entire cow when the גט is written on its horn.

3) Clarifying R' Yosi's opinion

A Baraisa is cited to explain the opinion of R' Yosi who does not accept a גט written on a living creature or food.

The response of Rabanan to this exposition and the subsequent exchange is recorded.

4) MISHNAH: The Mishnah presents a discussion about writing a גט on something attached to the ground. The issue of writing the גט in a way that it can not be forged is explained.

5) Clarifying the Mishnah

It is noted that two of the rulings in the Mishnah seem contradictory.

R' Yehudah in the name of Shmuel offers one resolution to the contradiction.

Reish Lakish offers a second resolution to the contradiction.

6) Perforated pots

The Gemara rules that a גט written on the earthenware of a perforated pot can be used as a גט as long as the husband gives his wife the pot.

A גט written on the leaf of a plant growing in a perforated pot is subject to a dispute between Abaye and Rava. ■

Distinctive INSIGHT

The disqualification of a גט written while connected to its source

שמחוסר כתיבה קציצה ונתינה

The Gemara reports that a גט which is written on the horn of an animal may not be used for a גט when the horn is later detached from the animal and handed to the woman. The reason is that the Torah writes that a גט is to be written and then given to the woman (וכתב ונתן), as opposed to where the גט must necessarily be cut in between the time of writing and the moment of giving.

The commentators discuss whether the issue of a cutting of a גט is an issue only regarding living animals (writing a גט on a horn which must be cut, or on skin which must later be removed), or is it a general principle regarding all things which are to be cut (i.e. writing the גט on the corner of a large parchment which must later be cut into pieces).

Tosafos cites Rabeinu Shmuel and Rabeinu Shmaya who say that the issue of "cutting" which disqualifies a גט between its being written and being given is only where the גט is cut from its source from where it grew. A גט, however, which is written on something that is already not connected to the ground will not be disqualified if it is trimmed or cut after being written before being given. ר"ן agrees with this definition, and he explains the reasoning behind it. This גט does not have to be detached from the ground. It is already able to be given to the woman, as is, without any further adjustments. If the husband decides that he wants to cut the document down to size, this is his decision to make, but it does not define the large piece of paper as one which is "lacking" in its being able to be given as is. A גט which is actually connected to the ground is deficient in its being able to be handed to the woman after being written, and it is only after it becomes detached from the ground that it can be given. This is not valid.

The בעל הלכות גדולות and Rabeinu Tam hold that a גט written on a detached surface would be invalid if it is then cut before being delivered. They bring a proof from the case of a גט which is kosher if it is written on the wall of a perforated pot, and the reason given is that the husband could give her the entire pot. If breaking off a piece is acceptable, the reason this גט is kosher should be that the husband wrote it on a detached surface which has no deficiency of קציצה.

Rashba rejects the proof brought from the case of a גט written on the wall of a pot, as he reasons why the Gemara did not say that a piece of the pot can be broken off is that the Gemara was about to discuss the ruling of Abaye who allows writing a גט on a leaf of a plant growing in a pot. There, the entire plant must be given, but if the leaf is then torn off the גט is פסול. ■

Today's Daf Digest is dedicated
 By the Mauer family In loving memory of their mother,
 Mrs. Sonia Mauer ע"ה
 מרת שפרה בת ר' משה אהרן הלוי, ע"ה

HALACHAH Highlight

Using a person's last name in a גט

ערב היוצא לאחר חיתום שטרות

A guarantor who appears on the document after the signature of the witnesses

Rashi¹ explains that the case of the Gemara refers to where the guarantor of the loan merely wrote, "And I am the guarantor - ואני ערב" without his name. Tosafos² suggests that the guarantor should be responsible for the loan based on the witnesses who saw the loan document handed to the lender - עדי מסירה. Tosafos explains that since the name of the guarantor is not included in the document it is not a legal document that can impose an obligation on the guarantor. The reason it is not a legal document is that it does not clearly identify the relevant party involved in the transaction.

These comments seem to formulate a principle that for a document to be legal and binding it must clearly identify the relevant parties. Accordingly, Chelkas Yaakov³ was asked to comment why a person's last name is not included in a גט. He notes that Teshuvos Maharsham⁴ rules that one who is known by his last name must have that name included in the גט. Although Rema⁵ rules that it is not necessary to include a person's last name in a גט, he was referring to a time when people were not called by their last name. Nowadays, however, when it is common for people to be called by their last name it should be included.

To explain the practice of not including last names in gittin Chelkas Yaakov suggests a novel interpretation of the principle

REVIEW and Remember

1. How does a woman acquire the גט that is held by a slave.
2. What is the source that allows a woman to acquire her גט in her courtyard?
3. What is the exposition that R' Yosi uses to exclude writing a גט on a living creature?
4. What is the תורה of a גט?

that the גט must be self-evident - מוכיח מתוכו. Conventionally, this is understood to mean that a person's name, recorded in a גט, must be recognizable and well known (ניכר ונתפרסם). This understanding, however, is not correct because gittin are written for people who live out of town even though people do not know who they are and therefore they are not recognized from their name as written in the גט. The correct meaning of the principle is that the name recorded in the גט will identify the person if someone wanted to find him based on the name that was used in the גט. Accordingly, as long as the people can be definitively identified by their other names it is unnecessary to include the last name as well. ■

1. עי רש"י כתובות קב. ד"ה לאחר.

2. תוס' כתובות ק"ב. ד"ה אליבא.

3. שו"ת חלקת יעקב אה"ע סי' צ"ו.

4. שו"ת מהרש"ם ח"א סי' פ"ג.

5. דרכי משה אה"ע סי' קכ"ט אות י"ט. ■

STORIES Off the Daf

The Devious Kiddushin

"דלמא גברא שאני דעדע לאקנויי..."

One of the easiest ways for an unsuitable man to get around the shidduchim vetting process is to give his intended a sum of money and propose in front of witnesses. If she accepts, it is likely that she will not demand a divorce—for as a gerushah who says she will get any better? In addition, this husband must agree to give a divorce. If he is loath to do so, there is not much one can do to force him.

A certain man wished to marry a young woman but he knew that he would never succeed in an aboveboard manner. He approached the young lady that he

had in mind and said, "Please take these six kopeks that I owe your sister."

"Give them to me and I will pass them on," she replied.

He gave her the money and said a very well known phrase: "Harei at mekudshes li bimatbeah zu"—"You are hereby consecrated to me with this coinage."

She threw the money away soon afterward, but not even the witnesses were certain that it was within the time limit of "toch k'dai dibur." The question was if the unscrupulous man's trick had worked or not—was this unfortunate woman now married?

When asked this question, Rav Yitzchak Elchonon Spector, zt"l, was lenient. "Not only is she not married if she threw the money away...even if she didn't

I rule that such a marriage does not take effect."

He continued, "There are many proofs that a woman who doesn't know the law cannot be obligated by it. How can we say that she should have cast the money aside right away? She likely was afraid that she would have to pay her sister back if she threw the money away, as we find in Kiddushin 13 and the Ritvah there. There are many gemaras where we find that women are often not familiar with the laws of kinyanim, such as in Gitin 21. In that instance, even if she had not thrown the writ of divorce away she is still not married to him; how much more so in our case, where she cast the money away afterward. She is not a married woman!"¹ ■

¹ שו"ת עין יצחק, חלק א' אבהע"ז, סי' נח