

## OVERVIEW of the Daf

### 1) Erasing an invalid condition from the גט (cont.)

R' Zeira continues to explain the point of dispute in the Baraisa regarding the status of a גט that contains an invalid condition.

Rava offers an alternative explanation of the dispute.

The father of R' Avin cited a Baraisa that states that a גט that contains an invalid condition is invalid according to all opinions.

R' Zeira demonstrated that it is necessary to make an emendation to the Baraisa.

An alternative emendation is suggested and rejected.

2) **MISHNAH:** The Mishnah presents conditions that relate to restricting the wife from men to whom she is prohibited and puts them into two categories.

### 3) Clarifying the Mishnah

The Gemara explains what additional cases are included by the Mishnah's language.

### 4) Excluding a child

Rava asked what the halacha would be if a man would divorce his wife but restrict her from marrying a particular child.

R' Nachman demonstrates that the divorce is invalid.

Rava asked what the halacha would be if a man would divorce his wife but restrict her from marrying unborn children.

R' Nachman suggested a proof but it is rejected.

Rava asked what the halacha would be if a man would divorce his wife but restrict her from marrying her sister's husband.

R' Nachman suggested a proof but it is rejected.

Rava asked what the halacha would be if a man would divorce his wife but restrict her from having non-marital relations.

R' Nachman suggested a proof but it is rejected.

Rava asks a series of other questions and the Gemara leaves them unresolved.

5) **MISHNAH:** The Mishnah presents the language of a גט as well as an emancipation document.

### 6) The correct language for divorce and emancipation

After noting language that is meaningless for divorce or emancipation the Gemara inquires about the meaning of a husband telling his wife that "she is for herself."

Ravina cites a Baraisa from which he deduces that it is a valid language of divorce.

Ravina asks whether declaring that one has no dealings with his slave is a language of emancipation.

A Baraisa is cited that teaches that this language conveys emancipation.

### 7) Clarifying the dispute between R' Yehudah and Rabanan

(Overview...Continued on page 2)

## Distinctive INSIGHT

*Must the names of the husband and wife appear on the גט ?*

גופו של גט הרי את מותרת לכל אדם

Our Gemara explicitly writes that the essential wording of the גט is that it say "You are permitted to any man." The Rishonim debate whether it is critical that the name of the husband and the wife also appear on the גט. There are four basic opinions among the Rishonim.

Tosafos Rid writes that it is not critical that the name of the man and woman appear in the גט. It is sufficient if there are witnesses who testify that the husband, indeed, gave the document to his wife. If the names are recorded, but they are written with errors, the גט is void, as this document is internally faulty.

Or Zarua (Hilchos Gittin 715, 'ד"ה מתני', disagrees with Tosafos Rid, and he holds that if the name of the husband or wife is not recorded in the גט, the document is invalid, as anyone looking at it could say that it was written for a different woman. If such a גט is used, it is worthless, and if the woman goes and remarries, the children from the subsequent marriage are products of an adulterous union. ר"ן also writes that such a גט has no validity, and he explains that the גט is lacking "the story of the events—סיפור דברים," which is essential based upon the verse which describes a divorce document as a "ספר כריתות."

Mordechai (#354) cites the opinion of Rabeinu Yoel who holds that a גט should לכתחילה have the names of the principals, but, בדיעבד, if it did not have the names, it is כשר.

Ritva writes that the Torah does not require the names to be written on the divorce document, but this was a later requirement established by Rabban Gamliel (34b), as a תיקון העולם, so that people should not say that this גט was not for this woman, and they might say that the children are illegitimate.

Shulchan Aruch (E.H. 129:11) rules that a גט without the names of the husband and wife is not valid, and the children of a subsequent marriage are illegitimate. Beis Shmuel writes that some want to say that the Shulchan Aruch means that the גט is rabbinically not valid. ■

## REVIEW and Remember

1. What cases are included by the general statements of the Mishnah?

2. What is the essential language of the גט?

3. What is the dispute between Rabanan and R' Yehudah?

4. Why are some "vows" lengthened in the גט?

# HALACHAH Highlight

## The repetitious language of a גט

ספר תירוכין ואגרת שבוקין וגט פטורין

A document of banishment, a letter of abandonment and a bill of release

There are many different explanations offered to explain why the divorce document is referred to in three different ways. Radvaz<sup>1</sup> writes that the reason all three phrases are included, even though they all convey the same concept, is that the words of the Torah "ספר כריתות" is translated (תרגום) in these three different ways. In order to be thorough Chazal were stringent and mandated that all three translations should be utilized when writing the גט. Sefer מקושר<sup>2</sup> writes that he never found one of the תרגומים translate the word "כריתות" as "שבוקין". Therefore, he suggests that the reason three phrases are utilized is that the word "ספר" can be translated in three different ways, i.e., אגרת, ספר, וגט. Thus, once they were going to use three different words to correspond to the word "ספר" they decided to use three different words for the word "כריתות" as well.

Sefer Kol Eliyahu<sup>3</sup> suggests that the three phrases correspond to the three components of the relationship between the husband and wife that come to an end upon their divorce. The three components of the relationship are: 1) the relationship that is shared by the husband and wife, 2) the financial obligation the husband has towards his wife, and 3) the responsibilities that a wife has towards her husband. Tiferes Yisroel<sup>4</sup> proposes that the three phrases correspond to the three obligations that a husband has to his wife, namely, שאר, כסות ועונה – food, clothing and relations.

Mahari Mintz<sup>5</sup> suggests that the three phrases describe the

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The Gemara identifies the point of dispute between R' Yehudah and Rabanan.

### 8) Writing a גט

Abaye presents different halachos related to the proper way to write a גט.

### 9) Clarifying the dispute between R' Yehudah and Rabanan (cont.)

The Gemara inquires whether it is necessary to include the word "ודן" or not.

A proof is suggested from the language that Rava instituted in the writing of gittin but the proof is rejected.

### 10) Writing a גט (cont.)

The Gemara begins to analyze the text of the גט instituted by Rava. ■

progression of the severing of the relationship. The term "פטורין" relates that the husband found a reason that leads him to sever the relationship that he maintained with his wife until this point. "שבוקין" informs us that the relationship is severed entirely and it is not a divorce that will last for a predetermined amount of time, after which they will resume their marriage. Finally, the term "תירוכין" indicates that he is sending her away from the house entirely. ■

1. שו"ת הרדב"ז ח"ד סי' רכ"ד.
2. ספר גט מקושר סי' ס"ב אות ב'.
3. ספר קול אליהו פר' כ"י תצא אות קכ"ד.
4. תפארת ישראל יכין אות ט"ז.
5. מהר"י מינץ המובא בשו"ת מהר"ם פאדוואה סי' קי"ט. ■

# STORIES Off the Daf

## A missed word

"ידים שאין מוכיחות הויין ידים..."

A certain man proposed marriage to a woman. It is only natural to feel nervous at such a time, since it is an important landmark in a person's life that carries with it the possibility of rejection. This was even more embarrassing in the days when proposals were not an informal agreement like today. In the days when one set aside two witnesses and said, "הרי את מקודשת לי" or "בטבעת זו" it is easy to imagine someone stuttering or not getting the text exactly right.

Sadly, that is precisely what happened countless times. One hapless man blurted

out, "You are hereby consecrated to me with...money," as he handed a sum of money to his future wife. Although she accepted the money, it wasn't clear whether his words had really sufficed. Did his forgetting to say "this money" rather than simply "money" disqualify the אירוסין?

When someone asked this very question to the Halachos Ketanos, ז"ל, he replied, "This is actually the precise question in Gittin 85 of whether one must write explicitly in the גט that he is divorcing her with it. Similarly, one may need to say explicitly 'this money,' since if he didn't specify he may mean other money that he hasn't given to her. Just as the sages learned that an abbreviated expression that is only clear from the context of his actions is valid with regards to divorce, so too did they learn regarding kiddushin—

this would render this man's proposal valid. However Rav Yehudah, who holds that one must write 'this' in the גט, would invalidate this man's proposal since he may mean other money that he will give her later. Although the context implies differently, this is not good enough.

"Since it is not clear what the halachah is in this case, the young lady requires another proposal, as if the first had never happened, to remove her doubtful status."<sup>1</sup>

But when the Mabit, ז"ל, was consulted regarding a similar case he declared that this proposal was good. "The word 'זו'—'this'—is not required, and if one omitted it the proposal is valid and he need not propose again..."<sup>2</sup> ■

1. שו"ת הלכות קטנות, חלק א', סימן מ"ד
2. שו"ת מבי"ט, חלק א', סימן רצ"א