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Intro

Today we will מסכת גיטין 1 פו דף י"ח בע"ה learn מסכת גיטין 2 החל of מסכת גיטין 5 ome of the topics we will learn about include.

A continuation of

מפני מה תיקנו זמן בגיטין

The reasons for which the Chachamim initiated that the pot, date, must be included in the Gett.

הבחנה

The three-month period which a woman previously married must wait before she marries again, and the Machlokes of whether this begins משעת נתינה

Only from when she actually accepts the Gett; OR

משעת כתיבה

Even from when the Gett was written.

שביעית משמטת

The Shmittah year cancels a חוב, a loan; as the Pasuk states וזה דבר השמיטה וגו' לא יגוש את רעהו

However, regarding a כתובה

אינה משמטת

Shmittah does NOT cancel מכתובה, because of two reasons:

В

לא קרינן ביה לא יגוש

As long as she did not demand her Kesubah, it is not yet considered due for collection.

2.

And because it's a

מעשה בית דין

It is an obligation initiated through Bais Din; as opposed to a חוב, which was initiated by the לוה, the borrower. And the Gemara cites a שמיטה as to when שמיטה מדולוקת רב ושמואל

does cancel a Kesubah.

The Machlokes in רבי שמעון's opinion of נכתב ביום ונחתם בלילה כשר

If a Gett was מוקדם, it was written and dated during the day, but signed only at night, it is כשר.

Is this merely, לאלתר, if the Gett was signed that night, OR even,

מכאן ועד עשרה ימים

If the Gett was signed ten days later;











C

גט ישן

A person who wrote a Gett for his wife, but they then reconciled. If afterward he reconsiders and wishes to give her this Gett, the Chachamim initiated that the Gett is ספול because there is a concern that they possibly had relations after the כתיבה, and

שמא יאמרו גיטה קודם לבנה

People will assume that they were divorced from the און of the Gett, and that their child is פגום, tainted, because he was conceived later when they were no longer married.

The Gemara discusses a case of אמר לעשרה כתבו גט לאשתי

A person who instructs ten people to write a **G**ett for his wife;

Do all have to sign the Gett? And if they do, are they עדים, in the capacity of עדים? OR

משום תנא, as a stipulation?

אפילו מאה עדים ונמצא אחד קרוב או פסוְל

If there was a joint testimony of one hundred עדים, and it was later discovered that even one of them was disqualified because he was a relative or a פסול, the testimony of all עדים is void, because they are all considered one עדים.





Dedicated By: _





So let's review ...

The Gemara in the previous Daf discussed מפני מה תיקנו זמן בגיטין

The reasons for which the Chachamim initiated that the date must be included in the **G**ett:

רבי יוחנן אמר

משום בת אחותו

רבי יותנן says that the Chachamim initiated רבי יותנן out of concern of a person married to his niece; and that if she was מינתה, he will attempt to save her from by giving her a Gett, and claim that they were already divorced at the time of the זנות.

But now that the Gett must have a date it will be clear that the must preceded the Gett.

ריש לקיש אמר

משום פירות

ריש לקיש says that the Chachamim initiated זינן to preserve the wife's profits. Since the husband is entitled to the produce of the wife's property, he will continue to sell the produce even after they divorce, and claim that these were HIS פירות, because they were sold while they were still married.

But now that a Gett must have a זכן, the Gett is proof that these were HER פירות, because the Gett precedes the sale of the פירות.

The Gemara now continues:

גיטיו הבאים ממדינת הים

דמיכתבי בניסן ולא מטו עד תשרי

Regarding Gittin brought from faraway countries, in which the נחיבה of כתיבה is in ניסן, while the נתינה, the delivery, is six months later in תשרי;

There is NO concern that regarding חזנו or פירות a Bais Din will consider her divorced from ניסן, when in fact she becomes divorced only in תשרי, because הנהו קלא אית להו

It's well known that these Gittin were given much after they were written, and the Bais Din will require proof for the נתינה of the נתינה.

And regarding הבחנה, the three-month period which a previously married woman must wait before she marries again;

בן says

מונין לגט

משעת נתינה

The three months begin from when she actually receives the Gett;

And שמואל says

משעת כתיבה

The three months begin from when the Gett was written, because they were separated from that time.

And the Gemara concludes

והלכתא משעת כתיבה

:=====

Dedicated By: _

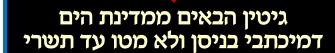
מפני מה תיקנו זמן בגיטין?

אל שאל שאר פירות משום פירות

He will continue
to sell the produce
even after the divorce
and claim
these were HIS
because they were sold
while they were
still married

יפי יותן איני משום בת אחותו

A person married to his niece; If she was מדנה he will save her by giving her a Gett and claim they were already divorced at the time of the זנת



...and were delivered six months later - in תשרי

There is NO concern that Bais Din will consider her divorced from גיסן, when she becomes divorced only in because

הנהו קלא אית להו

It's known that these Gittin were given much after they were written.

הכחנה

The 3 month period which a previously marrieo woman must wait before she may remarry

אוא. מונין לגט משעת כתיבה

מונין לגט משעת נתינה

50/D







The Gemara digresses to another Halachah in which there is likewise a מחלוקת רב ושמואל as to when the given

Halachah begins:

We know that

שביעית משמטת

The Shmittah year cancels a חוב, a loan; as the Pasuk states וזה דבר השמיטה וגו' לא יגוש את רעהו

However, regarding a כתובה

אינה משמטת

Shmittah does NOT cancel a כתובה, because of two reasons:

1.

לא קרינן ביה לא יגוש

As long as she did not demand her Kesubah, it is not yet considered due for collection.

2.

And because it's a

מעשה בית דיו

It is an obligation initiated through Bais Din; as opposed to a חוב, which was initiated by the לוה, the borrower.

However, רב says;

משמטת

משתפגום ותזקוף

Shmittah does cancel a Kesubah if, both,

She collected part of it, which indicates that the rest is due for collection;

AND

The remainder was converted to be considered a חוב, and is NO longer considered a. מעשה בית דין.

שמואל disagrees and says

פגמה אע"פ שלא זקפה

זקפה אע"פ שלא פגמה

Shmittah cancels a Kesubah even if she only did one of these two things;

She collected partially;

OR

She converted the Kesubah to a חוב.

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שמואל also says

כתובה כמעשה ב"ד דמיא

In that

מה מעשה ב"ד

נכתבין ביום ונחתמין בלילה

אף כתובה

נכתבת ביום ונחתמת בלילה

A document bearing Bais Din's ruling may be signed even on a later date, because, as Rashi explains

חיוביה משום פסק דין הוא ואע"ג דלא איחתים

הלכך אין שם הקדמה

The obligation is created by their oral or written ruling, without the signatures. Therefore, the זמן of the שטר does not precede the actual ruling.

So too, a Kesubah may be signed on a later date, because משעת כתיבה דנכנסה לחופה חייל שיעבודה

The Kesubah obligation is effected through the intimacy of Chupah.

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The Gemara now refers back to the previous Mishnah in which there is a Machlokes regarding

נכתב ביום ונחתם בלילה

A to which was written and dated during the day, but signed only at night;

The תנא חנא holds that גט מוקדם פסול, either משום בת אחותו משום בת אחותו

OR

משום פירות

While גט מוקדם כשר holds גט מוקדם, because;

Regarding בת אחותו;

זנות לא שכיחא

And regarding פירות;

כיון שנתן עיניו לגרשה

שוב אין לו פירות

He does NOT receive her פירות from the זמן כתיבה when he decided to divorce her.

ערב ביום ונחתם בלילה

Written and dated DURING THE DAY

but signed only AT NIGHT

גם מוקדם פסול

גם מוקדם פסול

גם מוקדם פינות

משום משום משום משום

בת אחותו פירות

בת אחותו פירות

א לכיחא איניו לאילפ

היש לקיש now qualifies; לא הכשיר ר"ש אלא לאלתר אבל מכאן ועד עשרה ימים לא

said כשר only if the Gett was signed that night; but if it was signed the next day, it's פסול for a different reason.

חיישינן שמא פייס

There is a possibility that they reconciled after the כתיבה, and as Rashi explains

הוי גט ישן

If afterward the husband reconsiders and wishes to give her this Gett, the Chachamim initiated that the Gett is פסול, because there is a concern that they might have had relations after the כתיבה, and

שמא יאמרו גיטה קודם לבנה

People will assume that they were divorced from the און of the Gett, and that their child is פגום, tainted, because he was conceived later when they were no longer married.

רבי יוחנן disagrees and says אפילו מכאן ועד עשרה ימים

רבי שמעון holds that the Gett is כשר even if it was signed ten days later, because

אם איתא דפייס

קלא אית ליה למילתא

If they had reconciled it would be well known, since the neighbors were accustomed to hearing them quarrel.

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7 The Gemara continues with another מחלוקת רבי יוחנן וריש איס מוקדם related to גט מוקדם, and cites a later Mishnah which rules:

אמר לעשרה כתבו גט לאשתי

אחד כותב ושנים חותמין

If a person instructs ten people; write a **G**ett for my wife; and the **G**emara explains that this is a case of לא אמר להו כולכם

He did not explicitly specify that all should write. Therefore, one person writes the Gett, and only two people sign the Gett as witnesses.

However, in a case where

דאמר להו כולכם

He said

כולכם כתבו גט לאשתי

All of you write the Gett; the Halachah is that all ten have to sign the Gett. However,

רבי יוחנן says

שנים משום עדים

וכולם משום תנאי

His intention is for two people to sign the Gett as witnesses, while the remaining eight people sign the Gett as a stipulation; as Rashi explains לביישה ברבים

He wants to humiliate her publicly.

ריש לקיש disagrees and holds כולם משום עדים

His intention is for all ten people to sign as witnesses.

And the Gemara mentions two distinctions in this Machlokes

1.

איכא בינייהו

דחתום בי תרי מינייהו ביומיה

ואינך מכאן ועד עשרה ימים

If only two people signed on the day the Gett was written, while the others signed ten days later;

According to

רבי יוחנן

דאמר משום תנאי

שר

The Gett is כשר, because the Gett was completed that day when the two עדים signed, and it's NOT a גע מוקדם.

According to

ריש לקיש

דאמר משום עדים

פסול

The Gett is פסול, because the Gett was NOT completed that day, since all ten עדים did not yet sign, and it IS a מוקדם.











2.

Another distinction is regarding the Halachah נמצא אחד קרוב או פסול

עדותן בטלה

If there was a joint testimony of a large group of עדים, and it was later discovered that one of them was disqualified because he was a relative or a פסול, the testimony of all עדים is void, even if there are enough qualified עדים left, because they are all considered one עדות.

Now, in the case of this Gett, if

נמצא אחד מהם קרוב או פסול

If one of these ten people turned out to be disqualified; According to

רבי יוחנן

דאמר משום תנאי

כשר

The Gett is still , because the עד פסול is NOT considered part of the ... עדות.

While according to

ריש לקיש

דאמר משום עדים

פסול

The Gett is cook, because the Gold IS part of the עדות.

And even according to רבי יוחנן;

אי חתום בתחילה קרוב או פסול

If the cold was one of the first two signers;

אמרי לה כשר

תנאי הוא

Some say that the Gett is כשר because the פסול is considered as signing for the עדות, not for עדות.

And

אמרי לה פסול

דאתי לאיחלופי בשטרות דעלמא

Others say that the Gett is פסול, out of a concern that people will assume that the מנות was for the עודות, and they will accept a שטרות, out of or other שטרות.





