

A גט

Intro

Today we will learn בע"ה of גיטין דף פ"ח
Some of the topics we will learn about include.

The Mishnah's Halachah regarding

שייר מקצת הגט
וכתבו בדף השני והעדים מלמטה
כשר

If a Gett was partially written in one column and completed in a second column, and the witnesses were signed underneath the second part, the Gett is valid.

The circumstances in which this Gett is valid and in which the Gett is not valid

The Mishnah teaches 6 Halachos regarding חתימות עדים, the signatures.

The Machlokes regarding

כתב חניכתו וחניכתה
כשר

If he included his ancestor's name as his surname or his wife's ancestor as her surname, the Gett is Kosher, whether this applies until the tenth generation or only until the third generation.

A

שייר מקצת הגט
וכתבו בדף השני
והעדים מלמטה
כשר

6 Halachos regarding
חתימות עדים

כתב חניכתו וחניכתה
כשר

B The Mishnah's Halachah of

גט מעושה
בישראל כשר
ובעכו"ם פסול

If person was coerced to divorce his wife, if it was through a Jewish Bais Din the Gett is valid, but if it was through a non-Jewish court the Gett is not valid.

The distinction as to whether this was done בדין, legally, or שלא בדין, illegally

B

גט מעושה
בישראל כשר
ובעכו"ם פסול

And whether this was done
שלא בדין or בדין

1 So let's review ...

Zugt Di Mishnah

שייר מקצת הגט
וכתבו בדף השני והעדים מלמטה
כשר

If a Gett was partially written in one column and completed in a second column, and the witnesses were signed underneath the second part, the Gett is Kosher. However, as the Gemara explains, two conditions must be met:

1. כשיש ריוח מלמטה ומלמעלה

The Gett is Kosher only if there was space above and below the writing; but if there was no space, the Gett is פסול, because

ליחוש דלמא הני תרי גיטי הוו

It's possible that there were actually two Gittin, and the Gett in the left column was higher than the Gett in the right column,

וגזייה לזמן דבתרא ועדים דקמא

And the husband deliberately cut off the bottom half of his Gett in the right column to remove a תנאי, a stipulation, and he then cut off the top of the second Gett in the left column, to make it appear as one continuous Gett, and his Gett is פסול because the עדים signed on the second Gett, but not on his Gett.

1

**שייר מקצת הגט
וכתבו בדף השני
והעדים מלמטה
כשר**

1
**כשיש ריוח מלמטה
ומלמעלה**
**The Gett is Kosher only if
there was space above and
below the writing**

פסול
But if there was no space, the Gett is פסול

ליחוש דלמא הני תרי גיטי הוו
Maybe they were two Gittin!

2
**The Gett in the left column
was originally higher than
the Gett in the right column,**
**ובזייה לזמן דבתרא
ועדים דקמא**
**And the husband deliberately cut
off the bottom to remove a תנאי**

1
**He then cut off the top
to make it appear as
one continuous Gett.**
פסול
**His Gett is פסול
because the עדים
signed the second Gett,
but not his Gett.**

2

2.

Additionally, the Gett is Kosher only if

דכתב הרי את מלמטה
ומוותרת מלמעלה

The phrase מותרת לכל אדם starts in the first column and ends in the second column, but if not the Gett is Kosher because

דלמא אימלוכי אימליך וכתב

Perhaps the Gett was written this way in two columns, because he retracted from the Gett after one half was written, and then reconsidered and completed the second half; and as Rashi explains, the Gett would be Kosher either because

הראשון בטל

The first half of the Gett was nullified when he retracted, OR

הו"ל נכתב ביום ונחתם לאחר זמן

The first half was written during one day, while the second half was completed on a different day.

However, if

הרי את מלמטה
ומוותרת מלמעלה

There is no concern that he retracted in the middle of a sentence.

אשי says it is possible for the Gett to be Kosher even if there was NO space above and below the writing, and הרי את was not split into two columns;

It was obvious from the sides of the Gett that they were stretched and not cut.

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2

2

The Gett is only Kosher
דכתב "הרי את"
מלמטה
ו"מוותרת"
מלמעלה

If the phrase הרי את starts in the first column and ends in the second column.

פסול is not

דלמא אימלוכי אימליך וכתב

Perhaps the Gett was written in two columns, because he retracted from the Gett after one half was written, and then reconsidered and completed the second half.

הו"ל נכתב ביום ונחתם
לאחר זמן

The first half was written during one day, while the second half was completed on a different day.

הראשון בטל

The first half of the Gett was nullified when he retracted, OR

משהיה בנעשה המזון
עכצו זכות עכבה בשה
אנשהל קבשקם ביה
עכעבי ארך המביע
דישעברני עכדערמל
מגט סצנ אסרא פיגל
עכרע עכרע עכרע עכר
כרע עכרע עכרע עכרע
מטהט בויע
פ
פ

משהיה בנעשה המזון
עכצו זכות עכבה בשה
אנשהל קבשקם ביה
עכעבי ארך המביע
דישעברני עכדערמל
מגט סצנ אסרא פיגל
עכרע עכרע עכרע עכר
כרע עכרע עכרע עכרע
מטהט בויע
פ
פ

רב אילי

It is possible for the Gett to be Kosher even if there was NO space above and below the writing, and מותרת הרי את was not split into two columns;

דידיעה ביה מתחתא דמגילתא
It was obvious from the sides of the Gett that they were stretched and not cut.

4

5.

גט שכתבו עברית ועדין יוונית
יוונית ועדין עברי
עד אחד עברי ועד אחד יווני
כשר

If the G^{et}t was written in Loshen Kodesh but the עדים signed in Greek; or vice versa, the G^{et}t was written in Greek but the עדים signed in Loshen Kodesh; or one witness signed in Loshen Kodesh while the other witness signed in Greek;
In all these case the G^{et}t is Kosher.

6.

כתב סופר ועד כשר

If a scribe wrote the G^{et}t and only one witness signed, the G^{et}t is Kosher, as the Gemara in Daf פ"ו explains רב holds because

חתם סופר שנינו

Actually the סופר also signed, and there are two חתימות holds. While שמואל holds,

כתב סופר שנינו

The סופר did not sign, and the G^{et}t is Kosher because the חתימה's writing counts as the second.

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4

6

כתב סופר ועד כשר

If a scribe wrote the G^{et}t and only one witness signed

סופר

כתב סופר שנינו

The סופר did not sign, but the G^{et}t is Kosher because the סופר's writing counts as the second חתימה.

רב

חתם סופר שנינו

The סופר also signed so there are two חתימות

5

גט שכתבו עברית ועדין יוונית יוונית ועדין עברי עד אחד עברי ועד אחד יווני כשר

5

The Mishnah continues

איש פלוני עד

כשר

If the witness signed with his name only, but did not write his father's name; if he added the word עד, the G^{et}t is Kosher.

בן איש פלוני עד

כשר

If he signed with his father's name only, but did not write his own name; if he added the word עד, the G^{et}t is Kosher.

איש פלוני בן איש פלוני

ולא כתב עד

כשר

If he signed both his name and his father's name, then even if he did not add the word עד, the G^{et}t is still Kosher.

וכך היו נקיי הדעת שבירושלים עושין

And this was the custom of the pious Jews in Yerushalayim who omitted the word עד to minimize their words.

כתב חניכתו וחניכתה

כשר

If the husband included his ancestor's name as his surname or his wife's ancestor as her surname, but did not write his or her father's name, the G^{et}t is Kosher, because this is considered part of the name.

5

בן איש פלוני עד כשר

כתב חניכתו וחניכתה כשר

If the husband included his ancestor's name as his surname or his wife's ancestor as her surname, but not his or her father's name

איש פלוני עד כשר

איש פלוני בן איש פלוני ולא כתב עד כשר

וכך היו נקיי הדעת שבירושלים עושין This was the custom of the pious Jews in Yerushalayim who omitted the word עד to minimize their words.



6 The Gemara cites a Braisa
 חניכת אבות בגיטין
 עד י' דורות
 The Gemara says if he was the tenth generation from this ancestor, the Gett is Kosher. However, if he was of a later generation, the Gett is פסול, because as Rashi explains
 הוא כשינה שמו ושמה
 This is not considered part of his name.

רבי שמעון בן אלעזר
 אומר ג' דורות כשר
 מכאן ואילך פסול
 Only if he was the third generation, the Gett is Kosher, but if he was of a later generation, the Gett is פסול, and this is alluded to in the Pasuk
 כי תוליד בנים ובני בנים ונושנתם
 As Rashi explains בני is the second generation, and בני בני is the third generation, but after that, ונושנתם, the first generation is forgotten.
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6 חניכת אבות בגיטין

רבי שמעון בן אלעזר
 ג' דורות כשר
 מכאן ואילך פסול

תנא קמא
 עד י' דורות

But if he was of a later generation
 הוא כשינה שמו ושמה
 It is not considered part of his name

This is alluded to in the Pasuk
 כי תוליד בנים ובני בנים ונושנתם
 As Rashi explains
 בני is the second generation,
 and בני בני is the 3rd generation,
 but after that, ונושנתם,
 the first generation is forgotten.

7 The Gemara elaborates;
 אמר רב נחמן אמר שמואל
 גט המעושה בישראל
 כדין כשר
 If a Jewish Bais Din legally compels the husband to divorce his wife, the Gett is Kosher. However
 שלא כדין
 פסול ופוסל
 If the Bais Din illegally compels him to divorce, it is not valid. However, if she did accept this Gett she becomes פסול לכהונה, disqualified to marry a Kohen, because as Rashi explains מדאורייתא the Gett is valid, because ישראל בני עשויוי ניהו
 A Bais Din has the authority to compel a person to follow their ruling. It is only מדרבנן that the Gett is פסול because it was done שלא כדין. Therefore, מדאורייתא she is considered a גרושה, a divorcee, who is פסול לכהונה.

7 גט מעושה...
 If a person was coerced to divorce his wife...

בישראל כשר - ובעכו"ם פסול

ובעכו"ם
 חובטין אותו ואומרים לו
 עשה מה שישראל אומרים לך
 וכשר
 If a non-Jew beats the husband and compels to him to do so as per the instructions of the Bais Din, the Gett is Kosher.

אמר רב נחמן אמר שמואל
 גט המעושה בישראל...

כדין - כשר
 שלא כדין - פסול ופוסל

If she did accept this Gett she becomes פסול לכהונה
 As Rashi explains...
 the Gett is valid, because ישראל בני עשויוי ניהו
 Bais Din has the authority to compel a person. It is only מדרבנן that the Gett is פסול because it was done שלא כדין.
 Therefore, מדאורייתא she is considered a גרושה who is פסול לכהונה.



8

ובעכו"ם

כדין פסול
ופוסל

If a non-Jewish court legally compels him to divorce, the Gett is not valid, but if she did accept this Gett she is פסול לכהונה. Although, מדאורייתא the Gett is not valid, because עכו"ם לאו בני עשו"י ניהו

A non-Jewish court does not have the authority to compel a person to follow their ruling. Nevertheless, מדרבנן she becomes פסול לכהונה, because

כדין בכדין דישראל
מיחלף

The Chachamim were concerned that if she would be permitted to a Kohen after a legal מעושה of a non-Jewish court, people might mistakenly assume that a legal מעושה of a Bais Din is also not a Gett. However, שלא כדין

אפילו ריח הגט אין בו

If the court illegally compels him to divorce, the Gett is null and void, and she is permitted even to a Kohen, because

שלא כדין בכדין ישראל

לא מיחלף

People will not confuse an illegal מעושה of a court with a legal מעושה of a Bais Din.

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8

גט המעושה בעכו"ם

כדין פסול - ופוסל

If she did accept this Gett she becomes פסול לכהונה

Although, מדאורייתא the Gett is not valid, because

עכו"ם לאו בני עשו"י ניהו

A non-Jewish court does not have the authority to compel a person to follow their ruling.

Nevertheless, מדרבנן she becomes פסול לכהונה, because

כדין - בכדין דישראל
מיחלף

The Chachamim were concerned that people might mistakenly assume that a legal מעושה of a Bais Din is also not a Gett.

However, שלא כדין

אפילו ריח הגט אין בו and she is permitted even to a Kohen, because

שלא כדין - בכדין ישראל
לא מיחלף

People will not confuse an illegal מעושה of a court with a legal מעושה of a Bais Din.

9

The Gemara proceeds that if a מעושה was done through a Bais Din in Bavel, who are considered הדיוטות, commoners, because they do not have סמיכה, the Gett is still valid, because

במילתא דשכיחא

עבדינן שליחותייהו

מידי דהוה אהודאות והלואות

The בית דין in Eretz Yisroel designated the בית דין in Bavel to represent them for common matters such as Gittin and

הודאות והלואות

Admittances of debt and Loans

However,

במילתא דלא שכיחא

לא עבדינן שליחותייהו

They did not designate them for uncommon matters such as

גזילות וחבלות

Thefts and Assaults

9

If a מעושה was done through a Bais Din in Bavel, who are considered כדיוטות - commoners because they do not have סמיכה, the Gett is still valid,

Because

במילתא דשכיחא
עבדינן שליחותייהו
מידי דהוה אהודאות
והלואות

in Eretz Yisroel designated the בית דין in Bavel to represent them for common matters such as Gittin and הודאות ופלוואות

However,

במילתא דלא שכיחא
לא עבדינן שליחותייהו

They did not designate them for uncommon matters such as גזילות וחבלות