

**YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

TALMUDIC METHODOLOGY

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SHIUR #12: THE IDENTITY OF A *GET*

The *mishna* in *Gittin* (19a) records a *machloket* between R. Yossi Ha-Glili and the *Chakhamim* regarding the validity of a *get* written on edible material or on living organisms (people, slaves). In theory, the *get* should be valid, since it was written with ink upon a solid substance (in the case of a living animal, it may have been tattooed). R. Yossi Ha-Glili argues, however, that since the Torah refers to a *get* as a “*sefer keritut*,” it should mimic qualities of a formal *sefer*, a book. Typically, books are not written on foods or animals, and a *get* written on these items is similarly *pasul*.

The response of the *Chakhamim* to R. Yossi Ha-Glili is quite enigmatic. The *gemara* records that the Rabbanan read the word “*sefer*” less literally than R. Yossi Ha-Glili and did not demand the extreme “*sefer*” profile that he assumed. Instead, it merely alludes to “*sefirat devarim*” – the *get* must record and retell the “story” of the divorce. This description may or may not entail unique requirements, but regardless, the Rabbanan clearly did not maintain formality for a *get* based upon a literal reading of the word “*sefer*” as a book.

What is unclear is whether the *Chakhamim* ultimately agree that a *get* retains SOME elements of a *sefer*. While they clearly did not require that it be written on non-living and non-edible matter, perhaps a *get* possesses SOME formal elements of a *sefer*. This is very unclear in the *gemara* (*Gittin* 21b) and seems to be a point of contention amongst several *Rishonim*.

For example, Tosafot (20b) claim that although a *get* may be written on edible or living items, it must be written upon something durable. The *mishna* allows writing a *get* upon the leaves of an olive tree, but only because these leaves are less likely to wilt and do so less rapidly. In contrast, fig leaves, which

quickly dry and shrivel, would not be a valid option for a *get*. Tosafot cite the *Tosefta*, which does not provide any rationale for this demand, but when the Sifri cites this requirement, it bases it upon the term “*sefer*.” Since a *get* must possess SOME formal elements similar to a book even according to the *Chakhamim* who disagree with R. Yossi Ha-Glili, it must be written on something durable. Accordingly, even though the Rabbanan reject the extreme position of R. Yossi Ha-Glili in disqualifying edible or living matter, they DO acknowledge the notion of *sefer* for a *get*.

Perhaps the clearest indication that even the Rabbanan who allow drafting a *get* upon edible items still maintain SOME *sefer* requirements stems from an interesting *gemara* in *Gittin* (21b) that describes a *get* delivered in fragments instead of as one integrated document. The *gemara* disqualifies this *get* because the Torah demands a “*sefer*” – ONE document and not MULTIPLE documents. Apparently, even the Rabbanan adopt some parallel to a *sefer* for a *get*.

Interestingly, the Tosafot Ha-Rosh sensed this issue and diverted attention away from any *sefer* features of the *get*. He insists that the Rabbanan’s requirement of a single document reflects THEIR dissenting of the word “*sefer*” – that the *get* must NARRATE the STORY of the divorce, NOT that it is a formal book. The term “*sefer*” does not refer to the quality or halakhic nature of the *get*, but rather to its TEXT and STORY, and it can therefore be written on any material. A *get* written on different pieces of paper, however, does not constitute one holistic “*sefira*,” or narration, but rather a series of partial installments. Thus, even if we do not assign the identity of *sefer* to a *get*, it must still be written on one piece of paper to assure integrity of the story.

In contrast to the Rosh’s approach, there are three comments of Rashi that may indicate that HE assumed that a *get* must reflect the nature of a formal *sefer* even according to the Rabbanan.

In his comments to the *gemara* in *Gittin* (20b), Rashi addresses a case in which a man delivers a *get* to his wife but withholds transfer of the parchment upon which the *get* is written (“*Harei zeh gitteich ve-neyar shel*”). Rashi explains that this *get* is invalid because a *get* consists of letters and paper; if only ONE ASPECT of a *get* has been delivered (the letters) while the other has not (the

paper), the entire *get* has not been transferred. By claiming that the paper is also an integral part of the *get*, it seems that Rashi is defining a *get* as a *sefer*. Since a *get* must resemble a formal “book,” the paper it is written on is indispensable. If the *get* requirements were less formal (more like a letter than a book), transferring possession of the text without the paper might not have been problematic.

Second, Rashi comments on an interesting *gemara* in *Menachot* (34a) which states that a *mezuzah* may not be written upon stone; he claims that this is based on a *gezeira shava* of the term “*ketiva*.” Rashi claims that the source of this *halakha* and the *gezeira shava* is a *get*, which cannot be written upon a stone because the Torah refers to a *get* as a “*sefer keritut*” and it must therefore resemble a *sefer*. Evidently, according to Rashi, even the *Chakhamim* agreed that a *get* is considered a *sefer* and must resemble a document/book, and it therefore cannot be engraved upon stone.

Tosafot argue with Rashi, claiming that the *sefer* requirement does not apply at all to a *get* according to the *Chakhamim*; accordingly, a *get* may indeed be written upon stone. Rashi, however, seems consistent with his opinion in *Gittin* (20b) that a *get* maintains partial *sefer* status even according to the Rabbanan.

A third relevant comment of Rashi appears in *Menachot* (32b). The *gemara* invalidates a *mezuzah* that was written like a “letter.” Rashi explains that this refers to a *mezuzah* written without *sirtut* (engraved markings outlining the different lines of text). A *mezuzah* must be written more formally, like a *sefer*. Rashi again claims that this formality is learned from a *get*; just as a *get* must be written with *sirtut*, a *mezuzah* must be as well. Again, Rashi notes that the requirement for writing a *get* with *sirtut* stems from its definition as a *sefer*. Rashi consistently invokes the *sefer* terminology in detailing halakhic requirements for a *get*, even according to the Rabbanan. A *get* cannot be written upon a stone, requires *sirtut*, and includes the paper because of its status as *sefer*. (In this context as well, Tosafot reject Rashi's position, arguing that the *Chakhamim* reject the formal *sefer*-like status of a *get*. The laws for *mezuzah* must accordingly be derived from a different model.)

This position of Rashi may help explain a related concept found in various *Rishonim*. Both the Ramban and Tosafot claim (*Gittin* 20b) that a *get* does not require *mukaf gvil* (letters completely surrounded by parchment). Unlike a *sefer Torah* or *mezuzot*, a *get*'s letters may be partially attached (as long as the letter is still identifiable). This is quite logical; the strict laws that govern “*stam*” should not logically apply to *get*.

Yet many *Rishonim* claim that a *get* must, in fact, be written with the same style as a *sefer Torah* and that its letters must be *mukaf gvil*. Similarly, the *Rishonim* debate whether letters of a *get* must be crowned with *taggin* in the same manner that letters of a *sefer Torah* must be adorned. (See, for example, the Hagahot Ha-Ashri in the beginning of *Gittin*.) Why should a *get* require these same structural and formal requirements?

Perhaps these *Rishonim* agree with Rashi that a *get* DOES possess a limited status as a *sefer*. Accordingly, its text should be prepared in the same formal manner that the ultimate *sefer* – a *sefer Torah* – is prepared.

Although the question of whether a *get* must share the characteristics of a formal *sefer* remains unclear, there is an unmistakable statement of the Yerushalmi affirming this status. The *mishnah* (*Gittin* 21b) disqualifies a *get* written upon something attached to the ground. The Bavli explains this based on the need to detach the item before delivery. Since the item is not ready for immediate delivery, as it still requires severing, the *get* is invalid. The Yerushalmi, however, disqualifies this *get* because anything attached to the ground cannot be considered a *sefer*. The Yerushalmi is thus quite clear that a *get* DOES possess a *sefer* identity.