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Gittin Daf 18

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Separation After a Get

It was taught: When do we start counting (*three months of separation before a woman can marry a new husband*) after a *Get*? Rav says: We count from the time the *Get* was given. Shmuel says: We count from the time the *Get* was written.

Rav Nosson bar Hoshaya asked Shmuel: It is possible that we will say regarding two women who were divorced on the same day (*the man was preparing to go on a long-distance journey and he did not want his wives to remain agunos*) from the same man, that one can *get* married at a certain time and one cannot (*because the Get of one was written earlier*)? [*It will look like a strange ruling!*]

Abaye answered (*for Shmuel*): [*It is not so strange.*] The date on the *Get* of each woman will show why (*each one can get married when they can*).

There are *braisos* both like Rav and Shmuel. The following *braisa* is like Rav. The *braisa* states: If someone sends a *Get* to his wife with a messenger, and the messenger is delayed for three months, upon receiving the *Get* she must wait three months before remarrying. We are not worried about the fact that this is an “old *Get*,” as her husband was not secluded with her during this time.

The following *braisa* is like Shmuel. The *braisa* states: If someone gives a third party a *Get* for his wife and says, “Do not give it to her until three months have passed,” she may remarry immediately after she receives the *Get* (*if he indeed gave it to her after three months*). We are not worried about the fact that this is an “old *Get*,” as her husband was not secluded with her during this time.

Rav Kahana, Rav Papi, and Rav Ashi all ruled that she waits from the time the *Get* was written. Rav Papa and Rav Huna the son of Rabbi Yehoshua ruled that she waits from the time of the giving of the *Get*. The law is that she waits from when it was written. (18a)

Kesuvah During Shemittah

It was taught: When is a *kesuvah* document uncollectible anymore due to *shemittah* (*which nullifies all loans between Jews unless one makes a special document called a pruzbul*)? Rav says: It is from when she starts collecting part of it, and makes the rest of it an official debt. Shmuel says: Doing either of the above makes it uncollectible after *shemittah*.

There are *braisos* both like Rav and Shmuel. The following *braisa* is like Rav. The *braisa* states: When is a *kesuvah* document uncollectible anymore due to *shemittah*? It is from when she starts collecting part of it, and makes the rest of it an official debt. Doing only

either one of the above does not make it uncollectible after *shemittah*; rather, both must be done.

The following *braisa* is like Shmuel. The *braisa* states: [The fine for] Rape, the fine for slandering a newly married woman (*that she was not in fact a virgin*), the fine for seduction, and the *kesuvah* of a woman who made it into a loan are all deemed uncollectible after *shemittah*. If they were not made into a loan, they can still be collected. When are they considered to be made into a loan? It is from the time the court case is convened. (18a)

Predated Kesuvah

Shmuel says: A *kesuvah* is like an act of *Beis Din*. Just as an act of *Beis Din* is written during the day and signed the following night, so too, a *kesuvah* is written during the day and signed the following night (*the fact that it is predated does not invalidate it*).

The *kesuvah* of Rav Chiya bar Rav was written during the day and signed the following night. Rav was there and did not comment. This implies that he holds like Shmuel (*his statement immediately above*). [*Is this so?*]

The *Gemora* answers: They were involved in its being written the entire time. [*Since the witnesses were prepared to sign by day, people will hear about it from the time the document was written and it is effective from that time.*] This is as Rabbi Elozar bar Rabbi Tzadok states in a *braisa*: We only understood (*that a document should not be written in the day and signed at night*) when they were not involved in writing it the whole time. When they were, it is valid. (18a)

Rabbi Shimon

Rava says: What is Rabbi Shimon's reasoning (*that a Get written during the day and signed the following night is valid*)? He holds that once he has set his eyes on divorcing her (*and the get was written up*), he loses the rights to her fruits (*from her melog property*).

Rish Lakish says: Rabbi Shimon only permitted this when it was signed immediately afterward (*i.e. that night*); however, if it was signed from now up to ten days later, it is invalid. This is because we suspect that he made peace with his wife during this time, and the *Get* therefore becomes an "old *Get*." [*If he cohabited with her in the meantime, the get is automatically invalid.*] Rabbi Yochanan says: Rabbi Shimon even permitted this when it was signed up to ten days later. If they would have made peace and gotten back together, people would hear the rumor to this effect. (18a – 18b)

Ten People Signing

It was taught that Rabbi Yochanan said: If a person said to ten people, "Write a *Get* for my wife," two must be witnesses and the rest must sign on the *Get* as well. [*He made a condition that the Get is only valid if all of these people sign, in order to embarrass her.*] Rish Lakish says: They all act as witnesses.

The *Gemora* asks: What is the case? If he did not say, "All of you," the Mishna states that only one (*of the ten*) must write the *Get* and two must sign! It must be that he said, "All of you."

The *Gemora* asks: What is the difference between the opinion of Rabbi Yochanan and Rish Lakish? The difference is if two of them sign one day, and the others sign up to ten days later. If the others must only sign



because of his condition, the *Get* is valid. If they must sign as witnesses, the *Get* is invalid.

Alternatively, the difference would be if one of them would be found out to be a relative or unfit for testimony. According to the opinion that the rest sign because of a condition, the *Get* is still valid, while according to the opinion that they are all witnesses, the *Get* is invalid.

If the first one to sign was a relative or unfit for testimony, some say the *Get* could still be valid, while some say it is not. Those who say that it is valid say that they can be considered signing on condition. Those who say that it is invalid say that this will come to be mixed up with other similar documents (*and they will end up allowing relatives to testify in other documents as well*).

There was a man who said to ten people, "Write a *get* for my wife." Two of them signed on that day, while the others signed up to ten days later. Rabbi Yehoshua ben Levi said that Rabbi Shimon could be relied upon in cases of emergency (*where the husband left, or she married another man based upon this get*).

The *Gemora* asks: But Rish Lakish said that they are required to sign that night?

The *Gemora* answers: Rabbi Yehoshua ben Levi held like Rabbi Yochanan regarding this issue.

The *Gemora* asks: But Rabbi Yochanan said that the other witnesses are only signing to fulfill the husband's condition (*so why is the get only valid in a case of emergency*)?

The *Gemora* answers: Rabbi Yehoshua ben Levi held like Rish Lakish regarding this issue. (18b – 19a)

INSIGHTS TO THE DAF

A Decree when the Reason doesn't Apply any Longer

Tosfos asks: One of the reasons mentioned for the decree that the date should be recorded on a *get* is because perhaps the husband will want to save his niece from capital punishment if she committed adultery. Nowadays, Tosfos asks, when we do not execute anyone, why is there still a necessity to write the date in the *get*?

The Avnei Neizer (E"H: 188) cites a challenge to Tosfos' question: Although the reason may not be applicable, the sages' decree should still apply unless a greater *Beis Din* comes and nullifies it!

He answers that Tosfos understood that the initial decree was only established in a time and a place where they administered capital punishment. Accordingly, if nowadays, it is universal that we do not execute anyone, we are not nullifying the decree; rather, the enactment was never instituted for such cases. This is why it is not necessary for another *Beis Din* to annul the initial decree.

This would be comparable to that which Tosfos in Beitza (6a) states: Tosfos writes that a matter that was only prohibited because of a specific concern will be permitted when the concern no longer exists. This principle justifies why we do not have to be concerned for water that was exposed at night and one is allowed to drink from it because in modern times snakes are not frequent in our homes.

The *Gemora* (Beitzah 30a) cites a *Mishna* that states that one is not allowed to clap or dance on Shabbos or Yom Tov. Rashi explains that the reason that one is prohibited from performing any of these actions is because they can lead to one fixing musical instruments. Tosfos states that this prohibition only applied in those days when they were experts in fashioning musical instruments. Presently, however, the decree does not apply, because we do not know how to fashion these instruments.

The Rema (O.C. 339:3) rules in accordance with Tosfos. Teshuvos HaRema (125) writes that there was an incident where a marriage occurred on Friday night and the people were not concerned that the groom would write the *kesuvah*, marriage contract on Shabbos. The reason for this permit was because it is not common in our times for the groom to write his own *kesuvah*.

Rav Shlomo Zalman Auerbach zt"l poses an interesting question. The *halacha* is that presently we do not have a legally qualified *reshus harabim* and for this reason one would be permitted to walk in a public thoroughfare on Shabbos while wearing various ornaments. According to this ruling, then, why are we still forbidden to blow *shofar*, shake a *lulav* and read the *Megillah*. Regarding these *mitzvos* there is a concern that one may come to carry the *shofar*, *lulav* or *Megillah* in the *reshus harabim*. Yet, the *halachah* is that our public thoroughfares are not deemed to be a legal *reshus harabim*, so we should no longer have these concerns.

Reb Shlomo Zalman also questions the opinion of the Raavad who maintains that *muktzah* is forbidden on account of a rabbinical decree that one should not come to carry into a *reshus harabim*. Why should this

decree still apply when there is no longer a legally qualified *reshus harabim*?

Rav Shlomo Zalman explains that Tosfos is only referring to musical instruments. In previous times, everyone was capable of playing and repairing musical instruments. For this reason there was a decree prohibiting clapping and dancing. In our times, however, only a minority of people is capable of fixing musical instruments and because it is uncommon for people to fix musical instruments, there is no necessity for the decree against clapping and dancing.

Rabbah (Beitzah 5a) maintained that Rabban Yochanan Ben Zakkai rescinded the prohibition against accepting witnesses after the offering of the afternoon tamid sacrifice, and subsequently an egg that was laid on the first day of Rosh HaShanah was permitted to be eaten on the second day. Rav Yosef challenged Rabbah's ruling because if the *Chachamim* assembled to render a ruling, they would need to reassemble to revoke their ruling. Rav Yosef added that one could not say that Rabban Yochanan Ben Zakkai convened with his colleagues to permit one to eat the egg, because their decision was only to accept the testimony after the offering of the afternoon tamid sacrifice, but they never took a vote on permitting the egg to be eaten.

Tosfos HaRosh in Avodah Zara (2a) rules that one is permitted to conduct business with gentiles during their holiday season as initially this was prohibited because gentiles in the past worshipped idols and now that gentiles do not worship idols, the decree is irrelevant.

Tosfos in Brachos (53b) writes that people are not scrupulous regarding *mayim acharonim*, washing the hands at the end of a meal, because we no longer have

melach sedomis, salt from Sodom. Tosfos notes that although the practice of washing *mayim achronim* was instituted by an assembly of a Bais Din, this institution was not unanimously accepted and thus this institution is not categorized as a ruling that is irrevocable unless a Bais Din reassembles and rescinds the ruling.

Reb Shlomo Kluger in *Elef Lecho Shlomo* (116) rules that one is permitted to learn by candlelight on Shabbos and we are not concerned that he may come to move the wick which will cause the fire to burn brighter, thus violating a biblical prohibition, because one does not need to move the wick of our present-day candles.

Teshuvos HaRosh (klal 2:8) rules that one is permitted to tie strings of linen on a four-cornered garment that is made from linen to fulfill the *mitzvah* of *tzitzis* and we are not concerned that one might tie strings of wool to the garment. The reason for this ruling is because all know that *techeiles*, a blue-dyed wool used for *tzitzis*, is not prevalent, thus there is no permit to tie strings of wool to a linen garment.

Teshuvos HaRosh writes that if is common knowledge why a decree was instituted and the rationale no longer applies, then the decree is considered irrelevant. Teshuvos HaRosh draws a contrast of this supposition to the case in our *Gemora* regarding the egg that was laid on the first day of Rosh HaShanah, because some people are not aware why the egg was initially prohibited, nor do they understand why the reason to prohibit no longer applies.

Shearim Mitzuyanim B'Halachah rules that if necessary, one is permitted to take medicine on Shabbos. Taking medicine on Shabbos was initially forbidden as there

was a concern that one would violate the prohibition of grinding. Now that medicine is prepared by the manufacturer and most people are not even aware of the process involved in manufacturing the medicine, there is no longer a concern that one who wishes to take medicine will violate the Shabbos prohibition of grinding herbs or spices.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: If a *get* was written by day and signed the following night, is it kosher?

A: *Machlokes* – the *Tanna Kamma* holds that it's *passul* and Rabbi Shimon maintains that it's kosher.

Q: Why did the *Chachamim* establish that a *z'man* should be written on a *get*?

A: *Machlokes* between R' Yochanan (*bas achoso*) and Rish Lakish (*peiros*).

Q: In a case where the husband is divorcing his wife, when does he lose the right to sell her *nichsei melog*?

A: Either from the writing of the *get*, the signing of the *get*, or the giving of the *get*.