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Gittin Daf 88

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

Signing on the Side

The *Mishna* had stated: If they signed at the top of the page, on the side, or on the back of a regular *Get*, it is invalid.

The *Gemora* asks: Didn't Rav sign on the side of the document?

The *Gemora* answers: Rav signed with the top of the letters facing the *Get*.

The *Gemora* asks: If this is so, in the case where the tops of the *Get* were stuck together and the witnesses signed in middle, why isn't the *Get* with the top of the letters facing it valid?

The *Gemora* answers: The signatures are set down like a bolt (*perpendicular to the text of the get, and it is not evident that they are signing on any one of them*).

The *Gemora* asks: If this is so, how could the *Mishna* say in the case where the top of one *Get* was stuck to the end of the other that "whichever *Get* the witnesses are read as part of" is valid? The signatures are not part of either *Get*!

The *Gemora* answers: Rather, Rav only signed on the side of summons for people to come to *Beis Din* (*he did not sign on the side of legal documents*). (88a)

Chasam Sofer

The *Mishna* had stated: if there is the handwriting of the scribe and one witness, it is valid.

Rabbi Yirmiyah said: *Ksav sofer* (*the writing of the scribe*) actually means *chasam sofer* (*the scribe also signed on the Get*). Rav Chisda said: This is the opinion of Rabbi Yosi.

A *kesuvah* (*wedding contract*) came before Rabbi Avahu, who recognized the handwriting of the scribe and that of one of the witnesses. He therefore thought to verify it. Rabbi Yirmiyah told him: We learned that the *Mishna* meant *chasam sofer*. (88a)

Family Name

The *Mishna* had stated: If he wrote the husband's family name and the wife's family name (*in the text of the get*), the *Get* is valid.

The *Gemora* cites a *braisa*: The family name (*an ancestor's name that has now become their surname*) in a *Get* is valid for ten generations. Rabbi Shimon ben Elozar says: It is valid for three generations. Afterwards, it is invalid. Rabbi Chanina made a similar statement, indicating he holds like Rabbi Shimon ben Elozar.

Rav Huna says: What is the verse that indicates that this is so? The verse states: "*When you will give birth to*

sons and sons of sons and you will get old in the land.
(88a)

Exile

Rabbi Yehoshua ben Levi says: *Eretz Yisroel* was not destroyed until seven families of kings were idolaters. They were: Yeravam, Basha, Achav, Yeihu, Pekach, Menachem, and Hoshea. This is as the verse states, *“Cut off is the one who bore seven, she is depressed, her sun has set in midday, she is very embarrassed.”* Rabbi Ami says: What verse indicates this? *“When you will bear sons and sons of son and you will get old in the land (and you will sin etc.)”*

Rav Kahana and Rav Asi said to Rav: The verse says regarding Hoshea ben Eileh, *“And he did evil in the eyes of Hashem, just not as much as the kings of Israel.”* Why, then, does the verse also say that in his time Shalmanesar was able to come and attack *(and cause the destruction of the land; it should have happened in the times of the other kings)*?

Rav answered: The guards that Yeravam put on the roads to ensure that people would not go to the *Beis Hamikdash* during the festivals were taken away by Hoshea. Even so, however, the people did not start going again. Hashem therefore proclaimed: In retribution for the years that they did not go to the *Beis Hamikdash* during the festivals, they will be exiled.

Rav Chisda says in the name of Mar Ukva, and some say Rav Chisda said in the name of Rabbi Yirmiyah that Mereimar taught the following. What does the verse mean when it says, *“And Hashem hastened the evil (happenings), and he brought them upon us for Hashem, our G-d, is righteous?”* Is it understandable that because Hashem is our God that He will hasten the evil and bring it upon us? Rather Hashem was

charitable with *Bnei Yisroel* that he made sure the exile of Tzidkiyahu happened while the people exiled in the first wave of the exile with Yechanya *(including most of the Torah scholars)* were still alive. This is as it stated regarding the exile of Yechanyah, *“the charash and misgar were one thousand.”* [What do these words mean?] The word *“charash”* refers to Torah scholars who when they start talking, everyone else is made as if they are deaf *(and mute, meaning that they are people who everyone listens to)*. *“Misgar”* refers to people, who once they conclude a discussion, there are no others to begin it anew. How many of these people were there *(exiled with Yechanyah)*? One thousand. Ula says: This *(hastening the evil happenings)* refers to the fact that Hashem hastened the exile two years before it was supposed to happen *(as evident from the numerical value of the word “v’noshantem” -- “and you will get old”)*, in order that *Bnei Yisroel* should not be wiped out.

Rav Acha bar Yaakov says: This teaches us that when Hashem says something will happen quickly, it *(possibly)* means eight hundred and fifty two years *(the numerical value of “v’noshantem”)*. (88a – 88b)

Mishna

If a *Get* is forced to be given; if it is forced by Jews it is valid, but if it is forced by an idolater court, it is invalid. However, if the idolaters hit the husband and say, *“Do what the Jews tell you to do,”* it is a valid *Get*. (88b)

A Forced Get

Rav Nachman says in the name of Shmuel: If a *get* was forced by Jews because the *halachah (in this case)* is to force him to divorce, it is valid. If it does not have to be given, the *Get* is invalid and does not enable her to remarry, but it does render her forbidden to marry a *Kohen*. If idolaters force a *Get* by law, the *Get* is invalid

and does not enable her to remarry, but it does render her forbidden to marry a *Kohen*. If it is not done by law, it does not even create a scent of a *Get* (*she is still eligibly to marry a Kohen*).

The *Gemora* asks: Either way this seems difficult. If these idolaters are forcing the Jew to do what the Torah says he must do, the *Get* should be completely valid! If not, it shouldn't even disqualify her from marrying a *Kohen*!?

Rav Mesharshiya answers: According to Torah law, a *Get* that is forced by idolaters is valid. Why did the Rabbis decree that it is not? It is in order that every woman shouldn't rely on idolaters to remove her from her marriage with her husband.

The *Gemora* asks: If so, in a case when a *Get* is forced when it is not required according to Torah law, she should still be disqualified from marrying a *Kohen* (*just like that of a Jew*)!?

The *Gemora* therefore states: Rav Mesharshiya's answer is a mistake. What is the answer to our original question? The Rabbis said that if the idolaters forced a divorce, although it is technically invalid, it should at least prohibit her from remarrying a *Kohen*. This is in order that people should not confuse it with a forced divorce of Jews that is completely valid. However, in a case where the idolaters are forcing the divorce for no good reason, nobody will confuse this with a divorce that is forced by Jews. It was therefore unnecessary to say that she should be forbidden to marry a *Kohen* due to this divorce.

Abaye found Rav Yosef as he was trying to force a husband to give a *Get* to his wife. Abaye asked him: Aren't we simple people (*who are not officially*

"Rabbis" who may judge, as they lived outside of Eretz Yisroel where such authority was granted in their time)? The *braisa* states: Wherever you find gatherings (*i.e. courts*) of idolaters, even if they judge according to Jewish law, you cannot use them. This is as the verse states, "And these are the laws that you will put before them," implying before them and not before gentiles (*i.e. their courts*)? Additionally, it is derived, "before them - and not before simple people."

Rav Yosef answered: We are the messengers of those who are ordained, just as (*the Gemora states in Sanhedrin 2b*) this is so regarding our handling of admissions and lending.

The *Gemora* asks: If this is so, it should also be true regarding cases of thievery and damages (*which we do not judge because we do not have the authority to do so*)?

The *Gemora* answers: We only are their messengers regarding common things, not uncommon things. (88b)

Mishna

If a rumor circulated that a woman was betrothed to someone, she is considered betrothed (*and cannot be allowed to marry someone else without showing a Get*). If there is a rumor she is divorced, she should be considered divorced (*and she cannot stay with her previous husband who is a Kohen, see Rashi*), unless there is a reason for this rumor. What is the reason? For example, if the rumor incorporated that the divorce was conditional, or that the *kiddushin* was unclear if it was closer to her or him (*and is therefore a doubtful kiddushin*), this is a reason (*why the rumor is not effective as a normal rumor*). (88b)

INSIGHTS TO THE DAF

Food for Thought

*** Rav Kahana and Rav Asi said to Rav: The verse says regarding Hoshea ben Eileh, “*And he did evil in the eyes of Hashem, just not as much as the kings of Israel.*” Why, then, does the verse also say that in his time Shalmanesar was able to come and attack (*and cause the destruction of the land; it should have happened in the times of the other kings*)?

Rav answered: The guards that Yeravam put on the roads to ensure that people would not go to the *Beis Hamikdash* during the festivals were taken away by Hoshea. Even so, however, the people did not start going again. Hashem therefore proclaimed: In retribution for the years that they did not go to the *Beis Hamikdash* during the festivals, they will be exiled.

Why did the mere negation of one positive commandment cause the Exile? Wasn't it on account of idolatry which was rampant in those times?

*** It is stated regarding the exile of Yechanyah, “*the charash and misgar were one thousand.*” [What do these words mean?] The word “*charash*” refers to Torah scholars who when they start talking, everyone else is made as if they are deaf (*and mute, meaning that they are people who everyone listens to*). “*Misgar*” refers to people, who once they conclude a discussion, there are no others to begin it anew. How many of these people were there (*exiled with Yechanyah*)? One thousand. Ula says: This (*hastening the evil happenings*) refers to the fact that Hashem hastened the exile two years before it was supposed to happen (*as evident from the numerical value of the word “v'noshantem” -- “and you will get old”*), in order that *Bnei Yisroel* should not be wiped out.

Why did Hashem hasten the Exile two years before it was supposed to happen in order that *Bnei Yisroel* should not be wiped out? One year would have been sufficient, for it would not then be included in the *gematria* of *v'noshantem*, and therefore, the verse that “they will be destroyed” would not be fulfilled either!?

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: What is the *halachah* if one writes all his possessions to his two slaves?

A: They each acquire half and they emancipate one another.

Q: What is the *Mishna* referring to when it says “the signature of a Greek Jew”?

A: The name, “Reuven ben Yaakov” means “Yaakov, the son of Reuven.”

Q: What is the *halachah* if there are blank lines between the signatures on a *get*?

A: If there are two lines empty, the *get* is invalid; they may, however, fill it with disqualified witnesses.