

22 Sivan 5783
June 11, 2023



Gittin Daf 26

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Mishnah

A scribe who writes the *tofes* (the text of the *get*, not including the names of the people and the date) of a *get* must leave blank spaces for the names of the man, woman and the date.

Similarly, by a loan document, he must leave blank spaces for the names of the lender and the borrower, the amount of money and the date.

Similarly, by a sale document, he must leave blank spaces for the names of the buyer and the seller, the purchase price, the designation of the field and the date.

This was instituted as a remedy (the *Gemora* will explain).

Rabbi Yehudah disqualifies all of the above documents. Rabbi Elozar holds that they are all valid except for a bill of divorce, for regarding a *get* it is written: *And he writes for her*. The *get* must be written for the sake of that particular woman. (26a1 – 26a2)

Rabbi Elozar

Rav Yehudah said in the name of Shmuel: The scribe must leave a space blank for the words “Behold, you are permitted to any man.” And the *Mishnah* would be in accordance with Rabbi Elozar who holds that the witnesses

on the delivery of the *get* render the *get* effective and therefore the writing of the *get* (its essential parts) must be written *lishmah*. [Rabbi Elozar holds that Biblically, it is not necessary for witnesses to sign on a *get*. When the Torah writes “and he shall write for her,” it is teaching us the halachos of the writing of the *get*.]

The *Gemora* explains why it was necessary for Shmuel to inform us that three anonymous *Mishnahyos* are in accordance with the opinion of Rabbi Elozar: For if he had only told us so on the first occasion,¹ [I might have thought that the reason why we interpret] that [Mishnah] so as to make it agree with Rabbi Elozar is to reconcile the contradiction between the first statement of the Mishnah: [A *Get*] must not be written etc. and the second: If it was written [on something attached to the soil it is valid], but [all the same] in connection with the next [Mishnah]² where it also says that a *Get* is made effective only by the signatures attached to it, I might have thought that [the Mishnah is there] following Rabbi Meir who said that the witnesses to the signatures make [the *Get*] effective³ [unless Shmuel told us the contrary]. If again Shmuel had only told us there [that the Mishnah] follows Rabbi Elozar, [I might have thought that that is because] there also it is possible to interpret [the Mishnah] in this way, but here [in speaking of the scribe who writes out formulas] since the last [ruling] given is that of Rabbi Elozar, I should say that the first [ruling: If a scribe writes our formulas of gittin etc.] is not that of Rabbi Elozar.⁴ Therefore [Shmuel] had to tell us this also. (26a2 – 26a3)

¹ In connection with the Mishnah: A *Get* must not be written on something attached to the soil.

² All people are qualified to write a *Get*.

³ And there is no need to leave a blank space for the substantive part.

⁴ And there is no need to leave a blank space for ‘You are permitted etc.’, except for the names, for the reason given above.



Helping the Scribes

The *Mishnah* had stated: This was instituted as a remedy.

The *Gemora* asks: Who did this ruling help?

Rabbi Yochanan said: It helped the scribe and we are following the opinion of Rabbi Elozar who holds that the witnesses on the delivery of the *get* render the *get* effective. And in truth, the scribe should not be allowed to write even the *tofes* beforehand (*for perhaps this will lead him to write the toref beforehand and that would be Biblically invalid, for it must be written lishmah*). Because we wanted to improve the scribe's situation, the sages permitted them to write the *tofes* beforehand (*this way, they would have gittin prepared for when they needed them*). [The *Gemora* proceeds to explain the *Tannaim's* opinions mentioned in the *Mishnah*.]

Rabbi Yehudah disqualifies all types of documents, for he was concerned that the scribes would also write the *toref* beforehand. This decree extended to other documents as well out of the concern that they wouldn't make a distinction between other documents and a *get*. Rabbi Elozar validated all documents written in this manner except for a *get* because he was concerned that the scribes would also write the *toref* beforehand, but he was not concerned that people wouldn't make a distinction between other documents and a *get*. (26a3)

More Rabbi Elozar

The *Mishnah* had stated: Rabbi Elozar holds that they are all valid except for a bill of divorce, for regarding a *get* it is written: *And he writes for her*. The *get* must be written for the sake of that particular woman.

The *Gemora* asks: Is that verse not referring to the *toref* (*how does Rabbi Elozar use it to invalidate a get where the tofes was not written lishmah*)?

The *Gemora* answers: The *Mishnah* should be emended slightly to read the following: because regarding a *get* it is written: *And he writes for her*. [Since the scribe is required to write the *toref lishmah*, the *Chachamim* decreed that the *tofes* should also be written *lishmah*.]

The *Gemora* asks: Rabbi Elozar is seemingly contradicting himself (*for Rabbi Yonasan explained the beginning of the Mishnah, that the tofes may be written beforehand, according to Rabbi Elozar, and now we are explaining the last ruling according to Rabbi Elozar that the tofes cannot be written beforehand*)!?

The *Gemora* answers: There are two *Tannaim* who argue as to what his opinion really is. (26a3 – 26b1)

Remedy

Rabbi Shabsi in the name of Chizkiyah suggests another explanation in the *Mishnah's* remedy. It is to prevent quarrelling and the *Mishnah* is following Rabbi Meir's viewpoint, who said that the signatures of the witnesses render the *get* effective. and in truth, it should be permitted for the scribe to write beforehand even the *toref*, but if that would occur, it might happen that a woman might hear a scribe reading over what he had written and she might think (*since she heard her husband's name and her own name*) that her husband instructed him to write it. This will result in a quarrel between them.

Rav Chisda in the name of Avimi suggests another explanation in the *Mishnah's* remedy. It is for the relief of the *agunos*. Some say that this explanation follows Rabbi Meir, and some say that it follows Rabbi Elozar. Some say it follows Rabbi Meir who held that the witnesses to the signatures make the *get* effective, and therefore, in truth, it is permissible to write even the *toref* beforehand. However, it may happen sometimes that a husband quarrels with his wife and while he is angry, he will throw the prepared *get* to her, rendering her an *agunah* (*in this context, a woman without a husband*). Some say it follows Rabbi Elozar who

held that the witnesses to its delivery make the *get* effective, and therefore, in truth, even the *tofes* of the *get* should not be written beforehand. However, it may happen sometimes that the man wants to go abroad (*in a hurry*) and does not find a scribe ready. He might leave her without giving her the *get* and render her an *agunah* (*for she will not be able to marry anyone*). (26b1)

Leaving Blank Spaces

The *Mishnah* had stated: The scribe must leave blank spaces for the names of the man, woman and the date.

The *Mishnah* made no distinction between a *get* after *nisuin* and one after *erusin*. Now, it is understandable in the case of a *get* after *nisuin* (*it should not be predated*) whether according to the view that the date is required to prevent a man from protecting his sister's daughter (*who was also his wife*). [*They were concerned that she committed adultery, and the husband wishes to protect her (in order that she should not be executed) because she is his relative. He would therefore write for her a get without a date written on it and she could claim that she was not a married woman at that time. The Chachamim decreed that the date should be recorded on the get in order to preclude this.*] or whether according to the view that it is required on account of the fruit (*from his wife's melog property*). In a *get* after *erusin*, however, the regulation is certainly understandable according to the view that the date is required to prevent a man from protecting his sister's daughter. However, according to the view that it is required on account of the fruit, does the law of usufruct apply to a betrothed woman?

Rav Amram said: I heard a certain remark from Ulla, who said that it is to protect the interest of the child, and I did not know what he meant (*for how can there be a child after erusin*). I understood it, however, when I came across the following *braisa*: If a man says, if he would tell the scribe, "Write a *get* for my *arusah*, and when I perform *nisuin* with her, I will divorce her," this *get* is not valid. And commenting on this, Ulla said: What is the reason? It is because people

may say that her *get* came before her child. [*If she were to have a child after the nisuin, but the get will be dated sometime during the erusin (prior to the nisuin), people will mistakenly think that this child was born out of wedlock. The get is therefore invalid because it is regarded as an "old get," a case where they secluded with each other after the get had been written.*] So too, here, the date is required, lest people should say that her *get* came before her child.

Rabbi Zeira said in the name of Rabbi Abba bar Shila who said it in the name of Rav Hamnuna the Elder who said it from Rav Adda bar Ahavah who said in the name of Rav: The *halachah* follows the ruling of Rabbi Elozar (*the scribe can write the text of the tofes beforehand*). Rav designated Rabbi Elozar 'the most fortunate of the wise men.'

The *Gemora* asks: Does then the *halachah* follow Rav in regard to other documents also? But didn't Rav Pappi say in the name of Rava: A certification by judges that was written before the witnesses have identified their signatures is invalid!? The reason is that it seems to contain a falsehood (*such an attestation has the appearance of a false declaration*). So too, here, the documents seem to contain a falsehood!?

The *Gemora* answers: Rava's ruling is not accepted, as shown by the statement of Rav Nachman, who said: Rabbi Meir used to say that even that even if a husband found a bill of divorce in a rubbish heap, and then had it signed and gave it to her, it is valid (*even though it appears false*). And even the Rabbis disagree with Rabbi Meir only in respect to letters of divorce, where it is necessary that the writing shall be done specifically in her name, but in respect of other legal documents, they would agree with him. For Rav Assi stated in the name of Rabbi Yochanan: A man may not borrow again using a document on which he has once borrowed and which he has repaid since the lien incurred by the first loan (*to collect land that the borrower had at the time of the loan*) was cancelled. It can be inferred that the only reason is because the lien was cancelled, but, otherwise, the



document would be valid, and we are not concerned that it has the appearance of a falsehood. (26b1 – 26b4)

INSIGHTS TO THE DAF

Essence of the Get

A scribe who writes the *tofes* (the text of the *get*, not including the names of the people and the date) of a *get* must leave blank spaces for the names of the man, woman and the date.

The Mishnah Lamelech writes that it is necessary to write the location of the man and the woman as well.

Tosfos Yom Tov asks: Why doesn't the *Mishnah* mention that it the scribe is required to leave spaces blank for their locations as well?

He proves from here that the omission of the city names will not invalidate a *get*.

The Rashba rejects the proof by saying that perhaps it is included in that which the *Mishnah* says: the names of the man and the woman.

It is brought in the name of Rabbeinu Tam that if their locations are omitted from the *get*, the *get* is invalid.

Proof to this is from the fact that the *Mishnah* did not make mention of the fact that he has to leave a blank space for the words "Behold, you are permitted to any man," and if that is not written, the *get* is ruled to be invalid.

Tosfos writes that this precise language was not found in the earlier *gittin*, however, similar expressions were used and therefore, their *gittin* were valid.

The Ramban concludes that if this exact expression ("Behold, you are permitted to any man") is not written in the *get*, the

get is disqualified and if she has already remarried, she must leave that man.

DAILY MASHAL

The Steipler Gaon notes that the verse, *sefer kerisus venasan beyadah veshilchah* (a document of severance; and he shall place it in her hand and send her out) is the same numerical value as "zehu gufo shel *get*: harei at muteres lechal adam" (this is the essence of the *get*: "Behold, you are permitted to any man").

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: What is the halachic ramification of the *halachah* that when brothers divide an inheritance that they are called purchasers?

A: They must therefore return the land to each other at *yovel*.

Q: Until when can someone be registered in a *korban pesach*?

A: Until the *korban* is slaughtered.

Q: What are the two types of *bereirah* discussed in the *Gemora*?

A: If the condition is based upon his own decision or the actions of others.