



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Pey Aleph

MISHNA

- If a man wrote a get to divorce his wife and then changed his mind and didn't follow through with the divorce, **B" S** say she is passul to marry a Kohen, and **B" H** say even if a get was actually given to a woman, but it was given with a certain condition, and the condition was never fulfilled, she may still marry a Kohen.

GEMARA

- **R' Yosef the son of R' Menashe of Dvil** asked **Shmuel**, how should we pasken in the following case? A rumor has emerged about a certain Kohen that he wrote a get for his wife, and yet she continues to live with him. Should we separate them? He answered, she must leave him, but this matter needs investigation.
 - **Q:** What does it mean that there needs to be further investigation? It can't be that it means we have to see if we can be mevatel the rumor, because in Neharda'a, which was where **Shmuel** was from, they would never try to be mevatel rumors!? **A:** Rather, we must investigate whether when people say a get was "written", they mean that a get was given or not.
 - **Q:** Even if they refer to giving as writing, they also refer to writing as writing, so there is no reason to believe that the Kohen gave a get to his wife!? **A:** That is true. However, if they refer to writing as giving as well, we must be concerned that he is rumored to have given a get to his wife, and she will have to leave him.
 - **Q: R' Ashi** has said that we don't concern ourselves with rumors that put a woman's status into question when the rumor began after she was married!? **A:** We would not make her leave her first husband. When the Mishna says she must leave, it means that if she then got married to a second husband, who is a Kohen, she would have to leave him.
 - **Q:** By doing so you are causing people to question the validity of the children of the first husband!? **A:** Since we only make her leave the second husband, and not the first, people will say that the first husband must have divorced her right before he died, and it will not lead people to question the validity of the children.
- **Rabbah bar bar Channa in the name of R' Yochanan in the name of R' Yehuda bar Illai** said, look at the difference between the earlier generations and the later ones. The "earlier generations" refers to **B" S** (who said that a Kohen may not marry a woman whose first husband just wrote a got for her without giving it to her). The "later generations" refers to **R' Dosa**, who in a Braisa says that a woman who was captured by goyim may still eat terumah (and we do not assume that she was raped).
 - **Rabbah bar bar Channa in the name of R' Yochanan in the name of R' Yehuda bar Illai** said, look at the difference between the earlier generations and the later ones. The early generations would bring all their tevel into the house through the front door, so that it should become chayuv in maaser D'Oraisa, whereas the later generations would bring it in through the roof or a back door so that it should be patur D'Oraisa.

MISHNA

- If a man divorces his wife and then spends the night with her in a hotel, **B" S** say she does not need a second get, and **B" H** say that another get is required.

- **B”H** only require a second get when she is getting divorced from a nissuin. However, if they have gotten divorced from eirusin, she would not need another get, because they do not feel comfortable with each other (and we therefore do not need to assume that they had bi’ah).

GEMARA

- **Rabbah bar bar Channa in the name of R’ Yochanan** said, the machlokes is only where they were seen to have had bi’ah. In that case **B”S** say that a person would have bi’ah for purposes of zenus, and therefore we need not be concerned that a new kiddushin was made, and **B”H** say that a person would not do so, and therefore we assume that the bi’ah was done to form a new kiddushin. However, if they were not seen to have had bi’ah, all agree that a second get would not be needed.
 - **Q:** The Mishna said that **B”H** agree that a second get would not be needed if the divorce is for an eirusin. Now, if the case is that they were seen to have had bi’ah, why would a new get not be needed just because they were only in eirusin? **A:** The Mishna is discussing where they were not seen to have had bi’ah. **R’ Yochanan’s** statement was made according to **R’ Shimon ben Elazar**, who says in a Braisa exactly as **R’ Yochanan** said.
 - **Q:** If our Mishna is discussing where they were not seen to have had bi’ah, what is the basis of the machlokes? **A:** The case is that there are witnesses to their seclusion, but not witnesses to an actual bi’ah. **B”H** say that we say the witnesses to the seclusion are considered witnesses to a bi’ah as well, and **B”S** say that we do not say that. **B”H** also hold, that if the divorce is from eirusin, since they are not comfortable with each other, in that case we will *not* say that the witnesses to seclusion are considered to be witnesses to a bi’ah as well.
 - **Q:** We have learned that **R’ Yochanan** always follows an anonymous Mishna, so how can we say that he argues with our Mishna? **A:** **Rabbah bar bar Channa**, who said this version of **R’ Yochanan**, will disagree with the Amora who says that **R’ Yochanan** always follows the anonymous Mishna.

MISHNA

- [The **Rabanan** instituted a get called a “get mekushar” to be the get written by a Kohen when he wants to divorce his wife, the get would be folded after each line or so, and the fold would need to be signed by a witness. This was done for each fold, and there must be a minimum of 3 folds.]
- If a woman remarried based on a “bald get” (a get mekushar that was missing a signature on one of the folds), she must leave both husbands, and she is subject to the strict list of penalties mentioned (a few Mishnayos back).
- **Ben Nanas** says anyone may sign a bald get so that it not be passul (even someone who is typically passul to be a witness). **R’ Akiva** says, the only type of passul witness who may sign is a relative who would be a valid witness if not for the fact that he was a relative.
- What is a bald get? Any get mekushar that has more folds than signatures.

GEMARA

- **Q:** Why is a bald get passul? **A:** It is a gezeirah for the possibility that the husband had told all people present to sign on the get, and one did not do so.

GET KEIREI’ACH HAKOL MASHLIMIN ALAV

- **Q:** Why does **R’ Akiva** say that other types of invalid witnesses may not sign? It can’t be based on a concern that people will think that they are valid witnesses, because he lets relatives sign and the concern should exist there as well!? It can’t be that he doesn’t allow a slave to sign based on a concern that it may lead people to believe that he is genealogically pure, because why would he also not allow a robber to sign? **A:** He doesn’t let a slave sign, because it may lead people to think that he was freed. He doesn’t let a robber sign, because it may lead people to think that he did teshuva. He allows a relative to sign, because it can lead to no harm. All know that he is a relative.

- It was said in the name of **R' Adda bar Ahava**, the machlokes between **R' Akiva** and **Ben Nanans** is where the get has 7 folds and only 6 witnesses, or 6 and 5, 5 and 4, or 4 and 3. However, if there are only 3 folds and only 2 witnesses, all agree that the 3rd witness may be an invalid witness only for the reasons of being related.
 - **Q: R' Zeira** asked **Rabbah bar She'ilta**, 3 signatures for a get mekushar is like the necessary 2 for any other get. If so, it should need 3 fully valid witnesses!? **A:** He answered, I had this same question and asked it to **R' Hamnuna**, who then asked it to **R' Adda bar Ahava**, and he answered that the entire concept is only D'Rabanan, and that is why it is allowed.
 - A Braisa says like **R' Adda bar Ahava's** understanding of the machlokes as well.
 - **R' Yosef** taught that the third witness must be a valid witness. He would have to change the wording in the Braisa to reflect this.
- **R' Yochanan** said, only one relative may be used on this get, not two. If 2 were used we would have to be concerned that the get will be confirmed with the signatures of 3 witnesses, of which 2 of those confirmed may be the relatives.
 - **R' Ashi** said, the Braisa suggests this as well, because it gives all the cases of one missing witness and says it may be filled with a relative. It never gives a case of two missing witnesses.
 - **Abaye** said, since the Mishna did not say which fold may be signed by the relative, it must be that they can sign on any fold – first, last, or anywhere in between. Also, we can learn that when this get is confirmed, we may use any 3 witnesses to be confirmed, and they need not be in order of how they signed the folds. If they needed to be in order, we could just say that the relative must sign after or before two valid witnesses, and in that way we would be able to allow more relatives to sign (since there would be no concern that two relatives' signature would be used to confirm the get). Since we do not allow that, it must be that the signatures to be confirmed do not need to be in order of how they signed the folds.
- When they came to **R' Ami**, he said even a slave may sign the fold of a get meksuhar (like **Ben Nanans** said).

HADRAN ALACH PEREK HAZOREIK!!!