



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

Gittin Daf Pey Vuv

MISHNA

- There are 3 gittin that are passul, but if a woman gets remarried based on them the child will not be a mamzer:
 - A get that is handwritten by the husband and has no witnesses signed on it.
 - A get that has witnesses, but is not dated.
 - A get that is dated but has only one witness signed.All these 3 are passul, but if a woman gets remarried based on them the child will not be a mamzer.
- **R' Elazar** says, even if a get has no witnesses signed on it, but the get was given to her in front of witnesses, the get is valid. Also, such a document may even be used to collect from encumbered properties. This is because the reason that witnesses sign a get is for the benefit of the world (in case the witnesses can't be found later to testify to what they saw), and not because they are in any way needed to make the get valid.

GEMARA

- **Q:** The Mishna says that there are only 3 such gittin, however there is another such get, namely a get yashan, which also fits into this category!? **A:** If a woman remarries based on a get yashan she would not have to leave her second husband, whereas in the cases of the Mishna she would.
 - **Q:** There is a machlokes whether in the cases of our Mishna she would have to divorce her second husband. According to the view that she does not have to do so, why isn't the case of get yashan included in the Mishna? **A:** Once a get yashan is given, she may rely on it l'chatchila and remarry. The gittin in our Mishna may not be relied upon to remarry l'chatchila.
 - **Q:** There is also the case of the "get keirei'ach", which is only passul D'Rabanan, and should be included in the Mishna!? **A:** By a get keirei'ach, the child she has from the second husband would be a mamzer.
 - **Q:** That is true according to **R' Meir**, but not according to the **Rabanan**!? **A:** If a woman remarries based on a get keirei'ach she would not have to leave her second husband, whereas in the cases of the Mishna she would.
 - **Q:** There is a machlokes whether in the cases of our Mishna she would have to divorce her second husband. According to the view that she does not have to do so, why isn't the case of get keirei'ach included in the Mishna? **A:** Our Mishna is not discussing a get mekushar, and that is why it is not listed.
 - **Q:** There is the case of a get that was not dated according to the local government, which is therefore assur D'Rabanan, and fits into the category of our Mishna!? **A:** If a woman remarries based on such a get she would have to leave her second husband, whereas in the cases of the Mishna she would not.
 - **Q:** There is a machlokes whether in the cases of our Mishna she would have to divorce her second husband. According to the view that she does have to do so, why isn't the case of this improperly dated get included in the Mishna? **A:** This view will say that our Mishna follows **R' Meir**, who holds that a get dated not according to the local kingdom will produce mamzeirem. Therefore, it can't be included in our Mishna, where the cases do not produce mamzeirem.

- **Q:** The Mishna mentions “there are 3 gittin” in the beginning and again at the end. What is each mention of the number 3 coming to teach? **A:** The first mention of the number comes to exclude the cases that we just discussed above. The mention at the end of the Mishna comes to exclude the case of a Braisa that says that if the shaliach did not say BBNB, **R’ Meir** says that the child is a mamzer.

KASAV B’KSAV YADO V’EIN ALAV EIDIM

- **Rav** said, the Mishna is discussing where the get was handwritten by the husband.
 - **Q:** Which case was **Rav** referring to? He can’t be referring to the first case, because the Mishna clearly says that the get was handwritten by the husband! It can’t be referring to the second case, because the Mishna says there are witnesses in that case, which means it makes no difference who wrote the get! **A:** He is referring to the last case of where the get was dated and has only one witness signed. The Mishna is teaching that if the husband wrote it and it is signed by one witness, the child born is not a mamzeir. However, if a sofer had written the get and only one witness signed, the get would be passul and any child from a subsequent marriage based on this get would be a mamzer.
 - **Shmuel** said, the Mishna’s last case even refers to a case where the sofer wrote it and one witness signed it, as we will learn in a Mishna that says that if a sofer writes and a single witness signs, the get is valid.
 - **Rav** says that Mishna must be discussing where the sofer signed as well, because if not, why does that Mishna say that the get is valid, which means l’chatchila? **Shmuel** says both Mishnayos are talking about a get written by the sofer and signed by a single witness. The difference is that our Mishna is dealing with a sofer who is not an expert, and therefore the get would be passul (he may have written it without explicit instruction of the husband) and the other Mishna is discussing an expert sofer, and that is why the get is valid.
- There were times when **Rav** would say that in the cases of our Mishna if the woman remarried she must divorce the second husband, and other times he would say that she need not divorce the husband. If the woman already had children with the second husband he said she need not get divorced. If she did not have children with him, he said she needs to get divorced.
 - **Q: Mar Zutra bar Tuvia** asked, a Mishna says, if a man was married to a few wives, one of which was an ervah to his brother, and he divorced that wife with a get like one of the 3 discussed in our Mishna, and the man then died without children, the halacha is that we require the other wives to have chalitzta, but not yibum (if the divorce was fully valid even yibum could be done to the others, and if it was fully passul, even chalitzta would not need to be done). Now, according to **Rav**, that this woman could remain married to her second husband, that would lead the others to think that the divorce was certainly good, and would have them even do yibum! **A:** D’Oraisa the get is good and yibum could be done. Therefore, if yibum is ultimately done it would not be that big of a deal.
 - **Levi** said that a woman who remarries based on one of the gittin in our Mishna need never get divorced from her second husband. **R’ Yochanan** said this as well, and said that **R’ Chalافتa** said this as well.

R’ ELAZAR OMER AHF AHL PI...

- **R’ Yehuda in the name of Rav** said, we pasken like **R’ Elazar** by gittin. When this was repeated to **Shmuel**, he said we even pasken like him for other documents as well.
 - **Q:** The Mishna says such a document can be used to collect from encumbered property, so how could **Rav** say that **R’ Elazar** did not say his halacha by other documents? **A:** **R’ Elazar** said his halacha regarding both, but **Rav** only held like him regarding gittin.
 - **R’ Yaakov bar Idi in the name of R’ Yehoshua ben Levi** also said that we pasken like **R’ Elazar**, but **R’ Yannai** said there is no effect of a get from this at all (there is no “re’ach haget”).
 - **Q: R’ Yannai** does not hold of **R’ Elazar**? **A:** He meant that according to the **Rabanan** who argue on **R’ Elazar**, such a get has absolutely no effect.
 - **R’ Yose the son of R’ Chanina in the name of Reish Lakish** also said that we pasken like **R’ Elazar**, but **R’ Yochanan** said there is no effect of a get from this at all.

- **Q: R' Yochanan** does not hold of **R' Elazar**? **A:** He meant that according to the **Rabanan** who argue on **R' Elazar**, such a get has absolutely no effect.
- We find that **Rabbah the son of R' Huna** said that his father paskened like **R' Elazar** regarding gittin. **R' Chama bar Gurya in the name of Rav** paskened like this as well. **Ravin in the name of R' Elazar in the name of Rav** paskened like this as well.