



Handwritten Get

The *Mishnah* lists three types of *gittin* that the *Chachamim* deemed invalid. If however a woman remarried based on that *get*, the children from that married would be considered legitimate. In other words, on a biblical level the *get* is valid, yet, due a concern, the *Chachamim* did not want those *gittin* used. The first of these three cases is if the *get* was written by the husband, but no witnesses signed the *get*. We will focus on this case.

Recall that there is a debate regarding the critical witnesses that give the *get* the power to affect divorce. According to *R' Meir* it is the witnesses that sign the *get*, whereas according to the *R' Elazar* it is the witnesses that were present when the *get* was handed over to the wife.

The *Bartenura* explains, that according to *R' Meir*, even though the critical signatures are missing, the husband's handwriting is equivalent to one-hundred witnesses. Similarly, for *R' Eliezer*, even without witnesses to the husband giving the *get*, in this case it would have been valid. Since the husband wrote the *get* it would have satisfied the *pasuk* "ve'katav ve'natan". Nevertheless, the *Chachamim* invalidate this *get* out of concern that people would then allow a *get* written by a *sofer* that was not signed by witnesses.¹

Returning to *R' Meir*, the *Rashba* cites *Rashi* who also explains that were it not for the *gezeira*, the *get* would be valid since the husband's handwriting is equivalent to having one hundred witnesses. He brings a proof from monetary laws where a debt can be recovered based on a contract written by the borrower (albeit from *nichsei ben chorin*).

The *Nemukei Yosef* (*Yevamot* Rif 8b) however finds the comparison to monetary law difficult. There, the contract's function is simply as a proof. There is no better proof than the contract being written by the borrower – it is tantamount to admission. With respect to a *get* however, the *get* affects the divorce. If witnesses are necessary for a *get*, then without

the *get*, it would lose its power to do so. Instead, the *Nemukei Yosef* explains that since the *Torah* writes "ve'katav" it teaches that for a *get*, the husband's handwriting is equivalent to witnesses.

The *Birkat Shemuel* (*Gittin* 11) probes what is behind the debate between *Rashi* and those that find his explanation difficult. The *Birkat Yosef* rejects the answer that the novelty is that the *Torah* considers the husband's handwriting as equivalent to two witnesses to substantiate a document. If that were the case, since the *derash* only applied to *Gittin*, it should not also apply to monetary law (which is not the case). Instead, he explains this debate based a different one.

The *Rishonim* argue whether a *get* also requires two witnesses when the *get* is delivered (according to *R' Meir*). *Rabeinu Tam* requires it, where as the *Ran* disagrees. The *Rabbeinu Tam* maintains that "ein davar she'be'erava pachot mi'shnayim". In other words, matters related to marriage and divorce require two witnesses to affect the change in status. Consequently, the witnesses are required when this happens. According to the *Ran* however, the witnesses in the document are sufficient to satisfy that requirement.

He continues explaining that everyone agrees that the husband's handwriting gives the *get* substance, just like in monetary law. Nevertheless, for a *get* we have the second issue of *ein davar she'be'erava pachot mi'shnayim*. According to the *Ran*, in the absence of witnesses in the document that element is not being satisfied. The husband's admission to writing the *get* does not help. That is the issue that *Rishonim* had with *Rashi's* explanation. Simply drawing a parallel from monetary law alone is insufficient. *Rashi* however would agree with *Rabbeinu Tam* that witnesses are necessary when the *get* is handed over. Consequently, we were never relying on the witnesses in the *get* to satisfy this component. Therefore, drawing a parallel from monetary law to explain how the *get* is substantiated is sufficient.

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¹ See the *Tosfot Yom Tov* for a different explanation for the *gezeira*.

Revision Questions

גיטין ח' ד' – ט' ז'

- What is a *get yashan* and can it be used? (ח' ד')
- What is the law regarding a case where the husband wrote his wife a *get* dated from the time of the destruction of the *Beit Ha'Mikdash* and she then remarried? (ח' ה')
- What two other cases (not related to *gittin*) share the same law raised in the previous question? (ח' ו'-ז')
- What is the law regarding a case where the *sofer* mistakenly gave the *get* to the wife and the *shovar* to the husband, and the husband gave the wife the *shovar* thinking it was the *get* and the wife gave the husband the *get* thinking it was the *shovar*? (ח' ח')
- What is *R' Eliezer's* opinion regarding the previous question? (ח' ח')
- Can a woman marry a *Kohen* if she was handed a *get* on a condition and the condition was not fulfilled (and then the husband subsequently died)? (ח' ח')
- In which case do *Beit Shammai* and *Beit Hillel* argue about, where a husband that divorced his wife is required to give her another *get*? (ח' ט')
- What is a *get kereach*? (ח' ט'-י')
- Explain the debate regarding how a *get kereach* can be fixed? (ח' י')
- According to who is a *get* invalid if it was given on the condition that the wife would not marry a particular person? (ח' יא')
- How and when can this be fixed? (ח' יא')
- When do we say that such a condition is not problematic? (ח' יב')
- What is the essential wording of a *get*? (ח' יג')
- Which three *gittin* are invalid, yet if the woman remarries and has children using this *get*, the children are not *mamzerim*? (ח' יד')
- What can be done if two *gittin* (with the same names from different people) were mixed up on the way to the wives? (ח' טו')
- Can a single *get* be used for multiple divorces? (ח' טז')
- In what case can having Greek signatures on a *get* be problematic and why? (ח' טז')
- Can a *get* be written on two sides of a page? (ח' טז')
- Where are the valid locations on a *get* for the signatures of the witnesses? (ח' טז')

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Gittin 9:8-9	Gittin 9:10 - Kidushin 1:1	Kidushin 1:2- 3	Kidushin 1:4- 5	Kidushin 1:6- 7	Kidushin 1:8- 9	Kidushin 1:10-2:1

