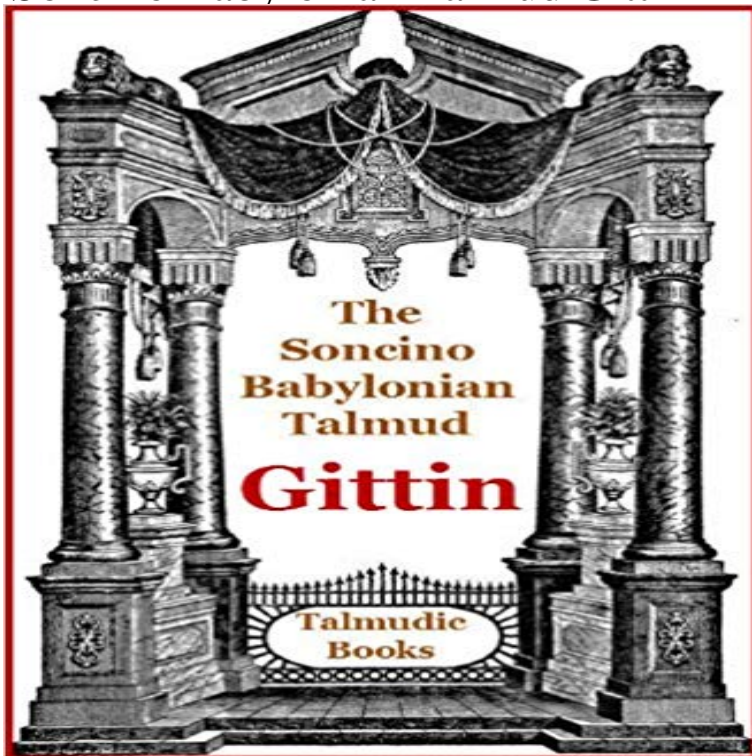


Soncino Babylonian Talmud Gittin



The Tractate Gittin, as its name implies, is concerned principally with problems connected with the kind of document known as Get. The derivation of this word, as also its primary meaning, is obscure. As used in the Talmud it means strictly document, in the widest sense of the term. In actual practice, however, it was applied almost exclusively to two kinds of document the Get Pitturin, the writ of release or divorce, given by a husband to a wife, and the Get Shihrur, or writ of manumission, given by a master to a slave. Gittin is concerned largely with questions of legal procedure and terminology, and in this respect it has close affinities with certain tractates in the Seder Nezikin. On the other hand, through its preoccupation with writs of divorce, it has necessarily to touch frequently on problems of conjugal relationships; and it was for this reason, no doubt, that it was included in the Seder Nashim. To avoid misunderstanding, however, the fact must be emphasized that the main theme of Gittin is not divorce, either in its legal or its moral aspect, but the validity of the document which effects divorce. The first three chapters discuss exhaustively the reasons for which a Get may be pronounced invalid by the Beth Din. These advance progressively from purely external flaws to serious flaws in the very content of the Get. Chapter IV commences with the regulations under which a man may cancel a Get (32a-34a), or change his name in the Get (34b). These regulations were laid down for the better ordering (or adjustment) of society, i.e., for the prevention of hardships or abuses; and most of the rest of this chapter is taken up with a number of other regulations made by the Rabbis for the same purpose, most of which have nothing to do with divorce. Prominent among the regulations made for the better adjustment of society is Hillels institution of the Prosbul, which is discussed in (36a-37b). Chapter V contains

a number of regulations of a similar type. In Chapter VI we return to the subject of writs of divorce, and the formulas by which a husband or wife can appoint an agent for taking or receiving the Get are laid down and minutely discussed (62b-64b). The first two Mishnahs in Chapter VII continue the same subject. Chapter VIII lays down the rules for deciding whether the Get has legally been given or not in cases where it was not actually transferred from hand to hand, e.g., where the husband threw it to the wife (77a-79b). Cases in which a second Get is required owing to some doubt about the first are then considered, and various types of invalid Get are defined, as also the penalties incurred by a woman for marrying again on the strength of such a Get (79b-81a). Chapter IX at first continues with the same subject, discussing the exact force of the word but introducing an exception, and the Gemara adduces the attempts of four Rabbis to confute the opinion of R. Eliezer that a Get containing this word is valid. The validity of other conditions and exceptions is also discussed (83b-85a). The proper formula for the Get, and also for a writ of manumission, is then specified (85a-86a), and a description is given of various types of Get which are irregular or unusual but not invalid (86a-88a). The rest of the chapter deals with the validity of a Get given under compulsion (88b), the question whether attention is to be paid to common report (88b-90a), and finally, the ethical grounds for divorce (90a-90b). The exacting legal discussions which make up a great part of the Tractate are relieved by a considerable amount of Aggadah. The mention of sicaricon in the fifth chapter provides a peg on which to hang a long Aggadic description of the siege of Jerusalem by Vespasian and Titus and the War of Bethar (55b-58a). This is one of the outstanding Aggadic passages in the whole of the Talmud. Gittin also contains most of the Talmudic law on divorce itself. [From the Introduction.]

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