

## 22.10.1

160a (משנה א) → 161b (בשיטה אחת פסול)

**Introduction to chapter:** This, the final chapter in *מסכת מיקין*, deals with practical aspects of *שטרות*, beginning with a description of a "simple *שטר*" (*גט פשוט*) as contrasted with a "tied document" (*גט מקושר*). This chapter is devoted to identifying where (and when) witnesses sign on a *שטר*, what to do with erasures on a *שטר*, when to use papyrus and when to use parchment and other issues related to *שטרות*.

1. שדות בקסף יקנו וכתוב בספר וחתום והעד עדים בארץ בנימן ובסביבי ירושלים ובערי יהודה ובערי ההר... ירמיהו לב, מד  
 2. ואקח את ספר המקנה את החתום המצוה ותקיים ואת הגלוי: ירמיהו לב, יא  
 3. לא יקום עד אחד באיש לכל עון ולכל חטאת בכל חטא אשר יחטא על פי שני עדים או על פי שלשה עדים יקום דבר: דברים יט, טו

## I גט מקושר vs. definition of גט פשוט: משנה א

## a Place of the witnesses:

i גט פשוט inside

ii גט מקושר on back (can be seen while tied)

1 Note: if either is reversed, פסול

2 Dissent: רחב"ג – if a גט מקושר has עדים on the "inside" (front) – valid; it could be made into a פשוט

3 קסה: all follows מנהג המדינה (explanation below – דשב"ג)

## b Number of עדים:

i גט פשוט 2; if only 1, פסול

ii גט מקושר 3; if only 2, פסול

## II Discussion – sources for two types of שטרות

## a From תנ"ך (implying that גט מקושר and גט פשוט is תיקון שטרות)

i ר' חנינא – v. 1 (also allude to 2/3 עדים, depending on the type of שטר)

1 Note: assignment of 2 עדים to גט פשוט and 3 to מקושר – it has more קשרים, must be the one with more עדים

ii רפרם – v. 2 (also alludes to 2/3 witnesses and other legal distinctions between פשוט/מקושר)

iii רמי בר יחזקאל – v. 3; mention of 2 or 3 witnesses implies two types of שטרות

## b Rejection: all of these are needed for other lessons

i V1: good advice given by ירמיהו to soon-to-be exiles

ii V2: this is how it played out (narrative)

iii V3: as per dispute between ר"ע/רבנן (פ"א דמכות) regarding status of witnesses beyond the minimum 2

## c Rather: גט מקושר is מדרבנן and the פסוקים were used as an אסמכתא

## d Reason: there was a city of כהנים who were hot-tempered and would divorce their wives (irrevocably)

i Therefore: made a תקנה to "slow down" process, by which time they would cool down

ii And: in order not to distinguish between גט and other שטרות – made rule for all שטרות

## III Discussion: where do עדים sign on a מקושר?

## a ר' הונא: between the ties:

i challenge (asked of ר' חסדא): (we assume "in between" means on front side, same as text) story:

1 דבי saw a גט מקושר and invalidated it due to there being no date, which he then discovered in between the ties; but if that's where they sign, he should have also noticed the lack of עדים

2 Defense: they don't sign on inside – they sign on outside

3 Further challenge: if so, why aren't we concerned that the בעל השטר might add to the כתב?

(a) Answer: they write שריר וקיים underneath the כתב

(b) Challenge: perhaps he'll add clauses (or amounts) and add a second שריר וקיים

(i) Answer: we only write one שריר וקיים

(ii) Challenge: perhaps he erased the original

1. Answer: ר' יוחנן ruled that an erasure invalidates a שטר if in place of שריר וקיים (and big enough)

## b ר' ירמיה בר אבא: on the back side, corresponding to the text

i challenge: he might write what he likes on another part of the שטר and forge עדים opposite that spot

1 Answer: עדים don't sign in order, they sign from the bottom up

2 Additional challenge: he may have a limit on the שטר and he'll cut that line off and (inadvertently) cut off part of the עד's name and the שטר will be validated with his father's name (thinking father is the עד)

(a) Answer: either they don't write "עד" after father's name, or they recognize father's signature

(i) And: no one will sign using his father's name (alone) nor is anyone חצוף to use his father's סימן to sign

3 גר זוטרא: no need for these concerns – any שטר where עדים don't begin at point (on reverse) where שטר ends – the שטר is invalid