



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Her Courtyard

Rava said: If a man writes a *get* for his wife and places it in the hands of his Canaanite slave, and also writes a deed assigning the slave to her (*and he gives her that document*), she acquires the slave and she is divorced by the *get*. [A person can acquire property through a *kinyan chatzeir*; his courtyard has the ability to acquire for him things that are found in it. A person’s slave can serve as his courtyard as well. Ordinarily, the woman’s property cannot serve as her courtyard, for her husband is in control. Here, we may apply the concept that her *get* and her courtyard come to her simultaneously, and therefore, she acquires her *get* in order to acquire the courtyard and she acquires the courtyard in order to acquire her *get*.]

The *Gemora* asks: Why should this be? The slave is a moving courtyard, and a moving courtyard cannot effect an acquisition for its owner!?! And if you reply that we are discussing a slave who is standing still, has not Rava laid down that things which do not effect an acquisition when moving, do not effect an acquisition when standing or sitting?

The *Gemora* answers: Rava’s ruling is applicable when the slave is bound (*since he presently cannot move*).

And Rava also said: If a man writes a *get* for his wife and places it in his courtyard, and also writes a deed assigning the courtyard to her (*and he gives her that*

document), she acquires the courtyard and she is divorced by the *get*.

The *Gemora* explains the necessity for both of Rava’s rulings: If he would have only taught this *halachah* with respect to a slave, we might have said that it should not apply to a courtyard, for perhaps we should decree that this method should not be used because of the case where the woman receives the courtyard after the husband gave the *get* (*if the husband put the get in his friend’s courtyard and subsequently, the friend sold her the courtyard or gave it to her as a gift, she certainly would not be divorced, for when the husband placed the get in the courtyard, it did not yet belong to her, and when she acquired the courtyard, it did not come to her from the husband*). And if he would have only taught this *halachah* with respect to a courtyard, we might have said that it should not apply to a slave, for perhaps we should decree that this method should not be used because of the case when the slave is not tied. Rava teaches us that his *halachah* applies in both cases (*and we do not make the aforementioned decrees*).

Abaye asks: Let us see: Where is the *halachah* of acquiring through a courtyard derived from? It is derived from the *halachah* of acquiring through her hand. Therefore, we should say the following: Just as when he gives the *get* into her hand, the husband can divorce her with her consent or without her consent, so too, if he places the *get* in the courtyard, he should

be able to divorce her with her consent or without her consent (*in a case where she owned the courtyard from before*). But the gift of the courtyard (*Rava's case*) can be made only with her consent and not against her will!?

Rav Simi bar Ashi asked on Abaye's challenge: There is the case of her appointing an agent to receive the *get* from her husband (*a sh'li'ach l'kalah; as soon as the get reaches the hand of the agent, she is divorced*), which can only be done with her consent but not against her will, and yet the agent is duly authorized!?

Abaye replied: The rule of agency is not derived from the term "her hand" (*and therefore can operate even though he cannot serve as her agent against her will*). Rather, it is derived from the word *v'shil'chah* (*and he shall send her*).

Alternatively, Abaye can reply that we find a case where an agent for receiving the *get* is also appointed without the consent of the wife, since a father can accept a *get* for his daughter who is still a minor against her will. (21a1 – 21a3)

Horn of a Cow

The *Mishna* had stated: One may write on anything: on an olive leaf, or on a cow's horn and he gives her the cow, on the hand of a slave and he gives her the slave.

The *Gemora* asks: It is understandable why the husband must give the entire slave to his wife, for we cannot sever his hand to receive the *get* (*since he is obligated to perform some mitzvos, it is forbidden to inflict bodily harm upon him, and if he does sever his hand, he will gain his freedom*). But why must the

husband give her the entire cow! Couldn't he cut off the horn and give it to her?

The *Gemora* answers: It is written: *And he shall write for her.... And he shall give it to her*. This excludes something like this which requires to be written on, to be severed and to be given before it will be effective. (21a3 – 21b1)

Halachos of a Get

The *Mishna* had stated: Rabbi Yosi HaGelili says: One may not write on something which is alive, or on food.

The *Gemora* cites a *braisa* explaining Rabbi Yosi HaGelili's opinion: It is written regarding a divorce the word *sefer*, a document of parchment. The verse would imply that one could only write a bill of divorce on a parchment. Since it is said *vekasav lah*, and he shall write for her, the verse indicated that one can write a bill of divorce on any material. The word *sefer* must be teaching us that just like a parchment has no life and is not a food, so too a bill of divorce cannot be written on anything that has no life and is not a food. A bill of divorce can thus be written on a live animal according to Rabbi Yosi HaGelili. The *Chachamim*, however, maintain that it is not written *basefer*, in the *sefer*. Rather, it is written *sefer*, and the connotations of the word *sefer* are that one is only required to write a formula of words which functions as *kerisus*, a separation between the man and his wife. (*According to the Chachamim, a bill of divorce can be written on any material.*)

What do the *Chachamim* do with the verse *vekasav lah*, and he shall write for her? It teaches us that a man can only divorce his wife with a bill of divorce, but he cannot divorce her with money. Although marriage is

effected through the giving of money, a divorce is not. Rabbi Yosi HaGelili derives this from the term *sefer kerisus*. A man can only divorce his wife with a bill of divorce, but he cannot divorce her in any other manner.

What do the *Chachamim* do with the verse *sefer kerisus*? It teaches us that a man cannot divorce his wife by stipulating a condition that will be in effect for her entire life, such as, "You cannot drink wine forever," or "You cannot go to your father's house forever," because a conditional divorce of this nature is not deemed to be a separation between a man and his wife. He may make such a condition for thirty days. Rabbi Yosi HaGelili derives this *halachah* from the extra letters in *kerisus*, when the Torah could have just said *kares*. The *Chachamim* do not see the necessity to derive anything from that. (21b1 – 21b2)

Mishna

We do not write a *get* on something that is attached to the ground (*this is derived from the Scriptural verse which states "and he writes for her....and he gives to her"; this is expounded to mean that it should not be written on something which needs to be detached from the ground before it is given to the woman*). If he does write it on something that is attached to the ground, and then he detaches it, and the witnesses sign on it, and he then gives it to her, it will be valid. Rabbi Yehudah says: The *get* is invalid unless it is written and signed on something that is detached from the ground. Rabbi Yehudah ben Beseira says: We do not write a *get* on a paper that has previously been erased (*for if it is erased again, it will not be recognizable*), or on an unfinished parchment because it can be forged. The *Chachamim* maintain that it is valid. (21b2 – 21b3)

Toref and Tofes

The *Gemora* asks a contradiction in the first two rulings of the *Mishna*: How can it be written on something which is attached to the ground, when the *Mishna* clearly states that we not write a *get* on something that is attached to the ground?

Rav Yehudah answers in the name of Shmuel: The *Mishna* is discussing a case when the scribe left blank the place of the *toref* and then it was detached. (*The toref is the part of the get which contains the names of the man and the woman and the date*.) The same statement was made by Rabbi Elozar in the name of Rabbi Oshaya, and it was also made by Rabbah bar bar Chanah in the name of Rabbi Yochanan. And our *Mishna* is following the opinion of Rabbi Elozar, who says that it is the witnesses to the *get's* delivery who make it effective (*and according to him, the word vekasav is referring to the writing of the get; it must be written when it is detached from the ground*) and the *Mishna* is saying as follows: The *tofes* (*the remaining part of the get*) must not be written on something attached to the ground lest one should come to write the *toref* as well (on something attached to the ground). If, however, the *tofes* was written on something still attached to the ground and then detached, and the *toref* was then filled in and the *get* was given to her, it is valid.

Rish Lakish disagrees with the above interpretation because our *Mishna* says clearly, and they signed on it (*which indicates that the entire get was written on something that was attached to the ground*). Evidently, the *Mishna* is following the viewpoint of Rabbi Meir who said that the signatures of the witnesses make the *get* effective, and the *Mishna* is saying as follows: The *toref* must not be written on something attached to the



ground lest the signatures should also be affixed to it while it is still attached. If, however, the *toref* was so written, and the *get* was then detached, signed and given to her, it is valid. (21b3)

INSIGHTS TO THE DAF

Mobile Courtyard

The *Gemora* states that a moving courtyard cannot effect an acquisition for its owner. The Rishonim disagree as to the reason for this. Rashi and Tosfos maintain that since the *halachah* that a courtyard can effect an acquisition for its owner is derived from the *halachah* of acquiring through one's hand, a moving courtyard, which does not resemble to a hand (*which is stationary*), cannot effect an acquisition for its owner.

The Ritva and the Ran suggest a different reason for this. They say that since the courtyard can be a great distance away from the owner, it is not considered protected by the owner, and therefore it is disqualified from effecting an acquisition for the owner.

The Divrei Mishpat notes that the following case would be a difference between them: If a lost object would fall on his animal which is in his courtyard. If a mobile courtyard is excluded because it does not resemble a person's physical hand, he will not acquire this lost object, for the animal is a moveable object. If, however, a mobile courtyard is disqualified from effecting an acquisition because it is not guarded from intrusion by the owner, here, he will acquire the lost object because the object is protected.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: What is the *halachah* if a *get* is written on something which is *assur* to have *hana'ah* from?

A: The *get* is valid (*but according to Tosfos, it is assur to do, for one is deriving benefit from issurei hana'ah*).

Q: If he writes the *get* for his wife on a plate of gold and he says to her, "Take your *get* and accept your payment of the *kesuvah*," what is the *halachah*?

A: She has received her *get* and her *kesuvah* (*the gold plate*).

Q: How can a *get* be written on a slave if the writing can be forged (*and it is taught in a Mishna that such a get is disqualified*)?

A: The *get* was tattooed on the hand of the slave.

DAILY MASHAL

Divorce through Words, not through Money

The *Gemora* states that a woman can only be divorced through writing, not by the husband giving his wife money and stating that the money should effect the divorce. The Torah states in the *Tochachah*, the rebuke that Moshe delivered to the Jewish People, that the Jewish People will be sold to Egypt and there will be no willing buyers. Hashem is forewarning the Jewish People that he will return them 'to their roots,' i.e. Egypt, indicating that He wishes to divorce Himself from them, but there will be no one interested in purchasing the Jewish People. This is because a divorce cannot be effected through money. Only Hashem's word can distance us from Him, and even then the prophet declares that Hashem never delivered a bill of divorce to the Jewish People. This idea demonstrates the great love that Hashem has for His Chosen Nation.