



6 Adar I 5776  
Feb. 15, 2016

Gittin Daf 64

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Daf Notes is currently being dedicated to the neshamot of

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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

### ***Mishna***

If a woman said, "Accept my *get* on my behalf," she requires two sets of witnesses: Two witnesses must say, "In our presence, she said that the agent should accept the *get*," and two witnesses must say, "In our presence, the agent received the *get* and tore it up." Even if they are the same witnesses, or one of the first ones and one of the latter ones and another joins with them, it is a valid testimony. (63b – 64a)

### ***Believing a Third Party***

It was taught: A husband says that he gave a *Get* to a third party for safekeeping, but the third party says that he received the *Get* as a shliach l'kabalah (*messenger of the woman to accept the Get and the divorce should take effect upon the messenger's acceptance*). Who is believed? Rav Huna says: The husband is believed. Rav Chisda says: The third party is believed.

Rav Huna says the husband is believed, as if he would have indeed wanted to give the *Get* to the messenger for divorce, he instead would have given her the *Get* (*the case is where they both reside in the same city*). Rav Chisda says: The third party is believed, as the husband trusted him to accept the *Get*.

Rav Aba asked a question from a *braisa*. The *braisa* states: The admission of a person involved in a case is like one hundred witnesses, and a third party is more believed than both people involved in the case. What is the case?

If one says one thing and another says a different thing, the third party is believed. [*This seems to be proof that the third party, in our case as well, should be believed.*] The Gemora answers: A monetary case is different, as people can forgo money that is owed to them. [*One who gives money to a third party is essentially saying that they trust them for whatever they determine is fit to do with that money. However, this does not necessarily apply to trusting them to create prohibitions for them.*]

The *Gemora* asks: Doesn't this *braisa* say that this is also true regarding *gittin*?

The *Gemora* answers: This just means regarding monetary "*gittin*," meaning monetary documents, not divorce documents.

The *Gemora* asks: How can this be what *gittin* means? Doesn't the *braisa* say separately that this also applies to documents (*implying monetary documents*)?

The *Gemora* answers: These two statements regarding *gittin* and documents were said in two separate addendums to this *braisa*. Being that they were not coordinated with each other, each meant monetary documents and merely used a different word to say monetary documents.

The *Mishna* states: A woman who says to a messenger, "Accept my *Get* for me," requires two sets of witnesses. One set must testify that the woman said this to the messenger, and the other set must say that the

messenger indeed accepted the *Get* and tore it before us. The *Gemora* asks: Why should this be necessary? Why don't we just believe the third party (*as the husband trusted him*)?

The *Gemora* answers: Does the third party have the *Get* that it is coming out of his hands? [*Being that the third party already tore up the Get, he no longer has the status of a third party, as he no longer has the power to give the document anymore.*]

The *Gemora* asks: It is understandable that we require witnesses that the messenger was appointed by the woman. Why do we need witnesses that he accepted the *Get*? [*He has the pieces torn pieces that clearly indicate he accepted it!*]

Rav answers: This is in accordance with the opinion of Rabbi Elazar, that witnesses of the giving of the document effect the transaction.

The *Gemora* asks: Why is the *Get* torn after it is accepted?

Rav Yehuda says in the name of Rav: This was instituted when there was a decree of an evil king against performing *Gittin*.

Rabbah says: Rav Huna agrees that if the woman says that the third party told her that he received the *Get* to perform the divorce, she is believed.

The *Gemora* asks: Is it possible that we would not believe the third party himself but we would believe her?

The *Gemora* answers: Rather Rabbah meant that if she says that her husband gave the third party the *Get* in front of her, and he said that he was doing so for purpose of divorce, she is believed. This is because she could claim that she should be believed with this claim, as she could have claimed instead that she indeed received the *Get*

from her husband already (*and she would have been believed*).

If both the husband and third party said they received the *Get* for the purposes of divorce, and the woman says that she received the *Get* and subsequently lost it, Rabbi Yochanan says that being that this is a matter of relationships, it requires two witnesses.

The *Gemora* asks: Why should this be necessary? Why don't we just believe the third party (*as the husband trusted him*)?

The *Gemora* answers: Does the third party have the *Get* that it is coming out of his hands?

The *Gemora* asks: Why don't we believe the husband? Didn't Rav Chiya bar Avin say in the name of Rabbi Yochanan that a husband who says that he divorced his wife is believed?

The *Gemora* answers: In this case the husband is not saying he divorced his wife. He is only saying that he gave the *Get* over for the purpose of divorce.

The *Gemora* asks: Why don't we say that the regular status of a messenger is that he has done what he was entrusted to do (*and we should therefore assume she is divorced*)? This is as Rabbi Yitzchak stated: If someone told a messenger to go and betroth a woman for him without designating a specific woman, and the messenger dies on the road, the man is not forbidden to all of the women in the world. This is because we assume that the messenger indeed betrothed a woman for him, and he might go and marry the (*forbidden*) relative of the woman who his messenger betrothed for him!

The *Gemora* answers: We only assume that a messenger carried out his mission to be stringent (*that the person cannot marry*), not in order to be lenient.

The *Gemora* asks: Why don't we believe her that she was divorced? Didn't Rav Hamnuna say that if a woman says to her husband that he divorced her she is believed, as a woman would not be so brazen as to say this to her husband if it were not true?

The *Gemora* answers: This is only when nobody else supports her claim. However, if others (*in this case the third party*) support her claim, she would indeed be brazen enough to claim this (*even if it never happened*). (64a – 64b)

### **Mishna**

A betrothed na'arah and her father can accept a *Get* (*for the na'arah*). Rabbi Yehudah says: Two hands cannot both accept as one, but rather her father alone can accept the *Get*. Anyone who cannot guard over her *Get* cannot get divorced. (64b)

### **Her Hand**

The *Gemora* asks: What is the crux of the argument between the Rabbanan (*Tanna Kamma*) and Rabbi Yehudah? The Rabbanan hold that the Torah gave her an extra hand (*to accept the Get*). Rabbi Yehudah holds: Once her father has the ability to accept the *Get*, her hand is not considered fit. (64b)

### **Minor**

The *braisa* states: A minor who knows how to guard her *Get* can be divorced, but one who does not cannot. What is the definition of knowing how to guard a *Get*? Whoever can watch a *Get* and another thing. What does this mean? Rabbi Yochanan says: It means someone who if she loses her *Get* will guard something similar to the *Get* as if it were the *Get*.

Rav Huna bar Manoach asked: Such a person is deemed insane! Rather, he says in the name of Rav Acha bar Ika: It means anyone who knows the difference between her *Get* and something similar.

Rav Yehuda says: If one gives a minor a rock and he throws it away, and if he gives him a nut he keeps it, the minor is already able to acquire things for himself but not for others. If he is given something to watch and he returns it upon being asked for it after an hour, he can even acquire for others. Rav Yehuda said that when he said this over before Shmuel, Shmuel said: This is all one law. What does this mean? Rav Chisda explained: He meant that in both cases the minor can only acquire for himself, not for others. Rav Chinina Vardan asked a question from a *Mishna*. The *Mishna* says: How does one take part in a *shituf mevo'os* (*enabling all of the people who live in the surrounding courtyards to carry into the alleyway that they share*)? He places the barrel (*containing the wine in one of the courtyards*) and says that this is for all of the people who share the alleyway, and has them acquire their portion through his older son and daughter or through his Jewish servant or maidservant. When the *Mishna* discusses a maidservant, what does it mean? If it means she has hairs indicating she is already an adult, why is she still a maidservant (*the Torah says a Jewish maidservant goes free when she becomes an adult*)? It must be that she is not yet an adult, and she still has the ability to acquire for others (*unlike Shmuel's statement above*)!

The *Gemora* answers: She can only do so regarding *shituf mevo'os*, as it is only a Rabbinic requirement. (64b)



## DAILY MASHAL

### *Eliezer's Wit*

The *Gemora* states: One who tells his agent, "Go and betroth a woman for me" (*and the agent died*), the man is prohibited from marrying any woman in the world because there is a presumption that the agent accomplished that which he was asked to do.

The *Mefaresh* explains: Since the man did not specify a particular woman for him to marry and we do not know which woman he betrothed, this man may not marry any woman, for we are concerned that the woman he wishes to marry is the mother, or daughter, or sister of the woman that the agent married for him.

The *Mahari Asad* uses this *Gemora* to answer the following questions: Avraham Avinu sent his servant Eliezer to find a suitable wife for his son, Yitzchak. Eliezer went to the house of Besuel. The Torah writes: *And he (Besuel) placed food in front of him (Eliezer) to eat, and he (Eliezer) said, "I cannot eat until I have spoken my words."*

Why didn't Eliezer want to discuss with Besuel the instructions that Avraham, his master gave him before he ate?

Chazal say that Besuel intended to kill Eliezer by poisoning his food. What did Besuel hope to accomplish with that?

He explains: Besuel knew that if Eliezer would die, Yitzchak would be forbidden to all women in the world, for each and every woman might be the relative of the woman to whom Eliezer betrothed. This is why Besuel wanted Eliezer dead. Eliezer understood this and therefore refused to eat until he had spoken. He informed Besuel that Avraham gave him specific instructions that he should only take a wife for Yitzchak from his own family. Accordingly, even if Eliezer would die without

notifying Avraham whom he betrothed, Yitzchak would only be forbidden to the women in his own family, but he would be permitted to all other women in the world. He was telling Besuel that he would not be accomplishing much by murdering him.

## QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: According to Rav, is "take" equivalent to "acquire"?

A: Rav is uncertain regarding this; by monetary matters, he rules leniently, and regarding prohibitions, he rules stringently.

Q: May a woman make an agent to accept her *get* from the hand of his agent?

A: It is a *machlokes* between Rav and Rabbi Chanina.

Q: If witnesses wrote a *get* and lost it, can they write another one?

A: It is a *machlokes* between Rabbah and Rav Nachman.