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Gittin Daf 22

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**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
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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

**Get on a Plant**

If one wrote a *get* on a perforated earthenware pot, it is valid, since he could take the entire pot and give it to her (*it is not necessary for the husband to do any cutting, and we are not concerned that the husband will break the pot and give her the shard upon which the get is written, for a person will not want to ruin the pot*). If, however, he wrote the *get* on a leaf which was growing in the perforated pot, Abaye said that the *get* is valid, but Rava said that it is invalid. Abaye said it is valid, for he can still take the entire pot and give it to her. Rava said it is invalid, for we are concerned that he will cut off the leaf and give it to her. (21b3 – 22a1)

**Nourishment**

If one person owned the pot and another owned the seeds (small vegetables growing in the pot), and the owner of the pot proceeded to sell it (the pot) to the owner of the seeds, once the owner of the plant takes (*pulls*) it, he has acquired it. If the owner of the seeds sold it (his vegetables) to the owner of the pot, he does not acquire it until he does some propriety act (establishing ownership) on the seeds (*i.e. pruning it*). [*The ruling in this last case is only if money was not yet given.*]

If a person owned both the pot and the seeds and proceeded to sell them (both) to another, if he performed a propriety act on the seeds, he has acquired the pot as well. This is as we learned: Movable property can be acquired together with real property through money, a

document, and a propriety act. [Since in our case the seeds are regarded as real property, if he acquires the seeds, he acquires the pot as well.] If he would perform a propriety act on the pot (which, being movable property, it does not effect acquisition), he does not acquire even the pot until he performs a propriety act on the seeds.

If a perforated pot is located in *Eretz Yisroel*, but the branches hang outside of *Eretz Yisroel*, Abaye says that the perforation determines its location (*and therefore it will be subject to the obligations of ma’aser*), while Rava says that the branches determine its location.

The Gemora notes: If the plant took root (outside of the perforation) in (the soil of) *Eretz Yisroel*, everyone would agree (that we do not follow the location of its branches). The argument is only when it has not taken root (outside of the perforation).

The Gemora asks: Is there no argument when it has not taken root? But we have learned in a *Mishnah*: If there are two gardens, one higher than the other (owned by two different people), and there is a vegetable plant between them, there is an argument as to who is the rightful owner? [*The case is where there are vegetables growing out of the vertical embankment belonging to the upper garden and it hangs over the lower garden.*] Rabbi Meir says: It belongs to the owner of the higher garden. Rabbi Yehudah says: It belongs to the owner of the lower garden. [*They argue as to where the primary nourishment of the plant comes from; either from the soil of the upper garden or the air from the lower one. R’ Yehudah’s opinion*

– that even when a plant has roots in the soil, its primary nourishment is from the air, is contrary to that which we learned above!?)

The *Gemora* answers: The reasoning there is as was taught in that Mishnah: Rabbi Meir said: If the owner of the upper garden would take away his earth, there would be no more vegetables! [It therefore should belong to him!] Rabbi Yehudah said: If the owner of the lower garden would fill his garden with earth, there would be no vegetables!

The *Gemora* asks: Is there indeed no argument when it has taken root? But it was taught in a *Baraisa*: If a tree is partially in *Eretz Yisroel* and partially outside of *Eretz Yisroel*, it contains a mixture of *tevel* (untithed grain) and non-*tevel* grain. These are the words of Rebbe. Rabban Shimon ben Gamliel says: Whatever grows in *Eretz Yisroel* must be tithed, and whatever grows outside does not have to be tithed. Now, is the *Baraisa* referring to a case where part of its branch are in *Eretz Yisroel* and part of its branch is outside *Eretz Yisroel*? [Evidently, the tithing obligation is not determined by where it took root, but rather, by its branches (unlike our assumption)!?]

The *Gemora* answers: No, the case is where part of its roots are growing in *Eretz Yisroel* and part of its roots are growing outside *Eretz Yisroel* (and the produce which is growing on the side of the tree where its nourishment is coming from the roots growing in *Eretz Yisroel* is subject to the obligation of tithing, and the produce which is growing on the side of the tree where its nourishment is coming from the roots growing outside of *Eretz Yisroel* is not subject to the obligation of tithing).

The *Gemora* asks: What is Rabban Shimon ben Gamliel's reasoning?

The *Gemora* answers: The case is where there is a rock separating (the two parts of the roots until the base of the

tree trunk, and it is therefore looked at as two separate trees, because the roots on each side of the border are only nourishing that side of the tree).

The *Gemora* asks: What is Rebbe's reasoning?

The *Gemora* explains: The tree is unified from the stump and on (and therefore it is receiving nourishment from the ground on both sides of the border).

The *Gemora* asks: What is their argument?

The *Gemora* explains: One master (Rebbe) holds that the air (meaning the trunk) mixes them (the nutrients) together (and therefore all the produce growing is produced from the earth on both sides of the border), and the other master (Rabban Shimon ben Gamliel) holds that this side of the tree is by itself and this side of the tree is by itself. (22a1 – 22a3)

### Three Types of Leather

The Mishnah had stated: Rabbi Yehudah ben Beseira said: [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.]

Rabbi Chiya bar Assi said in the name of Ulla: There are three types of hides (unfinished parchment): *matzah*, *cheifah*, and *diftara*. *Matzah* is as it implies (just as dough that did not have time to rise), that it was not salted, floured, or treated with gall-nuts. [What is the halachic ramification? It is for the amount one has to carry to transgress the violation of transferring on Shabbos.] How much is that? This is as Rav Shmuel bar Yehudah taught: If it is enough to wrap up a small weight. How much is that? Abaye said: It is like the "fourth of a fourth" (the smallest) Pumbedisa unit of measuring. What is *cheifah*? It is leather that was salted, but treated with flour or gall-nuts. How much is the standard amount? This is as the



*Mishnah* stated that it is enough to make an amulet. What is *diftara*? It is salted and floured, but not treated with gall-nuts. How much is the standard amount? It must be large enough to write a *get* (*bill of divorce*) on it. (22a3 – 22a4)

### **Rabbi Elozar's Explanations**

The *Mishnah* had stated: The *Chachamim* maintain that a *get* written on a paper that has previously been erased is valid.

The *Gemora* asks: Who are the *Chachamim* in the *Mishnah*?

Rabbi Elozar says: It is Rabbi Elozar (*the Tanna*), who says that the witnesses of the delivery of the *get* which severs (the marital bond).

Rabbi Elozar continued: Rabbi Elozar validated a *get* only in a case where the woman produced the *get* immediately afterwards, but not up to ten days later. This is because we suspect that there was a condition in the *get* that was later forged.

Rabbi Yochanan argues that even up to ten days later, it is valid, for if there would be a condition (that is not presently there), the witnesses would remember.

Rabbi Elozar continues: Rabbi Elozar only permitted this regarding *gittin*, but not by other legal documents. This is as the verse states, "And you will put it (*your sale documents*) in earthenware vessels, so that it should stand (*be preserved*) for many days."

Rabbi Yochanan says: Rabbi Elozar even permitted this regarding other legal documents.

The *Gemora* asks: What about the verse above: so that it should stand (*be preserved*) for many days?

The *Gemora* answers: That was merely good advice. (22a4 – 22b1)

### **Mishnah**

Everyone is qualified to write a *get*, even a mute, one who is insane, or a minor. A woman can write her own *get*, and a man can write his receipt, as a document is only upheld as valid based on its signed witnesses. (22b2)

### **INSIGHTS TO THE DAF**

#### **Minor Writing a Get**

The *Mishnah* had stated: Everyone is qualified to write a *get*, even a mute, one who is insane, or a minor.

Tosfos asks: Since a minor is not a "*bar kerisus*," he is incapable of divorcing his own wife, he therefore should be disqualified from writing a *get* for someone else!?

Tosfos answers: Since he will eventually grow into an adult, he is not regarded as someone who is incapable of divorcing his wife, and therefore, he is still eligible to write a *get*.

The Noda b'Yehudah (O" C §1) asks: Why is the *halacha* of writing a *get* different than the *halacha* of writing *tefillin*? A minor is excluded from writing *tefillin*, since he is not a "*bar keshirah*," he is not obligated in the *mitzvah* of *tefillin*. Why don't we say that since he *will* be obligated in the *mitzvah* when he becomes an adult, he should be eligible to write *tefillin*?

Reb Elchonon Wasserman answers: That which we say that someone who is not a "*bar kerisus*" cannot write a *get* is only if he is excluded inherently from the subject of divorce. A minor, however, cannot issue a divorce, not because he is excluded, but rather, it is because he is

incapable of marrying. He, therefore, can still be regarded as a “*bar kerisus*,” and can therefore be eligible to write a *get*. However, with respect of *tefillin*, a minor is excluded from the obligation of *tefillin*, and therefore, he is not considered a “*bar keshirah*,” and is therefore not disqualified from writing *tefillin*.

#### QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF

to refresh your memory

Q: In what case can a person’s *eved* be used as a *chatzeir*?

A: When the *eved* is bound (*and according to Tosfos: he must be sleeping as well*).

Q: Can a *get* be written on a living creature?

A: *Machlokes – Tanna Kamma* – Yes; Rabbi Yosi HaGelili – No.

Q: If a husband says, “Here is your *get* on condition that you do not go to your father’s house,” is the *get* valid?

A: If he makes the condition forever – no. If he makes the condition for thirty days – yes.

#### DAILY MASHAL

##### ***Divorce through Words, not through Money***

Our Gemara tells us that if a non-Jew writes a *get*, it is invalid because a kosher *get* requires that it be written with the right intention. However if a competent adult supervises him and directs him in the writing, it is kosher. The Gemara uses the term “*Godol omed al gabov*” to describe this supervision.

The Yitav Ponim applies the meaning in this term to a similar phrase that is found in the story of the angels that

visited Avrohom Avinu after his circumcision. While the angels were eating, Avrohom stood over them as the *posuk* that says “*V’hu omed aleihem*” (Bereishis 18:8). What is the meaning of his supervision?

The Midrash tells us that when Moshe Rabeinu went up to Heaven to receive the Torah, he was met with resistance from the angels who objected to the Torah being given to human beings. In response Hashem formed Moshe’s face to resemble the face of Avraham Avinu. This was to remind the angels that when they visited Avrohom in the guise of men, they were not accustomed to associating the physical action of eating with the lofty Torah concepts that they were familiar with in their spiritual realm. It was the mortal Avrohom who stood over them and supervised them that guided them how to eat with the correct intentions. We see from here that human beings have the potential to have a greater insight into the depths of Torah and how to apply it to daily living than the angels themselves.