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Gittin Daf 23

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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

### **Explaining the Mishnah**

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

The *Gemora* asks: But they are lacking proper intellect (*and they will not write the get for the sake of the woman*)?

Rav Huna answers: the *Mishnah* is discussing a case where there is an adult standing over him (*instructing him to write the get lishmah; the Mishnah is following the opinion of Rabbi Elozar that the writing of the get must be lishmah; this can be accomplished by the adult instructing them to write it for the sake of the woman*).

Rav Nachman said to him: If so, an idolater, with a Jew standing over him, should be qualified to write a *get*! And if you will say that this is indeed so, but it was taught in a *Baraisa* that if an idolater writes a *get*, it is invalid!?

Rav Huna answers: An idolater acts according to his own mind (*and therefore it does not help that a Jew is standing over him, for the get still will be lacking lishmah*).

Rav Nachman retracts from his position and says: That which I said regarding an idolater is not correct, for since the *Mishnah* disqualifies an idolater from bringing a *get*, this implies that he is qualified to write a *get*.

The *Gemora* asks: But the *Baraisa* states that an idolater is disqualified from writing a *get*?

The *Gemora* answers: That is in accordance with Rabbi Elozar, who holds that the witnesses on the delivery of the *get* render the *get* effective, and therefore, the writing of the *get* needs to be *lishmah*. Since an idolater acts according to his own mind, he will be disqualified from writing a *get* (*even if a Jew is standing over him*).

Rav Nachman said: Rabbi Meir used to say that even if a husband found a *get* in a rubbish heap, and then had it signed and gave it to her, it is valid (*even though it appears false*). [*This is because Rabbi Meir holds that the integral part of the get is the witnesses, and not the writing; therefore, as long as the witnesses sign for the sake of this particular woman, the get is valid.*]

Rava asked Rav Nachman: It is written: *And he writes for her*. We derive from there the *halachah* of *lishmah*. Are we not referring to the writing of the *get*?

The *Gemora* answers: No! It is referring to the witnesses' signatures.

Rava asked Rav Nachman from the following *Mishnah*: Any *get* that is not written for the sake of the woman is invalid!?

The *Gemora* answers: The *Mishnah* actually means that it wasn't *signed* for the sake of the woman.

Rava challenges Rav Nachman from the following *Baraisa*: When he writes part of the *get lishmah*, it is as if he wrote



the entire *get lishmah*. Does this not mean that when he writes the *toref* (the part of the *get* which contains the names of the man and the woman and the date) *lishmah*, it is regarded as if he wrote even the *tofes* (the remaining part of the *get*) *lishmah*? [Evidently, even the text of the *get* must be written *lishmah*!?!]

The *Gemora* answers: No! This is what the *Baraisa* means: When the *get* is signed *lishmah*, it is as if it was written *lishmah*.

Alternatively, you can answer that these statements (the *Baraisa* and the *Mishnah*) are in accordance with Rabbi Elozar, who holds that the witnesses to the delivery (of the *get*) are the integral part of the *get*.

Rav Yehudah said in the name of Shmuel (to explain the *Mishnah*): The *Mishnah* means to say that these people can write the *get* as long as they leave over the *toref* (so a competent adult will write that part, for the *toref* is the integral part of the *get*). The *Mishnah* would be following the opinion of Rabbi Elozar.

The *Gemora* asks: But Rabbi Zerika said in the name of Rabbi Yochanan that this explanation is not correct!?

The *Gemora* asks: For what reason do you say that this is not the correct explanation?

Rabbi Abba said: The *Mishnah* is saying that there is no force in the ruling that the *get* should be written *lishmah*; rather, the *Mishnah* is following Rabbi Meir's opinion, who holds that it is the witnesses who sign the *get* who render the *get* effective.

The *Gemora* asks: But Rabbah bar bar Chanah said in the name of Rabbi Yochanan that the *Mishnah* is following the opinion of Rabbi Elozar!?

The *Gemora* answers: It is an Amoraic dispute with respect to Rabbi Yochanan's opinion. (22b2 – 23a3)

### **Mishnah**

Everyone is eligible to bring a *get* except for a deaf-mute, an insane person, a minor and an idolater. If the minor received the *get* from the husband and later (before giving the *get* to the wife) became an adult, or if the deaf-mute received the *get* from the husband and later (before giving the *get* to the wife) recovered his hearing, or if the blind person received the *get* from the husband and later (before giving the *get* to the wife) recovered his sight, or if the insane person received the *get* from the husband and later (before giving the *get* to the wife) recovered his sanity, or if the idolater received the *get* from the husband and later (before giving the *get* to the wife) converted to Judaism, they still are disqualified from bringing the *get* (for they were not eligible to serve as an agent at the time that they received the *get*). However, if a hearing person (at the time when he received the *get*) became a deaf-mute, and then (before giving the *get* to the wife) recovered his hearing, or if a seeing person (at the time when he received the *get*) became blind, and then (before giving the *get* to the wife) recovered his sight, or if a sane person (at the time when he received the *get*) became insane, and then (before giving the *get* to the wife) recovered his sanity, the *get* is valid. The following is the principle: Any agent who commences and concludes his mission with mental competence is qualified to serve as an agent. (23a3 – 23a4.)

### **Blind Person**

The *Gemora* asks: Now, one can well understand the disqualification in respect of the deaf-mute, the insane person and the minor, since they lack intelligence. An idolater is also disqualified for he himself cannot release a woman through issuing a bill of divorce (and any function that he cannot effect, he cannot serve as an

agent for that either). But, why is a blind person disqualified from serving as an agent?

Rav Sheishes answers: It is because he does not know from whom he is taking the *get*, or to whom he is giving the *get*.

Rav Yosef asks: How, if so, will a blind person be permitted to have marital relations with his wife? And how is an ordinary person permitted to have marital relations with his wife at night (*when due to the fact that he cannot see her, he might be cohabiting with a different woman*)? Rather, Rav Yosef concludes, it is permitted because he recognizes her voice. So too, here, the blind person should be qualified to serve as an agent, for he can recognize their voices (the husband and the wife)!

Rather, Rav Yosef explains: The *Mishnah* is speaking of a *get* brought from abroad, when the bearer of which has to declare, "It was written in my presence and signed in my presence," and a blind man cannot say this.

Abaye said to him: If so, then a person who becomes blind after receiving the *get* should be qualified, and yet the *Mishnah* states expressly that if a seeing person (*at the time when he received the get*) became blind, and then (*before giving the get to the wife*) recovered his sight, he is qualified to serve as an agent. This is only if he regains his sight; otherwise, he would not be eligible to bring the *get*!?! [Evidently, there is another reason why a blind person is disqualified!?!]

The *Gemora* answers: In truth, the blind person would be qualified even if he did not recover his sight at the end (*since he can still declare that it was written and signed in his presence*). The *Mishnah* said that case only because of the case of the insane person. An insane person may serve as an agent only if he was sane when he received the *get* and when he delivered the *get*.

Rav Ashi said: This explanation can be proven that it is correct from the *Mishnah* which states that any agent who commences and concludes his mission with mental competence is qualified to serve as an agent. It did not state that any agent who is *qualified* when he commences and concludes his mission is qualified to serve as an agent. (23a4 – 23a5)

### ***Slave as an Agent***

They inquired of Rabbi Ami: Can a Canaanite slave (*not her own*) serve as an agent to receive a woman's *get* from her husband (*and she will be divorced immediately upon his accepting of the get*)?

He responded: From the fact that the *Mishnah* only disqualified an idolater from serving as an agent to bring a *get*, we may infer from there that a Canaanite slave will be qualified to serve as an agent.

Rav Assi said in the name of Rabbi Yochanan: A Canaanite slave is disqualified from serving as an agent to receive a woman's *get* from her husband because he is not included in the *halachos* of divorce and marriage.

Rabbi Elozar asked him: The reason he cannot serve as an agent is because he is not included in those *halachos*. We may infer from there that *halachos* that he is included in, he may serve as an agent. But an idolater and a Cuthean, who are included in the *halachos* of *terumah* regarding their own produce, as we learned in the following *Mishnah*: An idolater and a Cuthean who separated *terumah* from their own produce, it is regarded as *terumah* (*and a Yisroel is prohibited from eating it*). And yet, we learned in a different *Mishnah*: If an idolater separated *terumah* for a Jew, even with permission, it is not regarded as *terumah*. This is derived from the verse: *So also you shall separate terumah for the Kohen*. Do we not expound in the following manner: Just as you (*the people commanded to separate terumah*) are Jewish, so

too, your agents are required to be Jewish!? [It emerges that even in a matter where an idolater is included in the halachah, he is still excluded from serving as an agent!?!]

They said in the academy of Rabbi Yannai: This is the manner in which the verse should be interpreted: Just as you (the people commanded to separate terumah) are parties to the covenant (you are circumcised and obligated to perform mitzvos), so too, your agents are required to be parties to the covenant! [Accordingly, this verse excludes idolaters unconditionally from serving as an agent. However, regarding a Canaanite slave, Rabbi Yochanan holds that it would depend if he is included in that particular halachah.]

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: A Canaanite slave is disqualified from serving as an agent to receive a woman's get from her husband because he is not included in the halachos of divorce and marriage. And this is the halachah even though we learned in the following Baraisa that if a man said to his Canaanite slavewoman (as he handed her an emancipation document for her fetus), "You are still my slave, but your fetus is free," if she was indeed pregnant at that time, her fetus gains its freedom. [It would seem that she is serving as an agent for her fetus.]

The Gemora asks: What is the comparison from the case of the slavewoman to the case of divorce (it is obvious that since she can accept her own emancipation document, she can serve as an agent to accept the document for her fetus) that the Baraisa needed to state: if she was indeed pregnant at that time, her fetus gains its freedom?

When Rav Shmuel bar Yehudah came to Bavel, he explained as follows: Rabbi Yochanan actually stated two rulings (the first was with respect of a slave receiving a get for the woman; the second was as follows): It would seem that a slave can accept an emancipation document for

another slave from that slave's master, but he cannot accept one from his own master. [This is because his hand is like the hand of the master; he therefore cannot acquire the document for his fellow slave, for it never left the owner's possession.] And if one will ask that we learned if the slavewoman was indeed pregnant at that time, her fetus gains its freedom (and it would seem that one slave is accepting the document for another slave from the very same master), tell him the following: Two exceptional sages of the generation explained this matter and they were Rabbi Zeira and Rabbi Shmuel bar Rav Yitzchak. One of them said that this halachah follows Rebbe's opinion, who holds that if one frees half of his slave, he has acquired freedom for that half. And the other one explained further that Rebbe's reasoning in this case is as follows: Since he holds that a fetus is regarded as being a thigh of its mother, it is as if the master gave her over one of her limbs. [She is not serving as an agent for another slave. Rather, she is acquiring freedom for half of herself! Which half? She is acquiring freedom for her fetus.] (23a5 – 23b2)

### **Mishnah**

Even the women who are not believed to say, "Her husband died" (the Mishnah in Yevamos states that everyone is believed to give testimony that a woman's husband died, besides her mother-in-law, daughter of her mother-in-law, co-wife, her potential co-wife (if she would fall to yibum), and the daughter of her husband; this is because we assume these women hate the wife and will falsify a story in order to get her to remarry; the husband will come back and she will be forbidden to both men) are trusted to bring her get. These women are: her mother-in-law, daughter of her mother-in-law, co-wife, her potential co-wife (if she would fall to yibum), and the daughter of her husband. What is the difference between a get and death (that we do not believe these women regarding the death of her husband, but we do believe them to bring her get from abroad and testify that it was



written and signed in her presence, giving the get validity)? The *get* has writing on it (which is already a greater sign of validity and her statement is merely the “finishing touch” that it is valid).

The woman herself may bring her *get*, provided that she declares, “It was written and signed in my presence.” (23b3)

### **Hostile Women**

The *Gemora* asks from the following *Baraisa*: Just like they are not believed to say, “Her husband died,” so too, they are not trusted to bring her *get*!?

Rav Yosef answers: It is not a difficulty. The *Mishnah* is discussing a case of a *get* in *Eretz Yisroel*, whereas the *Baraisa* is speaking about a case of outside *Eretz Yisroel*. In *Eretz Yisroel*, where we do not rely upon her word (for no declaration is necessary), such a woman is trusted to bring the *get*. However, outside *Eretz Yisroel*, where we would have to rely upon her word, she is not trusted to bring it.

Abaye asked him: On the contrary! The exact opposite is more reasonable! In *Eretz Yisroel*, where if the husband comes and challenges the *get* (to be a forgery), we pay attention to his objection, it could be argued that the woman has been deliberately trying to ruin the wife, and therefore she should not be trusted, but outside, where if the husband comes and challenges the *get*, we do not pay any attention to him, she should be trusted.

The *Gemora* cites support for Abaye’s explanation from the following *Baraisa*: Rabbi Shimon ben Elozar said in the name of Rabbi Akiva: A woman is eligible to bring her own letter of divorce, and this can be derived from the following *kal vachomer* (literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it

employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case): If those women (being suspected of hatred towards the woman in whose favor they pretend to give their testimony) whom the Rabbis ruled that they are not trusted to say that a woman’s husband is dead are nevertheless eligible to bring her a letter of divorce, then regarding the wife herself, who is believed when she states that her own husband is dead, should certainly be eligible to bring her own letter of divorce. And we continue as follows: Just as these women are required to say that it was written and signed in their presence, so too, she herself is required to say that it was written and signed in her presence. [Obviously, the *Baraisa* is referring to a case where the *get* was written abroad!]

Rav Ashi proves this from the *Mishnah* itself, which states that the woman herself may bring her own *get*, and she is required to say that it was written and signed in her presence.

The *Gemora* asks: And Rav Yosef – Are the first and last cases of the *Mishnah* discussing cases where the *get* was brought from abroad, and the middle case is speaking where the *get* was made in *Eretz Yisroel*? The *Gemora* answers: Yes. the first and last cases of the *Mishnah* are discussing cases where the *get* was brought from abroad, and the middle case is speaking where the *get* was made in *Eretz Yisroel*. On what does he base this view [about the middle one]? — Because the *Mishnah* says: What is the difference between a *get* and death? The *get* has writing on it, and it does not say: the writing and the declaration afford proof. (23b3 – 24a1)

### **INSIGHTS TO THE DAF**

#### ***Eliezer the Slave***

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: A Canaanite slave is disqualified from serving as an agent



to receive a woman's *get* from her husband because he is not included in the *halachos* of divorce and marriage.

Tosfos in Kesuvos (7b) writes that Eliezer was the agent of Yitzchak to marry Rivkah.

The Panim Yafos asks: How could Eliezer serve as the agent for marriage, when he was not included in the *halachos* of marriage.

He answers that this principle is only applicable when he is serving as an agent for another person. However, a slave may serve as an agent of his master for marriage and divorce, since he is considered the hand of the master.

This explains why Eliezer began by saying, "I am the slave of Avraham."

The Pardes Yosef asks that this does not explain how Eliezer could marry Rivkah on behalf of Yitzchak! Eliezer belonged to Avraham; not to Yitzchak!?

He answers that this is why Avraham gave over all his possessions to Yitzchak, including his slave, Eliezer. Once Eliezer belonged to Yitzchak, he could serve as his agent.

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

to refresh your memory

Q: If a perforated pot (*atzitz nakuv*) is in *Eretz Yisroel* and its branches are in *Chutz la'aretz*, is one obligated to separate *ma'aser* from its produce?

A: *Machlokes* – Abaye – Yes; Rava – No (*they argue as to where it gets its nourishment from*).

Q: Who are the "*Chachamim*" who hold that a *get* is *kosher* if it was written on a previously erased paper?

A: Rabbi Elozar – he holds that the *ikar* witnesses are those who deliver the *get*.

Q: Who does the *Mishnah* say cannot write a *get*?

A: A *cheiresh*, *shotah* or *katan*.

#### DAILY MASHAL

##### Recognizing the Prayer of Surrender

Our Gemara discusses the concept of a blind person recognizing people by their voices. Many commentaries refer to the famous statement of Yitzchak Avinu prior to blessing Yaakov – "The voice is the voice of Yaakov but the hands are the hands of Esav". Some understand this to refer to the timbre and tone that is distinct to each individual. Others understand this to be referring to the manner of speech; where Esav was coarse and uncouth, Yaakov was soft-spoken and pleasant, and his fear of Hashem was apparent from his frequent usage of Hashem's name.

The Likutei Yehuda has a third approach. When the Jewish Nation was seemingly trapped between the Egyptian army and the sea, the verse tells that they cried out to Hashem (Shemos 14:10). Rashi quotes the Mechilta that they seized the vocation of their ancestors. The Chidushei Harim expands on this and says that the Jews did not know how to pray; they were vocalizing an inarticulate cry that expressed their fear and their surrender to Hashem of their ability to do anything to resolve the situation except turning to Him. This is also the meaning of the verse – "Hashem will fight for you, but you shall remain silent" (Shemos 14:14). Although you are silent and do not know how to pray, Hashem hears the sincerity of your cry and recognizes in it the voice of your ancestors.