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Gittin Daf 24

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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

Wife as the Agent

The *Mishnah* had stated: The woman herself may bring her *get*, provided that she declares, “It was written and signed in my presence.”

The *Gemora* asks: The woman is divorced as soon as she receives the *get* (*she is therefore not regarded as the husband’s agent, and should, therefore, not be required to declare that it was written and signed in her presence*)!?

Rav Huna answers: The *Mishnah* is discussing a case where the husband said, “You cannot be divorced with this *get* until you appear in front of such-and-such a *Beis Din*.”

The *Gemora* persists: But as soon as she arrives at the *Beis Din*, she should be divorced!?

Rather, Rav Huna bar Manoach in the name of Rav Acha the son of Rav Ika answers: The *Mishnah* is discussing a case where the husband said, “When you appear in front of such-and-such a *Beis Din*, you shall place the *get* on the ground and then take it back.”

The *Gemora* asks: But then it should be regarded as a case where the husband told her, “Pick up your *get* from the ground,” and Rava said: If a husband tells his wife, “Pick up your *get* from the ground,” he has said nothing (*for it is not considered as if the husband handed the get to his wife*)!?

Rather, the *Gemora* explains: The *Mishnah* is discussing a case where the husband said to her, “Be an agent for bringing the *get* until you appear at such-and-such a *Beis Din*, and then you should become an agent to receive the *get* and take it from yourself.”

The *Gemora* asks: But an agent, upon completion of his mission must have the potential to return to his principal and say, “I have concluded my assignment.” Here, she cannot return to her husband with that statement, for immediately upon completing her mission, she becomes herself to receive the *get* (*and therefore, she should be excluded in this case of being an agent for bringing the get*)!?

The *Gemora* answers: The husband told her, “Be an agent for bringing the *get* until you appear at such-and-such a *Beis Din*, and then you should appoint another person to become an agent to receive the *get* on your behalf.”

The *Gemora* asks: This answer is valid only according to the opinion that holds that a woman may appoint an agent to receive the *get* from the hands of her husband’s agent. However, according to the dissenting opinion, who holds that a woman may not appoint an agent to receive the *get* from the hands of her husband’s agent, how would the *Mishnah* be explained?

The *Gemora* answers: The reason for this opinion is only because it is regarded as a disgrace for the husband (*that she appointed an agent and therefore he revokes his*



agency and the *get* will be invalid). Here (where the husband issued these instructions), he is not particular and the *get* will be valid.

The *Gemora* asks: This answer is valid only according to the opinion that holds that it (that a woman may not appoint an agent to receive the *get* from the hands of her husband's agent) is because it is regarded as a disgrace for the husband, but there are those who explain that opinion differently! They say that the woman cannot appoint an agent to receive the *get* from the hands of her husband's agent because it is similar to the case where the wife's courtyard that comes into her possession after the husband placed the *get* there. [If this case would be ruled to be valid, people would say that if the husband placed the *get* in someone else's courtyard (which resembles this case, where the husband gave the *get* to an agent to bring it) and then the friend gives the courtyard to the woman (which resembles this case, where she appoints an agent to receive the *get*), she is divorced. And since we know that she is not divorced (for the husband must place the *get* in her hand, or her courtyard), we cannot rule that she would be divorced in our case either!]

The *Gemora* answers: The husband told her, "Be an agent for bringing the *get* until you appear at such-and-such a *Beis Din*, and then you should appoint another person to become an agent to bring the *get* to you, and you shall receive the *get* from him."

Alternatively, you can answer that the husband told her, "Be an agent for bringing the *get* until you appear at such-and-such a *Beis Din*, and when you arrive there, you shall declare before *Beis Din* that the *get* was written and signed in your presence, and *Beis Din* will appoint an agent to bring you the *get*, and they will give it to you." (24a1 – 24a3)

WE SHALL RETURN TO YOU, HAMEIVI GET

Mishnah

Any *get* that is written not for the sake of the woman is invalid. What is the case? If a man was passing through a street when he heard scribes dictating a *get*, saying, "So-and-so is divorcing So-and-so from such-and such a place," and he said, "That is my name and that is my wife's name," the *get* is disqualified (to use) to divorce with it.

Furthermore, if he wrote a *get* with the intent to divorce his wife, and he then changed his mind and someone else living in his city told him, "My name is the same as your name and my wife's name is the same as your wife's name," the *get* is disqualified (to use) to divorce with it.

And furthermore, if one would have two wives with the same name, and he wrote a *get* to divorce the older one, he cannot use the *get* to divorce the younger one with.

And furthermore (in the above case), if he told the scribe to write the *get* for the wife which he will decide to divorce, the *get* is disqualified (to use) to divorce with it. (24a4 – 24b1)

Not for her Sake

The *Mishnah* had stated: If one wrote a *get* with the intent to divorce his wife, and he then changed his mind (and someone else living in his city told him, "My name is the same as your name and my wife's name is the same as your wife's name," the *get* is disqualified (to use) to divorce with it).

The *Gemora* asks: But what then is the first case of the *Mishnah* referring to? [What is the difference between the *Mishnah's* first two cases?]

Rav Pappa answers: The first case of the *Mishnah* is referring to scribes who were learning how to write a *get*. [The *get* was not written for the sake of any woman at all.



The second case was where it was written for the sake of a different woman.]

Rav Ashi proves that this is the correct understanding from the language of the *Mishnah*, for the *Mishnah* states: scribes dictating (to others), and it does not state: scribes reading (which would mean to themselves). Learn from this (that the first case of the *Mishnah* is where scribes were learning how to write a *get*).

The *Gemora* asks: What does the *Mishnah* mean when it says “furthermore”? [*What is the novelty of each case?*]

The *Gemora* answers: A *Baraisa* was taught in the academy of Rabbi Yishmael (*to explain the Mishnah*): Not only is a *get* invalid that has not been written for purposes of divorce at all (*it was merely being written for practice*), but also one that has been written for the purpose of divorce (*but not for this particular man*). And not only is this one invalid since it had not been written for the purpose of this man’s divorce, but even if it had been written for the purpose of his divorce, it is invalid (*since it was written for one of his wives; not the other*). And not only is this one invalid since it had not been written for divorcing this particular wife, but even if it had been written for divorcing this wife (*where he said it should be written for whichever one he decides to divorce*), it is invalid. What is the reason? [*The Torah writes: And he writes for her a document of severance and gives it into her hand.*] If it would have wrote, *And he shall give a document of severance into her hand*, I would have said that this excludes the first case where the *get* is not written for the purpose of effecting a divorce at all, but if a husband wrote a *get* to divorce his wife and then changed his mind, seeing that the document was written to effect a divorce, I would say that it is valid. It is for this reason that the Torah says: *And he writes*. And if it had merely said: *And he writes*, I would have said that this excludes the case where the husband did not write the *get* for her, but if he has two wives, in which case he did

write for her, I should say that it is valid. It is for this reason that that the Torah says: *for her*, meaning to say, for the sake of divorcing this particular woman. What is the necessity of the last case? It is to show that we do not apply the principle of a retroactive clarification (*saying that once he decides to divorce one of them, it is regarded as if he intended for her from the beginning*). (24b1 – 24b2)

Same Name

The *Mishnah* had stated: If one would have two wives with the same name, and he wrote a *get* to divorce the older one, he cannot use the *get* to divorce the younger one with.

It may be inferred from here that it is the younger wife that he cannot divorce with this *get*, but if he wants, he can use this *get* to divorce the older wife. [*Rashi explains that perhaps we should be concerned that he actually gave it to the younger one and she lost it, and the older one found it. She is now claiming that she is divorced and we permit her to marry another man. It is assumed that the get was given to the one who is presently holding on to it.*]

Rava says that this would prove that if there are two people in one city, both of them named Yosef ben Shimon, they may each produce a document stating that someone owes them money (*and we do not say that perhaps it is the other person who is owed the money and he lost the document and this fellow with the same name found it*).

Abaye said to him: Based upon your reasoning, let us consider the first clause of the *Mishnah* which says that if a man says to another, “My name is the same as your name and my wife’s name is the same as your wife’s name,” the *get* cannot be used for him to divorce his wife with, we should infer that it is only the second one who

may not use it, but the first one may. [And continuing with your logic, we should say as follows: If a fellow in that city produces a document that Yosef ben Shimon owes him money, he may collect the money from whichever one he claims it from.] But how can this be, seeing that the halachah has been established (regarding the case of two men named Yosef ben Shimon) that a third party cannot claim against either one of them on the strength of a document?

The Gemora answers: It must be that both cases of our Mishnah are dealing with cases where there were witnesses who observed the giving of the get and they can testify that it was the woman's husband who gave her the get (in the second case), and that the husband gave the get to the older wife (in the third case). And our Mishnah would be in accordance with Rabbi Elozar, who holds that the witnesses on the delivery are those who render the get to be effective. (24b1 – 24b4)

Rav said: All the kinds [of Get mentioned in our Mishnah] disqualify [the woman named in them from living with her husband] if he is a Kohen,¹ except the first.² Shmuel said that the first also disqualifies.

Shmuel applies here the principle which he had elsewhere laid down, that wherever the Rabbis have declared a Get invalid, it does not effect divorce but it does disqualify [the wife of a Kohen from living with him], and wherever they have declared a chalitzah invalid, it is invalid (and it does not release [the sister-in-law]) but it does disqualify her from marrying any of the brothers in yibum.

¹ Even an invalid Get may prohibit the woman from marrying a Kohen – if it resembles a proper Get. This is what is known as a “scent of a Get.”

² Because it was never intended to be a Get.

³ For the portion chosen by each brother for himself could not be considered as having retroactively become the very inheritance

In the West they said in the name of Rabbi Elazar: [If the chalitzah was performed with] the left hand or by night, it is invalid (and does not release [the woman]) but it does disqualify her (from marrying any of the brothers in yibum); [if it was performed to] a minor or with a sock, it does not release [the woman] but neither does it disqualify her.

Zeiri said: None of the kinds [of Get] mentioned disqualify the woman [from living with her husband if a Kohen] save the last. So did Rav also lay down: None of these disqualify save the last. Rabbi Yochanan, however, said that even the last does not disqualify.

Rabbi Yochanan follows the principle he has enunciated elsewhere, since Rabbi Assi said in the name of Rabbi Yochanan: If two brothers divide an inheritance, they are reckoned as having purchased each his share from the other,³ and each restores his share to the other at Yovel.

The Gemora notes: And both statements [of Rabbi Yochanan] are necessary. For if I had only the statement about the Get to go by, I should say that in that case there can be no retroactive decision [as to which (wife) he meant] because we require the [Get to be written] for ‘her’, [namely] for the name [of the woman concerned], but there [in the case of an estate], the Merciful One said that it is a sale which has to be returned at Yovel but not an inheritance or a gift.⁴ If again I had only the statement regarding the field to go by, I might say that he takes the stricter line, or again that he thinks the property should revert to its original state, but here [in the case of a Get] this does not apply.⁵ [Hence both statements were] necessary. (24b4 – 25a2)

designated for him, because he does not uphold the principle of bereirah.

⁴ And therefore we may say retroactively that each son took the part which the father intended.

⁵ And we have to say that his reason is because there is no such thing as retroactive decision.



A: It is because the *get* (*written document*) proves that she is saying the truth.

DAILY MASHAL

Guarding the Covenant

Reb Tzadok HaKohen explains why the *Gemora* uses the example of Yosef ben Shimon, a name that we do not find this sort of combination in the Torah. The *Gemora* could have used Reuven ben Yaakov! Why was this combination chosen?

He says that all of *Klal Yisroel* are called by the name Yosef, for they guard the covenant. Yet we find that twenty-four thousand members from the Tribe of Shimon died in the plague of Pe'or (*which involved acting promiscuously with the women of Midyan*), something that was completely contrary to the attributes of Yosef. One can therefore mistakenly think that the descendants of Shimon should not be called after the name of Yosef. It is for this precise reason that Chazal chose the name Yosef ben Shimon. It is to demonstrate that even the Tribe of Shimon are still connected to Yosef.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Why does the *Mishnah* rule that a blind person is disqualified from being a *sh'liach* to bring a *get*?

A: We are talking about bringing a *get* from *Chutz la'aretz* and he cannot declare "*b'fanai nichtav.*"

Q: What is the reason that a *goy* is more excluded from being a *sh'liach* than an *eved*?

A: He is not a "*ben bris.*"

Q: Why will a mother-in-law be trusted to bring a *get*, but she will not be trusted that the husband died?