

7 Adar I 5776
Feb. 16, 2016



Gittin Daf 65

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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

Three Categories of a Minor

Rava said: There are three categories of a minor: If he would be given a rock, he would discard it, but if given a walnut, he would accept it, he can make an acquisition on things, but he may not acquire for others. And a minor girl at a corresponding age (*at this stage, she is regarded as one who is capable of guarding that which she has received as kiddushin, and would therefore be of age to become Rabbinically betrothed; either through her mother or her brothers, or by herself, if she is an orphan*) can become betrothed in a manner which would require a *mi'un* (to absolve the marriage). (A girl whose father had died could be given in marriage while still a minor (under the age of twelve) by her mother or older brother. This marriage is only valid Rabbinically. As long as she has not attained the age of twelve, she may nullify the marriage by refusing to live with her husband. This act of refusal, referred to as *mi'un* nullifies the marriage retroactively.) The purchases and sales that young children (from six to eight years old) transact with movable objects are valid. And a minor girl at a corresponding age (*at this stage, she is regarded as one who, when divorced, will not return to the husband*) can accept her own *get* even if her father married her off (*in which case, she was Biblically married*). Once they reach the stage of *nedarim* (one year before adulthood; if they take a vow and we ascertain that they understand the concept), their *nedarim* are valid vows and that which they consecrate is *hekdesh*. And a minor girl at a corresponding age (*provided that she has*

brought signs of maturity) can submit to *chalitzah* (*when a man dies childless, his brother has a mitzvah to perform yibum; if he declines, she submits to chalitzah, i.e. she removes his shoe, spits before him and declares that he does not want to marry her*). One cannot sell land which he inherited from his father until he is twenty years old. (65a)

Mishna

If a minor girl said, “Accept the *get* on my behalf,” the divorce is not effective until it reaches her hand. Therefore if the husband wishes to retract, he may do so, for a minor is not capable of appointing an agent. However, if her father told someone, “Go and accept the *get* for my daughter,” the husband cannot retract (*after the get is in the hands of the agent*).

If the husband told someone, “Go and give this *get* to my wife in Such-and-such a place,” and the agent gives it to the wife in a different place, the *get* is not valid (*because the husband did not want people there to speak ill of him*). However, if the husband merely said, “She can be found in Such-and-such a place,” and he found her someplace else, the *get* is valid.

If the wife said, “Accept my *get* for me in Such-and-such a place,” and the agent accepted it for her in a different place, the *get* is not valid. Rabbi Elozar said that it is valid. If she said, “Bring my *get* to me from Such-and-such a place,” and the agent brought it from a different place, it is valid. (65a)

Difference Between Him and Her

The *Gemora* explains why Rabbi Elozar only argues in the latter case. The husband, who divorces her by choice, is particular as to where the agent should deliver the *get*. The wife, who gets divorced against her will, is merely telling the agent where the husband can be found. (65a)

Mishna

If a *Kohen's* wife tells someone, "Bring me my *get*," she may still eat *terumah* until the *get* reaches her hand. However, if she said, "Accept my *get* for me," she is forbidden to eat *terumah* immediately (*for the agent may receive the get a moment after he leaves her presence*). If she said, "Accept my *get* for me in Such-and-such a place," she may eat *terumah* until the *get* reaches that particular place. Rabbi Elozar maintains that she is forbidden to eat *terumah* immediately (*for he holds that wherever the agent accepts the get, it is nonetheless valid*). (65a)

The Wife's Instructions

[*The Mishna had stated: If she said, "Accept my get for me in Such-and-such a place," she may eat terumah until the get reaches that particular place.*] The *Gemora* asks: It would seem that if the agent received it in a different location, the *get* would be valid when it comes to the specified place. Why should that be, seeing that the previous *Mishna* ruled that it is not valid?

The *Gemora* answers: Our *Mishna* is dealing with the following case: The wife said, "Accept my *get* for me in Masa Mechasya, but sometimes you might find him in Bavel." This is what she was saying, "Accept it from him wherever you find him, but it should not be valid until you reach Masa Mechasya. (65a – 65b)

Directions

Rabbi Elozar maintains that she is forbidden to eat *terumah* immediately (*for he holds that wherever the agent accepts the get, it is nonetheless valid*).

The *Gemora* asks: Isn't this self evident, since she is only giving him a direction to find the husband?

The *Gemora* answers: This ruling was necessary for the following case: The wife said to the agent, "Go to the east because he is in the east," and he went to the west. You might think that in this case, being that he is certainly not in the west, she should be permitted to eat *terumah*. The *Mishna* therefore teaches us that while going in that direction, the husband may still come across him, and he may give him the *get* (*therefore, she is forbidden to eat terumah*).

If a man said to his agent, "Establish for me an *eruv* (*eruv techumin* - one who places a certain amount of food in a place up to 2,000 amos away from his current location; he is then permitted to walk 2,000 amos beyond there because the location of his food is regarded as his residence) with dates," and the agent made the *eruv* with figs, or if he told him to establish it with figs and he made with dates, one *braisa* taught that the *eruv* is effective, while another taught that it is not effective.

Rabbah said: there is no difficulty, for one *braisa* follows the opinion of the Rabbis (*the Tanna Kamma of our Mishna, who holds that the sh'lichus is invalid if the agent does not follow instructions*), and the other *braisa* follows Rabbi Elozar.

The *Gemora* explains: One *braisa* follows the Rabbis, who said in the case of the *get* that the wife is

particular. The other *braisa* follows Rabbi Elozar, who said that she was merely giving him directions.

Rav Yosef, however, said: Both *braisos* follow the Rabbis. The *braisa* that says that the *eruv* is effective is referring to a case when the fruit is his own (*and therefore, he is not particular*). The other *braisa* is referring to a case when the fruits belong to someone else (*and the eruv is not valid if he used the wrong fruits, for he had no permission on those*).

Abaye asked him: But how will you reconcile the following *braisa*? If a man says to his agent, "Establish for me an *eruv* in a tower," and he made one in the dovecote, or if he told him to establish it in the dovecote and he made it in the tower, it was taught in one *braisa* that his *eruv* is effective and by another that it is not!? In that case what difference does it make whether it is his own tower or his friend's?

The *Gemora* answers: There is a difference between the fruit of the tower and the fruit of the dovecote. [*The braisa was not referring to the location of the eruv; rather, it was referring to the location of the fruit.*] (65b)

Mishna

If the husband said to some people, "Write a *get* and give it to my wife," or he says, "Divorce her," or he says, "Write a letter (*the following expression is written in every get: "and this, which shall be from you to me, a writ of divorce and a letter of abandonment"*) and give it to her," they may write a *get* and give it to her. However, if he says, "Release her" (*which could mean from a debt*), or he says, "Provide for her" (*which might mean for her needs*), or he says, "Deal with her as is customary," or he says, "Deal with her as is fitting" (*which might mean that he wants them to give her clothes and food*), he has said nothing. (65b)

Other Expressions

The *Gemora* cites a *braisa*: If the husband said, "Send her away," or he said, "Abandon her," or he said, "Drive her out," they may write a *get* and give it to her. However, if he said, "Release her," or he said, "Provide for her," or he said, "Deal with her as is customary," or he said, "Deal with her as is fitting," he has said nothing.

The *Gemora* cites another *braisa*: Rabbi Nosson said: If he said, "*Patteruha* (*release her*)," his words take effect; if, however, he said "*Pitruha*," he has said nothing (*for when it is pronounced in that manner, it means that she should be released from a debt*).

Rava said: Rabbi Nosson, being a Babylonian, distinguishes between *pitruha* (*referring to the Hebrew word meaning to be released from a debt*) and *patteruha* (*referring to the Aramaic word meaning to be divorced*), but our *Tanna*, being from *Eretz Yisroel* (*who only speaks Hebrew*) does not differentiate between the two.

The *Gemora* inquires: What is the *halachah* if the husband said, "Take her out," or "Abandon her," or "Permit her," or "Leave her," or "Help her," or "Do to her according to the law"?

The *Gemora* resolves one of these inquiries from the following *braisa*: If a man says, "Do to her according to the law," "Do to her as is customary," or he says, "Do to her as is fitting," he has said nothing. (65b)

Mishna

At first they said that if a man was being led out to his execution and he said, "Write a *get* for my wife," it was to be written and delivered (*even though he didn't specifically instruct them to give it; we assume that due*



to the situation, he forgot to say it). Later they said that the same rule applies even to one who was leaving for a sea journey or joining a caravan across the desert. Rabbi Shimon Shezuri said: It also applies to a man who is dangerously ill. (65b)

INSIGHTS TO THE DAF

Chalifin for a Minor

Rava said: There are three categories of a minor: If he would be given a rock, he would discard it, but if given a walnut, he would accept it, he can make an acquisition on things, but he may not acquire for others.

Tosfos asks that it seems from a *Gemora* in Bava Basra that a minor does not have the ability to acquire anything!?

Tosfos answers: The *Gemora* there could be referring to a minor who has not yet reached this stage of understanding.

Alternatively, they answer that the *Gemora* there is referring only to a *kinyan chalifin* (acquiring something through an exchange with a kerchief or other object), where a minor has a more difficult time grasping the mechanics of the *kinyan*.

The Ra"n explains that the Rabbis instituted for a minor only those *kinyanim* where the object is raised or pulled by the minor; however, other types of *kinyanim*, where the concepts are difficult to grasp, are not effective for the minor.

The Rashb"a adds that since we rule that the object being used for the *chalifin* must be owned by the one

making the acquisition, it emerges that the minor must convey the object to the seller. He does not have enough knowledge to accomplish that and therefore the *kinyan* is not effective.

DAILY MASHAL

The Gemara states that there are several stages in the development of a child's maturity. The first is when the child understands that a stone is worthless but a nut has value. Such a child is empowered to acquire things for him/herself. The second level is when a child is between the ages of six and eight, where Chazal have determined that they may buy and sell movable objects. The third level is when they reach the year before adulthood; for a girl - 11, and for a boy - 12, at which time their vows are binding on them and whatever they consecrate becomes Hekdesh.

Interestingly, the Gemara goes on to state that yet another level of maturity is achieved when the "child" reaches the age of 20. At this time he is permitted to sell property that he received from his father's inheritance. Chazal were concerned that he might immaturely accept an unfairly low price for such real estate before age 20, even though he was permitted to sell other property that he may have acquired for himself before reaching the age of 20.

The Baal HaTurim notes that the verse: *ve'hu ishah bivsuleha yikach*, which restricts a Kohen Gadol's marriage opportunities, begins with the word *ve'hu*, which in Gematria adds up numerically to 18, the age at which the Shulchan Aruch states that it is a mitzvah to marry.



The Chelkas Mechokek asks: Why doesn't this mitzvah begin at age 13, like all other mitzvos?

The Beis Yisroel uses our Gemara to explain that the additional years of development are necessary for a marriage to have a chance of success, both from a maturity standpoint and to satisfy the practical need of a young man to know all the Halachos that regulate married life.

For this reason, the Gemara (Kiddushin 29b) states that until the age of 20 Hashem sits and waits to see when a man will marry. After 20, Hashem says: "His bones should bust". Until 20 he was still maturing and could not be criticized for not marrying, even though the mitzvah became incumbent upon him at 18. After 20 however, he has no excuse.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: If someone gives a *get* to third party, and the one who wrote it says that he only gave it to him to hold, while the third party says that it was given to him to give to his wife. Rav Huna says we believe the one who wrote it and Rav Chisda says we believe the third party. When does Rav Huna agree to Rav Chisda and why?

A: When the woman is not in the same city. He only argues if they are in the same city because if he wanted her to have the *get*, he would have given it to her himself.

Q: Why do they tear the *get*?

A: It was a time of Gezeirah and there was a decree against doing Mitzvos.

Q: The father of a *na'arah* has exclusive rights to accept *kiddushin* for his daughter. What about accepting a *get*?

A: According to the *Tanna Kamma*, both she or her father may accept a *get*. According to Rav Yehudah, only her father may accept it.