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Gittin Daf 78

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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

Buyer's Vessels, Seller's Domain

The *Mishna* had stated: If he threw it to her in his house, or in his courtyard, even if the *get* is with her in the bed, she is not divorced.

Rava said: Only if she is in a bed that belongs to him is she not divorced (*if she received the get there*). However, if she received the *get* while in her own bed, she is divorced.

The following *braisa* supports Rava's statement: Rabbi Eliezer says: If she is in a bed that belongs to him, she is not divorced, but if she is in her own bed, she is divorced.

The *Gemora* asks: Why is she divorced if she is in her own bed? Isn't this a case of the buyer using his vessel to acquire in the domain of the seller (*which we thought was invalid*)? Does this indeed prove that this type of acquisition is valid?

The *Gemora* answers: The case is where her bed is ten handbreadths off the ground (*making it a separate domain from that of the husband/seller*).

The *Gemora* asks: What about the legs of the bed (*that are on the ground*)?

The *Gemora* answers: People are not particular about the place where the legs of the bed are located.

The *Mishna* stated that if he put the *get* in her lap or basket, she is divorced.

The *Gemora* asks: Why? Isn't this a case of the buyer using his vessel to acquire in the domain of the seller?

Rav Yehudah answers in the name of Shmuel: The case is where she had her basket hanging on her body. And so did Rabbi Elozar say in the name of Rabbi Oshaya: The case is where she had her basket hanging on her body.

Rabbi Shimon ben Lakish says: It is even true if it is tied to her and dragging on the ground.

Rav Adda bar Ahavah says: The case is where the basket was between her legs on the ground.

Rav Mesharshiya bar Rav Dimi says: The case is where her husband sold baskets (*and he therefore does not care where a basket is located in the house*).

Rabbi Yochanan says: Her lap or basket is a place where she can acquire.

Rava asks: What is Rabbi Yochanan's reasoning?

He explains that a person is not particular regarding where exactly his wife's lap or basket is located (*he gives her permission for it to be there*).

The following *braisa* supports Rabbi Yochanan: If someone threw a *get* into her lap or basket, or anywhere that is like her basket, she is divorced. What does

“anywhere like her basket” include? It includes her plate that she eats dates on. (78a)

Mishna

If he tells her, “Take this loan document,” or she found it in back of her, and she then reads it and realizes it is her *get*, she is not divorced until her husband says, “Here is your *get*.” If he put it in her hand while she was sleeping, and she wakes up and reads it, she is not divorced until he tells her, “Here is your *get*.” (78a)

“Here is Your Get”

The *Gemora* asks: What does he accomplish when he says to her, “Here is your *get*”? This is tantamount to saying: “Take your *get* from the ground,” which Rava said is invalid!?

The *Gemora* answers: The case is where she took it from behind him (*he was wearing it trapped under his belt, and she took it off his body*).

The *Gemora* asks: This is still invalid, as we require the fulfillment of the verse: *And he should place it in her hand!*?

The *Gemora* answers: The case is where he twisted himself closer to her to enable her to take the *get* (*which is a fulfillment of him "giving" the get*).

The following *braisa* supports this: If he said to her, “Take this loan document,” or she took it from behind him, and she reads it, it is not a *get* according to Rebbe until he says to her, “Here is your *get*.” Rabbi Shimon ben Elozar says: The *get* is invalid until he takes it back from her, and gives it to her while saying, “Here is your *get*.” If he put it in her hand while she was sleeping, and she wakes up and reads it, she is not divorced according to Rebbe until he tells her, “Here is your *get*.” Rabbi Shimon ben Elozar says: The *get*

is invalid until he takes it back from here, and gives it to her while saying, “Here is your *get*.”

The *Gemora* explains that it was necessary to state that they argue in both of these cases. If they would only argue in the first case, one might have thought that Rebbe argues only in that case that a ‘new giving’ is not required because she was awake at the time and able to be divorced. However, if the original giving in her hand was when she was sleeping, perhaps he would agree to Rabbi Shimon that he would be required to give the *get* again. If only the latter case would be mentioned, one might have thought that Rabbi Shimon agrees to Rebbe in the first case. This is why both cases are necessary.

Rava says: If he wrote her a *get* and gave it to her slave; if he was sleeping at the time and she was guarding him, the *get* is valid. If he was awake, the *get* is not valid, as the slave is considered a guarded courtyard but not by her guarding (*as the slave has a mind of his own*).

The *Gemora* asks: Why is the *get* valid if he is sleeping? Isn’t he considered a walking courtyard, which is not a mode of acquisition? If you will suggest that because he is sleeping he is not considered a walking courtyard, didn’t Rava say that as long as if he would be walking he would not be able to acquire, he cannot acquire when he stands or sits either?

The *Gemora* concludes that the law stands in a case where the slave is tied down (*and the get is placed upon him*). (78a)

Mishna

If she was standing in the public domain, and he threw it towards her; if it is now closer to her, she is divorced. If it is still closer to him, she is not divorced. If it is half and half, she is divorced and yet not divorced (as the matter is in question, she is treated stringently, and given the

stringencies of a divorced woman as well as a married one). This is the same regarding *kiddushin* and debts. If the lender told the borrower, “Throw me the debt (*the money which you owe me*),” and the money got lost; if it landed closer to the lender, it belongs to him. If it lands closer to the borrower, the borrower is still obligated to pay. If it is half and half, they split the liability. (78a)

Closer to Her

The *Gemora* asks: What is the case of it being closer to her or to him?

Rav answers: If it is within four cubits of her, it is regarded as “close to her.” If it is within four cubits of him, it is regarded as “close to him.”

The *Gemora* asks: What is the case where it is half and half?

Rav Shmuel bar Rav Yitzchak says: The case is where they are both standing within four cubits of the *get*.

The *Gemora* asks: Why don’t we simply analyze who arrived first (*to the area within four cubits of the get*)? And if you will say that the case is where they arrived simultaneously, it is not possible to know this exactly!

Rather, Rav Kahana answers: The case is where they were standing exactly eight cubits away from each other, and the *get* extends from his four cubits into her four cubits.

The *Gemora* asks: Isn’t the *get* still tied to him (*meaning it is still somewhat in his possession, and he must totally give the get for it to be valid*)?

Rather, Rav Yosef says: The case is where there are two groups of witnesses, one who says that it was closer to him, and one that it was closer to her.

Rabbi Yochanan says: We learned that “close” can mean even if it was within one hundred cubits, whether to him or to her.

The *Gemora* asks: According to him, what is a case where it is unclear if it is closer to him or her?

Rav Shaman bar Abba said: It was explained to me from Rabbi Yochanan that if one can guard it but the other cannot, it is considered close to the former. If both can guard it, or both cannot, it is doubtful.

The Rabbis said this over in the name of Rabbi Yonasan to Rabbi Yochanan. He said: Our friends from Babylon are known to interpret this as the reason.

There is a *braisa* that supports this logic as well. Rabbi Eliezer states: As long as it is closer to her than to him, and a dog comes and takes it, she is not divorced.

The *Gemora* asks: How long is she required to guard it for?

The *Gemora* answers: Rather he means that even if it is closer to her than him, but if a dog would come and tries to take it, only he could guard it from the dog, but not her (*i.e. there was a river separating between her and the get*), she is not divorced.

Shmuel said to Rav Yehudah: Smart one, as long as she could swim and get it, she should be divorced. However, do not rule based on this (*to free a woman to remarry*) unless she actually receive the *get*.

Rav Mordechai said to Rav Ashi: There was an incident like this (*where the get was closer to her, and they required the woman to do chalitzah as if she had still been married when her husband died*). (78a – 78b)

Regarding Kiddushin

Rav Assi said in the name of Rabbi Yochanan: They said this law regarding *gittin* and not anything else.

Rabbi Abba asked Rabbi Assi: Doesn't the *Mishna* explicitly say, "And so regarding *kiddushin*"?

Rabbi Assi answered: *Kiddushin* is included because it is similar to *gittin*, as is indicated by the verse, "And she will go out...and be to another man."

Rabbi Abba additionally asked: Doesn't the *Mishna* explicitly state: This is also true regarding debts. If the lender told the borrower, "Throw me the debt," and the money got lost; if it landed closer to the lender, it belongs to him. If it lands closer to the borrower, the borrower is still obligated to pay. If it is in the middle, they split the liability!?

Rabbi Assi answered: The case in our *Mishna* is where the lender told the borrower, "Throw me my debt and you will be exempt." [However, in a regular case where the borrower merely decided on his own to throw payment towards the lender, he is responsible for the payment until it is in the hands of the lender.]

The *Gemora* asks: If so, why must the *Mishna* say this?

The *Gemora* answers: The case is where the lender said, "Throw me my payment according to the laws of *gittin*."

The *Gemora* asks: Even so, why should the *Mishna* have to write it (*anymore than any unrelated case where the law happened to have been applied*)?

The *Gemora* answers: One might think the lender could claim that he was just fooling around or tricking the borrower, and that therefore the law should not apply. [Even though he said it should be like the laws of *gittin*,

being that it is not a normal policy, he could claim that the borrower should have realized that it should not be taken seriously.] The *Mishna* therefore says that the law is enforced. (78b)

No Strings Attached

Rav Chisda says: If the *get* is in her hands, but the string attached to the *get* is in his hands; if he can pull the string and thereby bring the *get* back, she is not divorced. If he cannot do so, she is divorced. Why? This is because the *get* must be deemed a "*sefer kerisus*" – "book of cutting off (*indicating that the giving must totally separate him from her as well*)."

Rav Yehudah says: If the tips of her fingers were slanted downwards and he threw her the *get*, even though she received the *get*, she is not divorced.

The *Gemora* asks: Why should this be? The *get* still fell within her four cubits!?

The *Gemora* answers: The case is where it did not land on the ground, but rather rolled off her slanted hands and immediately was burned by a fire.

The *Gemora* asks: She should still have acquired the *get* because it was within her four cubits of airspace!?! This indicates that we can answer Rabbi Elozar's question regarding whether the four cubits is including airspace or it needs to be on the ground!?

The *Gemora* answers: The case is where she was standing by a river. Therefore we cannot answer Rabbi Elazar's question, as the air in front of her certainly does not acquire because it is not air which has ground underneath it, which would enable the air to make the acquisition. (78b)



INSIGHTS TO THE DAF

While She is Asleep

The *Mishna* had stated: If he put it in her hand while she was sleeping, and she wakes up and reads it, she is not divorced until he tells her, "Here is your *get*."

The Rishonim state several reasons for this: the Rosh says that one who is sleeping is not regarded as being mentally competent. She temporarily is worse than a deaf-mute, who has some competence.

The Ran writes that the hand of a sleeping woman is unguarded and she therefore cannot acquire the *get*. Accordingly, if the husband gives the *get* to her agent while she is sleeping, the *get* will be valid, for the agent is acquiring the *get* for her.

There is a disagreement amongst the Rishonim as to what the *halachah* would be if the husband places the *get* in her courtyard while she is asleep.

DAILY MASHAL

String Remains Attached

Rav Chisda says: If the *get* is in her hands, but the string attached to the *get* is in his hands; if he can pull the string and thereby bring the *get* back, she is not divorced. If he cannot do so, she is divorced. Why? This is because the *get* must be deemed a "*sefer kerisus*" – "book of cutting off (indicating that the giving must totally separate him from her as well)."

The Tiferes Shlomo writes: Hinted in this *Gemora* is that although there are times, on account of are actions, the Holy One, Blessed be He is compelled to chase us away

from Him; nevertheless, the rope attaching us to Him is always in His hand.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: If a man says, "Here is your *get* on the condition that the sun comes out of its sheath," and he dies during the night, is his wife divorced, and why?

A: Yes, because he means that it should take effect from now, since Rav Huna said in the name of Rebbe that when one uses the expression "on condition," it is equivalent to saying "from now."

Q: How can a woman acquire a *get* when it is placed in her courtyard? Didn't we learn that whatever the wife acquires belongs to her husband?

A: Rabbi Elozar answers: The *Mishna* is referring to a case where the husband wrote to her, "I have no claim or rights to your property at all." Rava answers: Her *get* and her courtyard become hers simultaneously.

Q: What does the *Mishna* mean when it said that she is divorced when she is in her house, or in her courtyard (and her husband threw the *get* and it landed in her house or courtyard)?

A: Ulla said: She is standing by the side of her house or by the side of her courtyard. Rabbi Oshaya said: She is as if she is in her own house or in her own courtyard on account of the fact that the courtyard is being guarded for her (it is protected from intruders).