



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Yud

MISHNA

- Any document that is signed by a Kuti is passul, except for a get and a get shichrur.
 - It once happened that they brought to **R' Gamliel** in Kfar Usnai a get that was signed by Kuti witnesses, and he said it was valid.

GEMARA

- **Q:** Our Mishna seems not to follow any view of a Braisa. A Braisa says, the **T"K** says that one can be yotzeh on Pesach by eating the matzah made by a Kuti. **R' Elazar** says one cannot be yotzeh with that, because the Kutim are not careful with the finer points of the mitzvos. **R' Shimon ben Gamliel** says that with regard to a mitzvah which the Kutim believe in, they actually are more careful with it than a Yid would be. Now, our Mishna doesn't follow any of these views. According to the **T"K** a Kuti's signature should be good on any type of document. According to **R' Elazar** it should not even be good for a get or a get shichrur. According to **R' Shimon**, if they believe in this then they should be believed for all documents, and if they don't, they shouldn't be believed for a get or a get shichrur either. If you will say that they only believe in a get and get shichrur but not in other documents, then why does **R' Elazar** (the Amora) say that it is only valid if there is one Kuti signed? It should even be valid if there are 2 Kutim signed!? So whose view does our Mishna follow? **A:** The Mishna follows the view of **R' Elazar**, and the reason that it is valid is because the case is where the Yid signed below the signature of the Kuti. If the Kuti was not reliable, the Yid would never have signed after him. Therefore, it remains valid.
 - **Q:** If so, why would other documents with such a signature become passul? Rather, it must be that we say that even though the Yid signed below, it may be that the Yid signed first and left a space above his name in case a more prominent person came around, thereby allowing him to sign above his name. Therefore, we can't say for certain that the Yid signed after the Kuti. Now, if that is a concern when dealing with other documents, why is it not a concern when dealing with a get or a get shichrur!? **A: R' Pappa** said, we can see from here that when signing a get, one witness does not sign without the other being present. Therefore, if the Yid signed along with the Kuti, it must be that he is a reliable Kuti.
 - **R' Ashi** explained, the reason a get is only signed when all witnesses are present is a gezeira for a case when a husband tells a number of people – "All of you write a get for my wife" – in which case the halacha is that it is only valid if all of them sign it. The gezeira makes sure that all the people will be there and will sign the get.
 - **Q:** We quoted the Amora **R' Elazar** above, that the get is only valid if there is a maximum of one witness who is a Kuti. Why is he teaching this here? Our Mishna already taught us that, because it said "Any get that has *a* Kuti witness". We see that it may only have one such witness!? **A:** Based on the Mishna we would say that even two such witnesses would be valid for a get. The reason the Mishna says one is to teach that for other documents even one such witness would make the document passul.
 - **Q:** How can we say that 2 such witnesses would make a get passul? The Mishna said that a get was brought to **R' Gamliel** and the "eidav" (the witnesses) were Kutim. We see that even 2 such witnesses are valid!? **A: Abaye** said, the word in the Mishna should read "eido" (its witness), in the singular. **A2: Rava** said, the

proper reading is “eidav” and **R’ Gamliel** is arguing and saying that even two such witnesses would not make a get passul.

MISHNA

- All documents that are processed in the courts of the goyim, even if they are signed by goyim, they are valid documents, except if the document is a get or a get shichrur. **R’ Shimon** says, even these would be valid in this case, and the only time documents were mentioned as being not valid is when they were made outside of a court, by non-professionals who are goyim.

GEMARA

- **Q:** The Mishna seems to state its rule whether the document is a document of sale (which acts as a proof to a transaction) or a gift document (which is what actually creates the kinyan). Now we can understand why a document of sale would be valid if signed by goyim, because the transaction was done in front of the judges who then wrote the document. If they hadn’t seen the transaction, they wouldn’t risk their reputation and write a document for him. However, by a gift document, since the document itself effectuates the transaction, how is it valid if it was done by goyim? **A: Shmuel** said, we have the concept of “dinah d’ malchusa dina”, which tells us that if the document is valid under the governmental laws, it is valid for halacha as well. **A2:** The Mishna should be read as if it says “*like gittin of divorce*” – meaning that any documents that effectuate the underlying transaction are not valid, just as a get would not be valid.