



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

### Gittin Daf Yud Aleph

R' SHIMON OMER AHF EILU KISHEIRIN...

- **Q:** How can he say that goyim can make a get valid when they are not “bnei krisus” (they have no involvement in the halachos of Jewish marriage, and therefore cannot serve to validate a get)!? **A:** **R' Zeira** said **R' Shimon** is following the view of **R' Elazar**, who says it is the “eidei mesira” who validate the get.
  - **Q:** **R' Avahu** has said that although **R' Elazar** says that we don't need witnesses signed on the get, he would agree that if passul witnesses signed it would make the get passul!? **A:** The case of the Mishna is where the witnesses had names that were obviously non-Jewish, and it is in that case that **R' Shimon** says their signatures do not make the get passul.
  - **Q:** This means that **R' Shimon** would agree that if they did not have such names the get would be passul. If so, when **R' Shimon** wanted to demonstrate a case of where the get would be passul, and he said that if the get was done out of court it is passul, why didn't he stick to the case at hand (where the get was done in court) and say that it is passul if the names are not obviously non-Jewish!? **A:** That is what he is actually saying. He is saying that if the names are not obviously non-Jewish then it becomes passul “just as if it was done outside of court”. **A2:** The last statement of the Mishna is not part of **R' Shimon**. Rather, it is going back on the **T"K** who said that other documents are valid even if signed by goyim. On that, the Mishna is now saying that other documents only become passul when they are done outside of court.
- A Braisa says, that **R' Shimon** is quoted as saying that **R' Akiva and the Chachomim** agree that any document, including a get and a get shichrur, that is done in the courts of the goyim, even if they have witnesses who are goyim signed on them, will be valid. They only argue when the documents are made out of court. In that case **R' Akiva** says they are still valid, and the **Chachomim** say that they are passul except for a get and a get shichrur, which are valid then as well. **R' Shimon ben Gamliel** says, that when they say the get and get shichrur are valid it is only if it is done in a place where Yidden are not allowed to sign documents (under decree of the ruler), because it is then known to all that the witnesses are not Jews. However, in a place where Yidden may sign, the get and get shichrur would be passul even if the names are obviously non-Jewish, as a gezeirah that one may come to use these witnesses to be eidei mesirah as well.
  - **Q:** Why are we not goizer in a place where Yidden are not allowed to sign so that we not come to allow in a place where Yidden may sign? **A:** People may come to confuse one name for another, but people will not come to confuse one place for another.
  - **Ravina** wanted to validate a document that was done by goyim who were not in a court setting. **Rafram** said to him, the Mishna says “in a court”, which means that it is not valid in any other setting.
- **Rava** said, if a document written in Persian and signed by Persians out of court, and was then given over to the creditor in front of Jewish witnesses, it is valid to be used to collect from unencumbered properties.
  - **Q:** The Jewish witnesses can't read Persian, so how are they effective witnesses!? **A:** The case is that these people do know how to read Persian.
  - **Q:** According to halacha, a document must be written on a paper that can be easily determined when it is erased, and Persians don't use such paper!? **A:** The case is that they did treat their paper with a substance that will make it obvious if it is erased.

- **Q:** According to halacha the last line of a document must be a review of the integral parts of the document, and Persians don't do that!? **A:** The case is that this was done.
- **Q:** If all these details were done, why can't they use this document to even collect from encumbered properties!? **A:** Since Yidden did not sign the document, it does not become well known. Therefore, one may not use it to collect from encumbered property.
- **Q: Reish Lakish** asked **R' Yochanan**, if we find a get and the signatures on the get are similar to those of goyim, but we don't know for sure, do we say the get is valid if there are valid eidei mesirah or not? **A: R' Yochanan** said, the only case that came before us was where the witnesses signed on the get were named Lukus and Lus, and we said the get is valid. However, it is only in a case like that, where no Yidden have those names, that we said it is valid. However, if they were names that could be had by Yidden as well, it would not be valid.
  - **Q:** A Braisa says that a get that comes from chutz laaretz and the signatures are names that seem like those of goyim, the get is valid because most Yidden in chutz laaretz have names like those of goyim. We see it is valid even though the names are not obviously non-Jewish names!? **A:** That is because in chutz laaretz Yidden have those names and it can be assumed that the witnesses were Yidden. **R' Yochanan** is discussing a case in EY, where Yidden don't generally have such names. Therefore, we assume the witnesses are goyim and the get is passul.

#### MISHNA

- **R' Meir** says, if a man instructs to give a get to his wife or a get shichrur to his slave, he can retract either of these until the document actually reaches his wife or his slave. The **Chachomim** say that he may only retract a get, but not a get shichrur, because one is koneh a benefit for another person even without him being there (so the shaliach is koneh for the slave as soon as it reaches the shaliach's hand). The reason a get shichrur is considered a benefit is because if the master wants he does not have to feed his slave. However, a husband must always support his wife, and therefore a divorce is not considered to be a benefit for the woman. **R' Meir** said to them, by a slave being freed from his master who is a Kohen, the slave loses the right to eat terumah, as does a wife who is divorced from her husband who is a Kohen. Therefore, just as it is not considered to be a benefit for a woman to get divorced, it is also not considered to be a benefit for the slave to be freed!? They answered, the slave loses the right to eat terumah only because he is no longer the property of the Kohen, not because of his going free (to be explained in the Gemara).

#### GEMARA

- **R' Huna and R' Yitzchak bar Yosef** were sitting in front of **R' Yirmiya**, who was dozing off. **R' Huna** said, we see from the shita of the **Rabanan** in our Mishna that one may seize property from a debtor for his friend who is a creditor. **R' Yitzchak bar Yosef** asked, can this be done even though this will be detrimental for other creditors of that debtor? **R' Huna** said – yes (we see that the shaliach can be koneh for the slave even though it is detrimental for the master). At this point **R' Yirmiya** awoke and told them that **R' Yochanan** said that one may not seize for a creditor if it is detrimental for other creditors. Our Mishna is no proof, because since the master said “give this to him” it is as if he told the shaliach “be koneh for him”, and that is the reason he can be koneh for him.
  - **R' Chisda** said, that the matter of whether one can seize for a creditor when it is detrimental for other creditors is a machlokes between **R' Eliezer and the Rabanan** in a Mishna. The Mishna says, if someone grabs peyah and says he is grabbing it for a certain poor person, **R' Eliezer** says he is koneh it for the other person and the **Rabanan** say he is not.
    - **Ameimar** (or **R' Pappa**) said, this is not necessarily the machlokes. It may be that **R' Eliezer** would only say he is koneh in that case, because since the person who is grabbing the peyah can be mafkir all his possessions and thereby get a right to take the peyah for himself, he is also allowed to now take it for somebody else,

but in the case of **R' Huna** he would not be allowed to seize from the debtor. Also, it may be that the **Rabanan** only don't allow seizing by peyah, based on the pasuk of "lo silaket...le'ani", which they darshen to mean, one may not gather peyah for a poor person (he must do it himself). However, in the case of **R' Huna** they may agree that a person may seize for a creditor.

- **Q:** How would **R' Eliezer** darshen the pasuk of "lo silaket..."? **A:** He says the pasuk teaches that a poor person may not keep the peyah of his own field, but must instead leave it for another poor person.