



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

Gittin Daf Chuf Gimmel

MISHNA

- Anyone is valid to write a get, even a deaf-mute, shoteh, or a minor. The woman herself can write her own get and a husband can write his own receipt (for payment of the kesubah), because the validity of the get is only dependent on the signature of the witnesses.

GEMARA

- **Q:** How can someone who is not mentally competent write a get lishma? **A: R' Huna** said, the Mishna means it is valid when there is a competent adult standing next to them, instructing them to write it lishma.
 - **Q: R' Nachman** asked, if that can work, then a competent adult standing next to a goy who is writing a get should also work, and yet a Braisa clearly says that a goy is passul to write a get (presumably this means even if a Jewish adult is standing next to him, instructing him on intent)!? **A:** A mentally competent goy will have the intent he wants, irrespective of what he is instructed to do. Therefore, he cannot be trusted and is passul to write a get even if there is a Jewish adult there instructing him as to the intent he must have.
 - **R' Nachman** then said, what I said previously is incorrect. Since we find that the next Mishna says that a goy cannot serve as a shaliach, we can infer that he is valid to write the get.
 - **Q:** The Braisa said that goyim are passul to write a get!? **A:** That Braisa follows **R' Elazar**, who says that eidei mesira are essential, and therefore when the pasuk says that the "writing" has to be lishma it refers to the actual writing of the get (whereas **R' Meir** says the pasuk refers to the signatures on the get), and since he will not listen to the intent that we tell him to have, a goy cannot be trusted to write the get.
- **R' Nachman** said, **R' Meir** would say, even if one found a completed get in the garbage and the names and place match his name and place, and he takes that get and has it signed and then gives it to his wife, the get is valid.
 - **Q: Rava** asked, the pasuk says "v'kasav lah" which teaches that the get must be written lishma!? **A:** That teaches that the *signatures* have to be done lishma.
 - **Q: Rava** asked, a Mishna says, any get that is written not lishma is passul!? **A:** The Mishna means "that is not signed lishma".
 - **Q: Rava** asked, a Braisa says, when a portion of the get is written lishma, it is as if the entire get is written lishma. Presumably this means that when the toref of the get is written lishma, it is as if the tofes of the get is also written lishma. We clearly see that the get must be written lishma!? **A:** The Braisa means, that when the signatures are done lishma, it is as if the toref of the get was written lishma (and all that is really needed are for the signatures to be lishma). **A2:** We can also answer that this Braisa and the Mishna previously brought as a question both follow **R' Elazar**, who says that the actual writing of the get must be done lishma.
- We can also explain the Mishna to mean that these mentally incompetent people may write a get only if they leave the place of the toref blank. According to this, the Mishna follows the view of **R' Elazar** (which is why the get must be written lishma).

- **R' Zrika in the name of R' Yochanan** said, this explanation is not correct. **R' Abba** explained, from the fact that the Mishna allows these people to write the get, it shows that the lishma requirement of the writing of the get is not essential, but rather it is the signing that is essential, and therefore shows that the Mishna follows **R' Meir**.
 - **Q:** How could **R' Yochanan** be quoted as saying the Mishna follows **R' Meir** when we have learned that **Rabbah bar bar Chana in the name of R' Yochanan** says that the Mishna follows the view of **R' Elazar**!? **A:** There is a machlokes as to what **R' Yochanan** said.

MISHNA

- Everyone is valid to be a shaliach to bring a get, except for a deaf-mute, a shoteh, a minor, a blind person, and a goy. If the shaliach was a minor when he accepted the get but became an adult before delivering it, or he was a deaf-mute or blind or a shoteh when he accepted the get and became healthy before delivering the get, or if the goy converted before delivering the get, in each case he is still passul to be the shaliach. However, if the person was healthy when he accepted the get, and then became a deaf-mute, blind, or a shoteh, but returned to full health before giving the get, he would be a valid shaliach.
 - The general rule is, anyone who is mentally competent when he accepts the get and when he delivers the get is a valid shaliach.

GEMARA

- **Q:** We can understand why a cheireish, shotah, and katan are passul, because they are not competent. We can also understand why a goy is passul, because he is not included in the laws of gittin and kiddushin. However, why would a blind person be passul? **A: R' Sheishes** said, it is because he can't see who is giving him the get and who he is giving the get to.
 - **Q: R' Yosef** asked, we know that a blind man is mutar to be with his wife (although he can't see her) and any man may be with his wife in the dark (although he can't see her) based on his recognition of her voice. If so, the blind person should be able to be a shaliach based on the recognition of the parties' voices!? **A:** Rather, **R' Yosef** said, the Mishna is discussing a get that came from chutz laaretz, in which case the shaliach must say BNB, and since a blind person can't say that, he can't be the shaliach.
 - **Q: Abaye** asked, according to this, if a shaliach was healthy when he accepted the get and then became blind, since he can say BNB he should be a valid shaliach. However, since the Mishna says that in the case where he was healthy, became blind, and then became healthy again, he would be valid, this suggests that if he did not become healthy again before the delivery he would be passul!? **A:** In truth, even if he would not become healthy again he would be valid. However, since regarding the other people in the Mishna, who lost their competency, they would only be valid if they regain their competency, we also mention that the blind person regained his eyesight.
 - **R' Ashi** said, we can see this from our Mishna as well. The Mishna says, anyone who accepts the get and delivers the get with competency is valid. We see the main concern for returning to health is the people who are not competent. A blind person remains competent throughout, and therefore is valid even if he does not regain his eyesight.
- **Q:** They asked **R' Ami**, can a woman appoint a slave to be her shaliach to accept the get on her behalf? **A:** He answered, since the Mishna says that a goy cannot be a shaliach for a get and did not mention a slave, it must be that a slave is valid (and would similarly be valid to act as a shaliach for the woman as well).
 - **R' Assi in the name of R' Yochanan** said, a slave may not be a shaliach for the woman, because he is not included in the laws of gittin and kiddushin.
 - **Q: R' Elazar** asked, this seems to say that he cannot be a shaliach, because he is not included, but in something that he is included he would be able to be a

shaliach. Yet, we know that a goy is subject to laws of terumah and yet they cannot be a shaliach for a Yid to separate terumah for the Yid, based on the pasuk of “gam atem”, which teaches that only a Yid can be a shaliach!? **A:** The yeshiva of **R’ Yannai** answered, the pasuk of “gam atem” teaches that only someone with a bris can be a shaliach, and since a slave has a bris, the only reason he can’t be a shaliach for the woman is because he is not included in the halachos of gittin and kiddushin.

- **R’ Chiya bar Abba in the name of R’ Yochanan** said, a slave cannot be a shaliach to accept a get on behalf of a woman, because a slave is not included in the halachos of gittin and kiddushin. This is true although a Braisa says that a man can tell a pregnant maidservant “Here is a get shichrur to free your baby, but you are to remain a slave”.
 - **Q:** What is the connection between the case of get and the case of the Braisa? **A:** **R’ Shmuel bar Yehuda** said that **R’ Yochanan** was making two statements: one about a slave accepting a get for a woman, and a second that a slave may accept a get shichrur for another slave if they are not both owned by the same master. On this second statement **R’ Yochanan** is saying, although we find that a woman can accept a get shichrur on behalf of her unborn child (although she and it are owned by the same master), the reason for that is explained by **R’ Zeira and R’ Shmuel bar R’ Yitzchak** that it follows the view of **Rebbi**, who says that if a master frees half his slave it is effective. The unborn baby is considered to be part of the mother, and therefore her accepting the get shichrur on its behalf is like her accepting a get shichrur on her own behalf for one of her limbs. That is why it is effective in that case.

MISHNA

- Even the women who are not believed to tell a woman that her husband has died are still believed to be a shaliach for her get.
 - These women are her mother in law, her mother in law’s daughter, her co-wife, her husband’s brother’s wife, and her husband’s daughter.
 - Why is there a difference between bringing a get and testifying to the husband’s death? The difference is that the document itself proves that she is not lying.
- A woman may be the shaliach for her own get as long as she says BNB.

GEMARA

- **Q:** A Braisa says, that just as these women are not believed to say that a woman’s husband has died, they are also not believed to bring her a get!? **A:** **R’ Yosef** said, our Mishna is discussing a get brought in EY, and since we don’t rely on their word (they don’t say BNB) they can bring the get. The Braisa is discussing a get brought from chutz laaretz, and since we must rely on their word (to say BNB), they cannot be trusted.
 - **Abaye** said, the exact opposite logic makes more sense! With regard to a get brought in EY, since BNB is not said, if the husband later claims it to be false he will be believed, and if she had gotten remarried in the meantime there are very severe consequences. Therefore, we cannot believe one of these women to bring the get, because they may have forged the get just to create this problem for the woman. However, when a get is brought from chutz laaretz and the shaliach says BNB, if the husband later claims the get is forged he would not be believed. It would make sense that in that case we believe these women since they cannot cause much harm to the woman by bringing her the get.
 - There is a Braisa that is a proof to **Abaye**. The Braisa says a kal v’chomer, that if these 5 women may bring a get for a woman then the woman herself can certainly bring her own get. The Braisa says further, that just as these 5 women must say BNB to be believed, the woman herself would have to do the same. We see from the Braisa that they are only believed when they say BNB, which is what **Abaye** said.

- **R' Ashi** said, from the fact that the Mishna says that the woman herself must say BNB we see that the Mishna is discussing a get that comes from chutz laaretz. Therefore, the earlier part of the Mishna (regarding the 5 women) is also talking about such a case. This shows that the Mishna holds it is only in this case (when they must say BNB) that they are believed. This is a proof to what **Abaye** said.
- **Q:** According to **R' Yosef**, will we have to say that the first part of the Mishna (the last Mishna regarding the blind man) and the end of the Mishna (regarding the woman herself) are talking about a get from chutz laaretz, but the middle part of the Mishna (regarding the 5 women) is talking about a get from EY? **A:** Yes. We see from the middle part that it must be talking about a get in Eretz Yisrael, because it says the reason the 5 women are believed is because "the document itself proves she is not lying". It doesn't make any mention that their saying BNB proves that they are not lying. It must be that they do not need to say BNB, because the get is being brought within EY.