



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

### Gittin Daf Chuf Daled

HA'ISHA ATZMAH MI'VIAH...

- **Q:** A woman gets divorced as soon as she receives the get from her husband, so why would she have to bring the get to Beis Din and say BNB? **A: R' Huna** said, the case is where the husband gave her the get and told her that she is only to become divorced when she brings it to the Beis Din in EY, and she therefore becomes a shaliach to bring the get there.
  - **Q:** Once she brings the get there and thereby fulfills the shlichus the get takes effect retroactively from when the husband gave it to her. If so, why does she have to say BNB? **A: R' Huna bar Manoach in the name of R' Acha the son of R' Ika** said, the case is that the husband told her, when you reach Beis Din in EY place the get on the ground and then pick it up to be konah it for yourself. Since she first completes her shlichus for the husband at the time she places the get onto the ground, it is at that time that she must say BNB.
    - **Q:** We have learned that **Rava** says that if a husband tells a wife to take her get from the ground and accept it she is not divorced (he has not "given her" the get)!? **A:** The case is that the husband tells the wife to act as his shaliach until she reaches the Beis Din and at that time to become her own shaliach to accept the get. Therefore, when his shaliach gives it to her shaliach (both of which happen to be the wife) she must say BNB.
    - **Q:** In order for a shlichus to be effective there needs to be the possibility that the shaliach can report back to the principle after completing the shlichus. However, in this case, since she ceases to be his shaliach, she cannot go back to him and report as his shaliach. If so, the shlichus should not be effective!? **A:** The case is that he tells her to bring the get to EY and to appoint a different person as a shaliach to accept the get for her. In that way she remains the husband's shaliach and can go back and report to him.
    - **Q:** This can only work according to the view that a woman may appoint a shaliach to accept her get from the shaliach of the husband. However, according to the view that this may not be done, how can this be explained? **A:** The reason for the view that this can't be done is because we say the husband looks at it as an insult when she appoints a shaliach to accept from his shaliach. However, in this case, the husband himself is instructing her to do so. Therefore, it is not an insult and all would agree that this may be done.
    - **Q:** That is all well according to view that the reason we don't allow her to make a shaliach to accept from his shaliach is because the husband sees it as an insult and makes the get passul. However, according to the reason that it is a gezeira so as not to confuse it with a case where the husband puts the get into a chatzer that later becomes the property of the woman, why may it be done in this case? **A:** The case of the Mishna is that the husband tells her to be his shaliach until she reaches the Beis Din. Once she reaches the Beis Din he tells her to give off the shlichus to someone else, thereby freeing her and allowing her to accept the get. **A2:** He tells her to bring the get to the Beis Din and to tell them BNB, after which the Beis Din should appoint another shaliach to take over for her so that she can then accept the get.

**HADRAN ALACH PEREK HAMEIVI BASRA!!!**

## PEREK KOL HAGET -- PEREK SHLISHI

### MISHNA

- Any get that is written not for the sake of the woman intended to be divorced, is passul. What is the case for this?
  - If a person was walking through the market and hears sofrim talking and saying “so-and-so is divorcing his wife named so-and-so, from such-and-such a place”, and the passerby says – that is my name, my wife’s name, and my city, so I will use this for my divorce! He may not do so, because the get is passul.
  - Moreover, if a person wrote a get for his wife and then decided not to divorce her, and he then finds another man who has his name, whose wife has his wife’s name, and who lives in the same city, who wants to divorce his wife and is willing to use the get he wrote, he may not use it, because it is passul.
  - Moreover, if a man has two wives with the same name and he wrote a get to divorce the older wife, he cannot then decide to use the get to divorce the younger wife.
  - Moreover, if he tells the sofer to write the get for whichever one he later decides to divorce (they both had the same name), the get is passul.

### GEMARA

- **R’ Pappa** explains that the first case of the Mishna is discussing sofrim who were learning to write a get (it wasn’t being written for an actual use). **R’ Ashi** said, the words of the Mishna suggest this as well, because the Mishna says the sofrim were calling out to the others, not reading to themselves.
- **Q:** How is each case a bigger chiddush than the one before it? **A:** The Yeshiva of **R’ Yishmael** said, in the first case the get wasn’t written to be used. The chiddush of the second case is that even though it was written to be used, it is passul. The chiddush of the third case is that even though it was written for his own divorce, it is passul. The chiddush of the fourth case is that even though it was written for this particular divorce (based on his later choosing) it is passul.
- **Q:** Why is the get passul in these cases? **A:** If the pasuk would say “v’nassan sefer krisus b’yadah” it would only exclude the first case, which wasn’t written for the purpose of divorce, but the second case, where it was written for divorce would be valid. Therefore, the pasuk says “v’kasav”, which teaches that it must be written by the husband who will be using it. If it would only say “v’kasav”, we would say that where he has 2 wives with the same name and he has it written, it will be valid. Therefore, the pasuk says “lah”, which teaches that it must be written for this woman lishma. The last case of the Mishna simply teaches that we don’t hold of “breirah”.

### KASAV L’GARESH ES HAGEDOLAH LO YIGARESH ES HAKETANAH

- This seems to say that he can use it to divorce the older wife. **Rava** said, from here we can see that if there are two people with the same name in a city, and one produces a loan document claiming that someone owes him money, the debtor cannot claim that it is the other person with that name who is the true lender, because the fact that this one has the document, it proves that he is the lender (the same as in the inference from the Mishna, where the fact that the older one has the get would prove that it is she who was divorced and not the other wife with the same name).
  - **Q: Abaye** asked, based on this inference, we should make another inference from the Mishna’s second case. We should say that it is the second couple who can’t use the get, but the first couple would be allowed to use the get. Now, if that were true, that would mean that if there are 2 debtors with the same name and a creditor produces a document asking for repayment from one of them, he could collect from him. However, we know that he could not do so, because the debtor can claim it was the other person with that name that owes the money. Since this inference from the Mishna is therefore incorrect, it must be that the earlier inference made is incorrect as well!? The only way you can explain the inference from this second part of the Mishna is that there were

eidei mesira and the Mishna is following the view of **R' Elazar**. We can therefore say that the third case of the Mishna is likewise talking about where there were eidei mesira, and follows the view of **R' Elazar**, and that is why he can use it for the older wife.

- **Rav** said, all the gittin mentioned in our Mishna (although they are passul) will make this woman assur to marry a Kohen (as if she was a divorcee), except for the first case (where the get was written for practice).
  - **Shmuel** said, even in the first case the woman would become passul to marry a Kohen. **Shmuel** follows his view elsewhere, where he says that all gittin that the **Rabanan** said are “passul” make the woman passul to marry a Kohen, and all chalitzas that they say are passul, make the yevama assur to do yibum.
    - In EY they said in the name of **R' Elazar** that if a chalitza was done on the left foot or at night the chalitza is passul and the yevama becomes assur for yibum, but if the chalitza was done by a minor or by using a cloth shoe, the chalitza is passul and does not make the yevama assur for yibum.
  - **Ze'iri and R' Assi** said that none of the cases in the Mishna make her passul to a Kohen except for the last case.
  - **R' Yochanan** says even the last case does not make her passul to a Kohen. He follows his view elsewhere where he says that when brothers split an estate they are in effect trading their share for the share of their brother (we don't say that breirah makes that it was their share from the beginning, the same way he doesn't hold of breirah in this last case of our Mishna).
    - Both cases are needed. If we would only have our Mishna we would say that there is no breirah because of the lishma requirement, but by the inheritance there is breirah. If we would only have the case of the inheritance we would say he only says there is no breirah when it leads to a chumra, but in the case of the Mishna, where saying “no breirah” makes her mutar to marry a Kohen, maybe he would hold differently.