



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

Gittin Daf Lamed Gimmel

MIPNEI TIKUN HA'OLAM

- **Q:** What is the reason for the takanah? **R' Yochanan** said it is to prevent mamzeirim from being created, and **Reish Lakish** said it is to prevent the problem of agunos.
 - **R' Yochanan** said it is to prevent mamzeirim. This is because he holds like **R' Nachman**, who said that the husband had to be mevatel only in front of 2 people, which is not enough publicity to make this voiding known. Therefore, the woman will not hear that her get was voided and will remarry based on it, leading to her having children who are mamzeirim. **Reish Lakish** holds like **R' Sheishes**, that the voiding needed to be done in front of 3 people. Therefore, there was publicity and the woman would hear that her get was voided and would not remarry based on it. The only issue is, that allowing the husband to do so affords him the opportunity to torture her by voiding the get with little effort on his part. Therefore, they instituted that in order to void the get he must intercept the shaliach or reach the woman before the shaliach does.
- A Braisa says, **Rebbi** says, if after the enactment of the takanah a husband went and voided a get in Beis Din (without the presence of the shaliach or the wife), the get is still voided. **R' Shimon ben Gamliel** says the husband cannot void the get if the shaliach or the wife are not there and he may not even add to any condition of the get if they are not there, because if we allow him to do so, what good is the power of **R' Gamliel's** takanah?
 - **Q:** Can it be that D'Oraisa a get becomes batel, but because of the concern for the power of Beis Din we will say that the get is not batel? **A:** Yes. All kiddushin is done subject to the will of the **Rabanan**, and in this case the **Rabanan** retroactively uproot the kiddushin between this man and woman, thereby making her mutar to marry anybody.
 - **Q:** **Ravina** asked **R' Ashi**, that seems possible to say when the kiddushin was done with money (the **Rabanan** have the power to disown one of his money, and they therefore say the money given as kiddushin was actually a simple gift, thereby making that the kiddushin never took place). However, in a case where kiddushin was done with bi'ah, how can the **Rabanan** say that the kiddushin never took place? **A:** He answered, the **Rabanan** consider the bi'ah that was done to be an act of zenus.
- A Braisa says, if a man tells 10 people "write a get for my wife" (in which case any of them can write it and any 2 of them can sign it), **Rebbi** says he may later nullify the authority of any one of them even if not done in the presence of the others. **R' Shimon ben Gamliel** says it may only be done in the presence of the others.
 - The machlokes is based on whether we say that nullifying the authority of some of the people nullifies the authority of all the people. **Rebbi** says doing so will not nullify the authority of all of them. Therefore, if any of the people who did not have their authority annulled goes and gives the get, she is divorced. **R' Shimon ben Gamliel** holds that doing so will nullify all of them. Therefore, we need to be concerned that the people who are not present will not know that their authority was nullified, will therefore give a get to the wife (which is actually done without authority and is not valid), who will then get married based on this passul get.

- We can also say that the machlokes is based on the following. All agree that nullifying some does not nullify all. The machlokes is whether something that is established in the presence of 10 people needs the 10 people to be present to void it.
- **Q:** What would be the halacha if the husband instructed that “all 10 of you write a get for my wife”? If the reason of **R’ Shimon** is like the first version of the machlokes, then since in this case there is no concern that the remaining people will give the get (they know that all 10 must be involved, and the people who have their authority revoked directly will not participate, since they know their authority has been revoked), we would allow the authority to be revoked even if not in the presence of all 10. If his reason is like the second version of the machlokes, then without all 10 there the authority cannot be revoked in this case either. Which one is it? **A:** A Braisa says, if a man tells two people “Give a get to my wife”, **Rebbi** says he may revoke the authority of one without the presence of the other, and **R’ Shimon ben Gamliel** says he may not do so. Now, when he says this to 2 people, it is the equivalent of him saying “all of you”, and yet we see that they still argue in this case.
 - **R’ Ashi** said, it may be that the Braisa is discussing a case where the 2 people were not appointed to write the get, but were rather appointed to bring the get to the wife. It is only in that case that **R’ Shimon** says he cannot revoke the authority of one when not in the presence of the other, because the other will not know and will continue to deliver the get. However, if they were instructed to write the get it may be that **R’ Shimon** would not argue.
 - This must be right, because the Braisa then says that if the husband appointed each of the two people separately, he can revoke their power separately. If they are simply shluchim, that makes sense. However, if they are witnesses to the writing, how can they separately testify to the get? The halacha is that the two witnesses must always testify at the same time.
 - The Gemara says this is no proof, because the Braisa may hold like **R’ Yehoshua ben Korcha**, who holds that the witnesses need not have seen the event together.
- **R’ Shmuel bar Yehuda** said, I heard from **R’ Abba** that he paskened like **Rebbi** in one of the machlokes and like **R’ Shimon ben Gamliel** in the other, but I don’t know in which case he paskened like which one. **R’ Yosef** said, we find that in regard to a different case **Rebbi** later agreed that we must be concerned that allowing something that the **Rabanan** prohibited will compromise the power of Beis Din. Since he ultimately agrees to **R’ Shimon ben Gamliel** about that, it must be that in the machlokes above that centers around that concern is where we pasken like **R’ Shimon ben Gamliel**, and therefore it must be in the other machlokes that **R’ Abba** paskened like **Rebbi**.
 - **R’ Yoshiya of Usha** also held like **R’ Abba**, because after forcing a husband to consent to a get he told the people appointed to write the get to run away and hide. He did this to prevent the husband from being able to retract the get. This shows that he held like **R’ Shimon ben Gamliel** that a retraction in front of Beis Din would not work. Also, the fact that he told them to hide, and not to simply separate, shows that he held like **Rebbi**, because he would hold that if they would simply separate the husband would still be able to revoke their authority, which is why they were instructed to hide.
 - **Rava in the name of R’ Nachman** said that the halacha follow **Rebbi** in both machlokes.
 - **Q:** We find that **R’ Nachman** does not allow young orphans to later protest the division of the estate by Beis Din, because we are concerned for the power of Beis Din, so how could he hold like **Rebbi** in the first machlokes!? **A:** **R’ Nachman** holds we are concerned for the power of Beis Din only regarding monetary matters, not regarding issurim (like gittin).