



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

Gittin Daf Samach Gimmel

- If a woman tells a shaliach "Bring me my get", and the shaliach then tells the husband "Your wife told me to accept the get for her", and the husband then gives the get to the shaliach and says "this get is for you like she said", **R' Nachman in the name of Rabbah bar Avuha in the name of Rav** said, even when the get reaches the woman, she is not divorced.
 - **Q:** Presumably we can learn from here that the husband bases his instruction on what the shaliach said, because if he bases on what the woman said, then she should become divorced when the get reaches her hand!? **A: R' Ashi** said, this is really no proof. If the case discussed was the reverse – where the wife told the shaliach to be a shliach l'kalah and the shliach said he is a shliach l'holacha, and the husband then told the shliach "this get is for you like she said", and on that case **R' Nachman** would have said that she is divorced as soon as the get reaches the shliach, then that would be a proof that the husband instructs based on what the woman says, or if **R' Nachman** would have said that she is divorced as soon as the get reaches her hand, that would prove that he holds that the husband instructs based on what the shliach says. However, in our case, since he says she is not divorced at all, it must be because he holds the shlichus becomes nullified, because the shliach said he will be l'kalah and not l'holacha.
 - **Q: R' Huna bar Chiya** asked, our Mishna says, if a husband tells a shliach "accept this get for my wife" or "take this get to my wife", he may retract the get. This suggests that if he does not retract, it is a valid get. However, this shouldn't be, because the husband does not have the ability to make a shliach l'kalah. Rather, it must be that we say, that once he has decided to divorce her, we assume that he means to do whatever needs to be done to divorce her and he therefore means to make the shliach in whatever capacity necessary. If so, the same thing should be said in our original case, so why does **R' Nachman** say that she is not divorced? **A:** The cases are very different. In the case of the Mishna, the husband knows that he cannot make a shliach l'kalah, and therefore he intends to make him a shliach l'holacha. However, in the case of **R' Nachman** he is given erroneous information and as such is mistaken as to his instruction. Therefore, she is not divorced.
 - **Q: Rava** said, a Mishna says, if a girl who is a minor says to a shliach "accept my get for me", it is not a get until it reaches her hand. Now, this means that when it does reach her hand the get is effective. However, since the husband does not make the shliach a shliach l'holacha she should not be divorced!? Rather, it must be that we say, that once he has decided to divorce her, we assume that he means to do whatever needs to be done to divorce her and he therefore means to make the shliach in whatever capacity necessary. If so, the same thing should be said in our original case, so why does **R' Nachman** say that she is not divorced? **A:** The cases are very different. In the case of the Mishna, the husband knows that a minor cannot make a shliach l'kalah, and therefore he intends to make him a shliach l'holacha. However, in the case of **R' Nachman** he is given erroneous information and as such is mistaken as to his instruction. Therefore, she is not divorced.
 - **Q:** A Braisa says, if a wife told a shaliach "bring me my get" and the shaliach tells the husband "your wife told me to accept the get for her", or if the wife told him "accept my get for me" and the shaliach tells the husband "your wife told me to bring the get to her", and the husband gives the get to the shaliach and says "take it and give it to her" or "be koneh it for her" or "accept it for her", the husband may still retract the get, but once it reaches her hand she is divorced. Now, presumably the husband's response of

person tells a shaliach "holeich" some money to someone else because I owe him that money, he may not retract. We see that **Rav** holds that "holeich" is the equivalent of saying "be koneh"!? **A: Rav** is unsure. Therefore, in a case of money he is meikel and says it is as if he said "be koneh" and in a case of issur (gittin) he says that it is not.

- **Rav** says a woman may not make a shaliach l'kabalah to accept a get from her husband's shaliach l'holacha, and **R' Chanina** says that she may do so.
 - **Q:** What is **Rav's** reason? **A:** Either because the husband would view that as an insult and would be mevatel the shlichus, or as a gezeirah for a case where the husband put the get into someone else's field which was then bought by or gifted to the wife. In that case she is clearly not divorced, because the husband has not given the get to her (he does not even put it into her property, since at the time he put it there she did not own the property). The difference between these reasons would be where the wife made her shaliach before the husband made his shaliach. In that case there would be no need for the gezeirah, but it still may be viewed as an insult by the husband.
 - A man sent a get to his wife with a shaliach. When the shaliach reached the wife she told him "Let it remain by you" (i.e. be my shaliach l'kabalah). **R' Nachman** said, if I would know that the halacha follows **R' Chanina** I would say that this woman is divorced.
 - **Rava** asked, even according to **R' Chanina** she should not be divorced, because this shaliach cannot go back to the husband as being his principle, because he is now the shaliach of the woman, and such a shlichus is not effective!? They asked this question to **R' Ami** and he said that this makes the shlichus batul. They sent this question to **R' Chiya bar Abba** and he said that we must consider it to be a safek whether she is divorced.
- There was a woman named "Nafasa", and the witnesses mistakenly wrote the get for "Tafasa". **R' Yitzchak bar Shmuel bar Marsa in the name of Rav** said that the witnesses did their duties by writing the get and therefore are not charged with writing a new, effective get. **Rabbah** said they were instructed to write an effective get and did not do so, therefore they still have the authority under the original charge to write a new, effective get. **Rabbah** said, had they written an effective get but lost it before giving it to her, they would not be allowed to write a new get, because they did what they were charged to do. **R' Nachman** said, they were charged with delivering the get and did not do so, therefore, they may write a new get and deliver it.
 - **Q: Rava** asked **R' Nachman**, what if the husband had told them "write a get and give it to the shaliach" and the shaliach then lost the get? Do we say they have done their duties and have no authority to write a new get, or do we say that the husband only said to give it to a shaliach to save them the bother of delivery, but in truth they have the authority until the get is delivered? **Ravina** added, what if the husband had also said "write the get and give it to the shaliach and let him bring it to her", does this mean they have authority until it is actually given to her? **TEIKU**.

R' SHIMON BEN GAMLIEL OMER AHF HA'OMERES TOL LI GITI...

- A Braisa says, if a woman tells a shaliach "take my get for me" or "lift my get for me" or "let my get be in your hand for me", these are all verbiage of making the shaliach into a shaliach l'kabalah.