



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

Gittin Daf Samach Daled

MISHNA

- If a woman told a shaliach to accept a get for her, she will need two sets of witnesses to prove that she is divorced – one set to say that she actually made the shaliach as a shaliach l'kabalah, and one set to say that they saw the shaliach accept the get and then tear it up. The same people can serve as both sets of witnesses, or you can also have one person who is common to both sets and a different person join to complete each set.

GEMARA

- If a get is in the hands of a 3rd party, and the husband says it was given to the 3rd party for safekeeping (but not to effectuate a divorce), but the 3rd party says he was a shaliach l'kabalah of the wife and the get was given to him to effectuate the divorce upon receipt, **R' Huna** says the husband is believed, because if he truly meant to give it for divorce he would have given it directly to the wife and not to a 3rd party, and **R' Chisda** says that the 3rd party is believed, because we see that the husband trusted this person to hold the get.
 - **Q: R' Abba** asked, a Braisa says, that although a litigant's admission is believed "like 100 witnesses", the 3rd party is believed more than the litigants. This is not like **R' Huna** said!? **A:** The Braisa discusses a monetary case, where we trust the 3rd party because even if he is wrong, the person who gave him the money is said to be "mochel" the money to him. However, this concept of mechila does not apply to a get, because if it wasn't given properly the get cannot be effective.
 - **Q:** A Braisa says that similarly, a 3rd party is believed regarding "gittin" as well!? **A:** The Braisa is referring to "gitei mammon" – monetary documents.
 - **Q:** A Braisa says and similarly the 3rd party is believed regarding documents (which would suggest that "get" means a divorce document)!? **A:** These are 2 separate Braisos, and the Tanna of each referred to commercial documents in a different way, but neither refers to a divorce document.
 - **Q:** Our Mishna says that the woman must produce two sets of witnesses. According to **R' Chisda** we should simply believe the shaliach!? **A:** The Mishna is discussing where he no longer has the valid get (it is torn and invalid), and that is why he is not believed.
 - **Q:** Once she brings witnesses that she appointed him as her shaliach, the fact that he has the torn get should be enough of a basis for him to say that he received the get!? **A: Rava** said, our Mishna is following **R' Elazar**, who says that eidei mesirah are the essential witnesses needed for a get.
 - **Q:** Why did the shaliach need to tear the get? **A: R' Yehuda in the name of Rav** said, the Mishna is teaching that when there was a governmental ban against writing gittin, the **Rabanan** said that as soon as a get is given it should be torn to remove any sign that one was ever written.
 - **Rabbah** said, **R' Huna** would agree that if the woman said, the 3rd party told me that the husband gave him the get for the purpose of effectuating a divorce, she is believed.
 - **Q:** How can it be that the 3rd party himself is not believed, but she is believed? **A: Rabbah** meant that if the woman says, my husband gave the get to the 3rd party in front of me and it was given for the purpose of effectuating a divorce, she is believed with a miguy that she could have simply said that the get was given directly to her to effectuate a divorce.
- If the husband says he gave a get to a 3rd party to deliver, and the 3rd party says the same and says he delivered it, and the woman says that the get was delivered to her but was lost, **R'**

Yochanan says this is a “davar sheb’ervah”, and therefore 2 valid witnesses are needed to testify that she is divorced.

- **Q:** Why don’t we believe the 3rd party? **A:** He is not in possession of the get and therefore is not believed.
- **Q:** Why isn’t the husband believed? **R’ Chiya bar Abba in the name of R’ Yochanan** has said that a husband is believed to say that he divorced his wife!? **A:** In this case he is not claiming that he divorced her. He is only claiming that he gave it to the 3rd party to be delivered.
 - **Q:** Why don’t we say that there is a chazaka that a shaliach has performed his shlichus (as **R’ Yitzchak** says regarding kiddushin), and therefore we can assume that she is divorced!? **A:** That is only said l’chumra, not l’kula.
- **Q:** Why isn’t she believed based on **R’ Hamnuna**, who says that a woman who tells her husband “you divorced me” is believed because she wouldn’t have the chutzpah to lie to his face!? **A:** That is only when she has no one helping her claim. When she does, she does have the chutzpah. And here the husband and the 3rd party are helping her claim.

MISHNA

- With regard to a naarah hame’orasa, the girl herself or her father may accept the get for her. **R’ Yehuda** says, it cannot be that two people can be koneh for one person at one time, therefore, only the father has the authority to accept the get for her.
- Any girl who is not able to take care of her get (she is not mature enough, etc.) cannot be divorced.

GEMARA

- The basis for the machlokes is that the **Rabanan** hold that the Torah gave this naarah an additional method of accepting her get (so now there are 2 ways), and **R’ Yehuda** holds that wherever the father can accept her get, she herself is not authorized to do so (so it is either one or the other, not both).

V’CHOL SHE’EINA YECHOLA LISHMOR ES GITAH

- A Braisa says, a minor who knows how to take care of her get can be divorced, and a minor who does not know how to do so cannot be divorced. What type of minor knows how to take care of her get? Any minor who can take care of her get and something else.
 - **Q:** What does the Braisa mean to say? **A:** **R’ Yochanan** said, this means that if the girl would lose her get, she would take care of another object as if it is her get.
 - **Q:** **R’ Huna bar Manoach** asked, such a person would be considered a shotah!? **A:** Rather, he says in the name of **R’ Acha the son of R’ Ika**, this refers to a minor who knows how to tell the difference between her get and another object.
- **R’ Yehuda in the name of R’ Assi** said, a minor who understands to throw away a stone and keep a nut has enough capacity to be able to be koneh for himself, but not for others. If a minor understands to borrow something and return it when asked, he has enough capacity to be koneh for himself and for others. **R’ Yehuda** said, when I repeated this to **Shmuel**, he told me that “both of these are one”, which **R’ Chisda** explained to mean that in both of these stages a minor may be koneh for himself but not for anyone else.
 - **Q:** **R’ Chinina Vardan** asked, a Mishna says that one can set up a “shituf” (like an eiruv) by having his Jewish maidservant be koneh for everyone who shares the mavuy. This maidservant must still be a minor, because if she already grew “shtei saaros” she would have gone free! And yet, we see that she can be koneh for other people. We see that a minor can be koneh for other people!? **A:** The case of shituf is different because it is only D’Rabanan, and that is why a minor can be koneh for other people in that case.
 - **R’ Chisda** said that **R’ Chinina** didn’t argue with this answer. The Gemara explains, he could have said that the **Rabanan** only institute in a way similar to a D’Oraisa. **R’ Chisda** would have said, that is only true when the subject of the D’Rabanan has a basis D’Oraisa. Shituf does not, so there is no need to institute similar to a D’Orasia.

- **Q: R' Avya** asked, the halacha is that when a person redeems his own maser sheini he must pay a premium of 1/5. A Mishna says, one can get around having to pay that by having his Jewish maidservant redeem his maaser sheini. This maidservant must still be a minor, because if she already grew “shteis saaros” she would have gone free! And yet, we see that she can be koneh for other people. We see that a minor can be koneh for other people!? **A:** The Mishna is discussing maaser after the Churban, which is only D'Rabanan.
 - **Q:** This can't be, because a Braisa says that there is only a concept of Jewish slaves when Yovel exists, and after the Churban, Yovel ceased to exist!? **A:** We must say that it is before the Churban, and the reason the maaser is only D'Rabanan is because it was grown in a flowerpot without a hole.
- **Rava** said, there are three categories of minors: 1) a minor who understands to throw away a stone and keep a nut has enough capacity to be able to be koneh for himself, but not for others, and this is also the type of orphaned minor who can be married off by her mother and would be required to do “mi'un” to annul the marriage; 2) young children (from the age of 6-8) can buy and sell moveable items, and such a minor can also accept a get even when she was married off by her father; 3) when they are old enough to make nedarim (a year before bar or bas mitzvah), their nedarim and their hekdesch take effect, and a minor of this type can even do chalitza. The Gemara says, in order to sell the real property of his father, a child must be 20 years old.