



Daf In Review – Weekly Chazarah

Maseches Gittin, Daf פ"ג – Daf כ"ג

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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- A woman must wait 3 months after getting divorced before she may remarry. **Rav** says we count these 3 months from the time that she receives the get. **Shmuel** says we count from the time that the get was written.
 - **Q: R' Nosson bar Hoshaya** asked, according to **Shmuel** we can have a situation where 2 wives were given the get at the same time, but one can marry before the other (where the get of one was written before the other), which will lead to confusion!? **A: Abaye** said, the fact that each get has a date written on it will avoid any confusion.
 - There is a Braisa that says like **Rav**. The Braisa says that if a get is sent to a woman and it took the shaliach 3 months to travel, the woman begins counting her 3 months (of waiting to get remarried) from the time that the get reaches her hand.
 - There is a Braisa that says like **Shmuel**. The Braisa says, if a husband gives a get to a shaliach and instructs him to hold for 3 months before giving it to his wife, the wife may remarry immediately as soon as she receives the get from the shaliach.
 - **R' Kahana, R' Pappi, and R' Ashi** all said she must wait 3 months from the time the get was written, and **R' Pappa and R' Huna the son of R' Yehoshua** said, the wait begins from when she receives the get. The Gemara paskens that she must wait from the time that the get was written.
- The halacha is that a loan becomes cancelled during the shmitta year. There is a machlokes regarding at what point in time a kesubah obligation becomes a loan, in the sense that it too will get cancelled during shmitta. **Rav** says this happens when partial payment on the kesubah was given *and* the remaining balance is then converted into a loan. **Shmuel** says this happens *either* when partial payment is given, *or* when the kesubah is set up as a loan.
 - There is a Braisa that says clearly like **Rav**. There is another Braisa that says like **Shmuel** and adds that it is considered to be converted into a loan at the time that they go to Beis Din and Beis Din says the husband is obligated to make the payment.
- **Shmuel** said, a kesubah is like an act of Beis Din – just as an act of Beis Din may be written by day and signed the following night, the same may be done with a kesubah (and a predated kesubah would therefore be valid).
 - The kesubah of **R' Chiya the son of Rav** was written by day and signed the following night, and **Rav** did not say anything to disagree with that.
 - **Q:** Maybe we can say that **Rav** holds like **Shmuel**? **A:** It may be that **Rav** only allowed it because they were busy with the actual writing from the daytime until the time of signing (that took place at night). In that case we find that **R' Elazar the son of R' Tzadok** said in a Braisa that it would be valid. However, it may be that **Rav** would rule other cases of predated kesubos to be passul.

R' SHIMON MACHSHIR

- **Rava** said, the reason for **R' Shimon's** view is that he holds that as soon as a man has decided to divorce his wife he already loses rights to the nichsei melug.
- **Reish Lakish** said, **R' Shimon** only validated a predated get when it was signed at the beginning of the day after which it was written. However, if there was a 10 day space between the writing and the signing, it would be passul, because we are concerned that they reconciled during that time and had bi'ah, which then makes this predated get passul as a "get yashan". **R' Yochanan** said that **R' Shimon** allowed even a 10 day lapse between the writing and the signing. He is not concerned for a reconciliation, because if there was a reconciliation, people would know about it.

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- If a man tells 10 people, “write a get for my wife”, **R’ Yochanan** says two of the people must serve as essential witnesses and the other 8 also sign the get, since they were made to be a condition to the get. **Reish Lakish** says all 10 must sign as essential witnesses.
 - **Q:** What is the case? It can’t be where he did not specifically say “all of you”, because we have learned in a Mishna that if he does not say “all of you”, then only one of the 10 needs to write the get and only 2 need to sign. **A:** It must be that the case is where he said “all 10 of you write and sign the get”.
 - **Q:** What is the difference between **R’ Yochanan** and **Reish Lakish**? **A:** The difference would be in a case where 2 of them signed on the day it was written and the others signed on a later day. According to **R’ Yochanan**, the necessary signatures happened in a timely fashion and therefore the get would be valid. According to **Reish Lakish**, since the necessary witnesses signed on a day after the writing, the get is passul as a predated get. **A2:** Another difference would be where one of the 10 is a relative to the parties of the get or is otherwise passul to be a witness. According to **R’ Yochanan**, as long as 2 witnesses are valid, the get would be valid. According to **Reish Lakish**, if any of the witnesses are passul, they all become passul and therefore the get would be passul as well.
 - According to **R’ Yochanan**, if one of the first two people to sign the get would be passul, some say the get would still be valid, because we would view this person as being part of the condition rather than the essential witness, and others say that the get would be passul, because we are concerned that people would become confused and think that any other document can be valid with this type of witness signing as well.
 - We see from an actual case that came about, that **R’ Yehoshua ben Levi** held like **R’ Yochanan** with regard to his view that **R’ Shimon** validates a predated get even if there were 10 days between the writing and the signing. He also held like **Reish Lakish** with regard to his view that when the husband instruct “all 10 of you” to write and sign a get, all 10 people become essential witnesses on the get (and are not merely a condition of the get).

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MISHNA

- A get may be written with anything: with deyo, sahm, sikra, kumus, kankantom, or anything that has a lasting impression. A get may not be written with liquids, fruit juices, or anything that does not leave a lasting impression.
- A get may be written on anything: on a detached olive tree leaf, on the horn of a cow and he can then give her the cow, or on the hand of a slave and he can then give her the slave. **R’ Yose Haglili** says a get may not be written on a living creature or on food.

GEMARA

- “Deyo” is black ink. “Sahm” is sama. **Rabbah bar bar Chana** says that “sikra” is sikarta (a red dye). “Kumus” is kuma (sap from a tree). **Rabbah bar bar Chana in the name of Shmuel** said, “Kankantom” is black dye used to dye shoes.

U’VICHOL DAVAR SHEHU MISKAYEIM...

- This comes to include as **R’ Chanina** taught, that a get written with dirty, stagnant rain water or gallnut juice is valid.
- **R’ Chiya** taught, if a get is written with lead, with charcoal, or with shoemaker dye, it is valid.
- If on Shabbos someone traces black ink over letters written in red ink, **R’ Yochanan** and **Reish Lakish** both say that he would be chayuv for two melachos – writing (the black letters) and erasing (the red letters). If he traced black ink over black ink, or red ink over red ink, he would be patur. If he traced red ink over black ink, some say he would be chayuv (since he erases the black letters) and some say he would be patur (because he is destructive in that the black letters are superior).
 - **Q: Reish Lakish** asked **R’ Yochanan**, if witnesses don’t know how to sign their name for a get, may we write their names in red ink and have them trace the letters with black ink? Would the new, black ink be considered their writing? **A: R’ Yochanan** said it is not considered to be a writing.

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- **Q: Reish Lakish** asked, but you have said that such tracing is called writing for purposes of Shabbos!? **A: R' Yochanan** said, we are not absolutely certain, and that is why we go l'chumra in both cases.
- If witnesses don't know how to sign their names for a get, **Rav** says we etch their names on a blank paper and they fill in the etching with ink. **Shmuel** says we write their names in lead and they then trace over that with ink.
 - **Q:** We have learned above that writing with lead is full-fledged writing for a get!? **A: Shmuel** was referring to using a solid piece of lead, which is not considered a writing. Previously we were discussing mixing lead with water, and using that mixture to write – which would be a good writing.
 - **R' Avahu** said, we should write their names with gallnut juice and have them trace that with ink.
 - **Q:** We said above that gallnut juice is an acceptable method of writing for a get!? **A:** If the parchment was treated with gallnut juice, then writing with this juice on that parchment is not considered to be a writing. If it was not treated, it is considered a valid method of writing.
 - **R' Pappa** said we should write their names for them with saliva and have them trace that with ink.
 - All these methods of helping witnesses sign should only be done for a get. For other documents, we should find witnesses who are capable of signing their name. In fact, **R' Kahana** once gave someone malkus for assisting witnesses to sign on other documents.
 - There is a Braisa that says like **Rav**. The Braisa says that if witnesses don't know how to sign their names, we etch their names on a piece of paper and they fill it in with ink. **R' Shimon ben Gamliel** says this leniency only applies to a get of divorce. With regard to other documents, if they know how to read and sign they may sign. If not, they may not sign.
 - **Q:** The T"K did not mention anything about the ability to read, so why did **R' Shimon** mention that? **A:** The Braisa is missing words and should read as follows: If witnesses don't know how to read, we read the document to them and they can sign. If they don't know how to sign, we etch paper for them and they fill in with ink...
 - **R' Elazar** explained, the reason that **R' Shimon** is more lenient by get is to try and prevent women from becoming agunos.
 - **Rava** paskened like **R' Shimon ben Gamliel** and **R' Gamda in the name of Rava** said that the halacha does not follow **R' Shimon ben Gamliel**.
 - **Q:** How could he say the halacha doesn't follow **R' Shimon** (which means we may use this method by other documents as well) when we see that **R' Kahana** gave malkus for doing so!? **A:** He meant the halacha is not like **R' Shimon** with regard to his requirement that they know how to read.
 - **R' Yehuda** would strain himself to read a document before signing it. **Ulla** said to him, there is no need to strain yourself, because we find that **R' Elazar** and **R' Nachman** would have people read the documents to them and they would then sign them.
 - The Gemara says that the person reading the document to **R' Nachman** had a fear of **R' Nachman** and that is why he relied on the reading of a single person. In a different situation, a single person cannot be relied upon in that way.
 - When a document written in Persian in the Kuti courts was brought to **R' Pappa** he would call 2 Kutim individually in a "masiach lefi tumo" way and have them translate the document for him, and he would then allow collecting from encumbered properties based on the document.
 - **R' Ashi** said that **R' Huna bar Nosson in the name of Ameimar** said, if a document written in Persian is signed by Yidden, it can be used to collect from encumbered properties.
 - **Q:** The Jewish witnesses can't read Persian, so how are they effective witnesses!? **A:** The case is that these people know how to read Persian.
 - **Q:** According to halacha, a document must be written on a paper that can be easily determined when it is erased, and Persians don't use such paper!? **A:** The case is that they did treat their paper with a substance that will make it obvious if it is erased.
 - **Q:** According to halacha the last line of a document must be a review of the integral parts of the document, and Persians don't do that!? **A:** The case is that this was done.

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- **Q:** If all these details were done, what is the chiddush? It can't be to teach that the writing in any language is valid, because a Mishna already teaches that regarding get!?! **A:** We would think that this is a leniency that only applies to get (to prevent agunos), but not to other documents.
- **Shmuel** said, if the husband gives the wife what appears to be a blank paper, and tells her "Here is your get", she is considered to be divorced, because we are concerned that he wrote the get with gallnut juice, which became absorbed into the paper.
 - **Q:** A Braisa says, if a man hands his wife a paper and says "Here is your get", and she takes and throws it into the sea or into a fire before anyone has a chance to see what is written on it, and the husband then says it was actually not a get, but was some other meaningless document, she is considered to be divorced. The reason the husband's statement of "here is your get" seems to be believed is because there was *something* written on the document. However, if there was nothing written, it would seem that he would not be believed!?! **A:** **Shmuel** meant that we test the blank paper with a substance that would bring out the absorbed gallnut juice, and we can then tell if anything was written there.
 - **Q:** Even if the writing resurfaces now, that doesn't prove that it existed when it was given to the woman, so how do we know that she is divorced!?! **A:** **Shmuel** didn't say that she is certainly divorced. He said that we must be concerned that she is divorced and is dealt with l'chumra because of this safek.
- **Ravina** said that **Ameimar** told him in the name of **Mareimar in the name of R' Dimi**, that the eidei mesirah must read the get before it is given to the woman.
 - **Q:** The Braisa above said that if she throws the "get" into the sea or into a fire, the husband is not believed to say it was not a get. Now, if the witnesses must read it, how can the husband even claim it was something else altogether? **A:** The case is that after they read it the husband took it back and put it in his sleeve. He then took out a document and gave it to his wife. We would think that we must be concerned that he switched the get for another document. The Braisa teaches that we are not concerned.
- A man once threw (what he said was) a get to his wife and it fell in between some jars. When she went to get it, all she found was a mezuzah. **R' Nachman** said, since it is not common to find mezuzos there, we can assume that that is what was thrown.
 - However, if she were to find other mezuzos there, we would assume that the mezuzah that she found was there before as well, and a get that was thrown was taken away by mice.
- A man once took a Sefer Torah, gave it to his wife and said "Here is your get". **R' Yosef** said, there is no concern that this woman is divorced though this action. If you are concerned that maybe he had written a get in gallnut juice on the back of the parchment, that is not a concern, because the parchment of a Torah is treated with gallnut juice and a writing of gallnut juice would therefore not be considered a "writing". If the concern is that the parsha of get in the Torah acts as the get, that is not a concern, because it was not written lishma. If you are concerned that he had paid the sofer to have him in mind when he wrote the Torah, it would still not be a valid get, because there is no mention of his name and her name, and his city and her city.
 - **Q:** This seems to be very obvious, so what was **R' Yosef** trying to teach us? **A:** He was teaching us the halacha that writing with gallnut juice on parchment that was treated with gallnut juice is not called a "writing".

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- **R' Chisda** said, if a get was written not lishma, and the sofer then retraced all the letters with ink, this time having in mind to make it lishma, this validity of this get would be subject to the machlokes between **R' Yehuda and the Rabanan** in a Braisa. The Braisa says, if one needed to write Hashem's Name in a Torah, but had in mind to write the word Yehuda instead, but in actuality write the Name of Hashem, **R' Yehuda** says he should retrace the letters with the intent to make it kodesh, and it is valid. The **Chachomim** say it is not valid. Presumably this machlokes would hold true for a get as well.

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- **R' Acha bar Yaakov** said, it may be that the **Rabanan** hold that way regarding a Sefer Torah since doing so would not be the best way to write Hashem's Name and the pasuk of "zeh Keili v'anveihu" teaches that a Sefer Torah should be written in the very best way. However, regarding get where there is no such requirement, it may be that the **Rabanan** would agree to this method of making the get lishma after the fact.
- **R' Chisda** said, I can make all the gittin in the world passul, because of how the process is performed. **Rava** asked him, if you are saying this because the pasuk says "v'kasav", which suggests that the get must be owned by the man when it is written, and the **Rabanan** have come along and placed the financial burden for the writing of the get on the woman (to try and incentivize the husband not to hold back writing a get and thereby leaving his wife as an agunah), that is not problematic, because the **Rabanan** take the money used to pay for the get and give ownership of it to the husband, alleviating your concern! Maybe your statement is based on the fact that the pasuk says "v'nassan", and since the paper of the get is not worth a perutah it does not qualify as something "given" to the woman? That is also not a legitimate concern, because the word "v'nassan" refers to the get and means that it must be given over, irrespective of value! I can prove this because we have been taught that if a get is written on something which is assur to benefit from, it is still a valid get.
 - **R' Ashi** said, we have also learned this halacha, because our Mishna says that a get written on the leaf of an olive tree is valid. This leaf is clearly not worth a peruta and yet it is valid.
 - The Gemara says this is no proof. It may be that an olive tree leaf has some value, because it can be combined with other leaves to use as a mattress or for animal feed. However, things that are assur to benefit from provide no benefit at all, and therefore may be treated differently.
 - A Braisa says that **Rebbi** says, a get written on something assur to benefit from is valid. We find that **Levi** paskened like **Rebbi**, and the Gemara paskens this way as well.
- A Braisa says, the pasuk says "v'kasav", which teaches that a get must be written, and not engraved into a piece of wood or the like.
 - **Q:** Another Braisa says that a get shichrur that is engraved into a board is valid!? **A: Ulla in the name of R' Elazar** said, the first Braisa is talking about etching out the area around the letters, leaving the form of letter still raised. This is not called "writing". The second Braisa is discussing where the letters themselves were etched, and that is considered to be a writing.
 - **Q:** A Braisa says that the letters on the "tzitz" were raised like the letters on a coin, and yet the Torah refers to the letters on the tzitz as being "written"!? **A:** The letters were similar, but not exactly like a coin. The letters on a coin are created by pushing down the surrounding areas, leaving the form of the letters remaining high. That is not a "writing". The letters of the tzitz were directly formed by pushing out the letters from the back of the tzitz, and therefore did have the status of "writing".
 - **Q: Ravina** asked **R' Ashi**, when a coin is formed, are the areas surrounding the letter pushed down and the letters are simply left standing, or is it that the metal is also forced into the form of the letters (in which case this would be a "creation of letters" and not simply a pushing down of the surrounding areas, and if this method was used to form a get it would be a valid form of "writing")? **A: R' Ashi** said, it simply pushes the surrounding areas down and is therefore not a valid form of "writing".
 - **Q: Ravina** asked, the Braisa says that the tzitz was made like the letters protruding on a coin, and we know the tzitz was considered to be "written"!? **A:** The letters were similar, but not exactly like a coin. The letters on a coin are created by pushing down the surrounding areas, leaving the form of the letters remaining high. That is not a "writing". The letters of the tzitz were directly formed by pushing out the letters from the back of the tzitz, and therefore did have the status of "writing".
- **Q: Rava** asked **R' Nachman**, if a man writes a get on a plate of gold and tells his wife "here is your get and your kesubah", what is the halacha? **A: R' Nachman** said, by taking it, she has gotten her get and her kesubah.
 - **Q:** A Braisa says, if a man writes a get on a gold plate and tells his wife "here is your get and the gold around the area of the writing should be your kesubah", it is valid get and she has taken her kesubah.

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This seems to teach that it is only because he is designating the extra gold for her kesubah that this works. If there is no extra it would seem not to work!? **A:** In truth such a get can serve as her kesubah even if there is no extra margin. The Braisa is teaching that even when there is an extra margin, only if the husband says this get should serve as her kesubah will it be her kesubah. If he does not say so, it serves only as a get.

- A Braisa says, if a husband gives a get to his wife and says “here is your get, but the paper belongs to me”, it is not a valid get. If he says “here is your get on the condition that you return the paper to me”, it is a valid get.
 - **Q: R’ Pappa** asked, what if the husband gave her the get, but said that he retains ownership over the paper besides for the paper on which each letter is written? **A: TEIKU.**
 - **Q:** Why doesn’t he say that this would be passul because the get would then be in many pieces, and the Torah says it must be a “sefer krisus” – which means it must be one piece, and not 2 or 3 pieces!? **A:** His question referred to a case where they left everything partially attached. Therefore it is still considered to be a “sefer”.
- **Q: Rami bar Chama** asked, if a slave was known to belong to a man, and the man wrote a get on the slave’s hand, and the wife now comes to Beis Din with the slave, do we say that the husband gave the slave to her (and she is therefore divorced) or do we say that the slave went to her on his own will, and not on the husband’s instruction?
 - **Q: Rava** asked, that get should anyway be passul, because it is a writing that can be forged!? Although the Mishna says such a get is valid, it may be that the Mishna is discussing where there were eidei mesira. However, **Rami bar Chama** is discussing where there are no eidei mesira, and therefore **Rava** is asking the get should be passul. **A: Rami bar Chama** is talking about where the get was tattooed into the arm of the slave, so it is not something that can be forged. Based on this we can say that our Mishna is also discussing where there are no eidei mesira, and the case is where the get is tattooed into the slave’s arm.
 - **A:** With regard to **Rami bar Chama’s** question, we find that **Reish Lakish** says that animals, which move around, are not subject to the laws of chazaka (just because someone has it does not mean that it is his). The same would be true regarding a slave, and therefore there is no reason to think that the husband gave her the slave merely based on the fact that the slave is now in her possession.
- **Q: Rami bar Chama** asked, if there was a tablet known to belong to a woman, and it is now in the possession of her husband and a get is written on it, do we say that she gave it to him with a kinyan and is therefore his and can be used for a get, or do we say she doesn’t understand that it must belong to him to be used for a get and she therefore didn’t give it to him with a kinyan? **A: Abaye** said, a Mishna brings a case where a lender would write loan documents and give them to the borrowers to sign and return to him and the **Rabanan** said this was a valid document. Now, in that case too, the document should be owned by the borrower. It must be that we say that the lender gave it to the borrowers with a kinyan. We should say the same here regarding the woman.
 - **Q: Rava** asked, the cases are not comparable!? It may be that the lender in that case was knowledgeable whereas a woman is not!? **A:** Rather, **Rava** said, we can answer the question from a Mishna that says, if a guarantor signed after the document was already executed, the creditor may collect from the guarantor’s unencumbered properties. From the fact that the guarantee is effective, we can see that the lender knew he must give the document to the guarantor with a kinyan. The same can be said in the case with the woman and the get.
 - **Q: R’ Ashi** asked, the cases are not comparable!? It may be that the lender in that case was knowledgeable whereas a woman is not!? **A:** Rather, **R’ Ashi** said we can answer the question from another Mishna. The Mishna says that a woman may write her own get as long as it is owned by the husband when it is signed. We see from here that the Mishna feels a woman understands that she must give ownership of the get to her husband in order for it to be effective.

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- **Rava** said, if a man writes a get for his wife and gives it to his slave and then gives the slave to the wife as a gift, she acquires the slave and is then divorced.
 - **Q:** A slave is a “mobile chatzer”, through which an owner cannot make a kinyan, and therefore she should not be divorced by the get being in the slave’s hand!? **A:** The slave was stationary, and therefore not “mobile”.
 - **Q: Rava** has said that if something *can* move then it can’t be koneh as a chatzer even if it is not moving at the time!? **A:** The case is that the slave is tied up. In that case he cannot move and therefore can be koneh as a chatzer.
- **Rava** said, if a man writes a get for his wife and puts it in his chatzer, and he then gifted the chatzer to his wife, she is koneh the chatzer and becomes divorced.
 - This ruling and the last are both needed. If we would just say the case of the slave we would say it only works in that case, but in the case of the chatzer she will not be divorced 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). If we would only say the case of chatzer we would think that in the case with the slave she is not koneh the get even though he is tied up, as a gezeira for a case when the slave is not tied up. This is why we need both cases.
 - **Q: Abaye** asked, we learn that a chatzer is koneh from the halacha that her hand is konah. Based on that, the chatzer must be like her hand, in the sense that just as a get can be placed into her hand with her will or against her will, so too a chatzer will only be konah if it can be done with her will or against her will. Now, in **Rava’s** cases (which deal with gifts) the gifts can only take place with her consent. If so, this case of chatzer is not like her hand and therefore she should not get divorced with this method of giving her the get!? **A: R’ Simi bar Ashi** said, we find the concept of the woman appointing a shaliach to accept the get. Now, such a shaliach can only be appointed with the consent of the woman (not against her will) and still she is konah the get in this way. We see that using a method that cannot be done against her will does not make it that she cannot be konah.
 - **Abaye** said, this is not a good answer, because shelichus is not learned from “her hand” and is therefore not subject to the limits of it having to be possible against her will as well.
 - We can also say, that shelichus to accept a get actually can be done against the will of the wife in a case where her father accepts the get for his minor daughter. Since it can be done against her will, that is why it can work.

AHL HE’ALEH SHEL ZAYIS...

- **Q:** We can understand why, if the get is written on the hand of a slave, the husband must give the entire slave to her, because we have no right to cut his hand off. However, when it is written on the horn of a cow, why does he have to give her the cow? Why can’t he just cut off the horn and give the horn to her? **A:** The pasuk says “v’kasav” next to the word “v’nassan” to teach that there can be no action needed between the writing and the giving. This excludes a case where something was written, would then have to be cut off, and could first then be given.

R’ YOSE HAGLILI OMER...

- **Q:** Why does **R’ Yose Haglili** hold that a get can’t be written on a living creature or on food? **A:** It is based on a Braisa that says, the pasuk says the get should be a “sefer”, which means it should be written on parchment. The pasuk also says “v’kasav lah”, which comes to teach that it can be written on any substance. If so, what does the word “sefer” come to teach? That just like parchment is not alive and is not food, so too a get may only be written on items that are not alive and are not food.
 - The **Rabanan** say, if the pasuk would say “b’sofer” (“in a sefer”), then it would teach as you suggest. However, since the pasuk says “sefer”, it teaches that the words of the get must follow the basic formula that is taught.
 - **Q:** What do the **Rabanan** learn from the words “v’kasav”? **A:** They use it to teach that a written get is the only thing that can be used to effectuate a divorce, and money can’t be used to effectuate a divorce.

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We would think that the hekesh from kiddushin to gittin teaches that money can be used for gittin as well. The pasuk therefore teaches that it may not be used.

- **R' Yose Haglili** learns this from the words “sefer krisus” – only a sefer can make the divorce, nothing else.
 - **The Rabanan** use this to teach that the divorce must create a full severance between them. If a condition is put into the get which makes her conduct herself in a certain manner forever because of the first husband, it would not be a get.
 - **R' Yose Haglili** learns this from the fact that the pasuk could have said “kares” and instead says “krisus”. The **Rabanan** don't make a drasha based on this.

MISHNA

- A get may not be written on something attached to the ground. If a get is written on something attached to the ground, and he then detached it, signed it, and gave it to her, it is valid. **R' Yehuda** says the get is passul until it is written and signed while detached from the ground.
- **R' Yehuda ben Beseira** says, a get may not be written on paper that was already erased or on “diftera” (on which we could not tell if something was erased), because a get written on these things can be forged. The **Chachomim** say it is valid.

GEMARA

- **Q:** How could the Mishna first say that a get may not be written while attached, and then say that if it is written while attached but signed when detached it is valid!? **A: R' Yehuda in the name of Shmuel** said, the second part of the Mishna is discussing where the “toref” of the get (the essential part that includes the names, the date and the place) was left blank and then filled in when detached. This answer was also given by **R' Elazar in the name of R' Oshaya** and by **Rabbah bar bar Chana in the name of R' Yochanan**.
 - Based on this answer, the Mishna is following **R' Elazar**, who says that eidei mesirah are essential. The Mishna should be understood as saying, even the “tofes” of the get (the non-essential parts) should not be written when attached to the ground, as a gezeira that one may come to write the toref when attached as well. However, if the tofes was written when attached to the ground, and it was then detached, and the toref was written, and he then gave it to her, the get is valid.
 - **Reish Lakish** says the second part of the Mishna is referring to where the entire writing was done when attached, but it was signed after being detached. According to this, the Mishna would be following the view of **R' Meir**, who says the witnesses signed on the get are the essential witnesses. The Mishna should be understood as saying, we may not write the toref of the get while attached to the ground as a gezeira so that we not come to sign the get while attached to the ground. However, if it was written when attached, and was then detached, signed, and given to her, it is valid.
- If a get was written on the earthenware of a flower pot with a hole in it (things planted in such a pot are considered to be attached to the ground) the get is valid, because he can simply take the pot and give it to her. If he writes a get on the leaf of the plant in such a pot, **Abaye** says it is valid, because he can simply take the entire pot and give it to her, and **Rava** says it is passul as a gezeira so that he not rip off the leaf and give it to her.

-----Daf כב---22-----

- If a flowerpot with a hole belongs to one person and the plant growing inside belongs to another person, and the owner of the pot sells the pot to the owner of the plant, the buyer can be koneh the pot with meshicha (it is considered to be moveable property). On the other hand, if the owner of the plant sells the plant to the owner of the pot, the buyer must make a kinyan chazakah like when buying land (the plant in the pot has the status of land).
 - If the pot and the plant both belong to one person and he is selling both to another person, the buyer can make a kinyan chazaka on the plant and thereby be konah the pot as well, based on the principle that moveable property can be acquired along with the kinyan on immovable property. If the buyer tries

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to make a kinyan chazaka on the pot he is not even konah the pot (kinyan chazaka is not effective on movable property).

- If there is a pot with a hole in EY (at the border) and the branches of the plant bend over and hang outside EY, **Abaye** says we follow the place of the hole and therefore maaser must be given. **Rava** says we follow the place of the branch, and therefore maaser need not be given.
 - If there are roots into the ground in EY all would agree that maaser must be given. The machlokes is only where no roots have grown into the ground.
 - **Q:** Is it true that when roots have grown there is no machlokes? A Mishna says, when there are 2 neighboring gardens, with one garden elevated at a higher level than the other, and there are vegetables that grow out of the vertical ground between them, **R' Meir** says they belong to the upper garden (they are growing from its earth) and **R' Yehuda** says they belong to the lower garden (they grow in its airspace). This would seem to hold true for the border of EY as well, so how can we be so sure that **Rava** would say it is chayuv in maaser? It would seem that **R' Yehuda** would say that we follow the airspace even though the plant is rooted!? **A:** With regard to maaser it becomes a question of where the nourishment comes from, and all agree that the nourishment comes from the place of the roots. The reason **R' Yehuda** says in that case that it belongs to the lower garden is because he says that the lower garden can fill in his garden with dirt and prevent the growth of the vegetables. This shows that the fact that they grow in his airspace gives him a stronger monetary claim to these vegetables.
 - **Q:** A Braisa says, if there is a tree that is partially in EY and partially outside EY, **Rebbi** says all the fruit is deemed to be a mixture of being chayuv in maaser and not being chayuv in maaser. **R' Shimon ben Gamliel** says, the fruit that grows in EY is subject to maaser and the fruit that grows outside EY is not chayuv in maaser. Now, presumably **R' Shimon** means that the fruit on the branches inside EY are chayuv in maaser and the fruit on the branches outside EY are not chayuv in maaser. We see that there is a view that does not say that if the roots are in EY all is automatically chayuv in maaser!? **A:** The case is that part of the roots are in EY and part of the roots are outside of EY. It is in that case that **R' Shimon** says we follow the location of the roots to determine maaser. However, when the roots are all in EY, all would be chayuv in maaser, no matter where the branches were hanging.
 - **Q:** What is the reason of **R' Shimon** (how can he divide the sides of the tree based on the roots, when presumably all the roots nourish all the fruit in the tree)? **A:** The case is where there was an underground rock separating the roots outside of EY from those inside EY. This creates the situation that the roots only nourish their side of the tree.
 - **Rebbi** says, although they are separated by the rock, the nutrients become mixed together in the trunk of the tree, and therefore all the fruit receive nourishment from all the roots. **R' Shimon** says that each side of the tree stays to itself and does not mix together.

R' YEHUDA BEN BESEIRA OMER...

- **R' Chiya bar Assi in the name of Ulla** says there are 3 types of animal hides (used for writing): “matzah” – has not been treated with salt, flour, or gallnuts, and we are taught that it has a distinct minimum size, which is used to teach the minimum size of this that one must carry out on Shabbos to be chayuv. The minimum size is taught by **R' Shmuel bar Yehuda** as being the amount of this hide needed to cover a small weight, which **Abaye** explains is “quarter of a quarter weight” which is the smallest weight used in Pumbedisa; “cheifah” is salted but not treated with flour or gallnuts, and its minimum size it used to teach the minimum of this that one must carry out on Shabbos to be chayuv. The minimum size is taught by in a Mishna as the amount of this hide needed to make a kemeya; “diftera” has been treated with salt and flour, but not with gallnuts, and its minimum size it used to teach the minimum of this that one must carry out on Shabbos to be chayuv. The minimum size is the amount of this needed to be used to write a get.

V'CHACHOMIM MACHSHIRIN

- **R' Elazar** (the Amora) says that the view of the **Chachomim** is the view of **R' Elazar** (the Tanna), who says that eidei mesirah are essential on the get, and because these witnesses must read it before witnessing it, there is no concern that something will later be forged (the witnesses will remember what they read).

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- **R' Elazar** continues and says that this will only be allowed when the woman produces the get immediately to Beis Din. If it is not produced for 10 days or so, we must be concerned that she removed some condition of the get and are afraid that the witnesses no longer remember what they read. **R' Yochanan** argues and says that if there was a condition they would remember, even if the get was not brought to Beis Din for 10 days.
- **R' Elazar** says further, that **R' Elazar** (the Tanna) only allowed using the diftera for a get (which can be produced to Beis Din immediately and is no longer needed, because at that time Beis Din paskens her mutar to remarry and we no longer need to rely on the memory of the witnesses). However, for other documents diftera may not be used, because the purpose of other documents is to retain them as proof, often for long periods of time, and therefore we must be concerned for forgery and cannot rely on the memory of the witnesses. **R' Yochanan** argues and says that **R' Elazar** allowed using diftera for other documents as well.
 - **Q:** The pasuk says that documents should be written in a way to allow them to be retained for a long time, so how can **R' Yochanan** say that diftera may be used!? **A:** He says that the pasuk is giving good advice, that since documents may be needed for long time in the future, you are better off using something that cannot be forged, to remove any questions later on.

-----Daf ל"ג---23-----

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

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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).

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- **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.

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- **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.

-----Daf 70--24-----

HA'ISHA ATZMAH MI'VIAH...

- **Q:** A woman get 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

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her to bring the get to the Beis Din and to tell them BBNB, 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

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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.