

Daf Notes

Insights into the Daily Daf

17 Tammuz 5768

Gittin Daf 9

July 20, 2008

Daf Notes is currently being dedicated to the neshamah of
HaRav Refoel Dov ben HaRav Yosef Yechezkel o"n.

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of Life.

Visit us on the web at <http://www.daf-yomi.org/>,
where we are constantly updating the archives from the entire Shas.

Produced by Rabbi Avrohom Adler

To subscribe, please send email to: aneinu@gmail.com

Daily Daf

Dividing a Single Statement

Rav Adda bar Masna said to Rava: You must be following the opinion of Rabbi Shimon who holds that a single statement can be divided. For we learned in a *Mishna*: If one writes in a document: "All of my possessions are hereby given to my slave," the *halacha* is that the slave goes free (because the slave is also one of his possessions; and certainly, the slave now owns all of his possessions). However, if he left over for himself any amount of land, the slave does not go free. [This is because the master retained some property for himself. We can therefore assume that he intends to keep the rights to the slave as well. It follows that the slave does not acquire any of the property, for while he is a slave, he is not able to acquire anything for himself. It emerges that he acquires nothing; the document was written just to display favor towards the slave.] Rabbi Shimon says: He always goes free unless the master says, "All of my possessions are hereby given to my slave except for one portion in ten thousand." [In such a case, we assume that the master intends to retain the rights to the slave. However, if he only said, "except for land," we may assume that he intends to free the slave. From the fact that Rabbi Shimon uses the term "always," we can presume that he would maintain the same *halacha* even in a case where the master said, "except for some

land," and he did not identify as to which land he is referring to. The slave would not acquire any land, for each and every portion of land might be the land that the master was retaining for himself. It emerges that the slave would go free, but he would not acquire any land. This proves that Rabbi Shimon holds that a single statement can be divided, for he said, "All my possessions are hereby given to my slave," and nevertheless, we rule that the statement is effective regarding the slave, but not with respect to any land.]

Rav Adda continues: And Rav Yosef bar Minyumi said in the name of Rav Nachman: Although Rabbi Yosi praised Rabbi Shimon, the *halacha*, nevertheless, follows Rabbi Meir. For we learned in a *braisa*: When these viewpoints were said before Rabbi Yosi, he mentioned the following verse: *Lips shall kiss the one who responds with correct opinions.* [In conclusion, since we are ruling according to Rabbi Meir, it is evident that a single statement may not be divided. If so, how can Rava rule that when the master writes, "all my possessions are hereby acquired to you," the slave acquires himself, but not the possessions? This would only be understandable if a single statement can be divided, and the *halacha* is not like that!]

In attempting to answer Rav Masna's challenge to Rava, the *Gemora* asks on Rav Nachman: Did Rav Nachman actually say that a statement cannot be divisible? But Rav Yosef bar Minyumi said in the name of Rav Nachman: If one who is deathly ill wrote in a document, "All of my possessions are hereby given to my slave," and then he got better, the *halacha* is that he can retract from the possessions, but he may not retract from the slave. The reason for this distinction is as follows: He can retract from the possessions because we assume that a deathly ill person only intends to give away his possessions if he ultimately dies from that sickness. Here, where he recovered, he may retract from that gift. However, the slave remains free, because once the slave was known to be a free man (*and therefore, he is regarded as a full-fledged Jew*), it is forbidden to make him into a slave again. [*Evidently, Rav Nachman maintains that a single statement may be divided, for he said, "All my possessions are hereby given to my slave," and nevertheless, we rule that the statement is effective regarding the slave, but not with respect to any of his possessions.*]

Rav Ashi answers: The reason of Rabbi Meir (*why he holds that if one writes in a document: "All of my possessions are hereby given to my slave except for some amount of land," the slave does not go free*) is because the document did not explicitly sever the connection between the slave and his master (*we require such severance by a get because the Torah refers to it as "a document of severance," and it is derived through a gezeirah shavah that the same halacha would apply by a document of emancipation*). [*It emerges that Rabbi Meir's ruling has nothing to do with dividing a single statement. Therefore, Rav Nachman is not contradicting himself and Rava's ruling cannot be challenged from Rabbi Meir's viewpoint.*] (8b – 9a)

How Many Protested?

The *Mishna* had stated: If there are any who dispute the validity of the *get* (*the husband claims*

later that it is a forgery), it must be confirmed by its signatories (*either the witnesses themselves testify that they indeed signed it, or other witnesses testify that they recognize the signatures*).

The *Gemora* asks: How many people were contesting the validity of the *get*? It cannot be referring to a case where there was only one person, for Rabbi Yochanan had stated that we never accept a challenge if there are not two witnesses. And if you shall say that there were two witnesses contesting its validity, it emerges (*after two witnesses authenticate the signatures*) that there are two witnesses arguing with each other! Why would the second set be believed over the first?

The *Gemora* answers that the *Mishna* is discussing a case where the husband is the one challenging the *get* (*and he would be believed to invalidate the get if not for the two witnesses*). (9a)

Mishna

If one brings a *get* from abroad and he is unable to say that it was written in his presence and that it was signed in his presence, if witnesses signed on the *get*, the *get* can be validated through their signatures.

A *get* for a woman and a *get* for emancipating a slave are the same with respect of taking and bringing (*from and to Eretz Yisroel*). And this is one of the ways that they are the same. (9a)

Unable to Make the Declaration

The *Gemora* asks: What does the *Mishna* mean when it says that the agent was unable to declare that it was written and signed in his presence? If you will say that he was a deaf-mute, is a deaf-mute halachically able to bring a *get*? But we learned in a *Mishna* below (23a): Everyone is eligible to bring a *get* except for a deaf-mute, a deranged person, and a minor.

Rav Yosef answers: We are referring to a case where the agent delivered the *get* to the woman when he had the ability to speak, but before he was able to declare that it was written and signed in his presence, he became a deaf-mute. (9a)

Similarities Between a Bill of Divorce and the Emancipation Document for a Slave

The *Mishna* had stated: A *get* for a woman and a *get* for emancipating a slave.

The *Gemora* cites a *braisa*: In three ways a bill of divorce is the same as a document freeing a slave: They are the same with respect of taking and bringing (*from and to Eretz Yisroel*); any document that has a Cuthean witness signed on it is disqualified except that of a *get* for a woman and for the freeing of a slave; all documents that are processed in a court of idolaters, even if idolaters signed on them, are valid (*based on the principle known as "the law of the government is the law"*) except that of a *get* for a woman and for the freeing of a slave.

According to Rabbi Meir, there is a fourth comparison: If one says, "Give this *get* to my wife," or he says, "Give this emancipation document to my slave," he may retract in any of these cases (*as long as the document did not reach their hands yet*). [*The Chachamim hold that he can only retract by a get. Their rationale is as follows: In order for the agent to acquire a document for someone else without being specifically appointed to, it must be completely advantageous for him, for then, we can assume that he wants him to be his agent. By a divorce, it is not advantageous for the woman, so the agent cannot acquire the get for the woman without her consent; therefore, the husband can still retract. However, it is advantageous for a slave to become free; therefore, the agent acquires the document and the slave is a free man immediately. Therefore, the master cannot retract from it.*

Rabbi Meir's logic is discussed in the Gemora below.]

The *Gemora* asks: What case is Rabbi Meir coming to exclude by saying that there are "four" cases?

The *Gemora* answers: He is excluding the following case that was taught in a *braisa*: If witnesses do not know how to sign their name, we etch their names for them on a blank paper, and they fill it in with black ink. Rabban Shimon ben Gamliel says that this *halacha* applies only to a bill of divorce (*as a leniency in order that she should not remain an agunah*); However by other documents, including the emancipation of slaves, if the witnesses know how to sign their names, they do so, but if not, they may not sign. (*The braisa also adds that if they do not know how to read, we may read the document to them, and then they can sign on it.*) (9a – 9b)

More Cases

The *Gemora* asks: Are there no other cases where the two documents have similar *halachos*? But we learned in the following *Mishna*: If one says, "Give this *get* to my wife," or he says, "Give this emancipation document to my slave," and he died, the documents should not be given after his death. If, however, he said, "Give money to So-and-so," and he died, the money should be given even after his death!?

The *Gemora* answers that the *braisa* only mentions similarities which are unique to these two types of documents (*a get and the emancipation document for a slave*); however, this *halacha* (*of not giving the document after he dies*) applies to all documents. For Ravin sent in the name of Rav Avhu: You should know that Rabbi Elozar sent to the Diaspora in the name of our master: If one who is deathly ill said, "Write in a document and give a *maneh* to So-and-so," and he died, we do not write or give the *maneh* to him, for perhaps he intended that the transaction should

take effect only with a document (*for otherwise, why would he have instructed that a document should be drawn up? The halacha is that a deathly ill person can transfer ownership even by just speaking*), and a document cannot be given after one's death.

The *Gemora* asks: Aren't the two cases compared with respect to the *halacha* of *lishma*?

The *Gemora* asks furthermore: They are also compared with respect to the *halacha* of *mechubar* (*the documents cannot be written on something which is still attached to the ground*)!?

The *Gemora* answers: The *braisa* only mentions *halachos* that are Rabbinic disqualifications; the *halachos* of *lishma* and *mechubar* are Biblical disqualifications.

The *Gemora* asks: But the case of the idolatrous court is mentioned, and that is a case of a Biblical disqualification!?

The *Gemora* answers: The *braisa* is discussing a case where the witnesses who observed the delivery of the *get* were Jews, and we are following the opinion of Rabbi Elozar, who holds that the document is rendered effective by the witnesses who observed the delivery.

The *Gemora* asks: But the case of retracting is mentioned, and that is a case of a Biblical disqualification!?

The *Gemora* suggests a completely different answer: The *braisa* only mentions similarities which are unique to these two types of documents (*a get and the emancipation document for a slave*), and it is not applicable to a marriage document; however, if the *halacha* applies to a marriage document as well (*such as lishma and mechubar*), it is not mentioned.

The *Gemora* asks: But the case of retracting is mentioned, and that is a case which is also applicable to marriage documents?

The *Gemora* answers: The *braisa* is only discussing a case of an agent, which can be effected even against the recipient's will (*for the husband may give a get to his wife without her consent, and a master can free his slave without his consent; therefore, the shlichus can take effect as well without their consent*). This is true only by a bill of divorce, but not by marriage. (9b – 10a)

INSIGHTS TO THE DAF

Severing the Connection

Rav Ashi explains that the reason of Rabbi Meir (*why he holds that if one writes in a document: "All of my possessions are hereby given to my slave except for some amount of land," the slave does not go free*) is because the document did not explicitly sever the connection between the slave and his master (*we require such severance by a get because the Torah refers to it as "a document of severance," and it is derived through a gezeirah shavah that the same halacha would apply by a document of emancipation*).

Rashi explains that since the master is retaining some property for himself, and he did not explicitly write that the slave should go free, we have a right to assume that perhaps the master intends to retain the rights to the slave as well.

Tosfos writes that according to Rashi, if the master would only have one piece of land, and that is the one that he retained for himself, the slave would gain his freedom, for otherwise, the master has not given him anything. In this case, we would divide his statement, and say that even though his statement concerning his possessions is negated, his statement regarding his slave remains in effect.