

מסכת גיטין · דף כ"א ע"א

Elucidated Talmud · Statement and Proof · Navy & Gold Edition

THE SUGYA

In this daf, we continue our sweet and deep exploration of the halachos of Gittin, focusing on how a get must be properly transferred to the wife. We begin by looking at how we can prove that a woman understands the need to transfer ownership of a document back to her husband so he can give it to her, bringing proofs from the halachos of a guarantor and the Mishnah's ruling that a woman can write her own get and give it to her husband to deliver back to her.

We then move into a beautiful and classic yeshivish sugya regarding the mechanics of delivery. Rava introduces a fascinating scenario where a husband places a get in his slave's hand or in his courtyard, and then writes a deed of gift transferring that slave or courtyard to his wife. This leads the Gemara into a deep discussion on the halachic definition of a "mobile courtyard" (chatzer mehaleches) and how we view a bound slave or a courtyard in this context.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

ANSWER

זקן שאני, דיידע לאקנויי.

The Gemara answers: A knowledgeable **old man is different, as he knows** and understands the need to **transfer** the document to the debtor, and thus he does so wholeheartedly. But this may not apply to a woman receiving a get.

STATEMENT

אלא אמר רבא: מהכא – ערב היוצא לאחר חיתום שטרות, גובה מנכסים בני חורין!

Rather, Rava said: A proof **from here** may be brought: If there was a **guarantor whose** commitment **emerged after the signing of the documents**, the creditor **may collect** only **from unsold property**. This proves that the guarantor must have acquired the document first to make his commitment take effect, showing that people understand the need to transfer ownership of documents.

OBJECTION

אמר רב אשי: מאי קושיא? דלמא גברא שאני, דיידע לאקנויי!

Rav Ashi said: What is the **difficulty** or proof from here? Perhaps a **man is different, as he knows** how to transfer ownership, but a woman might not be as well versed in these laws.

STATEMENT

אלא אמר רב אשי: מהכא – אשה כותבת את גיטה, והאיש כותב את שוכרו, שאין קיום הגט אלא בחותמיו.

Rather, Rav Ashi said: The proof is **from here**, as we learned in a Mishnah: **A woman may write her bill of divorce, and a man may write his receipt, as the validation of the bill of divorce is only through its signers**. This proves that a woman is trusted and understands how to transfer the get to her husband so he can give it back to her.

RULING

אמר רבא: כתב לה גט, ונתנו ביד עבדו, וכתב לה שטר מתנה עליו – קנאתהו, ומתגרשת בו.

Rava said: If a husband wrote her a bill of divorce, and placed it in the hand of his slave, and wrote her a deed of gift over the slave, she has acquired them both, and she is divorced by it immediately.

QUESTION

ואמאי? חצר מהלכת היא, וחצר מהלכת לא קנה!

The Gemara asks: **And why** is she divorced? The slave is a moving courtyard, and a moving courtyard does not acquire property for its owner!

OBJECTION

וכי תימא בעומד, והאמר רבא: כל שאילו מהלך לא קנה, עומד ויושב לא קנה!

And if you say that Rava is referring to a slave who is standing still, but didn't Rava say: Anything that, if it were walking, does not acquire, even when standing or sitting it does not acquire!

ANSWER

והלכתא – בכפות.

The Gemara answers: **And the halacha** of Rava applies to a bound slave who cannot walk at all, making him like a stationary courtyard.

RULING

ואמר רבא: כתב לה גט ונתנו בחצרו, וכתב לה שטר מתנה עליו – קנאתהו, ומתגרשת בו.

And Rava also said: If he wrote her a bill of divorce and placed it in his courtyard, and wrote her a deed of gift over the courtyard, she has acquired them both, and she is divorced by it.

EXPLANATION

וצריכא; דאי אשמעינן עבד, הוה אמינא: דוקא עבד, אבל חצר – ליגזר, משום חצרה הפאה לאחר
מכאן;

The Gemara comments: **And both are necessary**; for had he taught us only about a slave, I would say that specifically through a slave is she divorced, but regarding a courtyard, let us decree it invalid because of her courtyard that comes after this—lest people confuse this with a case where he places a get in a third-party courtyard which she subsequently acquires.

EXPLANATION

ואי אשמעינן חצר, הוה אמינא דוקא חצר, אבל עבד – ליגזר כפות אטו שאינו כפות; קא משמע לן.

And had he taught us only about a courtyard, I would say that specifically through a courtyard is she divorced, but regarding a slave, let us decree a bound slave invalid on account of an unbound slave; therefore, Rava teaches us that both are valid.

OBJECTION

אמר אבאי: מדי חצר מהיכא איתרבי? מ"ידה"; מה ידה דאיתה בין מדעתה ובין בעל כורחה, אף
חצרה דאיתה בין מדעתה ובין בעל כורחה;

Abaye said: Now, from where is a courtyard included as a medium of divorce? It is derived from the word "her hand"; just as her hand is able to acquire both with her consent and against her will, so too her courtyard must be able to acquire both with her consent and against her will.

OBJECTION

וְהָא מִתְּנָה – מִדַּעְתָּה אֵיתָהּ, בְּעַל כּוֹרְחָהּ לֵיתָהּ!

But this gift of the courtyard, with her consent it is acquired, but against her will it is not acquired! Since she cannot acquire the courtyard against her will, it should not be able to serve as the medium for her divorce.

OBJECTION

מִתְקִיף לָהּ רַב שִׁמִּי בַר אֲשִׁי: וְהָא שְׁלִיחוֹת לְקַבְּלָהּ, דְּמִדַּעְתָּה אֵיתָהּ בְּעַל כּוֹרְחָהּ לֵיתָהּ, וְקָא הוּי שְׁלִיחַ לְקַבְּלָהּ!

Rav Shimi bar Ashi challenged this: But what about agency for receipt, which with her consent exists, but against her will does not exist, and yet he is a valid agent for receipt!

ANSWER

וְאֲפֹרֵי – אֵטוּ שְׁלִיחוֹת מִ"יָּדָהּ" אֵיתָרְפִּי? מִ"וְשִׁלַּח וְשִׁלְחָהּ" אֵיתָרְפִּי!

And Abaye would respond: Is that to say agency is derived from "her hand"? It is derived from "and he shall send... and she shall send," so the comparison to "her hand" does not apply to agency.

ANSWER

וְאִיבָעִית אֵימָא: שְׁלִיחוֹת לְקַבְּלָהּ נָמִי אֲשַׁכְּחֵן בְּעַל כּוֹרְחָהּ, שְׁכֵּן אָב מְקַבֵּל גִּט לְבִתּוֹ קְטַנָּה בְּעַל כּוֹרְחָהּ.

And if you want, say instead: Agency for receipt is also found against her will, as a father receives a bill of divorce for his minor daughter against her will.

GEMARA

עַל הָעֵלָה שֶׁל זֵית וְכוּ': בְּשִׁלְמָא יָד דְּעֶבֶד

We learned in the Mishnah: **On an olive leaf, etc.** The Gemara begins to analyze this: **Granted, the hand of a slave** is not considered a separate domain...

SUMMARY

The Gemara first resolves the question of whether a woman understands the legal necessity of transferring a document to her husband, proving from a Mishnah that she indeed does. Rava then rules that if a husband places a get in his slave's hand or in his courtyard and gifts that slave or courtyard to his wife, she is divorced immediately. The Gemara clarifies that a slave can only act as a valid chatzer (courtyard) to acquire the get if he is bound, as an unbound slave is a "mobile courtyard" which cannot halachically acquire items. Finally, the Gemara explains why Rava had to teach both the case of the slave and the courtyard to avoid various Rabbinic decrees, and Abaye challenges Rava's ruling by comparing the halachic mechanism of a courtyard to the wife's actual hand, arguing that a courtyard acquired as a gift cannot function to receive a get against her will.

In our sugya, the Gemara discusses a fascinating mechanism: a husband places a get in his courtyard or in the hand of his slave, and then gifts that very courtyard or slave to his wife. By acquiring the domain, she automatically acquires the get inside it. But the Gemara raises a critical limitation: a slave can only act as a domain to acquire the get if he is "kafus", bound and completely still. If he has the ability to move on his own, even if he is standing perfectly still right now, he is a "chatzer mehaleches" (a walking courtyard), which cannot acquire anything.

This contains a profound lesson for our own avodah. We often try to build a "chatzer", a spiritual domain, a home, or a state of mind, where we hope to capture and hold onto holy things, like Torah, tefillah, or good resolutions. But the Gemara is teaching us that if our minds and hearts are constantly running, distracted, and moving from one worldly thought to the next, we are like a "chatzer mehaleches." Even if we are sitting still in the Beis Medrash, if our inner self is restless and wandering, we cannot truly acquire the spiritual gifts Hashem wants to give us.

To receive the Torah and let it settle within us, we need moments of being "kafus", willingly binding ourselves, putting away the distractions, and bringing our minds to a complete, focused standstill. When we quiet the inner noise and stand firmly in one place, we become a vessel capable of holding onto the spiritual acquisitions of life.

Today, before you begin to learn, daven, or do a mitzvah, take just sixty seconds to sit completely still. Put away your phone, quiet your thoughts, and "bind" your attention entirely to Hashem so that your heart can truly acquire the holiness of the moment.