

מסכת גיטין • דף כ"ג ע"ב

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THE SUGYA

In this daf, we dive into a beautiful and deep discussion regarding who is kosher to act as an agent (a shaliach) in the realms of divorce and manumission. The Gemara first explores the status of an eved (slave) in these halachos, analyzing whether he can receive a get for a Jewish woman. We look closely at the fundamental principles of agency, comparing the status of an eved to that of a gentile or a Samaritan, and we seek to understand the precise limud (derivation) from the pesukim that defines who is considered a "member of the covenant" for these matters.

We then move on to a fascinating discussion regarding a master who frees a pregnant maidservant's unborn child, analyzing whether a fetus is considered a separate entity or "the thigh of its mother" (ubar yerech imo). Finally, we begin a new Mishnah that discusses which female relatives—who are normally not believed to testify that a woman's husband has passed away due to suspected animosity—are nevertheless trusted to deliver her get, and we explore the underlying reasons for this leniency.

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

INFERENCE

מכלל דעבד כּאשר.

We can learn **by inference** that a slave is fit to act as an agent to receive a bill of divorce for a woman.

STATEMENT

אמר רב אסי, אמר רבי יוחנן: אין העבד נעשה שליח לקבל גט לאשה מיד בעלה, לפי שאינו בתורת גיטין וקדושין.

Rav Asi says that Rabbi Yohanan says: A slave cannot become an agent to receive a bill of divorce for a woman from the hand of her husband, because he is not included in the halakhos of divorce and betrothal, and one can act as an agent only in a matter that applies to him.

OBJECTION

מתקיר לה רבי אֶלְעָזָר: טעמא במילתא דליתיה, הא במילתא דאיתיה – כּאשר?!

Rabbi Elazar objects to this explanation: Is the reason that a slave is unfit only in a matter in which he is not included, implying that in a matter in which he is included, i.e., a mitzva that applies to a slave, he is fit to serve as an agent?

PROOF

והא גוי והא כותי; דאיתנהו בתורת תרומה דנפשיהו, דתנן: הגוי והכותי שתרמו משלהם – תרומתם תרומה;

But what of a gentile and what of a Samaritan, who are included in the halakhos of teruma with regard to their own produce? As we learned in a mishna: A gentile and a Samaritan who separated teruma from their own produce, their teruma is considered teruma.

PROOF

ותנן: גוי שתרם של ישראל, אפילו ברשות – אין תרומתו תרומה!

And yet we learned in a different mishna: A gentile who separated teruma from the produce of a Jew, even with permission from the Jew, his teruma is not teruma.

QUESTION

מאי טעמא? לאו משום דכתיב: (אתם) "גם אתם" – מה אתם ישראל, אף שלוחכם ישראל!?

What is the reason for this? Is it not because it is written: "You also" shall set apart a gift, from which we derive: Just as you, the ones appointing the agents, are Jews, so too, your agents must be Jews? Since slaves are not full-fledged Jews, they should be disqualified from ever acting as agents, even in a matter in which they are included.

ANSWER

אמרי דבי רבי ינאי: לא; מה אתם בני ברית, אף שלוחכם בני ברית.

The Sages of the school of Rabbi Yannai say: No, the verse should be expounded in this manner: Just as you are members of the covenant, so too, your agents must be members of the covenant. Gentiles cannot serve as agents because they are not members of the covenant, but slaves, who are obligated in mitzvos, are members of the covenant.

STATEMENT

אמר רבי חייה בר אבא, אמר רבי יוחנן: אין העבד נעשה שליח לקבל גט אשה מיד בעלה, לפי שאינו בתורת גיטין וקידושין.

Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: A slave cannot become an agent to receive a bill of divorce for a woman from the hand of her husband, because he is not included in the halakhot of divorce and betrothal.

STATEMENT

ואף על פי ששנינו: "הרי את שפחה וולדה בן חורין", אם הייתה עובדה – זכתה לו.

And although we learned in a mishna: If a person said to his female slave, "Behold you are still a maidservant and your unborn child is a freeman," if she was pregnant at that time, she acquired freedom for him.

QUESTION

מאי "אם הייתה עובדה זכתה לו"?

The Gemara asks: What is the connection between the initial statement of Rabbi Yoḥanan and the clause: "If she was pregnant, she acquired freedom for him"?

ANSWER

כי אתא רב שמואל בר יהודה, אמר, רבי יוחנן תרתי אמר:

When Rav Shmuel bar Yehuda came, he said: Rabbi Yoḥanan said two distinct statements:

STATEMENT

נראים דברים שהעבד מקבל גט לחבירו – מיד רבו של חבירו, אבל לא מיד רבו שלו.

It appears that a slave can receive a bill of manumission for his fellow slave from the hand of his fellow's master, but not from the hand of his own master if both of them are enslaved by the same person.

OBJECTION

וְאִם לְחַשְׁדָּה אָדָם לֹאמַר: זֶה הֵלְכָה שְׁנוּיָה – אִם הָיְתָה עֹבְרָה, זָכָתָה לוֹ!

And if a person will whisper to you, saying: This halakha was taught which states the opposite: "If she was pregnant, she acquired freedom for him," and the child and mother both belong to the same master!

RESOLUTION

אָמַר לוֹ: שְׁנֵי גְדוּלֵי הַדּוֹר פִּירְשׁוּ אֶת הַדָּבָר – רַבִּי זֵירָא, וְרַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק.

Say to him: Two greats of the generation already explained the matter, and they are Rabbi Zeira and Rabbi Shmuel bar Rav Yitzhak.

EXPLANATION

חַד אָמַר: הֲאֵל מִנִּי? רַבִּי הִיא, דָּאמַר: הַמְשַׁחֲרֵר חֲצִי עַבְדּוֹ – קָנָה;

One of them said: In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Yehuda HaNasi, who says: One who emancipates half of his slave, the slave acquires freedom for half of himself.

EXPLANATION

וְחַד אָמַר: מָאִי טַעְמָא דְרַבִּי בְּהָא? קִסְבַּר: עֹבֵר יֵרֶךְ אִמּוֹ הוּא, וְנַעֲשֶׂה כְּמִי שֶׁהִקְנָה לָּהּ אֶחָד מֵאַבְרֵיהָ.

And one of them said: What is the reasoning of Rabbi in this ruling? He holds: A fetus is considered as its mother's thigh, i.e., a part of its mother's body, and it is as though he transferred ownership of one of her limbs to her. Therefore, the mother is not acting as an agent for the child.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי אַף הַנָּשִׁים שְׂאִינָן נְאֻמָּנוֹת לֹאמַר "מֵת בַּעֲלָהּ", נְאֻמָּנוֹת לְהָבִיא אֶת גִּיטָה – הַמּוֹתָהּ, וּבֵת הַמּוֹתָהּ, וְצָרְתָּהּ, וִיבֻמְתָּהּ, וּבֵת בַּעֲלָהּ.

MISHNA: Even the women who are not deemed credible to say, "Her husband died," are deemed credible to bring her bill of divorce: Her mother-in-law, and her mother-in-law's daughter, and her rival wife, and her yevama, and her husband's daughter.

MISHNAH

מָה בֵּין גִּט לְמִיתָה? שֶׁהַכָּתֵב מוֹכִיחַ.

What is the difference between a bill of divorce and death? That the writing of the bill of divorce proves that the husband is divorcing his wife.

MISHNAH

הָאִשָּׁה עֲצָמָה מְבִיאָה אֶת גִּיטָהּ, וּבְלִבָּד שֶׁהִיא צְרִיעָה לֹאמַר: "בִּפְנֵי נִכְתָּב וּבִפְנֵי נִחְתָּם."

The woman herself may bring her own bill of divorce, provided that she is required to state: "It was written in my presence and it was signed in my presence."

QUESTION

גמ' והתנא: כשם שאין נאמנות לומר "מת בעלה", כך אין נאמנות להביא גיטה!

GEMARA: But isn't it taught in a baraita: Just as they are not deemed credible to say, "Her husband died," so too, they are not deemed credible to bring her bill of divorce?

ANSWER

אמר רב יוסה: לא קשיא – כאן בארץ, כאן בחוצה לארץ.

Rav Yosef said: It is not difficult. Here, our mishna, refers to a case that took place in Eretz Yisrael; there, the baraita, refers to a case that took place outside of Eretz Yisrael.

EXPLANATION

בארץ – דלאו אדיבורה דידה קא סמכינן, מהימנא; בחוצה לארץ – דאדיבורה דידה קא סמכינן, לא מהימנא.

In a case that takes place in Eretz Yisrael, where we do not rely on her statement of "It was written in my presence and it was signed in my presence" to validate the bill of divorce, she is deemed credible. However, in a case that takes place outside of Eretz Yisrael, where we do rely on her statement, she is not deemed credible.

OBJECTION

אמר ליה אבאי: אדרבה, איפכא מסתברא!

Abaye said to him: On the contrary, the opposite is more logical!

EXPLANATION

בארץ, דאי אתי בעל מערער – משגחינן ביה, דאיכא למימר לקולא קא מיפוניה, לא מהימנא;

In a case that takes place in Eretz Yisrael, where if the husband comes and contests the divorce we pay attention to him, since it can be said that she intends to ruin the woman's marriage, she should not be deemed credible.

EXPLANATION

בחוצה לארץ, דאי אתי בעל מערער – לא משגחינן ביה, מהימנא.

But in a case that takes place outside of Eretz Yisrael, where if the husband comes and contests the divorce we do not pay attention to him because the agent's declaration has already validated it, she should be deemed credible.

PROOF

תנא כוותיה דאבאי: רבי שמעון בן אלעזר אומר משום רבי עקיבא: אשה נאמנת להביא גיטה – מקל וחומר,

It is taught in a baraita in accordance with the opinion of Abaye: Rabbi Shimon ben Elazar says in the name of Rabbi Akiva: A woman is deemed credible to bring her own bill of divorce based on an a fortiori argument:

PROOF

וְהָנָשִׁים שֶׁאָמְרוּ חֲכָמִים אֵין נֶאֱמָנוֹת לֹאמַר "מֵת בַּעֲלָהּ" – נֶאֱמָנוֹת לְהִבְיָא גִיטָה; הִיא, שֶׁנֶּאֱמָנוֹת
לֹאמַר "מֵת בַּעֲלָהּ" – אֵינוֹ דִּין שֶׁנֶּאֱמָנוֹת לְהִבְיָא גִיטָה!?

If those women of whom the Sages said that they are not deemed credible to say, "Her husband died," are nevertheless deemed credible to bring her bill of divorce; she, the wife herself, who is deemed credible to say, "My husband died," is it not logical that she should be deemed credible to bring her own bill of divorce?

SUMMARY

The Gemara begins by analyzing Rav Asi's ruling in the name of Rabbi Yohanan that an eved cannot act as an agent to receive a get for a woman because he is not included in the halachos of kiddushin and גירושין. Rabbi Elazar challenges this by comparing the eved to a gentile and a Samaritan regarding terumah, leading the Sages of the school of Rabbi Yannai to establish that an eved is indeed considered a "member of the covenant" (ben bris) and can act as an agent for matters in which he is personally obligated. We then clarify Rabbi Yohanan's view regarding an eved receiving a bill of manumission for a fellow slave from the same master, resolving an apparent contradiction by citing Rabbi Yehuda HaNasi's view that a fetus is considered part of its mother's body. The daf concludes with a new Mishnah teaching that female relatives who are otherwise untrusted to testify to a husband's death (such as a mother-in-law or rival wife) are trusted to deliver a woman's get, because the written document itself serves as clear proof of the divorce.

לְמַעֲשֶׂה WHAT TO TAKE HOME

In today's daf, we learn about the concept of "shlichus"—agency—and how a person can only act as an agent for a matter that they themselves are connected to and included in. The Gemara teaches us that a slave cannot receive a get for a woman because he is not in the "category" of Jewish marriage and divorce. To represent someone else, to carry their mission, you must first have a personal connection to that very reality.

This is a profound lesson for our daily avodah. How often do we try to inspire our children, our spouses, or our friends to do something that we ourselves are not fully holding by? We want them to have a passion for learning, to daven with kavanah, or to speak gently, yet we treat those same areas with laxity in our own lives. The Torah is teaching us a fundamental rule of spiritual influence: you cannot be a "shaliach" to deliver a reality that you are not personally a part of.

If you want to be a vessel that brings others closer to the Aibershter, you must first build that connection within yourself. Your words and actions only carry weight and authenticity when they stem from your own lived commitment. When you are truly "in the category" of the mitzvah, your influence naturally extends to those around you.

Today, before you encourage someone else to do a mitzvah, improve their middos, or strengthen their learning, take one small, concrete step to strengthen that exact same area in your own personal life first.