

מסכת גיטין • דף כ"ט ע"א

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

In this daf, we continue our learning on the previous sugya regarding whether we are concerned that a Jewish court might find a reason to acquit a condemned man after his verdict has already been finalized. The Gemara brings proofs and challenges to Rav Yosef's ruling that once a verdict is issued by a Jewish court, it is highly uncommon for them to reverse it, unlike a non-Jewish court where we do not assume execution has taken place until it is carried out.

We then move on to a new Mishnah that discusses a shliach (messenger) bringing a get in Eretz Yisrael who falls ill. The Mishnah teaches the halachos of when this shliach is permitted to appoint a second shliach in his place to deliver the get to the wife, and when he is forbidden from doing so, such as when the husband has a personal deposit of objects with the wife that he wants this specific messenger to retrieve.

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

STATEMENT

אָבֵל בְּבֵית דִּין שֶׁל יִשְׂרָאֵל, כִּיּוֹן דִּנְפֹק לֵיהּ דִּינָא לְקַטְלָא – קָטְלֵי לֵיהּ.

But in a court of Israel, once his verdict has gone out for execution, they execute him, and we do not worry that they might find a reason to acquit him.

OBJECTION

אָמַר לֵיהּ אַבְיִי: בֵּית דִּין שֶׁל יִשְׂרָאֵל נָמִי, אָפֶשֶׁר דִּחְזוּ לֵיהּ זְכוּתָא!

Abaye said to him: In a court of Israel also, it is possible that they will see a merit for him and reverse the verdict!

ANSWER

כִּי חֲזוּ לֵיהּ זְכוּתָא – מִקַּמֵּי דְלִיגְמַר דִּינָא, בְּתַר גְּמַר דִּינָא – תּוּ לָא חֲזוּ לֵיהּ זְכוּתָא.

Rav Yosef replied: When they see a merit for him, it is only before the verdict is finalized; after the verdict is finalized, they no longer see a merit for him, as it is highly uncommon to find a defense after that point.

PROOF

לֵימָא מְסִיעָא לֵיהּ: כָּל מְקוֹם שֶׁיַּעֲמֵדוּ שְׁנַיִם וְיֹאמְרוּ "מַעֲיָדִים אָנוּ אֶת אִישׁ פְּלוֹנִי שֶׁנִּגְמַר דִּינוֹ בְּבֵית דִּינוֹ שֶׁל פְּלוֹנִי, וּפְלוֹנִי וּפְלוֹנִי עָדִיו" – הָרִי זֶה יִהְרֹג!

The Gemara suggests: Let us say a Mishnah supports him: 'Any place where two witnesses stand up and say, "We testify about man so-and-so that his verdict was finalized in the court of so-and-so, and so-and-so and so-and-so were his witnesses," behold, this person shall be executed' immediately, showing we do not worry that the original court later found a merit to acquit him.

REFUTATION

דלמא בורח שאני.

The Gemara rejects this: **Perhaps a runaway is different**, because once he flees, the court will no longer look for merits on his behalf.

PROOF

תא שמע: שמע מבית דין של ישראל שהיו אומרים "איש פלוני מת"; "איש פלוני נהרג" – ישיאו את אשתו.

Come and hear a proof: If one heard from a court of Israel who were saying, "Man so-and-so died," or "Man so-and-so was killed," they may marry off his wife.

PROOF

מקומנטריסים של גוים "איש פלוני מת"; "איש פלוני נהרג" – אל ישיאו את אשתו.

But if he heard from the military records of non-Jews, "Man so-and-so died," or "Man so-and-so was killed," they may not marry off his wife.

QUESTION

מאי "מת" ומאי "נהרג"? אילימא "מת" – ממש, ו"נהרג" – ממש; דכוותיה גבי גוים, אמאי אל ישיאו את אשתו? הא קיימא לן, כל מסיח לפי תומו הימוני מהימני ליה!

The Gemara analyzes this: **What is the meaning of "died" and what is the meaning of "was killed"?** If we say "died" means literally dead, and "was killed" means literally killed, then correspondingly by the non-Jews it means they recorded that he actually died or was killed. If so, **why may they not marry off his wife?** Surely we establish that any non-Jew who speaks offhandedly, we believe him!

INFERENCE

א לא לאו "מת" – יוצא למות, ו"נהרג" – יוצא ליהרג? וקתני: בבית דין של ישראל ישיאו את אשתו!

Rather, is it not that "died" means he was **going out to die** by court execution, and "was killed" means he was **going out to be killed**? And it teaches: **In a court of Israel, they may marry off his wife** based on this, because we assume he was indeed executed and do not worry that they found a merit for him afterward! This supports Rav Yosef.

ANSWER

לעולם מת ממש ונהרג ממש; דכוותיה גבי גוים אמאי לא, והא קיימא לן דכל מסיח לפי תומו הימוני מהימני – הני מילי במילתא דלא שייכי בה, אבל במילתא דשייכי בה, עבדי לאחזוקי שקרייהו.

The Gemara answers: **Actually**, it means literally died and literally killed; and as for that which you asked, correspondingly by non-Jews why not, since we establish that any non-Jew who speaks offhandedly we believe him? That applies only to a matter in which they are not involved, but in a matter in which they are involved—such as carrying out their own executions—they act to maintain their lie and make it look like they successfully carried out their decree.

MISHNAH

מתני' המביא גט בארץ ישראל, וחלה – הרי זה משלחו ביד אחר.

MISHNAH: One who brings a get in Eretz Yisrael, and he became sick, behold, this agent may send it in the hand of another agent to deliver it to the wife.

MISHNAH

ואם אמר לו: "טול לי הימנה חפץ פלוני" – לא ישלחנו ביד אחר, שאין רצונו שיהא פקדונו ביד אחר.

But if the husband said to him, "Take for me from her such-and-such an object," he may not send it in the hand of another agent, for it is not his desire that his deposit should be in the hand of another person whom he did not personally trust.

גמרא GEMARA

STATEMENT

גמ' אמר רב כהנא: "חלה" תנן.

GEMARA: Rav Kahana said: We learned in the Mishnah, specifically if he "became sick" may he appoint a sub-agent.

QUESTION

פשיטא, "חלה" קתני!

The Gemara asks: This is obvious, for it teaches "became sick"!

ANSWER

מהו דתימא הוא הדין אף על גב דלא חלה, והאי דקתני "חלה" אורחא דמילתא קתני; קא משמע לן.

The Gemara answers: Lest you say the same law applies even though he did not become sick, and this that it teaches "became sick" is only because it teaches the common way of the matter—that an agent does not give up his job unless he falls ill—therefore it comes to teach us that only if he fell ill may he do so.

QUESTION

היכי דמי? אי דאמר ליה "הולך" – אף על גב דלא חלה נמי!

The Gemara asks: What are the circumstances? If he said to him, "Bring this get," then even though he did not become sick, he should also be able to appoint a sub-agent, as the husband did not insist on him personally!

QUESTION

ואי דאמר ליה "את הולך" – אפילו חלה נמי לא!

And if he said to him, "You bring it," then even if he became sick, he should also not be able to appoint another, as the husband specified him!

QUESTION

ואי רבן שמעון בן גמליאל, אפילו חלה נמי לא!

And if the Mishnah is according to Rabban Shimon ben Gamliel, then even if he became sick, he should also not be able to appoint another!

PROOF

דַּתְנִינָא: "הוֹלֵךְ גִּט זֶה לְאִשְׁתִּי" – הָרִי זֶה מְשַׁלְּחוֹ בְּיַד אַחֵר. "אַתָּה הוֹלֵךְ גִּט זֶה לְאִשְׁתִּי" – הָרִי זֶה לֹא יִשְׁלָחוּ בְּיַד אַחֵר.

As it is taught in a Braisa: If the husband said, "Bring this get to my wife," behold, this agent may send it in the hand of another. But if he said, "You bring this get to my wife," behold, this agent may not send it in the hand of another.

PROOF

רבן שמעון בן גמליאל אומר: בין כך ובין כך – אין השליח עושה שליח.

Rabban Shimon ben Gamliel says: Whether this way or that way, an agent cannot make another agent. Thus, Rav Kahana's statement is difficult under any scenario!

RESOLUTION

איבעית אימא "הולך", והוא דחלה;

The Gemara answers: If you wish, say the Mishnah is a case where the husband said "Bring," and yet it is only when he became sick that he may appoint another, as Rav Kahana explained the Tanna of the Braisa.

RESOLUTION

ואי בעית אימא "אתה הולך", וְחָלָה שְׂאֵנִי;

And if you wish, say the Mishnah is a case where he said "You bring," but falling sick is different, for we assume the husband would agree to a sub-agent in a case of constraint.

RESOLUTION

ואי בעית אימא רבן שמעון בן גמליאל היא, וְחָלָה שְׂאֵנִי.

And if you wish, say the Mishnah is indeed according to Rabban Shimon ben Gamliel, but falling sick is different, and even he agrees that an unavoidable accident permits appointing a sub-agent.

OBJECTION

תנו: המביא גט בארץ ישראל, וחלה – הרי זה משלחו ביד אחר.

The Gemara objects: We learned in our Mishnah: One who brings a get in Eretz Yisrael, and he became sick, behold, this agent may send it in the hand of another.

OBJECTION

וּרְמִינְחוּ, אָמַר לְשָׁנִים: "תִּתְּנוּ גֵט לְאִשְׁתִּי"; אוֹ לְשָׁלָשָׁה: "כָּתְבוּ גֵט וְתִתְּנוּ לְאִשְׁתִּי" – הָרִי אֵלָיו יִכְתְּבוּ וְיִתְּנוּ. אֵינְהוּ אֵין, אֲבָל שְׁלִיחַ לֹא!

And I point out a contradiction from a Mishnah later: If the husband said to two people, "Give a get to my wife," or to three, "Write a get and give it to my wife," behold, these men shall write and give it. This implies that they, yes, may do so, but they cannot make a messenger to do it! Why then can our agent appoint a sub-agent?

RESOLUTION

אָמַר אֲבַיִי: הֵתָם טַעְמָא מַאי – מְשֻׁם בְּזִיוּן דְּבַעַל, הֵכָא בַּעַל לֹא קָפִיד.

Abaye said: There, what is the reason they cannot appoint an agent? Because of the embarrassment of the husband, who does not want his personal matters exposed to more people; but here, where he already appointed a single agent to travel, the husband does not mind if another agent takes over.

RESOLUTION

רָבָא אָמַר: מְשֻׁם דְּמִילֵי נִינְחוּ, וּמִילֵי לֹא מִימְסָרֵן לְשְׁלִיחַ.

Rava said: The reason there is because they are merely words—the instruction to write and give—and words cannot be handed over to an agent to delegate. But here, the agent was handed a physical get.

QUESTION

מַאי בִּינְיִיחוּ? אִיכָא בִּינְיִיחוּ שְׁלִיחַ מִתְּנָה;

The Gemara asks: What is the practical difference between them? There is a difference between them in the case of an agent of a gift who was handed a physical deed of gift to deliver, and fell sick.

EXPLANATION

וּבְפִלּוּגָתָא דְּרַב וּשְׁמוּאֵל – רַב אָמַר: מִתְּנָה אֵינָה כְּגֵט. וּשְׁמוּאֵל אָמַר: מִתְּנָה הָרִי הִיא כְּגֵט.

And this depends on the dispute of Rav and Shmuel: For Rav said: A gift is not like a get regarding the husband's sensitivity to embarrassment; and Shmuel said: A gift, behold, it is like a get.

מִשְׁנָה MISHNAH

MISHNAH

וְאִם אָמַר לוֹ "טוּל לִי הַיָּמֶנָה חֶפֶץ פְּלוֹנִי".

We learned in the Mishnah: But if he said to him, "Take for me from her such-and-such an object."

גְּמָרָא GEMARA

STATEMENT

אָמַר רִישׁ לְקִישׁ: כָּאֵן שָׁנָה רַבִּי: אֵין הַשְׁוֹאֵל רִשְׁאִי לְהַשְׁאִיל, וְאֵין הַשּׁוֹכֵר רִשְׁאִי לְהַשְׁכִּיר.

Resh Lakish said: Here Rabbi Yehudah HaNasi taught a general principle: A borrower is not permitted to lend the object to another, and a renter is not permitted to rent it to another, because one does not want his deposit in the hands of a stranger.

OBJECTION

אמר לו רבי יוחנן: זו, אפילו תינוקות של בית רבן יודעים אותה!

Rabbi Yochanan said to him: This principle, even school children know it! Why would the Mishnah need to teach only that?

EXPLANATION

אלא זימנין דגיטא נמי לא הוי – דנעשה כמי שאמר לו "אל תגרשה אלא בבית", וגירשה בעלייה;
"אל תגרשה אלא בזמין", וגירשה בשמאל.

Rather, the novelty here is that sometimes the get is also not a get if he transgressed this, for it becomes like one who said to him, "Do not divorce her except in the house," and he divorced her in the attic; or "Do not divorce her except with the right hand," and he divorced her with the left—where the divorce is invalid because he violated a specific condition.

STATEMENT

דכולי עלמא, היכא דנפקא לאפיה ויהבה ליה חפץ, והדר שקלה מיניה גיטא; כולי עלמא לא
פליגי דגיטא – גיטא מעליא הוי.

The Gemara clarifies: For everyone agrees, where she went out to meet him and gave him the object, and then she took the get from him, everyone does not dispute that the get is a superb get, as the condition was fully met.

STATEMENT

כי פליגי היכא דאמר ליה:

When they dispute, it is where he said to him:

SUMMARY

The Gemara first resolves the discussion on whether a finalized death sentence from a Jewish court is sufficient proof of death to allow a wife to remarry, distinguishing between Jewish courts and non-Jewish registrars who might lie to make themselves look efficient. We then learn the Mishnah regarding a sick messenger, and Rav Kahana clarifies that a shliach may only appoint a sub-messenger if he actually becomes ill. The Gemara analyzes this ruling against a Tosefta, questioning how the husband's original instructions were phrased and whether the ruling follows the Sages or Rabban Shimon ben Gamliel.

In our Gemara, we learn a profound rule about human trust and responsibility. The Mishnah teaches that if a husband appoints a messenger to deliver a get, and also asks him to retrieve a personal deposit from his wife, the messenger cannot pass this task to someone else if he falls ill. Why? Because, as the Mishnah states, 'it is not a person's desire that his deposit be in the hands of another.' A person chooses a specific messenger because he trusts *him* with his precious belongings, not a stranger.

Think about the unique qualities, talents, and opportunities the Aibershter has deposited into your hands. Your specific neshama was chosen for your life's mission. Hashem did not want this 'deposit' in the hands of anyone else; He entrusted it specifically to you because only you can carry it out in the way He desires.

When we feel overwhelmed or tempted to let others do the spiritual heavy lifting, we must remember this deep trust. Your family, your learning, your daily mitzvos, and your personal struggles are a custom-made deposit. Nobody else can stand in your place.

Today, identify one personal responsibility or mitzvah that you have been putting off or trying to delegate, and take full, personal ownership of it, recognizing that Hashem uniquely trusted *you* to fulfill it.