

# מסכת גיטין · דף י"ע"א

Elucidated Talmud · Statement and Proof · Navy & Gold Edition

## THE SUGYA

In this daf, we continue our deep dive into the halachos of get (divorce) and bills of manumission, exploring the subtle differences in how agency operates when a husband or master wishes to retract. The Gemara guides us through a beautiful analysis of how these halachos compare to the halachos of kiddushin (betrothal), showing us the profound distinction between an agency that can be enacted against a recipient's will and one that requires full consent.

We then begin a new Mishnah that introduces the status of Samaritans (Kuthim) in signing documents. The Gemara immediately launches into a classic analysis of our Mishnah's authorship, comparing it to a baraita regarding the reliability of Samaritans in other mitzvos, such as baking matza for Pesach, and seeking to understand their halachic status as witnesses.

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

## EXPLANATION

איכא בינייהו שמות מובהקין.

Rather, the practical difference **between them is** in a case where the signatures on the document are **unambiguous** gentile **names**. The first Tanna holds that we decree against such a document because of the concern that the husband may have delivered it before these same gentile witnesses, whereas Rabbi Shimon holds that we do not make such a decree.

## OBJECTION

וקא חזרה דאורייתא, וקתני!

The Gemara objects: **But** the law of **retraction**, where a husband can retract his agency before the get reaches his wife, is a law **of Torah** status, **and** yet the Baraita **teaches** it as one of the points of comparison! This disproves the distinction between Torah and Rabbinic laws.

## RESOLUTION

אלא כי קתני – מילתא דליתא בקידושין, מילתא דאיתא בקידושין – לא קתני.

**Rather**, we must explain that **when** the Baraita **teaches** points of comparison, it only teaches **a matter that does not apply to kiddushin**; but **a matter that does apply to kiddushin**, the Baraita **does not teach**.

## QUESTION

וקא חזרה גופה איתא בקידושין!

The Gemara asks: **But** the law of **retraction itself is** indeed applicable **in kiddushin**, as a man can retract his agency to betroth a woman!

## ANSWER

בשליחות בעל כורחה, דבגירושין איתא ובקידושין ליתא.

The Gemara answers: The Baraita refers to **agency** that can be executed **against her will, which is** applicable **in divorce**, since a husband can divorce his wife against her will, **but is not** applicable **in kiddushin**, since a woman cannot be betrothed against her will.

## משנה MISHNAH

### MISHNAH

מתני' כל גט שיש עליו עד כותי – פסול, חוץ מגיטי נשים ושהרורי עבדים.

**MISHNAH:** Any document that has a Samaritan witness signed upon it is invalid, except for bills of divorce of women and bills of manumission of slaves.

### MISHNAH

מעשה שהביאו לפני רבן גמליאל לכפר עותנאי גט אשה, והיו עדיו עדי כותים, והכשיר.

An incident occurred where they brought before Rabban Gamliel to the village of Otnai a bill of divorce of a woman, and its witnesses were Samaritan witnesses, and he validated it.

## גמרא GEMARA

### QUESTION

גמ' מני מתניתין? לא תנא קמא, ולא רבי אלעזר, ולא רבן שמעון בן גמליאל!

**GEMARA:** Whose opinion is expressed in our Mishnah? It is not that of the first Tanna, and not that of Rabbi Elazar, and not that of Rabban Shimon ben Gamliel as cited in a Baraita.

### BRAISA

דתנא: מצת כותי – מותרת, ואדם יוצא בה ידי חובתו בפסח.

As it is taught in a Baraita: The matzah of a Samaritan is permitted to be eaten on Pesach, and a person fulfills his obligation with it on Pesach because we do not suspect them of failing to guard it against becoming chametz.

### BRAISA

רבי אלעזר אוסר, לפי שאין בקיאים בדקדוקי מצות.

Rabbi Elazar prohibits eating their matzah, because they are not expert in the fine details of the mitzvos.

### BRAISA

רבן שמעון בן גמליאל אומר: כל מצוה שהחזיקו בה כותים – הרבה מדקדקין בה, יותר מ ישראל.

Rabban Shimon ben Gamliel says: Any mitzvah that the Samaritans have adopted, they are much more exacting in its observance than are Jews.

### INFERENCE

מני? אי תנא קמא, אפילו שאר שטרות נמי!

The Gemara analyzes: **Whose** opinion is the Mishnah? **If** it is that of **the first Tanna**, who trusts them completely, then **even other documents should also** be valid when signed by Samaritan witnesses!

#### INFERENCE

אי רבי אלעזר, אפילו גט אשה נמי לא!

If it is that of **Rabbi Elazar**, who does not trust them because they are not expert in the details of mitzvos, then **even a bill of divorce of a woman should also not** be valid!

#### INFERENCE

ואי רבן שמעון בן גמליאל; אי דאחזוק – אפילו שאר שטרות נמי, אי דלא אחזוק – אפילו גט אשה נמי לא!

And if it is that of **Rabban Shimon ben Gamliel**: If it is a mitzvah that they adopted, then **even other documents should also** be valid; if it is a mitzvah that they did not adopt, then **even a bill of divorce of a woman should also not** be valid!

#### OBJECTION

וכי תימא רבן שמעון בן גמליאל היא, ודאחזוק בהא ולא אחזוק בהא,

And if you would say that the Mishnah indeed follows **Rabban Shimon ben Gamliel**, and they adopted this mitzvah of divorce **but did not adopt that** mitzvah of other documents,

#### OBJECTION

אי הכי, מאי אירינא חד? אפילו תרי נמי!

if **so**, **why specifically** does the Mishnah validate a get with only **one** Samaritan witness? **Even** if there are **two** Samaritan witnesses, it should **also** be valid!

#### OBJECTION

אלמה אמר רבי אלעזר: לא הכשירו בו אלא עד אחד כותי בלבד?

Why, then, did **Rabbi Elazar** say in explaining our Mishnah: They only validated in it a **single Samaritan witness alone**?

#### ANSWER

לעולם רבי אלעזר, וכגון דחתים ישראל לבסוף,

The Gemara answers: **Actually**, the Mishnah is according to **Rabbi Elazar**, and it is a case **where a Jew signed at the end**, after the Samaritan witness.

#### SUMMARY

The Gemara begins by resolving a difficulty regarding the comparison between bills of divorce and manumission, explaining that the baraita only lists halachos that do not apply to kiddushin. It clarifies that while a husband can appoint an agent to divorce his wife against her will, one cannot appoint an agent to betroth a woman against her will. Moving to the new Mishnah, we learn that documents signed by Samaritan witnesses are generally invalid, except for bills of divorce and manumission. The Gemara analyzes this ruling against the views of the first tanna, Rabbi Elazar, and Rabban Shimon ben Gamliel regarding Samaritan reliability, ultimately explaining according to Rabbi Elazar that a get is only valid when a Samaritan signs alongside a valid Jewish witness who signs last.

In our Gemara, we learn about the Samaritans (Kutim) and their relationship to mitzvos. Rabban Shimon ben Gamliel teaches a profound principle: "With regard to any mitzva that the Samaritans embraced and accepted, they are more exacting in its observance than are Jews." When they took ownership of a specific mitzva, they became incredibly meticulous, pouring their entire heart and energy into its details.

This is a powerful mirror for our own avodah. We all have certain mitzvos or areas of Yiddishkeit that we naturally connect to, where we feel a deep sense of ownership and joy. But the real test of a servant of Hashem is how we treat the mitzvos we haven't yet fully "embraced"—the ones we perform out of cold habit, or the ones we find tedious and difficult.

If we only show enthusiasm for the parts of Torah that fit our personality, we are missing the essence of kabalas ol, accepting the yoke of Heaven. True growth happens when we take a mitzva we usually rush through and decide to "embrace" it, learning its halachos and treating it with the same care we give to our favorite spiritual pursuits.

Today, choose one small mitzva or halacha that you usually do on autopilot—such as saying a specific berachah slowly, or showing extra patience to a family member—and treat it with the utmost care and focus, as if it is the most precious mitzva you own.