

מסכת גיטין · דף י"ע"ב

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THE SUGYA

We begin this daf by continuing our deep dive into the sugya of a get (bill of divorce) signed by a Kuthi (Samaritan). The Gemara explores the delicate mechanics of how witnesses sign a get, explaining why a Jewish witness would only sign alongside a Kuthi if he was absolutely certain of the Kuthi's reliability. We will see how our Sages established specific safeguards for the signing process of gittin and bills of manumission to prevent any halachic mishaps.

Following this, we will learn a new Mishnah that introduces a major halachic principle regarding documents processed in non-Jewish courts. The Gemara will analyze the validity of these documents, distinguishing between sales and gifts, which leads us into one of the most famous and fundamental rules in all of Shas: Dina d'Malchusa Dina—the law of the land is the law.

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

EXPLANATION

דאי לא דכותי חבֿר הוה, לא מחתים ליה מקמיה.

For if not that this Samaritan was a trustworthy chaver, the Jewish witness would not have allowed him to sign before him on the document.

QUESTION

אי הכי, אפילו שאר שטרות נמי!

The Gemara asks: If so, that this is the reason, then even other documents where a Jew signed after a Samaritan should also be valid!

ANSWER

אלא אמרינן רווחא שבק למאן דקשיש מיניה;

Rather, we must say that for other documents we do not assume the Samaritan is a chaver, because we say that perhaps the Jew left space for someone who was older than him to sign first out of respect, and then the Samaritan came and signed in that space without the Jew's knowledge.

QUESTION

הכא נמי, רווחא שבק למאן דקשיש מיניה!

The Gemara objects: But here too, in the case of a get, why not say that the Jew left space for someone who was older than him, and the Samaritan signed there later?

ANSWER

אמר רב פפא, זאת אומרת, עדי הגט אין חותמין זה בלא זה.

Rav Pappa said: That is to say, we must conclude that **the witnesses of a get do not sign one without the other** being present; they must sign together, so the Jew would have known exactly who was signing with him.

QUESTION

מאי טעמא?

The Gemara asks: **What is the reason** for this rule?

ANSWER

אמר רב אשי: גזירה משום "כולכם".

Rav Ashi said: It is a Rabbinic **decree because of** a case where a husband says to a group, "**All of you**" write and sign this get, where all must sign together for it to be valid.

STATEMENT

גופא, אמר רבי אלעזר: לא הכשירו בו אלא עד אחד כותי בלבד.

The Gemara returns to **the matter itself**: Rabbi Elazar said: They did not validate in a get **except only one Samaritan witness**.

QUESTION

מאי קא משמע לן? תנינא: כל גט שיש עליו עד כותי – פסול כוי!

The Gemara asks: **What is he teaching us?** We already **learned** in our Mishnah: **Any document that has a Samaritan witness on it is invalid, except for** gittin and bills of manumission, which implies only one Samaritan witness is valid!

ANSWER

אי ממתניתין, הוה אמינא אפילו תרי נמי;

The Gemara answers: **If** we only learned it **from the Mishnah, I would have said** that **even two** Samaritan witnesses are **also** valid on a get;

EXPLANATION

והאי דקתני חד, משום דבשטרות אפילו חד נמי לא, קא משמע לן.

and that which it teaches using the singular language of "**one**" witness is **because in other documents even one** Samaritan witness is **also not** valid. Therefore, Rabbi Elazar **teaches us** that only one Samaritan witness is valid on a get, but not two.

QUESTION

ותרי לא? והא קתני: מעשה והביאו לפני רבן גמליאל לכפר עותנאי גט אשה, והיו עדיו עדי כותים, והכשיר!

The Gemara asks: **And are two** Samaritan witnesses **not** valid? **But surely it teaches** in the Mishnah: **An incident occurred and they brought before Rabban Gamliel to the village of Otnai a get of a woman, and its witnesses were Samaritan witnesses, and he validated it!**

ANSWER

אמר אביי, תני: "עדו".

Abaye said: Teach and correct the text of the Mishnah to read: "its witness" in the singular, meaning there was only one Samaritan witness.

ANSWER

רבא אמר: לעולם תרי, ורבן גמליאל מיפלג פליג;

Rava said: Actually, it means two Samaritan witnesses, and Rabban Gamliel argues with the first Tanna and holds that two are valid.

EXPLANATION

וחסורי מיחסרא, והכי קתני: ורבן גמליאל מכשיר בשנים, ומעשה נמי שהביאו לפני רבן גמליאל לכפר עותנאי גט אשה, והיו עדיו עדי כותים, והכשיר.

And the Mishnah is missing words, and this is what it is teaching: And Rabban Gamliel validates with two Samaritan witnesses, and an incident also occurred where they brought before Rabban Gamliel to the village of Otnai a get of a woman, and its witnesses were Samaritan witnesses, and he validated it.

מִשְׁנָה MISHNAH

MISHNAH

מתני' כל השטרות העולים בערפאות של גוים, אף על פי שחותמיהם גוים – כשירים; חוץ מגיטי נשים ושהרורי עבדים.

MISHNAH: All documents that come up in the courts of non-Jews, even though their signers are non-Jews, are valid; except for bills of divorce of women and bills of release of slaves.

MISHNAH

רבי שמעון אומר: אף אלו כשירין, לא הוזכרו אלא בזמן שנעשו ביהדות.

Rabbi Shimon says: Even these are valid; they were not mentioned as invalid except when they were made by a commoner who is a non-Jew, but in their courts they are valid.

גְּמָרָא GEMARA

STATEMENT

גמ' קא פסיק ותני – לא שנא מכר לא שנא מתנה.

GEMARA: The Mishnah rules categorically and teaches that all documents are valid, implying it is no different if it is a document of sale, and it is no different if it is a document of gift.

EXPLANATION

בשלמא מכר, מפי יחייב זוזי קמייחו הוא דקנה; ושטרא ראיה בעלמא הוא – דאי לא יחייב זוזי קמייחו, לא הווי מרעי נפשייחו וכתבין ליה שטרא.

Granted, a document of sale is valid, because from when he gives the money in front of them, he has acquired the property, and the document is merely a proof; for if he did not give the money in front of them, they would not damage their own reputation and write a document for him.

QUESTION

אָלס מַתָּנָה, בְּמַאי קָא קִנִּי – לָאוּ בְּהַאי שְׁטָרָא? וְהַאי שְׁטָרָא חֲסֵפָא בְּעָלְמָא הוּא!

But regarding a gift, through what does he acquire it? Is it not through this document? And this document written by non-Jews is merely a shard of clay and should not be halachically effective!

ANSWER

אָמַר שְׁמוּאֵל: דִּינָא דְּמַלְכוּתָא – דִּינָא.

Shmuel said: The law of the kingdom is the law, and therefore the transfer of property via their courts is halachically binding.

ANSWER

וְאִיבָעִית אִימָא, תְּנִי "חוּץ מִכְּגִיטֵי נָשִׁים".

And if you wish, say: Teach the Mishnah as saying: "except for those like bills of divorce of women," which includes gifts, where the document itself effects the acquisition.

STATEMENT

רַבִּי שְׁמַעוֹן אוֹמֵר: אִף אֱלוֹ, כְּשִׁירִין וְכוּ':

The Mishnah taught: Rabbi Shimon says: Even these are valid, etc.

QUESTION

וְהָא לָאוּ בְּנֵי כְּרִיתוֹת נִינְהוּ?

The Gemara asks: But surely non-Jews are not subject to the laws of severance of marriage, so how can they sign a get?

ANSWER

אָמַר רַבִּי זֵירָא: יֵרֵד רַבִּי שְׁמַעוֹן לְשִׁטָּתוֹ שֶׁל רַבִּי אֶלְעָזָר, דְּאָמַר עַדִּי מְסִירָה כְּרֵתִי.

Rabbi Zeira said: Rabbi Shimon descended to the opinion of Rabbi Elazar, who said: The witnesses of delivery effect the severance of the marriage, not the witnesses signed on the get.

QUESTION

וְהָאָמַר רַבִּי אֲבָא: מוֹדָה רַבִּי אֶלְעָזָר בְּמִזְוִיָּה מִתּוֹכוֹ, שֶׁפָּסוּל!

The Gemara asks: But did not Rabbi Abba say: Rabbi Elazar admits in a case where a document is forged within itself, that it is invalid? A get signed by non-Jews is invalid on its face!

ANSWER

הָכָא בְּמַאי עֲסָקִינָן –

The Gemara answers: With what are we dealing here?

SUMMARY

The Gemara first clarifies that witnesses to a get must sign in each other's presence, a Rabbinic decree enacted to prevent invalidity in cases where a husband appoints multiple witnesses. This requirement ensures that a Jewish witness signing alongside a Kuthi is fully aware of his co-signatory's status, validating the get when only one witness is a Kuthi. We then learn that while Rabban Gamliel accepts a get even with two Kuthi witnesses, the Sages generally restrict this. Moving to the next Mishnah, the Gemara rules that documents from non-Jewish courts are valid for sales, as the exchange of money constitutes the actual acquisition and the document merely serves as proof. However, for gifts where the document itself must effect the acquisition, the Gemara introduces the guiding principle of Dina d'Malchusa Dina to establish their validity.

למעשה WHAT TO TAKE HOME

The Gemara on Gittin 10b teaches us a profound lesson about the power of our surroundings and the weight of our associations. We see that a Jew would only sign a document alongside a Samaritan if he knew for certain that this individual was a true chaver—someone meticulously dedicated to the service of Hashem. Our sages understood that who we stand next to, and who we partner with in life's major moments, speaks volumes about our own standards. In our daily lives, we must ask ourselves: do the people we associate with, the friends we choose, and the partnerships we form reflect our deepest values of yiras Shamayim and Torah?

Furthermore, the Gemara introduces the famous principle of Dina D'Malchusa Dina—the law of the land is the law. This is not just a legal necessity; it is a fundamental principle of integrity and kiddush Hashem. When we act with absolute honesty in the secular world and respect the laws of the society we live in, we are showing that a Torah Jew is a person of the highest moral caliber. Our honesty in business and our respect for the law are themselves a powerful avodah that sanctifies Hashem's name in the eyes of all.

Today, make a conscious effort to sanctify Hashem's name in your worldly dealings by being meticulously honest in a secular transaction or legal requirement, keeping in mind the principle of Dina D'Malchusa Dina.