

מסכת גיטין • דף י"א ע"ב

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

We begin this portion of the shiur by concluding our discussion regarding the kashrus of a get signed by witnesses with non-Jewish names. The Gemara analyzes the ruling of Rabbi Yochanan, who validated such documents based on the presence of witnesses of transmission, and contrasts the halacha in Eretz Yisrael with the halacha regarding a get brought from overseas, where most Jews adopt names similar to those of non-Jews.

Following this, we learn a major new Mishnah that introduces a fundamental dispute between Rabbi Meir and the Rabbis. The Mishnah discusses a husband or master who sends a get or a bill of manumission to his wife or slave via an agent, and then wishes to retract before the document arrives. This leads into a deep halachic analysis of the concepts of "zachin" (acquiring a benefit for someone in their absence) and "chav" (acting to someone's detriment in their absence), comparing the status of a slave gaining his freedom to a woman receiving a get.

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

QUESTION

עדים חתומין על הגט ושמותן כשמות גוים, מהו?

With regard to **witnesses who are signed on a bill of divorce and whose names are like the names of gentiles**, what is the halachic status of the get?

ANSWER

אמר ליה: לא בא לידינו אלא לוקוס ולוס, והכשרנו.

Rabbi Yochanan **said to him: There came into our hands only** cases where the signatures were names such as **Lukos and Los, and we validated** them because we knew they were Jews.

INFERENCE

ודוקא לוקוס ולוס, דלא שכיחי ישראל דמסקי בשמהתייהו, אבל שמהתא אחרניי דשכיחי
ישראל דמסקי בשמהתייהו – לא.

The Gemara infers: **And this is specifically** true of names like **Lukos and Los, where it is not common for Jews to be called by their names**, so we know they are gentiles and we can rely on the witnesses of transmission; **but other names where it is common for Jews to be called by their names**, so we might mistake them for Jewish signatures, **no**, they are not valid.

OBJECTION

איתיביה: גיטין הפאים ממדינת הים ועדים חתומים עליהם, אף על פי ששמותיהן כשמות גוים –
כשירין, מפני שרוב ישראל שבחוצה לארץ שמותיהן כשמות גוים.

Reish Lakish **challenged him** from a braisa: **Bills of divorce that come from overseas and witnesses are signed on them, even though their names are like the names of gentiles, they are valid**, because the majority of Jews who are outside

of Eretz Yisrael, their names are like the names of gentiles. This implies that even with common names they are valid!

RESOLUTION

הֵתָם, כְּדִקְתָּנִי טַעְמָא: מִפְּנֵי שְׂרֹב יִשְׂרָאֵל שְׂבָחוּצָה לְאַרְצָ שְׂמוֹתֵיהֶן כְּשְׂמוֹת גּוֹיִם.

The Gemara answers: **There** it is different, as it teaches the reason: Because the majority of Jews who are outside of Eretz Yisrael, their names are like the names of gentiles, so we assume the court verified them; but in Eretz Yisrael, we do not make this assumption.

STATEMENT

וְאִיכָּא דְאָמְרִי, כִּי מִתְּנִיתָא בְּעָא מִינֵיהּ, וּפָשִׁט לִיה מִמִּתְּנִיתָא.

And there are those who say a different version: Like the braisa he asked him, and he resolved it for him from the braisa itself, that they are valid.

מִשְׁנָה MISHNAH

MISHNAH

מִתְּנִי הָאוֹמֵר "תֵּן גִּט זֶה לְאִשְׁתִּי, וְשִׁטְר שְׁחֵרוּר זֶה לְעֶבְדִּי", אִם רָצָה לְחַזֹּר בְּשִׁנְיָהֶן – יִחַזֹּר, דְּבָרֵי רַבִּי מֵאִיר.

MISHNAH: One who says to an agent, "Give this bill of divorce to my wife, or this bill of manumission to my slave," if he wants to retract in both of them before they reach the recipient, he may retract; these are the words of Rabbi Meir.

MISHNAH

וְחֻכָּמִים אוֹמְרִים: בְּגִיטֵי נָשִׁים, אֲבָל לֹא בְּשִׁחְרוּרֵי עֲבָדִים;

And the Sages say: He may retract in bills of divorce for women, but not in bills of manumission for slaves;

MISHNAH

לְפִי שְׂזָכִינוּ לְאָדָם שְׁלָא בְּפָנָיו, וְאִין חֲבִין לוֹ אֶלָּא בְּפָנָיו;

because we can acquire a benefit for a person in his absence, but we cannot act to his detriment except in his presence.

MISHNAH

שָׂאֵם יִרְצָה שְׁלָא לְזוּן אֶת עַבְדּוֹ – רַשָּׁאִי, וְשְׁלָא לְזוּן אֶת אִשְׁתּוֹ – אֵינוֹ רַשָּׁאִי.

This is because if a master wants not to sustain his slave, he is permitted to do so, but if a husband wants not to sustain his wife, he is not permitted to do so.

MISHNAH

אָמַר לָהֶם: וְהִירִי הוּא פּוֹסֵל אֶת עַבְדּוֹ מִן הַתְּרוּמָה, כְּשֶׁם שֶׁהוּא פּוֹסֵל אֶת אִשְׁתּוֹ!

Rabbi Meir said to them: But behold, he disqualifies his slave from eating terumah by freeing him, just as he disqualifies his wife from eating terumah by divorcing her! Thus, freeing a slave is also a detriment.

MISHNAH

אָמרוּ לוֹ: מִפְּנֵי שֶׁהוּא קִנְיָנוּ.

The Sages **said to him**: The slave's right to eat terumah is not a personal privilege, but **because he is his master's acquisition**, and once he is freed, that acquisition ceases.

גְּמָרָא GEMARA

GEMARA

גָּמ' יְתִיב רַב הוּנָא וְרַב יִצְחָק בַּר יוֹסֵף קָמִיָּה דְּרַבִּי יִרְמְיָה, וְיְתִיב רַבִּי יִרְמְיָה וְקָא מְנַמְנִים,

GEMARA: Rav Huna and Rav Yitzchak bar Yosef were sitting before Rabbi Yirmeyah, and Rabbi Yirmeyah was sitting and dozing,

STATEMENT

וְיְתִיב רַב הוּנָא וְקָאָמַר: שְׁמַע מִיְנָהּ מְדַרְבְּנָן, הַתּוֹפֵס לְבַעַל חוֹב, קָנָה.

and Rav Huna sat and said: Learn from this ruling of the Rabbis that one who seizes property on behalf of a creditor from a debtor, **has acquired** it for him.

QUESTION

אָמַר לִיהִי רַב יִצְחָק בַּר יוֹסֵף: וְאַפִּילוּ בְּמָקוֹם שֶׁחֵב לְאַחֲרִים?

Rav Yitzchak bar Yosef **said to him**: And is this so **even in a place where it causes a loss to others**, such as other creditors?

ANSWER

אָמַר לִיהִי: אֵין.

Rav Huna **said to him**: Yes.

GEMARA

אֲדָהֳכִי אֵיתָעַר בָּהּ רַבִּי יִרְמְיָה.

In the meantime, Rabbi Yirmeyah woke up and heard them.

STATEMENT

אָמַר לָהֶם: דְּרִדְקִי! הֲכִי אָמַר רַבִּי יוֹחָנָן: הַתּוֹפֵס לְבַעַל חוֹב בְּמָקוֹם שֶׁחֵב לְאַחֲרִים – לֹא קָנָה.

He **said to them**: Children! So said Rabbi Yochanan: One who seizes property on behalf of a creditor in a place where it causes a loss to others does not acquire it.

EXPLANATION

וְאִם תֹּאמַר: מִשְׁנֵתֵינוּ! כָּל הָאוֹמֵר "תֵּנוּ", כְּאוֹמֵר "זָכוּ" דָּמִי.

And if you say that our Mishnah contradicts this, because the agent acquires the get of liberation for the slave despite the loss to the master, that is because **anyone who says "give" is like one who says "acquire" on behalf of the recipient**, so the master himself authorized the acquisition.

STATEMENT

אמר רב חסדא: התופס לבצעל חוב במקום שחב לאחרים, באנו למחלוקת רבי אליעזר ורבנן.

Rav Chisda said: Regarding one who seizes property on behalf of a creditor in a place where it causes a loss to others, we have arrived at the dispute of Rabbi Eliezer and the Rabbis.

PROOF

דתנן: מי שליקט את הפאה, ואמר "הרי זו לפלוני עני", רבי אליעזר אומר: זכה לו, וחכמים אומרים: יתנונו לעני הנמצא ראשון.

As we learned in a Mishnah: One who gathered pe'ah and said, "Behold, this is for so-and-so, a poor person," Rabbi Eliezer says: He has acquired it for him; and the Sages say: He must give it to the first poor person who is found.

STATEMENT

אמר אמיתר, ואיתימא רב פפא:

Ameimar said, and some say it was Rav Pappa:

SUMMARY

The Gemara first clarifies that while Rabbi Yochanan validated a get signed with distinct non-Jewish names like Lukos and Los, ambiguous names in Eretz Yisrael are invalid due to the concern that people might mistakenly rely on actual non-Jews. However, for documents coming from overseas, we assume the local court verified the Jewish identity of the signees, as most Jews there use non-Jewish names. Moving to the Mishnah, the Rabbis rule that a master cannot retract a bill of manumission once it is in the agent's hand, because freeing a slave is entirely to his benefit (a "zechus"), whereas a husband can retract a get because divorce is considered a detriment ("chov") to a woman. In the Gemara, Rav Huna attempts to prove from here that one can seize property on behalf of a creditor even if it causes a loss to other creditors. However, Rabbi Yirmeya wakes from his slumber to correct this, citing Rabbi Yochanan's ruling that such a seizure is invalid, and explaining that the case of the slave is unique because the master's instruction of "give" is halachically equivalent to "acquire on behalf of" the slave.

My dear friend, look at the beautiful picture the Gemara paints for us. Two young talmidei chachamim, Rav Huna and Rav Yitzchak bar Yosef, are sitting and discussing a deep point of Torah. Their rebbe, Rabbi Yirmeya, is sitting right there, dozing off. Yet, the moment he hears them make a mistake in the halakha, he wakes up immediately to guide them. He calls them "dardekei"—children—not to put them down, chas v'shalom, but with the deep, protective love of a father who cannot let his children wander off the path of truth.

This is the essence of what a true rebbe is, and it is how Hashem looks at each of us. Sometimes we feel like we are learning or doing our avodah in the dark, as if Heaven is "dozing" and not watching our struggles. But the truth is, Hashem is always listening, intimately connected to every word of Torah we speak and every effort we make. The moment we need guidance, the moment we reach out for the truth, He is there to awaken our hearts and show us the way.

We must also learn from Rabbi Yirmeya how to care for our fellow Yidden. When you see someone struggling or making a mistake, do not remain asleep. Wake up, step in with warmth and love, and help guide them back to the clear truth of the Torah.

Today, when you learn or daven, speak the words clearly and with heart, knowing that Hashem is listening to every single word you utter, ready to guide you.