

מסכת גיטין · דף ט' ע"א

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THE SUGYA

This section of Gemara Gittin, Daf 9a, continues the halachic analysis of a master who writes over all his property to his slave, leaving over a minute fraction. The Gemara explores the opinions of Rabbi Shimon and Rabbi Meir regarding whether we divide a single statement in a document, and how this impacts the slave's emancipation. It also addresses the status of a deathbed gift (shechiv mera) if the owner subsequently recuperates.

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

STATEMENT

לְעוֹלָם הוּא בֶן חֹרִין, עַד שֶׁיֹּאמֶר "כָּל נְכֹסֵי נְתוּנִין לְפִלוֹנִי עַבְדִּי חוּץ מֵאֶחָד מִרִּיבּוֹא שְׁבָהּן".

The slave is always a free man, unless the master says in the document: "All my property is given to so-and-so my slave, except for one ten-thousandth of them."

QUESTION

וְהָאָמַר רַב יוֹסֵף בַּר מִנְיומִי אָמַר רַב נַחֲמָן: אֵף עַל פִּי שְׁקִילָס רַבִּי יוֹסֵי אֶת רַבִּי שְׁמַעוֹן – הֲלָכָה כְּרַבִּי מֵאִיר,

But didn't Rav Yosef bar Minyumi say that Rav Nahman said: Even though Rabbi Yosei praised Rabbi Shimon, the halakha is like Rabbi Meir?

EXPLANATION

דִּתְנִינָא: כְּשֶׁנֶּאֱמָרוּ דְּבָרִים לְפָנֵי רַבִּי יוֹסֵי, קָרָא עָלָיו הַמִּקְרָא הַזֶּה: "שְׁפֹתֵיךְ יִשָּׁק מִשֵּׁיב דְּבָרִים נְכוּחִים!"

As it is taught in a braisa: When these matters were said before Rabbi Yosei, he read upon him this verse: "He kisses the lips that give the right answer."

QUESTION

וּמִי אָמַר רַב נַחֲמָן הֵכִי? וְהָאָמַר רַב יוֹסֵף בַּר מִנְיומִי אָמַר רַב נַחֲמָן: שְׁכִיב מֵרַע שְׁפֹתְךָ כָּל נְכֹסֶיךָ לְעַבְדְּךָ, וְעַמֵּד – חוּזֵר בְּנִכְסֶיךָ, וְאֵינוֹ חוּזֵר בְּעַבְדְּךָ.

And did Rav Nahman actually say this, that we do not divide the statement? But didn't Rav Yosef bar Minyumi say that Rav Nahman said: A person on his deathbed who wrote all his property to his slave, and then arose from his illness, he can retract his gift regarding the property, but he cannot retract his gift regarding the slave?

EXPLANATION

חוּזֵר בְּנִכְסֶיךָ – מִתְּנַת שְׁכִיב מֵרַע הוּא, וְאֵינוֹ חוּזֵר בְּעַבְדְּךָ – שְׁהָרִי יָצָא עָלָיו שֵׁם בֶּן חֹרִין!

He can retract regarding the property because it is a gift of a person on his deathbed, which is canceled if he survives; but he cannot retract regarding the slave, because a rumor has already gone out about him that he is a free man.

RESOLUTION

אָלֵא אָמַר רַב אֲשִׁי: הֵתֵם הֵיִינוּ טַעְמָא, מִשּׁוּם דְּלֹא פְרוּת גִּיטָא הוּא.

Rather, Rav Ashi said: There, this is the reason why Rav Nahman ruled like Rabbi Meir, because it is not a complete severance of the bill of manumission, since the master left over some property for himself which might include the slave.

מִשְׁנָה MISHNAH

MISHNAH

אִם יֵשׁ עָלָיו עוֹרְרִין, יִתְמַיִם בְּחוֹתְמָיו:

The Mishnah states: If there are those who contest it, it should be ratified through its signatories.

גְּמָרָא GEMARA

QUESTION

עֲרָעַר כַּמָּה? אֵילִימָא עֲרָעַר חֵד, וְהָאֵמַר רַבִּי יוֹחָנָן: דְּבָרֵי הַכֹּל אֵין עֲרָעַר פְּחוֹת מִשְׁנַיִם!

The Gemara asks: How many people constitute this contestation? If we say a contestation of one person, but didn't Rabbi Yohanan say: Everyone agrees that a contestation is no fewer than two people?

QUESTION

וְאֵלֹא עֲרָעַר תְּרִי? תְּרִי וְתִרִי נִינְהוּ, מֵאִי חֲזִית דְּסַמְכַת אֹהֲנִי, סְמוּךְ אֹהֲנִי!

But rather, is it a contestation of two people? If so, they are two witnesses against two witnesses; what did you see that you rely on these witnesses who ratify it? Rely instead on these who contest it!

ANSWER

אָלֵא עֲרָעַר דְּבַעַל.

Rather, it is referring to a contestation of the husband himself, who claims the bill of divorce is a forgery.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי הַמְּבִיא גִט מִמְּדִינַת הָיִם, וְאֵינוּ יָכוֹל לֹאמַר "בְּפָנַי נִכְתַּב וּבְפָנַי נִחְתַּם", אִם יֵשׁ עָלָיו עֲדִים – יִתְמַיִם בְּחוֹתְמָיו.

MISHNAH: One who brings a bill of divorce from a country overseas, and is unable to say: "It was written in my presence and it was signed in my presence," if there are witnesses signed on it, it should be ratified through its signatories.

MISHNAH

אָדד גיטִי נָשִׁים וְאָדד שְׁחֲרוּרֵי עֲבָדִים, שְׂוֹי לְמוֹלִיד וְלַמְבִּיא, וְזוֹ אַחַת מִן הַדְּרָכִים שֶׁשְׂוֹי גִיטִי נָשִׁים לְשְׁחֲרוּרֵי עֲבָדִים.

Both bills of divorce of women and bills of manumission of slaves are equal regarding the one who delivers and the one who brings, and this is one of the ways in which bills of divorce of women are equal to bills of manumission of slaves.

גְּמָרָא GEMARA

QUESTION

גְּמ' מַאי "אֵינוֹ יָכוֹל לומר" אֵילִימָא חֵרֶשׁ, חֵרֶשׁ בֶּר אֶתוּיִי גִיטָא הוּא!?

GEMARA: What is the meaning of "is unable to say"? If we say it means a deaf-mute, is a deaf-mute fit to bring a bill of divorce?

OBJECTION

וְהִתְנִן: הַכֹּל כְּשֶׁרִין לְהִבִּיא אֶת הַגֵּט, חוּץ מִחֵרֶשׁ שׁוֹטָה וְקָטָן!

But didn't we learn in a Mishnah: Everyone is fit to bring a bill of divorce, except for a deaf-mute, an imbecile, and a minor!

ANSWER

אָמַר רַב יוֹסֵף: הָכָא בְּמַאי עֲסָקִינוּ – כְּגוֹן שֶׁנִּתְּנוּ לָהּ כְּשֶׁהוּא פִיקַח, וְלֹא הִסְפִּיק לומר "בְּפָנַי נִכְתַּב וּבְפָנַי נִחְתַּם" עַד שֶׁנִּתְחַרֵּשׁ.

Rav Yosef said: With what are we dealing here? For example, where he gave it to her when he was halakhically competent, but he did not manage to say: "It was written in my presence and it was signed in my presence" before he became a deaf-mute.

מִשְׁנָה MISHNAH

MISHNAH

אָדד גיטִי נָשִׁים וְאָדד שְׁחֲרוּרֵי עֲבָדִים:

The Mishnah states: Both bills of divorce of women and bills of manumission of slaves are equal.

BRAISA

תנו רבנן: בשלשה דרכים שוו גיטי נשים לשיחרורי עבדים:

The Rabbis taught in a braisa: In three ways bills of divorce of women are equal to bills of manumission of slaves:

BRAISA

שוו למוליך ולמביא; וכל גט שיש עליו עד כותי – פסול, חוץ מגיטי נשים ושיחרורי עבדים; וכל השטרות

They are equal regarding the one who delivers and the one who brings; and any document that has a Samaritan witness on it is invalid, except for bills of divorce of women and bills of manumission of slaves; and all other documents

SUMMARY

The Gemara clarifies that according to Rav Ashi, Rav Nachman's ruling follows Rabbi Meir because a bill of manumission must fully sever the bond between master and slave, which is compromised if any property is reserved. The discussion then transitions to a Mishnah regarding a contested get within Eretz Yisrael, establishing that a contestation by the husband himself requires ratification of the signatures. Finally, the Gemara introduces a new Mishnah detailing the laws of an agent bringing a get from overseas who is unable to make the standard declaration, resolving that this refers to an agent who became a deaf-mute after delivering the document.

למעשה WHAT TO TAKE HOME

In our daf, we learn about a messenger who brings a get but is suddenly unable to make the required declaration because he became deaf. The Gemara explains that he was fully hearing when he received the document, but became deaf before he could speak. This teaches us a profound lesson in avodah: we must never take our tools, our health, or our opportunities for granted. A person can have every ability to perform a mitzvah one moment, and in the next, the door is closed.

This is not a reason to live in fear, but a call to live with urgency. When Hashem gives you the clarity, the energy, or the physical ability to do a chesed, to learn a piece of Torah, or to speak a kind word, do not say "I will do it later." The ability you have right now is a gift meant for this very moment.

Today, when you feel the inspiration to do a mitzvah or help another person, do not delay even for a few minutes. Act on it immediately while the opportunity and your abilities are fully in your hands.