



It is Your Get

The *Mishnah* teaches that if the husband gives his wife a *get*, but at the time he said "take this loan document", and only after when she reads it does she learn that is her *get*, then it is not valid. The husband must say to his wife, "here is your *get*". The *Bartenura* explains that, considering the case in the *Mishnah*, this would even be even if the husband informed her after she is already holding the *get*. The *Bartenura* continues that if however, the *get* was resting on the floor, the wife retrieved it and then he declared that it is her *get* she would not be divorced. The *Mishnah* continues that even if he gives the *get* to his wife while she is sleeping, she would be divorced as long as he told her "that is your *get*" when she woke up. We shall try to understand the principle behind these cases.

The *Tosfot Yom Tov* explains, citing the *Ran*, that when the *Torah* writes "*ve'natan be'yada*" – and he will give it into her hand – it requires that the husband physically place the *get* into her hand (or *chatzer*). Despite the fact the when he handed it over it was nothing, it nonetheless satisfies the requirement if she is still holding it and he says, "that is your *get*". This explains why if it was resting on the floor and she retrieves it, declaring that it is her *get* does not help, because it was not handed to her.

The *Tosfot R' Akiva Eiger* expands the law in the *Mishnah* to cases where he gave the *get* to his wife as a *pikadon* (to look after) or placed it in her *chatzer*, then after (when she is standing next to her *chatzer*) he told her it was her *get*. This is because in both cases the requirement of handing of the *get* has been satisfied.

The *Tosfot R' Akiva Eiger* adds two cases where the requirement is not satisfied. The first is if the wind blew

the *get* into her *chatzer*. The second relates to the second case in the *Mishnah*. Recall that the requirement can be satisfied if she was asleep when he gave her the *get* as long as he declared it is her *get* when she wakes. The *Tosfot R' Akiva Eiger* however explains that if it fell from her hand while she was asleep, then the husband would be required to hand it to her again.

The last case of the *Tosfot R' Akiva* comes from the *Rosh* who cites the *Rama* (רמ"א). The *Rosh* explains that this makes sense, because since it fell when he gave it to her while asleep it is not considered *netina* – handing it over. The *Rosh* explains earlier, that the reason why we cannot consider the initial handing over as *netina* is because since the wife was asleep it is considered as if at the time, she has no *da'at* (halachic understanding)¹.

If she is not considered as having *da'at* while asleep, how does the *netina* work at all? The *Shitot Hakadmonim* explains that the handing over is not an atomic act. The *netina* extends from the time it hands it to here until she is divorced. If however, it falls whilst she is asleep, the that creates a break such that physical handing over was insufficient to be considered a *netina*.

The *Taz* (EH 138:5) however notes that it appears from the *Rishonim* that as long as when she woke, she held the *get*, even if it then from her hands prior to the husband declaring that it is her *get* it would be sufficient. In other words, according to the *Taz*, the extended *netina* need only be until it is considered complete, when she wakes, and the requirement is satisfied even if she is no longer holding it when the husband informs her that it is her *get*.

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¹ Compare this with the opinion of the *Ran*. See also the *Machane Ephraim* (*kinyan chatzer* 12).

Revision Questions

גיטין ז' - ה' - ח' - ט'

- Can a man give his wife a *get* on the condition she gives him a sum of money? (ז' ה')
- What does *Rabban Shimon ben Gamliel* rule in a case where a man gives his wife a *get* on the condition that she gives him a particular item, yet that item was lost? (ז' ה')
- If a man gave his wife a *get* on the condition that she cared for his father, yet he died before she was able to care for him, when do we say that the *get* is invalid? (ז' ה')
- What is *Rabban Shimon ben Gamliel's* rule regarding a woman's inability to fulfill a condition in a *get*? (ז' ה')
- Which two cities lie on each side of the border of *Yehuda* and *Galil*? (ז' ה')
- If a husband gives his wife a *get* on the condition it will take effect if he does not see her for a period of thirty days, is the *get* valid if he consequently did see her frequently prior to disappearing for thirty days? (ז' ה')
- With what wording of the condition would a *get* be valid if it was given on the condition that the husband would not return within twelve months and died during that period? (ז' ה')
- If the husband directed two people to write and hand a *get* to his wife if he did not return within twelve months, and the witness wrote the *get* immediately and handed the *get* to the wife after twelve months, is the *get* valid? (ז' ט')
- Is a *get* valid if it is thrown: (ז' ח')
 - Into the wife's *chatzer*?
 - Into the wife's bed?
 - On to the wife's lap?
- Is a *get* valid if it was handed to the wife on the presumption that it was a financial document? (ז' ב')
- Can a woman be handed a *get* while she is sleeping? (ז' ב')
- Is a *get* valid if it was cast at the wife's feet while she was standing in the public domain? (ז' ב')
- For which two other areas does the law dealt with in the previous question apply? (ז' ח')
- If a *get* was thrown to a woman while she was standing on a roof and was destroyed prior to landing, when do we say that the *get* is valid? (ז' ח')
- What is a *get yashan* and can it be used? (ז' ד')
- What is the law regarding a case where the husband wrote his wife a *get* dated from the time of the destruction of the *Beit Ha'Mikdash* and she then remarried? (ז' ה')
- What two other cases (not related to *gittin*) share the same law raised in the previous question? (ז' ג'-ז')
- What is the law regarding a case where the *sofer* mistakenly gave the *get* to the wife and the *shovar* to the husband, and the husband gave the wife the *shovar* thinking it was the *get* and the wife gave the husband the *get* thinking it was the *shovar*? (ז' ח')
- What is *R' Eliezer's* opinion regarding the previous question? (ז' ח')
- Can a woman marry a *Kohen* if she was handed a *get* on a condition and the condition was not fulfilled (and then the husband subsequently died)? (ז' ח')
- In which case do *Beit Shammai* and *Beit Hillel* argue about, where a husband that divorced his wife is required to give her another *get*? (ז' ט')
- What is a *get kereach*? (ז' ט'-ז')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 October ה' חשוון	15 October ו' חשוון	16 October ז' חשוון	17 October ח' חשוון	18 October ט' חשוון	19 October י' חשוון	20 October י"א חשוון
Gittin 8:10-9:1	Gittin 9:2-3	Gittin 9:4-5	Gittin 9:6-7	Gittin 9:8-9	Gittin 9:10 - Kidushin 1:1	Kidushin 1:2-3

