



A Get Attached to the Ground

The *Mishnah* discusses the various materials on which a *get* (divorce document) can be written. For example the *Chachamim* allow a *get* to be written on an olive leaf, horn of a cow or hand of a servant provided that that which was used is handed to the wife in its entirety without there being an intermediate action, e.g. cutting the horn off the cow. *Bartenura* explains that since the *pasuk* writes that the husband “writes a severance document and places it in her hand” it precludes cases that require another process between the writing and handing over. *R’ Yossi Ha’Glili* in the *Mishnah* has a more restricted position disqualifying the use of food or living creatures as surfaces for writing a *get*, since the *Torah* refers to a *get* as a “*sefer*”. The next *Mishnah* continues by explaining that a *get* may not be written on some thing that is attached to the ground. Why?

Rashi (*Gittin* 21b) writes, since the *pasuk* (cited above) records the giving immediately after the writing, it means that the *get* cannot lack severing (it from the ground). What is not clear from *Rashi* is whether the husband could give such a *get* along with the land it is connected to without severing it? It appears to be implicit in *Rashi*’s explanation that it requires severing. Why?

The *Rashba* explains that even if the husband gave her the land as well, the *get* would not be valid. He cites the *Yerushalmi* that explains that since the *Torah* refers to the *get* as a *sefer*, which is not connected to the ground, a *get* must also be detached from the

ground. Indeed the *Pnei Yehoshua* understands that according to *Rashi*, giving the *get* while it is attached to the ground is obviously invalid based on this reason. The *Rashba* notes that our *Gemara* learns something different from that *pasuk*. Nevertheless the particular choice of wording allows us to learn this law as well.

The difficulty with the above approach is that according to our *Gemara* it appears that only *R’ Yossi Ha’Glili* connects the term “*sefer*” with the material on which a *get* must be written. Furthermore, the *Ritva* raises a difficulty from our *Gemara*. A potted plant that has a hole at its base is always considered attached to the ground. The *Gemara* teaches that a *get* could be written on such a plant. *Rava* who forbids it, is only due to a *gezeira* in case the leaf on which the *get* is written is detached prior to handing over the *get*. According to the above logic, since the plant is considered attached to the ground, it should be excluded by the term “*sefer*”.

The *Rasha* brings another answer. Since the *Torah* writes “he places it in her hand” the *get* must be written on something that can be transferred from hand to hand. The *Ritva* however understands the *pasuk* it as it is written. The husband must be able to place the *get* in his wife’s hand and he cannot truly do so while it is attached to the ground.

Yisrael Yitzchak Bankier

Revision Questions

גייטין א' א' - ג' א'

- If someone brings a *get* from overseas, what must he say? (א' א')
- What if he is unable to say it? (ג' א')
- According to *R' Yehuda* what are the "borders" of Israel for the laws of *gittin*? (א' ב')
- Why is the previous question important? (ג' א')
- What other legal area shares the same law as discussed in the previous questions? (ד' א')
- Are *kuti'im* allowed to be witnesses on a *get*? (ה' א')
- If a person sends someone as a *shaliach* to give his wife a *get*: (ו' א')
 - Can he cancel the *shlichut* before the *shaliach* arrives?
 - Can the *shaliach* still give the *get* if the person passes away?
- What is the law if the *shaliach* can only say "*befanai nechataw*"? (ב' א')
- What if one person can only say "*befanai nechataw*" and another can only say "*befanai nechtam*"? (ב' א')
- What special case does *R' Yehuda* permit similar to the previous question? (ב' א')
- Which of the following invalidates a *get*: it was written at night or it was signed at night? (ב' ב')
- Who argues on the rule discussed in the previous question and why? (ב' ב')
- Is there something special about the ink that must be used to write a *get*? (ג' ב')
- Is a *get* valid if it was written on the horn of a cow while it is still attached to the cow? (ג' ב')
- Explain the debate regarding a *get* that was written on something that was attached to the ground and signed after it was detached. (ד' ב')
- Are there limitations on who can write a *get*? (ה' ב')
- Are there limitations on who can be a messenger to bring a *get*? (ה' ב')
- Complete the following phrase and explain: (ו' ב')

"כל _____ בדעת כשר"
- Which five women are not valid witnesses to the death of another woman's husband? (ז' ב')
- Are these women valid as messengers to bring a *get*? (ז' ב')
- If a woman brings her own *get* does she need to say "*befanai nechataw u'befanai nechtam*"? (ז' ב')
- Can a *get* that was written for another couple that had the same names be used? (ג' א')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
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Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 rd December י"ג טבת	24 th December י"ד טבת	25 th December י"ה טבת	26 th December י"ו טבת	27 th December י"ז טבת	28 th December י"ח טבת	29 th December י"ט טבת
Gittin 3:2-3	Gittin 3:4-5	Gittin 3:6-7	Gittin 3:8-4:1	Gittin 4:2-3	Gittin 4:4-5	Gittin 4:6-7

