



A Shaliach Nominating a Shaliach

The *Mishnah* (6:7) teaches that if a husband instructs two people (write and) give a *get* to his wife, then they must write and sign the *get* – they are not allowed to ask a scribe or nominate other witnesses in their stead. The *Gemara* explains that the issue is that the “words” or instruction given by the husband were not given to the *shaliach* to pass on.

At first glance, our *Mishnah* appears to contradict an earlier one. We have learnt (3:5) the if a husband’s *shaliach* is bringing a *get* in Israel and falls ill, he is able to send the *get* with another person. How do we understand the rationale of our *Mishnah* and how is it in harmony with the earlier *Mishnah*?

The *Tifferet Yisrael* brings two explanations. *Rashi* explains that only when the husband hands over an object, i.e. the *get*, can a *shaliach* then nominate another *shaliach*. In our *Mishnah* however, the husband only instructed them to write the *get*. The *Mordechai* however explains that whenever a *shaliach* is nominated to perform a task that is part of the process but does not complete it, then he cannot nominate another *shaliach* in his place. One such case is our *Mishnah*, where after the *get* is written and signed they are not yet divorced. A *shaliach holacha*, who can deliver the *get ba'al korchah*, has the capacity to complete the divorce on his own.

The *Tifferet Yisrael* brings a number of practical differences between these two opinions. The first is a *shaliach* that is nominated to perform *kiddushin*. According to *Rashi*, since the *shaliach* was handed a coin, an object, he is able to get someone else to perform the *kiddushin*. According to the *Mordechai* however, since it is not certain that the woman will accept, then the *shaliach* must carry out his task.

Another practical difference is if the husband gives the *sofer* parchment on which to write the *get*. According to

Rashi since an object was handed over, he may subcontract his work. According to the *Mordechai* however, since the writing of the *get* does not finalise the divorce, the *sofer* must write the *get* himself.

The *Tifferet Yisrael* continues that one would assume that according to both opinions that a *shaliach kabala* nominated by the wife, would not be able to elect another *shaliach*. There is no object handed over, and it is not certain that the husband will want to provide a *get*. The *Ritva* however maintains that a *shaliach kabala* can nominate another *shliach*. How do we understand the *Ritva*’s position?

The *Tifferet Yisrael* explains that the *Ritva* is in line with the *Mordechai*. In other words, provided that the *shaliach* is charged with the final act, then he can nominate another *shaliach*. While taking the money to perform the act of *kiddushin* is not considered a final act, because the woman might not want to receive it and therefore complete it, the task of receiving a *get* however is the final task.

The *Pnei Yehoshua* (29a) asks an important question. The *Mishnah* rules that a *cheresh*, *shoteh* or *katan* are able to write a *get*. The *Gemara* (22b) explains that this is when they are being supervised to write the *get* for the intended parties. The *Tosfot* there explains that even though these people cannot be nominated as a *shaliach*, the writing of the *get* does not require *shlichut*. This being the case, why is the *shaliach* not able to ask someone else to write the *get*? The *Pnei Yehoshua* explains by citing the *Tosfot*’s opinion that while *shlichut* is not required, the husband must still instruct the scribe to write the *get* so that it is *lishmah*. Consequently if “words” are not given to the *shaliach* to hand on, and the *shaliach* asks a scribe to write the *get*, then it will be lacking *lishmah*.

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Revision Questions

גיטין ו' ד' ח' א'

- Considering a *bat Yisrael* who is married to a *kohen*, if she wished to use a *shaliach* to obtain her *get*, using what *shaliach* would she be able to continue to eat *trumah* until the *get* reaches her hand? (י' ד')
- If a man just said to two people “write a *get* for my wife” in which cases would they both write and hand the *get* to his wife? (י' ה')
- Describe the case in which anyone that hears the husband holler “write a *get* for my wife” can both write and hand her the *get*. (י' ו')
- What is the difference if the husband said “give a *get* to my wife” in front of two or three people? (י' ז')
- Regarding the previous question, who argues that there is no difference? (י' ח')
- What is the law if the husband said “all of you write a *get* for my wife”? (י' ט')
- If someone became a mute, how do we confirm that he wished to give his wife a *get*? (י' י')
- If two people were directed to write a *get* by the husband, can they ask a *sofer* to write the *get* and ask other people to sign it? (י' י"א)
- Can a man give his wife a *get* on the condition that it takes effect after he dies? (י' י"ב)
- What is the law if a husband gives his wife a *get* saying, “this is your *get* from today and after death”? (י' י"ג)
- What is the law regarding a woman who receives a *get* from her husband on the condition that it takes effect now if in the future the husband dies? (י' י"ד)
- Can a man give his wife a *get* on the condition she gives him a sum of money? (י' י"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? (י' י"ו)
- 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? (י' י"ז)
- What is *Rabban Shimon ben Gamliel*'s rule regarding a woman's inability to fulfil a condition in a *get*? (י' י"ח)
- Which two cities lie on each side of the border of *Yehuda* and *Galil*? (י' י"ט)
- If a husband gives his a wife *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? (י' כ')
- 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 month and died during that period? (י' כ"א)
- 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? (י' כ"ב)
- Is a *get* valid if it is thrown: (י' כ"ג)
 - Into the wife's *chatzer*?
 - Into the wife's bed?
 - On to the wife's lap?

Local Shiurim

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
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Friday & Shabbat
10 minutes before *Mincha*
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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/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 th January ב' שבט	14 th December ג' שבט	15 th January ד' שבט	16 th January ה' שבט	17 th January ו' שבט	18 th January ז' שבט	19 th January ח' שבט
Gittin 8:2-3	Gittin 8:4-5	Gittin 8:6-7	Gittin 8:8-9	Gittin 8:10-9:1	Gittin 9:2-3	Gittin 9:4-5

