



Anyone who can hear me

The *Mishnah* (6:6) taught that if a man fell into a deep pit and called out that anyone who can hear his voice should write a *get* and deliver it to his wife, those that hear should do so. In other words, even though the husband did not nominate these individuals directly and they did not know who this person is (other than the names he called out) it is nonetheless considered as if they are the husband's agents to write, sign and deliver the *get*. The *Gemara* explains that this is a special leniency afforded in times of danger. *Rashi* explains that if we wait, it might end up being too late.

The *Tosfot* (66a, s.v. *kol*) raising a question based on a *Mishnah* we learnt back in *Nedarim*. Recall that if, e.g. *Reuven* made a *neder* against deriving any benefit from *Shimon*, that there is still a way that *Shimon* can still separate *terumah* for *Reuven*. The *Gemara* (*Nedarim* 36b) explains that *Shimon* can only separate *terumah* if he acts as *Reuven's shaliach* to do so. However if *Reuven* directly nominates *Shimon*, he will be deriving benefit from *Shimon* in violation of the *neder*. The *Gemara* explains that the permissible avenue would be if *Reuven* declared that anyone who wishes to separate *terumah* for him can do so.

If regarding *terumah*, the open ended declaration is not equivalent to nominating a *shaliach* directly, how then in our case, can those that hear the husband, write and deliver the *get*?

The *Tosfot* provide two answers. The first is that the open declaration is indeed considered as nominating a *shaliach* in both cases. Regarding the case in *terumah* however, despite *Shimon* effectively being designated as the *shaliach*, since *Reuven* did not nominate *Shimon* directly, it is not considered a violation of the *neder*.

The *Tosfot* provide a different answer and suggest that our case is different. In our case the husband did not call out, "anyone who wants to write the *get*" which would parallel the case in *Nedarim*, but rather "anyone who hears me should write the *get*". In other words, despite not knowing who can hear him, the husband is instructing them to write the *get* – he is nominating them directly.

Note that according to the second answer, it appears that *shelichut* is not required for the separation of *terumah*. The *Chazon Ish* (*Even HaEzer* 147) however notes that it is clear, that to separate *terumah* for another, one must act as the other's *shaliach*. This is because one is not allowed to sanctify something that does not belong to them.

The *Chazon Ish* however explains that indeed separating *terumah* would require *shelichut*. We have however explained in the past that based on the principle of *zachin* one can act on another's behalf if it is in their favour, even without their knowledge. Having one's *terumah* separated is considered a benefit. The reason why we can't rely on *zachin* to separate another's *terumah* is because the act of separating *terumah* is a *mitzvah* and we have a principle that it is a greater *mitzvah* to perform the *mitzvah* one's self than via an agent. Consequently, it is not necessarily a benefit to the owner if someone else separates *terumah* for them. In the case in *Nedarim*, when the owner declares that one who wishes to separate *terumah* can do so, *Reuven* is not nominating *Shimon* as his *shaliach*. Nevertheless, he has demonstrated that he is happy for someone to separate the *terumah*. That being the case, *Shimon* can then rely on the principle of *zachin*.

For *Gittin* however one cannot rely on *zachin* even if the husband indicates that he wants to divorce his wife. This is because divorce is not a *zechut* (unlike separating *terumah*). Even if the husband indicates that he wants to, it does not define the case as being a *zechut*. Instead it is comparable to the husband wanting to do something to his detriment. Since we cannot rely on *zachin*, according to the second answer of the *Tosfot*, for *Gittin* the open-ended declaration "anyone who wants to write and deliver the *get*" would be insufficient. This explains why the more direct language in our *Mishnah*, "anyone who hears me should write a *get*" is used since it is that language, according to the second answer of the *Tosfot*, that designate the listeners as the husband's *shaliach*.

Revision Questions

גיטין ה' – ז' – ד'

- How does a *cheresh* engage in a transaction? What does *R' Yehuda* add as another acceptable means of communication? (ה' ז')
- What are *pa'utof*? (ה' ז')
- Which three cases are debated as to whether they are forbidden due to *darkei shalom* or because it is *gezel gamur*? (ה' ח')
- Can one lend cooking implements during the *shmittah* year to one that is suspect of transgressing the prohibitions of *shmittah*? (ה' ט')
- Until which point can a *eshet chaver* assist an *eshet am ha'aretz* in making bread? (ה' ט')
- Describe the case in which once the husband hands the *get* to the *shaliach* he cannot cancel the *get*. (ה' י')
- If a woman elected a *shaliach* to accept her *get* and he did so, but then disposed of the *get*, how many witnesses would she require to confirm the divorce? (ה' י')
- Explain the debate regarding one who accepts the *get* of a *na'arah me'orasah*. (ה' י')
- Can a *ketanah* elect a *shaliach kabalah*? (ה' יג')
- Is a *get* valid if the husband's *shaliach* gave the *get* to the wife in a different location to the one he was told? (ה' יג')
- Is a *get* valid if the wife's *shaliach* received the *get* in a different location to the one he was told? (ה' יג')
- 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? (ה' יד')
- 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? (ה' ט')
- 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*? (ה' ט')
- What is the difference if the husband said "give a *get* to my wife" in front of two or three people? (ה' ט')
- Regarding the previous question, who argues that there is no difference? (ה' ט')
- What is the law if the husband said "all of you write a *get* for my wife"? (ה' ט')
- If someone became a mute, how do we confirm that he wished to give his wife a *get*? (ה' ט')
- If two people were directed to write a *get* by the husband, can they get a *sofer* to write the *get* and get other people to sign it? (ה' ט')
- Can a man give his wife a *get* on the condition that it takes effect after he dies? (ה' ט')
- What is the law if a husband gives his wife a *get* saying "this is your *get* from today and after death"? (ה' ט')
- 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? (ה' ט')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

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mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
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Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|-----------------------|-----------------------|----------------------|------------------------|------------------------|------------------------|------------------------|
| 7 October כ"ח תשרי | 8 October כ"ט תשרי | 9 October ל' תשרי | 10 October א' חשוון | 11 October ב' חשוון | 12 October ג' חשוון | 13 October ד' חשוון |
| Gittin 7:5-6 | Gittin 7:7-8 | Gittin 7:9-8:1 | Gittin 8:2-3 | Gittin 8:4-5 | Gittin 8:6-7 | Gittin 8:8-9 |

