



Cancelling or Stopping *Shlichut*

The third *perek* begins by teaching that a husband has the ability to be stop a *shaliach* (messenger) that he sent to take a *get* to his wife, provided the he (or another *shaliach*) reaches the *shaliach* or wife, before the *shaliach* reaches the wife.

While the capacity to cancel *shlichut* is not new, the *Gemara* (32a) addresses the novelty of this *Mishnah*. It learns from the language of the *Mishnah* that even if the husband did not pursue the original *shaliach* and they just happen to cross paths, the husband is still able to cancel the *shlichut*. The *Gemara* explains that one might have thought that in such a case the husband is not sincere in his retraction and is only doing so to make it difficult for his wife for the time being. Had he been serious, surely he would have chased after the *shaliach*. Never the less, the withdrawal is effective and the *shlichut* annulled. This is *Rashi's* understanding of the *Gemara*.

The *Rashba* however find *Rashi's* explanation difficult. He maintains that there should be no difference between whether the husband annuls the *get* or simply wants the *shaliach* to hold off temporarily. In either case the *shaliach* would not be able to hand over the *get* unless the husband changed his mind again.¹

Instead the *Rashba* explains that one might have thought that if the husband only cancelled the *shlichut* having happened to cross paths with the *shaliach*, that he was not sincere – “his mouth and heart are not equal”. In other words he is not interested in annulling the *get* at all and is only saying so to cause his wife the stress in its delay. Since this might be possible, one might have thought that in such a case, if that *get* was then delivered, there would be a *safek* whether the wife is divorced. Consequently the novelty of the *Mishnah* is that this is not a concern and that withdrawal even in those circumstance is effective.

An important debate comes out this difference in understanding the *Gemara*: can a *shaliach* deliver a *get* if the husband objects but does not annul the *shlichut*? According to *Rashi* it appears he can, where as the *Rashba* is clear that he cannot.

To understand the position of *Rashi* we refer to the principle that “the *shaliach* of the person is like him”. In other words the *shaliach* take the place of the sender entirely and operates independently. The *Netivot HaMishpat* (433:6) writes, “...[the *shaliach*] becomes like the husband *mamash* to divorce his wife as if he is his wife.” The *netivot* uses this to explain the following. One is able to nominate a *shaliach* to write and then deliver a *get*. The *Tosfot* (*Nazir* 12a) explains that one cannot nominate a person as a *shaliach* to carry out a task that is not yet “in this world”. Delivering a *get* that has not yet been written would ostensibly be classified as such. However since in this case, the *shaliach* effectively becomes the husband, “his” wife exists.

In contrast to this understanding, the *Avnei Miluim* (35:9) presents a very different understanding of a *shaliach* that brings a *get*. The *R'R' Yosef* and *Ran* understand that an *eved* cannot act as a *shaliach* to receive the *get* on behalf of the wife, but can act as a *shaliach* to deliver the *get* to the wife on behalf of husband. The *Avnei Miluim* explains the *get* is complete and the wording contained therein is what affects the divorce. The *eved* is simply behaving as a *shaliach* for the action of handing over the *get*. This is necessary because if the husband instructed his wife to collect the *get* from the ground, it would be invalid. Nevertheless this *shaliach* is not acting as a *shaliach* to affect the divorce. From this perspective, since he is not engaging the divorce, but rather satisfying the action for the husband, it is limited by the will of the husband.

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¹ The *Rashba* notes that according to *Rav Sheshet* who holds that if the *shlichut* is annulled the *get* cannot be used again, there would be a

difference. However since we rule like *Rav Nachman* that maintains that the *get* is still valid, then there would be no practical difference.

Revision Questions

גיטין ג: ב- ד: ז:

- Explain the debate regarding how much of a *get* can be pre-written. (ז: ג)
- If a *get* was lost, why can it not be used once it is found? In which case can it be used? (ג: ג)
- Can a *get* be given if it was sent from the husband who was ill? (ג: ג)
- What are the three cases presented in which we are concerned that the husband has died and who presented these cases? (ד: ג)
- If a messenger bringing a *get* within Israel falls ill, can he hand the *get* on to another *shaliach*? (ז: ג)
- Regarding the previous case, what happens if the *shaliach* was bringing a *get* from outside Israel? (ז: ג)
- If someone loans money to a *kohen* on the condition that he may separate *trumah* for him and then sells it to another *kohen* and then the *kohen* travels overseas, can he continue to fulfill this condition? (ז: ג)
- What is the law if the *kohen* dies prior to the person separating *trumah*? (ז: ג)
- If someone set aside fruit in case later he wished to use them as *trumah* for other produce, then later discover that they were lost, for what period of time prior to discovering this must he assume they were lost? (ז: ג)
- According to *R' Yehuda* if someone tries a similar scheme with wine, how often and when must he check the quality of the wine? (ז: ג)
- If a husband sent a *get* with a *shaliach*, until when can he cancel the *get* and what is required to cancel it? (ז: ד)
- Regarding the previous question, in the past how was a *get* cancelled and why was it changed? (ז: ב)
- What else changed in the laws of *gittin* for this reason and who instituted the change? (ז: ב)
- How does an *almanah* collect her *ketubah* from *yetomim*? (ז: ד)
- Who instituted the *pruzbel*? (ז: ד)
- Explain the debate regarding a servant who was captured and redeemed, whether he is automatically no longer a servant. (ז: ד)
- How do we deal with a person who is a “half-servant, half-free”? (ז: ד)
- What is the law regarding one who sells his servant to a *goi*? To which other purchaser does this law apply? (ז: ד)
- Which two things are one not allowed to overpay for, *mipnei tikkun olam*? (ז: ד)
- List three of the opinions regarding whether one can remarry his ex-wife, if she was divorced because of a *neder*. (ז: ד)

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Rabbi Mordechai Scharf
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613.org/mishnah.html

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
30 th December י"ז טבת	31 st December י"ח טבת	1 st December י"ט טבת	2 nd December כ' טבת	3 rd December כ"א טבת	4 th December כ"ב טבת	5 th December כ"ג טבת
Gittin 4:8-9	Gittin 5:1-2	Gittin 5:3-4	Gittin 5:5-6	Gittin 5:7-8	Gittin 5:9-6:1	Gittin 6:2-3

