

A בס"ד

Intro

Today we will Be"H begin פרק הזורק, the eighth Perek of דף ע"ז מסכת גיטין.

The Perek begins by discussing the requirement of ונתן בידה
The husband should place the גט into his wife's hand. The Gemara will discuss other areas included in the term ידה where he may place the גט, and will describe the valid method of placement.

Some of the topics we will learn about today include:
חצרה

The גט may be placed in her courtyard, or any other area she owns. The Gemara discusses whether a חצר acquires the גט on her behalf as

חצרה
A variant of her hand, and therefore must be סמוכה, nearby, or שליחות

As her agent, and therefore it is only required to be משתמרת לדעתה
Guarded under her control

מה שקנתה אשה קנה בעלה
A husband has the rights to פירות, the usage and income of his wife's possessions.

B דין ודברים אין לי

One cannot renounce his rights to something already in his possession without a legal transaction.

However, one can say אי אפשי בתקנת חכמים

One can forego the rights granted to him by a decree that was enacted for his benefit.

יד עבד כיד רבו

A slave is owned by his master; and therefore whatever he acquires belongs to his master. He cannot acquire anything for himself. Nevertheless, he can personally accept an emancipation document due to the principle of גיטו וידו באין כאחד

The emancipation and his ability to acquire items for himself occur simultaneously. Therefore, the very act of receiving the document creates the domain with which he can accept it.

פיסלא

The Gemara discusses scenarios where a piece of wood is not considered part of a חצר that a husband lent to his wife with which to acquire her גט.

A

וזתן בידה

חצרה
סמוכה

שליחות
משתמרת לדעתה

מה שקנתה אשה
קנה בעלה

B

דין ודברים אין לי

אי אפשי
בתקנת חכמים

יד עבד כיד רבו

גיטו וידו באין כאחד

פיסלא

1 So let's review...
 Zugt di Mishnah
 הזורק גט לאשתו
 והיא בתוך ביתה או בתוך חצרה
 הרי זו מגורשת
 If a husband threw a גט into his wife's house or courtyard,
 the divorce is effective, because her property acquires the
 גט on her behalf.
 The Gemara explains that this is learned from the Pasuk
 ונתן בידה
 Rashi explains that the Pasuk does not say
 ובידה יתננו
 stressing that the גט must be placed only in her hand;
 therefore,
 ונתן בידה
 משמע לן
 נתינה כל דהוא
 A nominal act of placing suffices - that the גט can also be
 placed
 בגגה חצרה וקרפיפה
 In any area that she owns;
 However, the Gemara asks
 מה שקנתה אשה קנה בעלה
 A husband has the rights to the usage of his wife's
 possessions; therefore, as Rashi explains,
 אכתי לא נפיק גט מידיה דבעל
 When he places the גט in her חצר, it has not completely left
 his domain, and should not be considered a valid נתינה?

2 The Gemara suggests two solutions:
 1.
 The Mishnah is referring to a case of
 בכותב לה דין ודברים אין לי בנכסיך
 The husband relinquished his rights to the usage of the
 חצר, and it therefore remains entirely her domain. As ברא
 established a principle:
 האומר אי אפשרי בתקנת חכמים
 כגון זו שומעין לו
 One may forego the rights granted him by a decree that
 was enacted for his benefit. Therefore, the husband can
 refuse to accept the right of פירות, the usage and income of
 his wife's חצר.
 However, this can only be done
 בכותב לה
 ועודה ארוסה
 This is only effective if he waived his rights while she was
 still an ארוסה, before he acquired these rights.
 Similarly, רב הונא said;
 יכולה אשה שתאמר לבעלה
 איני ניוזנית ואיני עושה
 The חכמים decreed that a husband must support his wife,
 and he receives her income in exchange. However, a
 woman can refuse to accept her husband's support,
 thereby retaining the rights to her earnings, since this
 exchange was enacted for her benefit.
 This can be done even after she's already a נשואה, because
 the חיוב מזונות is a separate obligation every day. However,
 the right to פירות must be refused while she's still a ארוסה,
 because it's a one-time acquisition at the time of marriage.

1 מלך

**הזורק גט לאשתו
 והיא בתוך ביתה או בתוך חצרה
 הרי זו מגורשת**

*The divorce is effective, because
 her property acquires the גט on her behalf*

וְנָתַן בִּידָהּ

*נתינה כל דהוא
 A nominal act of placing suffices. . .*

בגגה חצרה וקרפיפה

In any area that she owns;

?

מה שקנתה אשה קנה בעלה

*as Rashi explains,
 אכתי לא נפיק גט מידיה דבעל
 When he places the גט in her חצר,
 it has not completely left his domain,
 and should not be considered a valid נתינה?*

2

בכותב לה - דין ודברים אין לי בנכסיך

The husband relinquished his rights to the the חצר

האומר אי אפשרי בתקנת חכמים כגון זו שומעין לו

One may forego the rights granted him by a decree that was enacted for his benefit.

ככותב לה ועודה ארוסה

This is only effective if he waived his rights while she was still an ארוסה, before he acquired these rights.

יכולה אשה שתאמר לבעלה איני ניוזנית ואיני עושה

However, a woman can refuse to accept her husband's support, thereby retaining the rights to her earnings.

החכמים decreed that a husband must support his wife, and he receives her income in exchange.

This can be done even after she's already a נשואה, because the חיוב מזונות is a separate obligation every day

3

2.
A second explanation is
גיטה וחצירה באין כאחד
Her חצר becomes her own domain simultaneously with
the divorce taking effect.
As שחרור עבד כנעני רבי מאיר asserts regarding
בשטר על ידי עצמו
A slave can be freed by accepting the emancipation
document himself. Although
יד עבד כיד רבו דמיה
The slave is owned by his master, and so a document
placed in the slave's hand has not left the master's domain.
However,
גיטו וידו באין כאחד
The emancipation and his ability to acquire items for
himself occur simultaneously. Therefore, the very act of
receiving the document creates the domain with which he
can accept it.
=====

3

2

גיטה וחצירה באין כאחד

Her חצר becomes her own domain simultaneously with the divorce taking effect.

רבי מאיר

Regarding שחרור עבד כנעני

בשטר על ידי עצמו

A slave can be freed by accepting the emancipation document himself.

Although

יד עבד כיד רבו דמיה
The slave is owned by his master, and so a document placed in the slave's hand has not left the master's domain.

However,

גיטו וידו באין כאחד
The emancipation and his ability to acquire items for himself occur simultaneously.

Therefore, the very act of receiving the document creates the domain with which he can accept it.

4

The Gemara now clarifies the Mishnah's phrase
והיא בתוך ביתה
אמר עולא
והיא שעומדת
בצד ביתה ובצד חצרה
Her courtyard can only acquire the גט if she is literally
standing nearby.
However, ר' אושיעא maintains
אפילו היא בטבריא
וחצרה בציפורי
Her courtyard can acquire the גט even if she is in a
different city; and he interprets this phrase as
והיא כמי שבתוך ביתה
והיא כמי שבתוך חצרה
It is considered as if she is nearby;
דכיון דחצר משתמרת לדעתה היא
מתגרשת
As long as she ensures that the courtyard is protected, as
Rashi explains
על פיה ועל צויה
It must be protected under her control.
However,
נתן גט ביד עבדה ניעור
אינו גט
Her slave cannot accept the גט, because
הוא משמר עצמו לדעתו
He guards himself independent of her instruction.

4

הזורק גט לאשתו

והיא בתוך ביתה או בתוך חצרה
הרי זו מגורשת

ר' אושיעא

אפילו היא בטבריא
וחצרה בציפורי
Her courtyard can acquire the גט even if she is in a different city;

והיא כמי שבתוך ביתה
והיא כמי שבתוך חצרה
It's as if she is nearby;

דכיון דחצר
משתמרת לדעתה
היא מתגרשת

אמר עולא

והיא שעומדת
בצד ביתה ובצד חצרה
Her courtyard can only acquire the גט if she is literally standing nearby.

5 The Gemara at first explains that this מחלוקת derives from the essential nature of a חצר's ability to acquire for its owner:

מר סבר
חצר

משום ידה אתרבאי

holds that her courtyard acquires on her behalf by acting as her hand; therefore,

סמוכה לה בעינין

Like her hand, it must be at her side; while

מר סבר

חצר

משום שליחות אתרבאי

maintains that her courtyard acts as her agent; therefore,

לא בעינין סמוכה

Like a שליח, it can acquire the גט even when she is elsewhere.

However, the Gemara offers an alternate explanation.

Everyone agrees

חצר

משום ידה איתרבאי

However, the מחלוקת concerns the degree of similarity required:

מה ידה בסמוכה

אף חצרה בסמוכה

says that the courtyard must literally be nearby, similar to her hand.

However, ר' אושיעא argues

מה ידה בדבוקה

אף חצרה בדבוקה

Her courtyard is not attached to her, as is her hand?

Rather, he maintains that the comparison is merely figurative:

מה ידה

משתמרת לדעתה

אף חצרה

המשתמרת לדעתה

The courtyard must merely be guarded under her control as is her hand, and not by other means.

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5 At first the gemora explains that this מחלוקת derives from the essential nature of a חצר's ability to acquire for its owner

מר סבר - ר' אושיעא

חצר

משום שליחות
אתרבאי

Her courtyard acts
as her agent; therefore,
לא בעינין סמוכה
Like a שליח, it can acquire
even if she is elsewhere.

מר סבר - ר' אושיעא

חצר

משום ידה
אתרבאי

Her courtyard acts
as her hand; therefore,
סמוכה לה בעינין
Like her hand, it acquires
only if it is at her side

The Gemara later offers an alternate explanation

ר' אושיעא - ר' אושיעא

חצר - משום ידה אתרבאי

ר' אושיעא

מה ידה

משתמרת לדעתה
אף חצרה
המשתמרת לדעתה

The courtyard
must merely be guarded
and under her control
as is her hand.

ר' אושיעא

מה ידה בסמוכה
אף חצרה בסמוכה

The courtyard
must literally be nearby,
similar to her hand.

ר' אושיעא
אף ידה בדבוקה
אף חצרה בדבוקה
Must her courtyard
be attached to her
as her hand!?!?

6 The Gemara discusses placing the גט in a borrowed חצר: אושלה מקום
 The husband can lend her the usage of part of his חצר to acquire her גט. However, נפל בפיסלא
 If the גט landed on a piece of wood in the חצר, אי הוי ד' אמות על ד' אמות פלג רשותא לנפשיה
 If it is four אמות by four אמות it is considered its own separate area, and the גט is not effective, because חד מקום מושלי אינישי תרי מקומות לא מושלי אינישי
 We assume that he only meant to lend her one area, and so she cannot use the wood, which is a separate area, to acquire her גט.

The Gemara adds גבוה עשרה
 אע"ג דלא הוי ד' אמות
 If the wood is ten טפחים high, it is considered a separate area even if it occupies less than four square אמות.

Furthermore, אית ליה שם לווי
 אע"ג דלא גבוה עשרה
 ואע"ג דלא הוי ד' אמות
 If it is referred to by a special appellation, it is considered a separate area even if it is less than ten טפחים high and less than four square אמות.

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The Mishnah's first case discussed HER property; הזורק גט לאשתו
 והיא בתוך ביתה או בתוך חצרה
 הרי זו מגורשת

Now, the Mishnah discusses HIS property;

6 Placing the גט in a borrowed חצר

נפל בפיסלא

If the גט landed on a piece of wood in the חצר

אושלה מקום

The husband can lend her the usage of part of his חצר to acquire her גט

אי הוי ד' על ד' אמות - פלג רשותא לנפשיה

If it is 4 by 4 אמות it is considered a separate area, and the גט is not effective, because

חד מקום מושלי אינישי

תרי מקומות לא מושלי אינישי

We assume that he only meant to lend her one area, and so she cannot use the wood, which is a separate area, to acquire her גט.

אית ליה שם לווי

אע"ג דלא גבוה עשרה ואע"ג דלא הוי ד' אמות

If it is referred to by a special appellation, it is considered a separate area.

גבוה עשרה

אע"ג דלא הוי ד' אמות

If the wood is ten טפחים high, it is considered a separate area even if it occupies less than four square אמות.

זרקו לה בתוך ביתו או בתוך חצירו אפילו הוא עמה במטה אינה מגורשת

7

זרקו לה בתוך ביתו או בתוך חצירו
 אפילו הוא עמה במטה
 אינה מגורשת
 If he throws her the **גט** while she is in HIS house or HIS courtyard, even if he throws it into the bed she's on, she is not divorced. The Gemara points out
 מטה שלו
 If it's HIS bed, she is NOT divorced; but,
 במטה שלה
 If SHE owns the bed, she IS divorced.

The Gemara offers two explanations:

1.

The Mishnah follows the opinion

כליו של לוקח ברשות מוכר

קנה לוקח

The buyer's vessels can acquire on his behalf even when they are in the seller's domain.

2.

And according to the opinion

כליו של לוקח ברשות מוכר

לא קנה לוקח

The buyer's vessel CANNOT acquire on his behalf while in the seller's domain; however here,

דגבוה עשרה

We are discussing a bed that is ten טפחים high. Therefore, as Rashi explains,

הוי רשותא לנפשיה

It is considered a separate domain, and the Gemara adds

אמקום כרעי לא קפדי אינשי

People do not mind if someone else's bed is in their property, because as Rashi explains

נוח להשתמש תחתיה

Since it is high, he can use the space under it.

Therefore, the bed remains solely her domain, even though it is in the husband's property.

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7

הלכה

זרקו לה בתוך ביתו או בתוך חצירו
 אפילו הוא עמה במטה
אינה מגורשת

If he throws her the **גט** while she is in HIS house or HIS courtyard, even if he throws it into the bed she's on, she is not divorced.

The Mishnah follows the opinion that...

כליו של לוקח ברשות מוכר קנה לוקח

The buyer's vessels can acquire on his behalf even when they are in the seller's domain.

And even according to the opinion that...

כליו של לוקח ברשות מוכר לא קנה לוקח

The buyer's vessel CANNOT acquire on his behalf while in the seller's domain;

However here, we are discussing a bed that is ten טפחים high. Therefore

הוי רשותא לנפשיה

It is considered a separate domain, and...

אמקום כרעי לא קפדי אינשי

8 The Mishnah concludes
לתוך חיקה או לתוך קלתה
הרי זו מגורשת
If he throws it into her lap or basket, she is divorced.

The Gemara suggests several explanations for why she acquires the Gett according to the opinion that

כליו של לוקח ברשות מוכר
לא קנה לוקח

1.

היתה קלתה תלויה בה

The basket was hanging from her body. Or,

קשורה

אע"פ שאינה תלויה

Even if it's on the ground, but it's tied to her;

Therefore, the basket is considered part of her.

2.

אינו מקפיד על מקומה

The basket was in an area that she is allowed to use, such as

בין ירכותיה

Between her legs while sitting on the ground; or

שהיה בעלה מוכר קלתות

Her husband sold baskets, and her basket was in the area designated for the baskets.

3.

מקום חיקה קנוי לה

מקום קלתה קנוי לה

She is always entitled to the place of her lap and basket, because

אין אדם מקפיד

לא על מקום חיקה

ולא על מקום קלתה

He allows her the use of these places.

Therefore, the Gemara adds,

כל דבר שהוא כקלתה

Other small items of personal use, such as

טסקא דאכלה בה תמרי

A bag of snacks is also considered completely in her domain

8 מלאכי
לתוך חיקה או לתוך קלתה
הרי זו מגורשת

If he throws it into her lap or basket, she is divorced.

Even according to the opinion that

כליו של לוקח ברשות מוכר
לא קנה לוקח

3

מקום חיקה קנוי לה
מקום קלתה קנוי לה

She is always entitled to the place of her lap and basket, because

אין אדם מקפיד
לא על מקום חיקה ולא על מקום קלתה

2

אינו מקפיד על מקומה

The basket was in an area she is allowed to use, בין ירכותיה

or
שהיה בעלה מוכר קלתות

Her husband sold baskets, and her basket was in the area designated for the baskets

1

היתה קלתה תלויה בה

The basket was hanging from her body. Or,

קשורה
אע"פ שאינה תלויה

On the ground, but it's tied to her;

The basket is considered part of her.

Therefore,

כל דבר שהוא כקלתה

Other small items of personal use, such as

טסקא דאכלה בה תמרי

A bag of snacks is also considered completely in her domain