



Zachin for a Get Shichrur

For a *get* to be effective, the husband must hand it to his wife. We learn however that the *get* can be handed over by way of a *shaliach*, an agent of the husband – a *shaliach holacaha*. Similarly, the *get* can be handed to a *shaliach* of the wife – a *shaliach kabbalah*. The same law applies to a *get shichrur* – a document used to free an *eved* (servant). The *Mishnah* teaches that if the husband appoints a *shaliach* and gives the *shaliach* the *get* to give to his wife, then he can retract and cancel the *get*, provided that the *shaliach* has not already delivered the *get*. Whether the same is true for a *get shichrur* is the subject of debate. *R' Meir* maintains that the *adon* (master) could retract, whereas the *Chachamim* maintain that it is too late.

The *Mishnah* explains that for the *eved* to be freed, it is an objective *zechut* – it is to his benefit. The *Mishnah* explains that the ruling is therefore based on “*zachin le'adam sh'lo befanav*”. In other words, one can acquire something for another without their knowledge, when it is to their benefit. The *get shichrur* is therefore immediately the *eved's*. When it come to the case of a *shaliach* to send a *get*, it is not necessarily a *zechut*, so it is not too late for the husband to stop the *shelichut*.

The *Melech Shlomo* notes that according to the *Rif*, once the *shaliach* receives the *get shichrur*, it is true that the master can no longer retract. Nevertheless, the *eved* is not freed until the *get* reaches his hand. His proof is from the end of the *Mishnah* that teaches, that if the husband or master dies before the *shaliach* reaches the *eved* or wife, the *get* can not be handed over, since a *get* cannot be given after their death. The *Mishnah* implies that it would be necessary for the *get* to reach the *eved* in the case of the *get shichrur*.

The *Rif* brings a further proof, from the case where *Reuven* hands over money to *Shimon* that he owes *Levi*, to acquire it for *Levi*. In that case, which operates through *zachin*, he cannot take the money back, yet he is responsible to replace the money if it is lost or stolen before it reaches *Levi's* hands.

The *Ran* however disagrees. Regarding the second proof, the *Ran* explains that it is different to ours. In the case of a loan, the lender is clearly not absolved of his obligation until the

money reaches the hand of the creditor. In this case however, since it is a *zechut*, once hits the hands of this *shaliach*, it should be considered as if it has already reached the *eved's* hand and he would be freed immediately.

The *Rosh* similarly argues with the *Rif*. He explains that the ability for the owner to retract is dependant on whether the *eved* has been freed; they go hand in hand. Furthermore, the way *zachin* works is because it is equivalent to *shelichut*. In other words, it is as if this person is acting as the *shaliach* of the *eved*, even though he did not expressly appoint him as one. Consequently, once this *shaliach* accepts the *get* it is equivalent to the *eved* receiving the *get* and he should be freed.

Regarding the *Rif's* proof from the end of the *Mishnah* he prefers *Rashi's* version where the term *tnu* rather than *ten* is used. In other words, the case is not where the master or husband instructed the *shaliach* to take the *get*, for which *zachin* would work, but rather to write the *get* and then deliver it.

How do we understand the position of the *Rif*?

The *Ktav Sofer* explains that the *Rif* understands that there are two components to freeing an *eved*. The first is that the *eved* is considered the property of the master. This is a monetary issue and can be adequately satisfied by way of *zachin*. There is a however, another component connected to his status as an *eved*, or more accurately the prohibitions that related to an *eved*. For example, he is not able to marry a *bat yisrael*. It is not an absolute *zechut* to relieve him of that status, considering that he will no longer be able to marry a *shifcha*. Consequently, for the *issurim* component, *zachin* would not work and the *get* would need to reach the hand of the *eved* for him to be completely free. The novelty of the position of the *Rif* is that these two components can be split. There are grounds for such a position considering that there is already a concept of a half *eved*, in a case where an *eved* has two owners and only one sets the *eved* free.

Revision Questions

גיטין א' ג' - ג' ג'

- Why is the previous question important? (א' ג')
- What other legal area shares the same law as discussed in the previous questions? (א' ד')
- Are *kuti'im* allowed to be witnesses on a *get*? (א' ה')
- If a person sends someone as a *shaliach* to give his wife a *get*: (א' ו')
 - 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 nechataf*”? (א' ז')
- What if one person can only say “*befanai nechataf*” 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*? (ב' ג')
- Is a *get* valid if it was written on the horn of a cow while it is still attached to the cow? (ב' ג')
- Explain the debate regarding a *get* that was written on something that was attached to the ground and signed after it was detached. (ב' ד')
- Are there limitations on who can write a *get*? (ב' ה')
- Are there limitations on who can be a messenger to bring a *get*? (ב' ה')
- Complete the following phrase and explain: (ב' ו')

”כל _____ בדעת כשרי”
- Which five women are not valid witnesses to the death of another woman’s husband? (ב' ז')
- Are these women valid as messengers to bring a *get*? (ב' ז')
- If a woman brings her own *get* does she need to say “*befanai nechataf u'befanai nechtam*”? (ב' ז')
- Can a *get* that was written for another couple that had the same names be used? (ג' א')
- Explain the debate regarding how much of a *get* can be pre-written? (ג' ב')
- 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')

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16 June ” סין	17 June ”א סין	18 June ”ב סין	19 June ”ג סין	20 June ”ד סין	21 June ט”ו סין	22 June ט”ז סין
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	Gittin 4:8-9

