

OVERVIEW of the Daf

1) A gift given when it was expected that the gift-giver would die (cont.)

R' Zeira taught that a gift follows the same rules as a גט, thus just as regarding a גט if the husband recovers the גט is invalid so too regarding a gift. Furthermore, just as concerning a גט the instructions do not have to be complete so too concerning a gift the instructions do not have to be complete.

R' Abba unsuccessfully challenges R' Zeira's teaching.

R' Abba's position is revised and the Gemara is led to the understanding that R' Zeira and R' Abba disagree whether the gift of a מרע שכיב requires an act of acquisition.

This understanding of the Mishnah is successfully challenged and an alternative explanation of the Mishnah of the dispute is presented.

2) **MISHNAH:** The Mishnah teaches that one can give instructions for a גט to be written and delivered from a pit even though the listener cannot see who is giving the instructions.

3) Clarifying the Mishnah

The Gemara explains why it is unnecessary to be concerned that the voice heard from the pit may be a שד or a co-wife.

4) **MISHNAH:** The Mishnah discusses the meaning of a husband's statement to "write a גט for my wife." A related incident is recorded.

5) Clarifying the Mishnah

It is noted that the story cited in the Mishnah contradicts the stated ruling.

The Gemara answers that the Mishnah is missing a line and the story was intended to follow that line.

A related incident is cited which led to a dispute between R' Nachman and R' Pappi whether someone appoints a son as an agent in his father's presence.

Rava rules that a person would appoint a son as an agent in the presence of his father.

6) **MISHNAH:** The Mishnah discusses different phrases used by the husband to instruct others to write a גט for his wife and whether those instructions authorize the listener to instruct others to do the actual writing of the גט.

7) The meaning of the instruction "Write"

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ל"נ ר' מרדכי בן ר' פסח
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Distinctive INSIGHT

Using voice recognition to identify the husband

כל השומע את קולו יכתוב גט לאשתו

The Mishnah teaches that if a man is trapped in a pit, he can call out and declare that he authorizes anyone who hears his voice to write and deliver a גט to his wife. It seems a bit difficult to understand, however, how a listener can simply rely upon a mere voice to write and issue a גט to this person's wife.

Rashi and Ran explain that the man in the pit calls out and identifies his name and the name of his city. Tur and Shulchan Aruch (E.H. 141:19) add that he must also expressly state his wife's name and the name of the city where she is living.

R"י מ"גאש writes that it is not necessary for the man in the pit to say his name and the name of his city. Rather, it is enough if the listeners are very familiar with man's voice and undoubtedly recognize it. This is similar to a Gemara we found earlier (23a) where a messenger may deliver a גט to a woman based upon identifying her by her voice. There are, in fact, several cases where recognizing a voice is enough of an identifying factor to determine that something is permitted. This is why a blind man's wife is permitted to him, and why everyone's wife is permitted at night, when it is dark (see Chullin 96a).

גרש ירחים points out that it is true that we may rely upon recognition of a voice to identify a person. However, this is only true when both parties are on a flat surface. However, in many cases, sound coming from a pit is considered distorted. For example, the Gemara in Rosh Hashana (27a) rules that if someone in a pit blows a shofar, someone standing outside and listening cannot fulfill his obligation to hear shofar. By the time the person hears the sound, it has echoed and reverberated in the pit, and the sound he hears is not the same as that which issued from the shofar. Here, too, the voice of the man in the pit might not, in and of itself, be a reliable proof to determine his identity. גרש ירחים leaves this point unresolved. ■

REVIEW and Remember

1. What are some of the ways to distinguish between a person and a demon?

2. Does a man appoint a son as his agent in his father's presence?

3. What is the halacha when a man instructs three people to write a גט for his wife?

4. Explain אומר אמרי.

HALACHAH Highlight

Appointing an agent over the telephone

ואמר כל השומע את קולו יכתוב גט לאשתו הרי אלו יכתבו ויתנו
 And he declares, "Who hears his voice should write a גט to his wife,"
 they should write and deliver a גט

Poskim discuss the question of whether appointing an agent by telephone is an effective means of appointing an agent (See Daf Digest #1252: Gittin 23 for more on the topic). One of the authorities that addressed this question is Rav Shimon Greenfield, the Maharshag¹. Maharshag was asked to comment about arranging the writing and delivery of a גט for soldiers who cannot return to their home towns to personally instruct witnesses to write and deliver גיטין to their wives. Maharshag advised the soldiers to instruct the scribe over the phone to write the גט and the witnesses to sign the גט. This approach will be acceptable for all opinions since the scribe and witnesses will hear his voice even though they do not recognize his voice. Proof to this principle can be derived from our Gemara which relates that someone who was thrown into a pit can declare, "I, Ploni the son of Ploni, hereby instruct anyone who hears my voice to write a גט for my wife Plonis bas Ploni." This clearly establishes the law that the witnesses are not required to know the person instructing them to write a גט as long as they receive clear instructions from the husband.

Teshuvos Beis Avi² writes that instructions over the phone are considered the same as if the husband was speaking directly to the witnesses. Even though the voice heard by the wit-

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R' Yirmiyah bar Abba reports that the Yeshiva of Rav inquired of Shmuel the meaning of the husband's instruction to "write" a גט. Does it mean that they should write the גט or does it only require them to sign the גט?

Shmuel answered that the גט is invalid but the matter requires further analysis.

The Gemara wonders why Shmuel had a difficult time answering the inquiry.

Different possible resolution are advanced but rejected.

This discussion leads the Gemara to analyze R' Yosi's position about a case of אומר אמרו – where the husband instructs the agents to tell others to write and sign a גט. ■

nesses is not the same voice that emanated from the husband's mouth, since it went through a number of changes to travel from one phone to the other, this fact does not diminish from the validity of the appointment of the witnesses as the agents of the husband. He also cites our Gemara as proof of this concept. The witnesses who hear the instructions from the man who is in the pit do not hear his voice directly. The voice they hear is at best a mixture of his own voice together with an echo of his voice, but nevertheless it does not detract from his ability to appoint the listeners as his agents. So, too, when witnesses hear instructions from the husband over the phone they are fully authorized to act on his behalf even though the witnesses do not hear the husband's voice directly. ■

1. שו"ת מהרשי"ג ח"ב סי' ר"נ.
2. שו"ת בית אבי ח"א סי' קכ"ה ומובא דבריו במתיבתא למס' גיטין בפניני הלכה לדף ס"ו. ■

STORIES Off the Daf

"Even to the Beis Din HaGadol in Yerushalayim..."

ש"אפילו אמר לבי"ד הגדול שבירושלים..."

Acertain man went to seek his fortune. Sadly he left his wife behind without troubling himself to divorce her. A friend of his ran into him and, after the customary greeting, took him to task for his heartlessness. "You really acted improperly with your unfortunate wife. Do you think you will be in any way successful if you don't consider the feelings of others?"

After hearing this, the husband felt remorseful. He said, "You are right. Let's

find a sofer and write a גט right now."

Sadly, they could not locate a sofer. The husband said, "I must leave town tonight but I am not going to leave this hanging another day." He wrote in a note that he appointed this friend to be his emissary to order a sofer to write a גט for his wife. The document was duly signed. The friend, feeling that he had at least done all he could, went home with it.

When he showed the document to the local rabbi, the Rav was very surprised. "I am not certain that this works at all..." Although they recognized the handwriting and there were witnesses, where was the source that the husband can write a note to authorize a messenger to tell the sofer to write a גט for him?

They consulted with the Tashbatz, zt"l, regarding this question. "Chas v'shalom! Rabbi Yosi says that even if a husband tells the beis din hagadol in Yerushalayim to write and give a divorce to his wife they must learn to write it and give it themselves. They cannot delegate the responsibility, since the husband cannot give them the ability to delegate mere words to another, מילי לא מימסרן לשליח. This is how the Bahag, Rabbeinu Chananel, and the Rambam all rule, and this is the clear halachah. If they do it anyway, the גט is פסול – and some say the children from a mistaken marriage contracted afterward are mamzeirim!"¹ ■

1. שו"ת תשב"ץ, חלק א', סימן ל"ו

