

רבי יוחנן אמר יש לה ד' אמות – ד' אמות stated; she has רבי יוחנן

OVERVIEW

קנין ד' אמות through קונה can be קטנה ruled that a ר' יוחנן. The implication of this ruling seems to contradict another statement of ר"י. Our תוספות will reconcile the two statements of ר"י.

asks: תוספות

תנימה דלקמן¹ מסיק משום דיליף מציאה מגט² אלמא שייך קנין ד' אמות בגט –

It is astounding! for later the גמרא concludes that a קטנה has אמות ד' אמות regarding מציאה, since we derive the laws of מציאה from the laws of גט. It is therefore evident that the אמות ד' אמות is applicable by גט, but this is not so -

ובפרק הזורק (גיטין דף עח, ב ושם דיבור המתחיל רבי יוחנן) קאמר רבי יוחנן³ –

For in פרק הזורק, this same ר"י rules that if he threw the גט and it landed -

קרוב לה אפילו מאה אמה ויכולה לשמרו הוי גט –

closer to her (than to him), even if it was a hundred אמות away from her, but if she can guard it, it is a valid גט. It is evident that there is no need for ד' אמות, all that is required is that she be able to guard the גט. Why do we say here that there is a אמות בגט (and therefore by מציאה as well)?⁴

answers that by גט there are two laws :

ויש לומר דבד' אמות שלה אפילו יכול לשמור כמוה מגורשת⁵ –

And one can say; that if the גט landed within her אמות ד' אמות she is divorced even if he can guard it as good as she can -

וחוץ לד' אמות צריך שתוכל היא לשמרו:⁶

However if the גט landed outside her אמות ד' אמות (but closer to her), then it is necessary that she should be able to guard it solely, but he should not be able to guard it. We derive אמות ד' אמות by מציאה from אמות ד' אמות (not from the אמה).⁷

¹ On the (very) top of יא,א.

² See later (on this עמוד) that we derive from the (דברים [תצא] כד,א) חצר that a קטנה has a (and also by קנין ד' אמות) and by extension she also has אמות (regarding receiving her גט).

³ ר"י was explaining the משנה there (עח,א) which states, אם קרוב לה מגורשת, קרוב לו, אינה מגורשת. According to ר"י the משנה means if she (alone) can guard the גט she is מגורשת (even if it is מאה אמה away from her); if he (alone) can guard the גט, she is not מגורשת; if they both can guard the גט she is מגורשת.

⁴ There is obviously no rule of אמה by מציאה (even) if (only) one person can guard it. See 'Thinking it over' # 3.

⁵ She would, however, have to be the first to enter into these אמות ד' אמות where the גט landed. The husband cannot be within the אמות ד' אמות [before her]. (See נח"מ).

⁶ The rule of אמות ד' אמות is different from (and independent of) the rule of (מאה אמה) קרוב לה.

⁷ See 'Thinking it over' # 2.

SUMMARY

The rule of *אמות קונה* by *גט* is (even) if both the husband and the wife can equally guard the *גט*; the rule of *קרוב לה* (by *מאה אמה*) is only if she alone can guard the *גט* (but he cannot).

THINKING IT OVER

1. What ruling changed (in this *תוספות*) from what we thought in the question to how we understand it in the answer?⁸
2. Why is it that by *גט* there is a *דין* of *אמות ד'* and a *דין* of *מאה אמה*,⁹ but by *מאה אמה* there is only a *דין* of *אמות ד'* but there is no *דין* of *מאה אמה*?¹⁰
3. *תוספות* asks that there is a *דין* of *מאה אמה* by *גט* (not *אמות ד'*), so how do we derive *אמות ד'* by *מציאה* from *גט*.¹¹ Seemingly one can answer that by *גט* we know there is a *דין חצר*, and we derive the *דין חצר* by *מציאה* from *גט*. Therefore we apply the *דין חצר* in each case as appropriate; by *גט* the *רבנן* were *מתקן מאה* (because of *לא*) and by *מציאה* they were *אמות ד'* (because of *עניגונא*). All we are deriving from *גט* is just as there is *דין חצר* by *גט* (and by extension whatever the *רבנן* deem appropriate to include) the same is by *מציאה*. What is *תוספות* question?¹²

⁸ See *מבין שמועה*.

⁹ See footnote # 7.

¹⁰ See *נח"מ (בד"ה והנה)*.

¹¹ See footnote # 4.

¹² See *סוכ"ד אות קי* and *גלה"ש"ס*.