



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Yud Gimmel

MISHNA

- If a man instructs to give a get to his wife or a get shichrur to his slave and the man then dies, these documents may not be given over after his death. If someone instructs to give money to someone and the giver then dies, the money should be given even after his death.

GEMARA

- **R' Yitzchak bar Shmuel bar Masna in the name of Rav** said, the only time you would give the money after the death is if the money was specifically identified by the person before he died (i.e. he had said "give *that* money to so-and-so" and not just "give money to so-and-so").
 - **Q:** What is the case? If the giver was healthy at the time of the gift, then if the recipient didn't do meshicha before the death he should not get the money in either case, and if the giver was on his death bed at the time of the instruction then the recipient should get the money in either case, because the instruction of one on his death bed is considered as if it was written and given over!? **A: R' Zvid** said, the case is where the giver was healthy at the time of the instruction, and the Mishna is following the view of **R' Huna in the name of Rav**, who said that if Reuven is a shomer of money for Shimon, Shimon can tell Reuven "give that money of mine to Levi", and if all 3 parties are present, Levi is koneh that money. That is the case of the Mishna and that is why the money must be identified, so that it fits the requirements for this type of case. **A2: R' Pappa** said, the case is where the giver is on his deathbed, and the Mishna is following another statement of **Rav**, where he says that the instruction of such a person to give money is only carried out if he identifies specific money to be given. If he just says an amount of money, the instruction is not carried out after death, because we are concerned that he may have meant to give specific money that he had buried somewhere and we are therefore not to give him different money. That is why in this case we only give it if the money has been specifically identified.
 - The Gemara paskens that we need not be concerned that he was referring to buried money.
 - **Q:** Why didn't **R' Pappa** say like **R' Zvid**? **A: R' Pappa** holds that as long as all parties are there the kinyan can take place even if the money was a loan instead of a pikadon, which means that he holds that the money does not have to be specifically identified.
 - **Q:** Why didn't **R' Zvid** say like **R' Pappa**? **A:** He says that our Mishna can't be talking about a person on his deathbed, because we have learned that **R' Shimon Shezuri** says, if a seriously ill person instructs to write a get to his wife, it is given even if he doesn't instruct to "give it" to her. The fact that our Mishna says that he instructed "to give it" to her shows that we are not dealing with a seriously ill person.
 - **Q: R' Ashi** said, this is no proof, because the Mishna may be following the **Rabanan** who argue on **R' Shimon Shezuri**, and say that a seriously ill person must say to "give it" to her.
 - We have stated above that **Rav** said that if Reuven has money of Shimon, Shimon can tell Reuven "give that money of mine to Levi", and if all 3 parties are present, Levi is koneh that money.

- **Rava** said, it is logical to say this only applies where Reuven is a shomer over that money, but would not apply if Reuven had borrowed the money from Shimon, however, I know that **Rav** said this applied even if Reuven had borrowed the money. **Shmuel in the name of Levi** specifically said that this applies even when Reuven borrowed the money.
 - **Ameimar** explained, the reason this works even when it is a loan is because it is as if when Reuven takes the money he says “I am obligated to give this back to you or to anyone who you designate in your place”.
 - **Q: R’ Ashi** asked, if that is true, the lender should not be able to designate someone who was not yet born at the time of the loan, and we know that such a person can be designated!? **A: R’ Ashi** therefore said, what happens when all 3 parties are standing there is that the loan is being cancelled and the borrower willingly obligates himself to pay the amount to the new party. He does this because he rather deal with a new “creditor” (who will likely be more patient) than the old creditor. Since this happens at the time they are all standing there, even a person who was not around at the time of the loan can become the new creditor.
 - **Q: Huna Mar the son of R’ Nechemya** said to **R’ Ashi**, what about a case where the new creditor is more oppressive than the old creditor? Are you saying that in that case the kinyan will not take place? And if you say that in that case it will not take place, we will be left with different results depending on the circumstances of the case, which is something we never do!? **A: Mar Zutra** therefore said, there are 3 halachos D’Rabanan which were said as if they are Halacha L’Moshe MiSinai (there is seemingly no logical reason for them), and this halacha is one of them (which is why it doesn’t seem to logically make sense).