



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

Gittin Daf Chuf Ches

MISHNA

- If a shaliach is bringing a get for a husband who is old or sick, he gives the get to the wife on the chazaka that the husband is still alive.
- If a Yisraelis is married to a Kohen and her husband travels overseas, she may continue eating terumah on the chazakah that her husband is alive.
- If a person sends his Korbon Chatas from overseas, the korbon is offered on the chazakah that he is still alive.

GEMARA

- **Rava** said, the Mishna only discusses an old person who is not yet 80 years old and a sick person who is not at death's door. However, if the person was 80 years old, or already a "goseis", the shaliach may not give the get (because there is no chazaka that the husband is still alive).
 - **Q: Abaye** asked, a Braisa says, if a shaliach brings a get for a husband who is 100 years old, he may give the get on the chazaka that the husband is alive!? **A: TEYUFTA. A2:** Once this man has shown that he lives longer than most people (he already lived to 90 – Rashi) he has a chazaka that he is alive even past that age as well.
- **Q: Abaye** asked **Rabbah**, our Mishna says that we are not concerned that a person may have died, but a Braisa says, if a husband who is a Kohen gave a get to his wife and told her "the get should be effective a moment before I die", she becomes assur to eat terumah immediately. We see the Braisa is concerned for the husband's death!? **A: Rabbah** said, you can't ask from the case of terumah to the case of gittin. Regarding terumah, where the terumah is not essential (she can eat other food), we are concerned for death. Regarding gittin, where if we would be concerned no one would ever be able to send a get, we are therefore not concerned.
 - **Q:** Our Mishna says that we are not concerned for death even by terumah!? **A: R' Ada the son of R' Yitzchak** said, in both cases we are not concerned for death. However, in the Braisa she is set to become assur to eat terumah even during his lifetime ("one moment before my death") and that is why she becomes assur immediately.
 - **Q: R' Pappa** asked, you are assuming that the get will take effect (thereby making her assur to eat terumah). Maybe she will die first, in which case the get never takes effect!? **A: Abaye** therefore said, our Mishna follows **R' Meir** who is not concerned for death (just as he is not concerned with the possibility of a jug of wine breaking after a verbal separation of terumah, as stated in a Mishna previously quoted), and the Braisa follows **R' Yehuda** who is concerned for death (just as he is concerned with the possibility of the jug breaking). **A2: Rava** said, we can answer that no one is concerned that maybe a person has already died, but all are concerned that a person may die soon, and that is why the Braisa says she must stop eating terumah immediately.
 - **Q: R' Ada bar Masna** asked **Rava**, the case of the jug of wine breaking is similar to the case of being concerned that someone will die soon, and yet we see there is a machlokes in that case!? **A: R' Yehuda** from Diskarta said, the jug of wine is different, because it can be given to a shomer to watch and protect, and that is why **R' Meir** is not concerned in that case.

- **Q: R' Mesharshiya** asked, there can be no guarantee of protection on the jug, so it is still similar to the case of someone dying soon, and yet we see there is a machlokes!? **A:** Rather, **Rava** said, although no one is concerned that someone has already died, regarding whether we are concerned that someone will soon die is actually a machlokes Tanna'im.

HASHOLE'ACH CHATASO MIMEDINAS HAYAM...

- **Q:** How can a chatas be sent with a shaliach, given that a chatas needs "semicha" by the owner!? **A: R' Yosef** said, the Mishna is talking about the korbos of a woman, which does not require semicha. **A2: R' Pappa** said, the Mishna is discussing a bird chatas, which does not require semicha.
- All 3 cases of the Mishna are necessary to be taught. If we would just say the case of get we would say we are not concerned for death in that case, because being so concerned would prevent all gittin from ever being sent. If we would be taught terumah, we would say that since it is sometimes necessary for her to eat terumah (e.g. if she is very poor and can only afford terumah), we will not be concerned, but regarding a Korbos we should always be concerned for death. The Mishna therefore teaches that regarding the Korbos we are not concerned for death either.

MISHNA

- **R' Elazar ben Parta** said 3 things to the **Chachomim**, and they agreed: the people of a city under siege by an army, the people on a ship that is being thrown about at sea, and a person who is being tried for a capital crime, all have a chazaka that they are alive.
 - However, regarding people of a city captured by an invading army, people on a ship that was lost at sea, and a person being taken out to be executed, we apply the chumros of the possibility that they are alive and the chumros of the possibility that they are dead. For example, if one of these people was a Kohen married to a Yisraelis, she may not continue to eat terumah (because he may be dead), and if one of these people are a Yisrael married to a Kohenes, she may also not eat terumah (since he may still be alive).

GEMARA

- **R' Yosef** said, a person taken to be executed is given the chumros of being alive only if he is taken out by a Jewish court. However, if he is taken out by a non-Jewish court, once they sentence him to death they will definitely execute him and he has a chazaka of being dead.
 - **Q: Abaye** asked, a non-Jewish court can be bribed to save him from execution!? **A: R' Yosef** said, they only accept bribes before the sentencing, not after.
 - **Q:** A Mishna says, if witnesses testify to a Beis Din that a certain person was sentenced to death by another Beis Din, the Beis Din hearing the testimony puts the subject of the testimony to death. We see that we are not concerned that the verdict may be overturned even in a Jewish court!? **A:** It may be that when the defendant runs away we do not believe there will be a reason to overturn the verdict.
 - **Q:** A Braisa says, if a Jewish court says "so-and-so was executed", we allow his wife to remarry based on that announcement. If a non-Jewish court says "so-and-so was executed", we do not allow his wife to remarry based on that. Now, what is meant by "executed"? If it means he was already put to death, then why would a non-Jewish court not be believed? We pasken that a goy is believed to testify regarding someone's death when he says it masi'ach lefi tumo!? Rather, "executed" must mean that they say he was taken out to be executed, and we see that in a Jewish court he is considered to have been definitely executed, which is contrary to what **R' Yosef** said!? **A:** "Executed" means the court says he was actually put to death. The reason the non-Jewish court is not believed is because they take pride in their executions and would therefore lie and say he was executed even if he was not truly executed.

- Another version of **R' Yosef** is that he said that the Mishna's statement only applies in a non-Jewish court, because it may be that he was not actually executed. However, if he is taken to be executed in a Jewish court he will certainly be executed and is considered as dead.
 - **A: Abaye** asked, in a Jewish court there is the possibility that they may find a zechus to acquit him!? **A:** They would only find a zechus before the verdict.
 - **Q:** Maybe we can bring a proof from a Mishna, which says, if witnesses testify to a Beis Din that a certain person was sentenced to death by another Beis Din, the Beis Din hearing the testimony puts the subject of the testimony to death. We see that we are not concerned that the verdict may be overturned even in a Jewish court!? **A:** It may be that when the defendant runs away we do not believe there will be a reason to overturn the verdict.
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