



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

Gittin Daf Nun Hey

MISHNA

- **R' Yochanan ben Gudgida** testified, that a deaf-mute girl who is married off by her father, may be divorced with a get. Also, an orphaned girl who is still a minor and is married off by her mother to a Kohen, may eat terumah (D'Rabanan, since the marriage is only D'Rabanan), and if the girl dies, she is inherited by her husband. Also, if a person stole a beam and built it into his house, the owner of the beam cannot demand the return of the actual beam (which would require the thief to destroy his house), rather he need only return the value of the beam. This was done for the benefit of the people who want to do teshuva. Also, that a chatas that was brought with a stolen animal, and is unknown to the public that it is a stolen animal, the chatas is effective, and this was done for the benefit of the Mizbe'ach.

GEMARA

- **Rava** said, from the testimony of **R' Yochanan ben Gudgida** we can learn, that if someone tells witnesses, "See this get that I am about to give my wife", and he then turns to his wife and tells her "Take this loan document" and gave her the get without telling her it was a get, she would be divorced. We see this from **R' Yochanan**, because he says that the wife's knowledge is not necessary for divorce (since a deaf-mute doesn't have capacity for knowledge), so the same would be here.
 - **Q:** This seems obvious!? **A:** We would think, that in **Rava's** case since he told her it was a loan document, he was mevatel the get. He teaches that since he told the witnesses it was a get, he was not mevatel it, and the reason he told her it was a loan document is because he was embarrassed to say it was a get.

V' AHL KETANA BAS YISRAEL

- This suggests that if a deaf-mute girl married a Kohen when she was an adult (the marriage is only D'Rabanan, because she doesn't have the mental capacity of an adult), she would not be allowed to eat any terumah (even terumah D'Rabanan). The reason is that we would be concerned that it would lead to a deaf-mute woman married to a deaf-mute Kohen to eat terumah D'Oraisa.
 - **Q:** This woman has the same legal status as a minor, and therefore we have no obligation to stop her from eating prohibited foods. If so, why would we care if she ate terumah? **A:** The concern is that allowing this would lead to a case of a healthy woman who married a deaf-mute Kohen eating terumah, which would truly be assur.
 - **Q:** The marriage would be effective D'Rabanan, so why can't she eat terumah D'Rabanan? **A:** We are concerned that eating terumah D'Rabanan may lead her to eat terumah D'Oraisa well.

V' AHL HAMARISH HAGAZUL SHEBANO

- A Braisa says, if a beam was stolen and built into a house, **B" S** say he must destroy the house and return the beam. **B" H** say, to assist those looking to do teshuva, he must only pay for the beam.

V' AHL CHATAS HAGEZULA...

- **Ulla** said, D'Oraisa such a korbon will not be effective whether people know it was stolen or not. The reason is, that in order for the animal to belong to the thief he must make a kinyan after the "yi'ush" of the owners (after they gave up hope of getting the animal back), and his kinyan of meshicha was likely done before the yi'ush. The **Rabanan** enacted that if it is not publicly known to be a stolen animal the korbon is effective so that the Kohanim should not become depressed that they have eaten from a passul korbon.

- **Q:** The **Rabanan** asked **Ulla**, our Mishna says the enactment was for the benefit of the Mizbe'ach, not the Kohanim!? **A: Ulla** answered, if the Kohanim become depressed, they will not want to bring anymore korbanos, and the Mizbe'ach will sit empty. In that way, it was an enactment for the benefit of the Mizbe'ach.
- **R' Yehuda** said, D'Oraisa such a korbon will be effective whether people know it was stolen or not. The reason is that no kinyan need be made after yi'ush, and the animal therefore belongs to the thief. The **Rabanan** enacted that if it is publicly known to be stolen the korbon should be passul, so that people not say that the Mizbe'ach accepts stolen items.
 - **Q:** Our Mishna discusses a stolen Chatas. According to **Ulla** this makes sense, because a chatas is eaten by the Kohanim, and the entire enactment was built on that. However, according to **R' Yehuda**, why is this concept limited to a Chatas? It should apply to an Olah as well!? **A:** The Mishna means to say, not only regarding an Olah, which is entirely consumed on the Mizbe'ach, is there a concern to say that the Mizbe'ach is accepting stolen items, rather even a Chatas, which is shared between the Mizbe'ach and the Kohanim, will bring up this concern.
 - **Q:** Our Mishna says that the enactment was to allow the Chatas that was not publicly known to have been stolen. According to **R' Yehuda**, the enactment was actually that if it is known to be stolen it is *not* effective, so why is the Mishna stating it in the reverse? **A:** The Mishna is saying if it is not known to be stolen, it is valid. This means that if it is known it will be passul, and that was done for the benefit of the Mizbe'ach.
 - **Q: Rava** asked, a Mishna says, if a person stole an animal and was then makdish it to be brought as a korbon, and he then shechted or sold it, the halacha is that he has to pay keifel to the owner (since when it was stolen it was not yet hekdesh), but he does not pay 4 or 5 times (which is normally paid when a thief shechts or sells the animal, because at the time of the shechita or sale it already belonged to hekdesh). A Braisa adds, if he were to shecht the animal outside of the Beis Hamikdash, he would be chayuv kares for shechting a korbon outside of the Beis Hamikdash. Now, according to **Ulla**, since the animal doesn't truly belong to the thief (no kinyan was made after yi'ush), why would he be chayuv kares for shechting it outside? That is the penalty only if one shechts an animal that is valid for the korbon!? **A: R' Shizbi** said, it means he would be chayuv kares D'Rabanan. **Rava** explained, this means that the **Rabanan** gave him legal ownership over this animal (which they can do) and that is why he is chayuv kares.
 - **Q: Rava** asked, when the **Rabanan** gave him ownership of the animal, did they give him ownership from the time of the stealing or from the time that he made it hekdesh? The difference would be regarding the shearing and offspring of the animal from the time of the theft until the time he made it hekdesh. **A: Rava** then said, it would make sense to say that they gave it to him at the time it became hekdesh, because otherwise the **Rabanan** would be giving profit to a thief.

MISHNA

- The halacha of "sikrikon" (when a goy threatened to kill a Yid, and the Yid gave him land so that he shouldn't kill him) didn't apply in Yehuda when people were being killed in war. After that time period, the halachos of sikrikon did apply.
 - What are the halachos? If a Yid bought land from the sikrikon, and he then made a kinyan with the Jewish owner of the land as well, the purchase is void and he must return the land to the Jewish owner. However, if he first made a kinyan with the owner, and then bought it from the sikrikon, the sale is valid.
 - A similar halacha applies in the following case. If a person buys land from a man (and this land had a lien for his wife's kesubah) and then made a kinyan with the wife to release the lien, the purchase is void. However, if he first made a kinyan with the woman, and then with the husband, the purchase is valid.
 - This was the original halacha. A later Beis Din said, if a Yid purchases land from a sikrikon, he gives ¼ to the original owner, and may keep the rest. However, this only

applies if the original owner doesn't have the means to buy the land back himself. If he does, he has priority over anyone else to buy back that land.

- **Rebbi** set up a Beis Din which then said, that if the land remained with the sikrikon for 12 months, whoever buys it first may keep it, but he must give $\frac{1}{4}$ to the original owner.

GEMARA

- **Q:** It would seem that the issue of sikrikon was more commonplace during the times of war, and yet the Mishna says that it only began to apply after the times of war!? **R' Yehuda** explained, the halachos of sikrikon only applied after the war. The reason is based on **R' Assi**, who said that at first the goyim decreed that whoever has an opportunity to kill a Jew and does not, will himself be killed. Then they retracted and said, whoever kills a Jew must pay a small fine. Finally they said, whoever kills a Jew will himself be killed. During the period of the first two decrees, a Jew felt threatened and fully transferred ownership of the land to the goy, to try and save his life. After the last decree, the Jew wasn't as concerned. He would give the land, thinking that he will later go to court and get it back. Therefore, it was never fully given and remains the property of the owner. That is when the laws of sikrikon were first applied.