



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

Gittin Daf Nun Tes

MISHNA

- A deaf-mute may signal that he wants to enter into a transaction, and others may signal to him that they want to enter into a transaction with him (and the transaction is then effective D'Rabanan). **Ben Beseira** says that he may even mouth his intent and others may mouth their intent to him (there is no need for signaling) if the item is moveable property.
- With regard to young children, their purchases are purchases and their sales are sales with regard to moveable property.

GEMARA

- **R' Nachman** said, the machlokes in the Mishna is only in regard to moveable property. However, if a deaf-mute wishes to give a get, it must be done with signaling.
 - **Q:** That is obvious, since **Ben Beseira** clearly says that!? **A:** We would think that he meant to say that mouthing is certainly valid for a get (since the kiddushin happened with mouthing the get can happen with mouthing), and he is adding that it even works for moveable property.
 - **Others** say that **R' Nachman** said, the same way there is a machlokes regarding moveable properties, there is also a machlokes regarding gittin.
 - **Q: Ben Beseira** clearly said that his shita only applies to moveable properties!?
A: He meant to say that it *even* applies to moveable properties.

HAPA'OTOS MEKCHAN MEKACH...

- **Q:** How old must a child be for his transaction to have effect? **A: R' Yehuda** signaled to his son **R' Yitzchak** that the child must be 6 or 7. **R' Kahana** said the child must be 7 or 8. A Braisa said, 9 or 10.
 - They do not argue. It all depends on the intellect of the child.
- **Q:** Why did the **Rabanan** give effect to their transaction? **A: R' Abba bar Yaakov in the name of R' Yochanan** said, it was done so that these children can get what they need to live.
- **Q:** If a child overpays or undercharges by mistake, how large can the mistake be without voiding the transaction? **A: R' Yona in the name of R' Zeira** said, up to 1/6, which is the same as would be in the case of an adult.
- **Q: Abaye** asked, what is the halacha regarding a gift given by a child? **A: R' Yeimar** said it is not a valid gift, and **Mar bar R' Ashi** said that it is valid.
 - The talmidim mistakenly reversed these shitas and said them over to **R' Mordechai**. He told them, tell **Mar bar R' Ashi** that his father paskened that it is a valid gift.

MISHNA

- These things were said for "darkei shalom" (to promote peace): A Kohen reads from the Torah first, then a Levi, and then a Yisrael, for purposes of darkei shalom.
 - The eiruv for an eiruvei chatzeiros should be put in the same house as it always was, for purposes of darkei shalom.
 - The watering hole that is closest to the source of the water should be filled first, for purposes of darkei shalom.
 - Taking an animal, bird, or fish from a trap is considered to be stealing for purposes of darkei shalom. **R' Yose** says it is truly stealing.
 - Taking the find of a cheires, shoteh, or minor is considered to be stealing for purposes of darkei shalom. **R' Yose** says it is truly stealing.

- If a poor person is taking olives that were left for the poor on top of an olive tree, taking from the olives that are on the ground underneath him is considered stealing for purposes of darkei shalom. **R' Yose** says it is truly stealing.
- We do not stop non-Jewish paupers from collecting leket, shikcha, or peyah, for purposes of darkei shalom.

GEMARA

- **Q:** How do we know that a Kohen should be first, then the Levi, then the Yisrael? **A: R' Masna** said, it is based on the pasuk that says that Moshe gave the Torah to the "Kohanim bnei Levi". Don't we know that a Kohen is from Levi? Rather, the pasuk is teaching that first goes the Kohen, then the Levi. **A2: R' Yitzchak Nafcha** said the same drasha based on the pasuk of "v'nigshu haKohanim bnei Levi". **A3: R' Ashi** said, the pasuk says that "Aharon was separated to make him kodesh". It would therefore be right that the Kohen should go first. **A4: R' Chiya bar Abba** said, the pasuk regarding a Kohen says "v'kidashto", which teaches that he should be given precedence in every matter of kedusha. A Braisa taught by **R' Yishmael** says this as well.
 - **Q: Abaye** asked **R' Yosef**, based on all these pesukim, the reason the Kohen goes first is not for darkei shalom, but is rather a D'Oraisa!? **A:** He answered, it is D'Oraisa, but the reason for the halacha is for darkei shalom.
 - **Q: Abaye** asked, the entire Torah is for darkei shalom, as the pasuk says "Diracheha darchei noam...", so why is that specifically mentioned in regard to this halacha!? **A: Abaye** said, the reason is as **Rabbah** said. A Braisa says that a more prominent person may honor a less prominent person to go first in any area, except for things that take place in shul (like getting an Aliya), because that can lead to other people arguing that they want to go first. Our Mishna is saying that the Kohen must get the first Aliya, and cannot defer to a non-Kohen, for darkei shalom, so that fights do not start.
 - **R' Masna** said, this is only true on Shabbos, when a lot of people are in shul. However, on Monday and Thursday, when not too many people are there, the Kohen may defer.
 - **Q: R' Huna** would read first even on Shabbos, even though he was not a Kohen!? **A: R' Huna** was different, because even **R' Ami** and **R' Assi**, who were the most chashuv Kohanim in EY, would lower themselves to **R' Huna**. Therefore, no one would fight and try to take the Aliya before **R' Huna**.
- **Abaye** said, if there is no Kohen in shul, the halacha falls apart (either the Levi does not get an Aliya at all, or this means that the Levi does not take precedence).
- **Abaye** said, if there is no Levi, a Kohen reads in his place.
 - **Q: R' Yochanan** has said that a Kohen should not get an Aliya after a Kohen, because it causes people to think there is something wrong with the first Kohen, and a Levi should not get an Aliya after a Levi, because it causes people to think there is something wrong with both of the Levi'im. If so, how can a Kohen take the place of a Levi and read after the first Kohen!? **Q: Abaye** means that the first Kohen gets a second Aliya.
 - **Q:** If 2 Levi'im get aliyas in a row, they both come into question, because it makes us think that one of them is not a Levi (the first one maybe isn't a real Levi which is why we had to call a second Levi, or it may be that the second one is actually a Yisrael, which is why he was called after the Levi). Using this same line of thinking, we should say that calling a Kohen after a Kohen casts doubts on *both* of them, not just the first one!? **A:** The case is where the father of the second Kohen was established as being a valid Kohen. If so, it is only the first Kohen who will come into question.
 - **Q:** Presumably the case of the Levi is the same, and similarly, it should only be the first Levi who comes into question!? You will answer that even though the second Levi's father was established as a Levi, people will say that he married a mamzeres or the like, and that is why his son has the status of a Yisrael. If so, in the case of the Kohen people will also say that the father married a divorcee and therefore the son is not a

valid Kohen!? **A:** The child of this Kohen's marriage would have the status of a Yisrael, and not a Levi. Since he is reading after the other Kohen, it must be that he is a valid Kohen, because if he wasn't, he would have to read after the Levi. Therefore, it casts suspicion only on the first Kohen.

- **R' Yochanan's** concern is not for the people who remain in the shul for the entire Torah reading, because they will see that both Kohanim were included in the required number of people to get aliyos, and as such, they would not think that either of them are passul. The concern is for the people who see the second Kohen get called up, but leave before the end of the Torah reading, therefore never knowing if both Kohanim were part of the required aliyos or not.
- The people of the Galil asked **R' Chelbo**, who should get the Aliya after the Kohen and the Levi? He wasn't sure of the answer. They then asked **R' Yitzchak Nafcha**, and he said, next should be the talmidei chachomim who are the leaders of the tzibbur. After them should go the talmidei chachomim who are fit to be appointed as leaders of the tzibbur. After that should go the children of the leaders of the tzibbur. After them should go the gabba'im of the shul. After that anyone can get an Aliya.