



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

### Gittin Daf Ayin Beis

#### MISHNA

- If a husband tells his wife “this is your get if I die”, or “this is your get from this illness”, or “this is your get after my death”, the get is passul, because the get would not take effect until after his death, and there is no concept of a get after the death of the husband. However, if he said, “this is your get from today if I die” or “from now if I die”, the get is valid.
  - If he said “this is your get from today and after my death” it is a safek get, and therefore if the husband then dies without children, she does chalitza and may not do yibum.
  - If he said “this is your get from today if I die from this illness”, and he then got better and went out in the market, but then became sick and died, we have to assess whether he died from the original illness (in which case it is a get) or from a different illness (in which case it is not a get).

#### GEMARA

- **Q:** From the beginning of the Mishna we see that the phrase “if I die” refers to after death, but from the next part of the Mishna, where he says “from today if I die” we see that it means before death, because if it meant “after death” it would be a safek get, as stated in the next part of the Mishna!? **A: Abaye** said, “if I die” can mean before death or after death, depending on the context in which it is used. Therefore, when he says “from today...” it means from before death.

#### ZEH GITEICH IHM MATI LO AMAR KLUM

- **R' Huna** said, she would still need to do chalitza if the husband were to die childless.
  - **Q:** The Mishna says that the get has *no* effect, which should mean that she can even do yibum!? **A:** The Mishna means that the get is ineffective with regard to the rest of the world, and she remains married to her husband. However, if he dies, she is considered divorced to the point that we won't allow yibum.
  - **Q:** Since the next part of the Mishna says she may only do chalitza, this would suggest that in this part of the Mishna she may even do yibum!? **A:** Our Mishna follows the view of the **Rabanan**, who say the get is only valid retroactively if he says it should take effect “from today”. **R' Huna** holds like **R' Yose**, who says that when a person dates a document, the date is the equivalent of him saying “from today”. Since a get is dated, even if he does not say “from today”, it takes effect as if he said so.
    - **Q:** If he is following **R' Yose**, the woman should be considered fully divorced and should not need chalitza either!? You can't say that **R' Huna** was unsure whether we pasken like **R' Yose**, because we find that he had **R' Nachman** ask **Rabbah bar Avuha** whether we pasken like **R' Yose**, and was told that we do, which would suggest that he then also held like **R' Yose**!? **A:** **R' Huna** was unsure whether **R' Yose** said his shita only when the condition (“when I die”) was written in the document next to the date. However, in the case of the get, the condition was said orally, and maybe in that case **R' Yose** would say that the date does not mean that he wants the document to take effect retroactively.
    - **Q:** We find that **R' Yose** says his shita even when dealing with a get, where the condition was oral!? **A:** **R' Huna** knew that **R' Yose** said that, but he did not know whether we pasken like **R' Yose** in this type of case or not.
    - **Q:** We find that **Rava** said that we do pasken like **R' Yose** even in this case!? **A:** **Rava** felt that we pasken like **R' Yose** in this case, but **R' Huna** was unsure whether we pasken like him in this case.

- **Others** say that **R' Huna** was referring to the part of the Mishna where the husband said "here is your get after death" in which case the Mishna said the get is passul. On that, **R' Huna** said that according to **R' Yose** she would need chalitza if the husband then died childless.
  - **Q:** This seems obvious, because the **Rabanan** say that when the husband says "this is your get from now and after my death" she would need chalitza, and the only point of machlokes with **R' Yose** is that he says that the date takes the place of saying "from now", so according to him, even if he only said "here is your get after death", it would be the same case and she would need chalitza!? **A:** We find that **Rebbi** argues with the **Rabanan** and says that in the case where he said "from today" it is a valid get, not a safek as the **Rabanan** said. We would think that maybe **R' Yose** agrees with the principle of **Rebbi**, and holds that when the get is dated the get is certain, not safek. **R' Huna** therefore teaches that **R' Yose** holds it is a safek, and therefore chalitza would be required.

ZEH GITEICH MEIHAYOM IHM MATI MEICHOLI ZEH V'AMAD...

- **R' Huna** said, the halachos of get are like those of a gift, in the sense that just as if a seriously ill person gives a gift and he then recovers, he may take the gift back, so too, if this person gave a get and he then recovers, he may take the get back. Also, just as when such a person instructs to write a get, we give it without being instructed to give it, so too regarding the gift of such a person, if he says to give it without saying to be koneh it, we give it to him.
  - **Q:** Our Mishna said, if a person gives a get and says "this is your get from today if I die from this illness" and he then recovers, and then becomes sick again and dies, we need to assess – if he died from the original sickness, the get is valid, and if not, it is not valid. Now, according to what **R' Huna** said, as soon as he recovers the get should be batul, so why do we need to assess him at all!? **A: Mar the son of R' Yosef in the name of Rava** said, the case of the Mishna is where he went from one illness to the next, without recovering in between. In that case even **R' Huna** would agree that the get is valid.
    - **Q:** The Mishna clearly says that he recovered!?! **A:** It means that he recovered from one illness only to be caught in the second illness.
    - **Q:** The Mishna says that he walked out into the market!?! **A:** He walked with his cane, never fully recovered from the first illness. The Mishna is teaching that if he recovered enough to go out and walk with a cane we need to assess which illness was the cause of his death. However, if he remained bedridden from the first illness, we do not even need to assess, and can assume it was the first illness that killed him.
    - **Q:** Maybe we should learn from this that if a seriously ill person gave a gift and then went from being ill with one illness to being ill with another illness, the gift remains in effect? **A:** Yes we can. In fact, **R' Elazar in the name of Rav** clearly says this.
  - **Rabbah and Rava** both argue on **R' Huna**, and say that if a seriously ill person gives a get and then recovers, the get remains in effect as a gezeira D'Rabanan so that people not say a get takes effect after a person has died.
    - **Q:** Can it be that D'Oraisa a get becomes batel, but because of a gezeira D'Rabanan we will say that the get is not batel? **A:** Yes. All kiddushin is done subject to the will of the **Rabanan**, and in this case the **Rabanan** retroactively uproot the kiddushin between this man and woman, thereby making her mutar to marry anybody.
      - **Q: Ravina** asked **R' Ashi**, that seems possible to say when the kiddushin was done with money (the **Rabanan** have the power to disown one of his money, and they therefore say the money given as kiddushin was actually a simple gift, thereby making that the kiddushin never took place). However, in a case where kiddushin was done with bi'ah, how can the **Rabanan** say that the kiddushin never took place? **A:** He answered, the **Rabanan** consider the bi'ah that was done to be an act of zenus.