



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

### Gittin Daf Ayin Gimmel

- A Braisa says, if a man tells his wife “this is your get from today if I die from this illness” and he is then killed by a house collapse or a snake bite, the get is not valid. If he had said “this is your get from today if I do not recover from this illness” and he is then killed by a house collapse or a snake bite, the get is valid.
  - **Q:** What is the difference between the beginning and the end of the Mishna? **A:** The Gemara says it once happened that after a husband said as in the Braisa, he was eaten by a lion and the **Rabanan** said that we have no reason to say that the get is valid. We see that the beginning of the Braisa is correct and the end is not.
  - It once happened that a person sold land and accepted responsibility even for any accident that might damage the land. People then went and diverted a river to run through this land. **Ravina** told the seller that he is responsible for this since he accepted all forms of oneis. **R' Acha bar Tachlifa** said to **Ravina**, this is a very unusual oneis and therefore the seller never intended to take responsibility for something like this. The question was eventually brought to **Rava**, who said that the seller is not responsible, because the damage was so unusual. **Ravina** asked him, our Mishna says that it is a get although he died in a highly unusual accident!? **Rava** said, the beginning of the Mishna says that it is not a get, which shows that a person is not responsible for unusual occurrences. Obviously, this self-contradicting Braisa cannot be used to prove either side of the equation and we must follow our logic to answer this question.
  - **R' Pappa and R' Huna the son of R' Yehoshua** bought sesame seeds at the Malka River and hired sailors to take it across the river. The seller accepted all responsibility to have this delivered. The river was blocked and ships could not pass through. **R' Pappa and R' Huna** told the seller that he must hire donkeys to deliver the goods to them, because he accepted full responsibility. They went to **Rava**, who said that the seller need not do so, because this is a highly unusual oneis.

### MISHNA

- If a get was given and was said to take effect “from today when I die”, then after the receipt of the get the wife may not be secluded with the husband unless there are witnesses there, even a witness who is a slave or a maidservant, as long as it is not her own maidservant (because she is not embarrassed to have tashmish in front of her).
- What is her status after receiving the get, and before the husband dies? **R' Yehuda** says she is a full-fledged married woman, in all respects. **R' Yose** says she is in a state of safek – she is treated as divorced and not divorced.

### GEMARA

- A Braisa says, if witnesses saw this couple in seclusion at night, or that they were sleeping in the same bed, we don't have to suspect that they had bi'ah and created a new marriage. We do suspect that they had bi'ah for znus, but do not suspect that they did so for a new kiddushin. **R' Yose the son of R' Yehuda** says, we also suspect that they had bi'ah to create a new kiddushin.
  - **Q:** The Braisa seems to contradict itself!? **A:** **R' Nachman in the name of Rabbah bar Avuha** said, the Braisa means, if witnesses saw them having bi'ah, we must suspect that a new kiddushin was done. However, if after the bi'ah they saw him give her money, we suspect that it was done as znus and not for kiddushin. **R' Yose the son of R' Yehuda** says that even in this case we suspect that it was done for purposes of kiddushin.

- According to this understanding of the Braisa, all shitos in the Braisa would agree with the statement of **Rabbah bar bar Chana in the name of R' Yochanan**, who says that even **B"H** agree that if a divorced couple was seen secluded together, but not seen actually having bi'ah, they do not need a second get.
- **Q: Abaye** asked, how could **R' Nachman** explain the Braisa as he does, when the actual Braisa makes no mention of him paying her money!? **A: Abaye** therefore said, the Braisa means, if witnesses only saw them go into seclusion, we do not suspect that they had bi'ah. However, if they saw them have bi'ah, we suspect it was done as znus, and not for a new kiddushin. **R' Yose the son of R' Yehuda** says that "even" in this case we suspect it was done for a new kiddushin.
  - According to this understanding of the Braisa, the statement of **Rabbah bar bar Chana in the name of R' Yochanan**, who says that even **B"H** agree that if a divorced couple was seen secluded together, but not seen actually having bi'ah, they do not need a second get, will only follow the view of **R' Yose the son of R' Yehuda**.
  - **Q: Rava** asked, according to **Abaye**, what does **R' Yose** mean when he says "even"? **A: Rava** therefore said, **R' Yose the son of R' Yehuda** means to say, that even if the couple was not actually seen having bi'ah, even then we assume that a new kiddushin was made.
    - According to this understanding of the Braisa, none of the shitos in the Braisa would agree with the statement of **Rabbah bar bar Chana in the name of R' Yochanan**, who says that even **B"H** agree that if a divorced couple was seen secluded together, but not seen actually having bi'ah, they do not need a second get.

#### MAH HEE B'OSAN HAYAMIM...

- A Braisa says, **R' Yosef** only gives her the status of a safek if the husband died in a way that satisfied the condition that he placed on the get.
- **Q: R' Yehuda and R' Yose** in the Mishna seem to agree that the get does not take effect until the husband actually dies. How can that be when we pasken that a get cannot take effect after the husband's death? **A: Rabbah** said, the case is where the husband said "let the get take effect a moment before I die".
- A Braisa says, from the time that the wife receives the get until the husband dies, the husband has rights to her finds, to her earnings, to be meifer her nedarim, to inherit her, and to become tamei to her (if he is a Kohen). The rule is that she is considered to be his full-fledged wife, except that he does not need to give her a second get. This is all according to **R' Yehuda**. **R' Meir** says, if she was mezaneh with another man during this time, this aveirah "hangs" and we wait to see – if the get retroactively takes effect because he died from the illness, then the zenus does not require a korbon, because she was not married at the time. **R' Yose** says, her zenus is in a state of safek. The **Chachomim** say, she is considered to be divorced but not divorced, as long as the husband dies.
  - **Q: What is the difference between the opinions of R' Meir and R' Yose?** **A: R' Yochanan** said, the difference would be whether the woman would have to bring an asham talui for the znus that was done. According to **R' Meir** one would not be brought, and according to **R' Yose** it would have to be brought.
  - **Q: What is the difference between the opinions of the Chachomim and R' Yose?** **A: The** difference would be whether the husband is obligated to support her during this time, as **R' Zeira** said, that whenever the **Chachomim** say a woman is "divorced but not divorced", the husband is obligated to support her.