



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

### Gittin Daf Ayin Vuv

- A Braisa says, if a man tells his wife “this is your get on the condition that you serve my father for two years” or “that you nurse my son for 2 years”, **R' Meir** says the get is valid even if she doesn't fulfill the condition, because the condition was not made double-sided. The **Chachomim** say, if she fulfills the condition, the get is valid. If not, it is not. **R' Shimon ben Gamliel** says, there is no condition in Kesuvim that is not double-sided.
  - Some say **R' Shimon** was responding to **R' Meir**, and was saying that all conditions in Kesuvim are double-sided. If so, since there are 2 pesukim that speak about this, the rule is that we will not learn out to other places from these pesukim. Therefore, all other conditions do not need to be double-sided. Others say that he was responding to the **Rabanan** and was saying that every condition in Kesuvim is double-sided, and from there we learn out to all conditions, that they must be double-sided.
  - **Q:** A Braisa says, if a man tells his wife “this is your get on the condition that you serve my father for two years” or “that you nurse my son for 2 years”, and the father or the son dies, **R' Meir** says it is not a valid get. The **Chachomim** say it is a valid get, because she can tell the husband “bring me your father and I will serve him” or “bring me your son and I will nurse him”. This Braisa contradicts the last one regarding the opinion of **R' Meir** and of the **Chachomim!**? **A:** Regarding **R' Meir** there is no contradiction, because this second Braisa is discussing where the condition was double-sided, making the condition valid and the get batul. Regarding the **Chachomim** there is no contradiction, because the **Chachomim** of the second Braisa is **R' Shimon ben Gamliel**, who holds that if it is not the woman's fault, the get is valid.
- A Braisa says, if a man tells his wife in front of two witnesses “this is your get on the condition that you serve my father for 2 years”, and he then tells her in front of 2 witnesses “this is your get on the condition that you give me 200 zuz”, the second condition does not nullify the first one, and she therefore has a choice to fulfill *either* condition to make the get valid. However, if the first condition was that “you give me 200 zuz” and the second condition was that “you give me 300 zuz”, the second instruction does nullify the first, and she can only make the get valid by giving 300 zuz. Also, one witness from the first pair cannot join one witness of the second pair to testify that there was a condition to the get (since each witnessed a different condition).
  - **Q:** It seems obvious that one witness from each pair should not be able to combine!? **A:** We would think that they can join to say testimony that there was a condition to this get (without specifying what the condition was). The Braisa teaches that they cannot do so.

### MISHNA

- If a husband tells his wife “this is your get if I do not come back within 30 days”, and he was going from Yehuda to the Galil, then if he reached Antipras and returned within 30 days the condition is nullified and the get is batul.
- If he tells her “this is your get if I do not come back within 30 days”, and he was going from Galil to Yehuda, and he reached Kfar Osnai and returned within 30 days, the condition is nullified and the get is batul.
- If he tells her “this is your get if I do not come back within 30 days”, and he was going to chutz laaretz, and he reached Akko and returned within 30 days, the condition is nullified and the get is batul.
- If he tells her “this is your get any time that I shall not be in front of you for 30 days”, then even if he was constantly passing in front of her, but never secluded with her, the get is valid.

## GEMARA

- **Q:** Does the Mishna mean to say that Antipras is in the Galil? There is a Braisa that says that Antipras is in Yehuda and Kfar Osnai is in the Galil!? **A: Abaye** said, the Mishna is discussing a man who made 2 conditions: one, that “if I go to the Galil, the get should be effective immediately”, and second, “if I remain on the road for 30 days and do not come back during that time the get should be valid”. Based on this, if he reached Antipras and returned within 30 days, since he didn’t reach the Galil, and didn’t remain on the road for 30 days, the condition is nullified and the get is therefore batul.

## HAREI ZEH GITEICH IHM LO BASI MIKAHN V’AHD SHLOSHIM YOM...

- **Q:** Does the Mishna mean to say that Akko is in chutz laaretz? We have learned that **R’ Safra** said that the **Rabanan** would escort until Akko, because they would not want to leave EY. We see that Akko is still in EY!? **A: Abaye** said, the Mishna is discussing a man who made 2 conditions: one, that “if I go to the chutz laaretz, the get should be effective immediately”, and second, “if I remain on the road for 30 days and do not come back during that time the get should be valid”. Based on this, if he reached Akko and returned within 30 days, since he didn’t reach chutz laaretz, and didn’t remain on the road for 30 days, the condition is nullified and the get is therefore batul.

## HAREI ZEH GITEICH KOL ZMAN SHE’EVOR...

- **Q:** Why is the get valid if he was not away for 30 days!? **A: R’ Huna** said, when he says “if I will not be in front of you” he is referring to tashmish. **R’ Yochanan** said, he meant actually being in front of her. However, the Mishna does not mean that she is divorced, rather the Mishna says “the get is valid” and may be used as a get if he then leaves for 30 days, and we have no reason to be concerned for a “get yashan”. A Braisa says like **R’ Yochanan** as well.
  - **Q:** Why are we not concerned that he made peace with her and went into seclusion with her, thereby making the get into a get yashan!? **A: Rabbah bar R’ Huna** said that **Abba Mari in the name of Rav** said, the case is where the husband said “my wife is believed by me to say that I have not made peace with her”.
    - Some say that **Rav’s** statement was said on the Mishna where the husband said “this is your get if I don’t come back within 12 months” and he died within the 12 months, in which case the get is valid. The Gemara asks, why are we not concerned that they made peace and were secluded, thereby making the get into a get yashan? Again the Gemara answers that the case is where the husband said his wife is believed by him to say that he had not returned.
      - The version that this was said on the Mishna will agree that it can be taught on the Braisa as well. The version that says it was taught on the Braisa may hold that in the case of the Mishna **Rav** did not make this statement, because even without his saying that the wife is believed we would not be concerned, because he was away and was not known to have even come back for an opportunity for them to make peace.

## MISHNA

- If a husband says “this is your get if I do not come back within 12 months” and he then died within those 12 months, the get is not valid. If he said “this is your get from now if I don’t return within 12 months” and he then died within the 12 months, the get is valid.
- If a husband says “if I do not return within 12 months, write and give a get to my wife” and they went and wrote the get within the 12 months but did not give it until after the 12 months, the get is not valid. If he said “write and give a get to my wife if I do not return within 12 months” and they went and wrote the get within the 12 months but did not give it until after the 12 months, the get is not valid, but **R’ Yose** says, in this case it is a valid get.
  - If they wrote and gave the get after the 12 months, but the husband then died, if the get was given before the death, the get is valid. If not, the get is not valid. If it is not known which happened first, this is the case that they said “she is divorced and not divorced”.

## GEMARA

- A Braisa says, in a case like the first of the Mishna the **Rabanan** allowed her to remarry.

- **R' Yehuda in the name of Shmuel** said, the **Rabanan** is the view of the Beis Din that allowed the use of oil of goyim, and they follow **R' Yose**, who says that the date on the document is the equivalent of him saying "from now".
- The Gemara quotes a number of Amaoraim who said that **R' Yehuda Nesiah** paskened like the Braisa, but that the others disagreed with him.
  - **R' Elazar** asked an elderly man, when **R' Yehuda Nesiah** allowed her to remarry, did he allow her to do so immediately (since he will clearly not be coming), or only after the 12 months have passed (because it is only then that the condition is fulfilled)?
  - **Q:** Why couldn't he ask this on the case of the Mishna where he said "from now" and then died within the 12 months? **A:** He could have, but he met the old man who was on the Beis Din of **R' Yehuda Nesiah**, so he asked him about that case.
- **Abaye** said, all agree that if a man says "this is your get when the sun rises", that the get is only effective in the morning, and if he died during the night before, the get would be passul. If he said "this is your get on the condition – ahl menas – that the sun rises", all agree that it takes effect immediately because **R' Huna in the name of Rabbi** previously said that "ahl menas" is like saying "from now". The machlokes is only in the case where he said "if the sun comes out". In that case the Braisa holds like **R' Yose** that it is as if he said "from now", because the get is dated, and the Mishna does not hold like **R' Yose** and therefore the get is not effective immediately.

KISVU U'TNU GET L'ISHTI IHM LO BASI MIKAHN...

- **Q:** Shall we say that **R' Yose** argues because he holds that even when a condition is not fulfilled the get is always valid? **A:** He only argues in the second case because he holds that since the husband said "write and give a get to my wife if I do not return within 12 months", we understand it as if he said write the get now, and give it if I do not return within 12 months.
- A Braisa says, if the husband said "it should be a get if I do not return after this shemitta cycle", we wait until the first year after the shemitta cycle has passed. If he said "after this year" we wait until the first month after the year. If he said "after this month", we wait until the first week after the month.
  - **Q:** What if he says "after this week"? **A:** **R' Zeira** was sitting before **R' Assi** and said, Sunday, Monday, and Tuesday are still called "after last Shabbos" and Wednesday, Thursday, and Friday are considered "before the next Shabbos". Therefore, we give him until Tuesday of the next week.
- A Braisa says, **Rebbi** said, if he said "after the Yom Tov", we wait for 30 days. When **R' Chiya** said this in the name of **Rebbi**, people praised him. When he said it in the name of the rabbim, he was not praised. It must be that the halacha does not follow **Rebbi**.

**HADRAN ALACH PEREK MI SHE'ACHZO!!!**