



## Daf In Review – Weekly Chazarah

### Maseches Sotah, Daf טו – Daf טז

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf טז---45-----

- Our Mishna does not follow the view of **R' Eliezer ben Yaakov**, who says that “zikeinecha” teaches that the Sanhedrin must be there and “shoftecha” teaches that the king and the Kohen Gadol (who are each referred to as a judges (“shofet”) in pesukim) must be there as well.
  - **Q:** Does **R' Eliezer ben Yaakov** only argue with regard to the king and the Kohen Gadol, but with regard to the Sanhedrin he agrees with **R' Yehuda** or **R' Shimon** (that either 5 or 3 judges are needed), or does he require that the entire Sanhedrin be present? **A:** **R' Yosef** said, we can bring proof from a Mishna that all must be present. A Braisa says that if a “zaken mamrei” rebels against the Sanhedrin when they are not sitting in their usual place, he is not chayuv. Now the case must be where he encountered all of the Sanhedrin outside of their place, because if he encountered less than all, he would surely not be chayuv. However, we learn from pesukim that the Sanhedrin are not allowed to all leave at once unless it is for a mitzvah. We can say that the mitzvah they are all allowed to leave for is the mitzvah of eglah arufah according to the view of **R' Eliezer ben Yaakov**!
    - **Abaye** said this is no proof. It may be that the mitzvah they all had to leave for was to extend the boundaries of Yerushalayim or of the Azaros, which we have learned requires the presence of all of the Sanhedrin on site.
    - There is a Braisa that is a proof to **R' Yosef**. The Braisa is similar to the one quoted by **R' Yosef** and then adds specific examples of why the entire Sanhedrin may be elsewhere, rather than in their usual place. The example given is that they went to perform the eglah arufah process.

#### NIMTZA TAMUN B'GAL OY TALUY B'ILAN

- **Q:** A Braisa says, the pasuk regarding “shikcha” says “v'shachachta omer *basadeh*”. **R' Yehuda** says this excludes a bundle that was hidden from view, and the **Rabanan** say this comes to include a bundle that is hidden from view. Maybe we should say that our Mishna follows the view of **R' Yehuda**, and just as he says “basadeh” means not hidden, so too he is the one who holds that “ba'adama” means not hidden? **A:** **Rav** said, the Mishna may even follow the **Rabanan**. The reason they darshen differently in our Mishna than in the case of shikcha is simply based on the context of the pasuk.
  - The Gemara says that **R' Yehuda** can also learn the halacha from the context of the pasuk (and doesn't need to learn this from “basadeh”). He actually uses “basadeh” to teach that if one forgot grains still attached to the ground it is also subject to the halachos of shikcha. The **Rabanan** will learn this halacha from the pasuk that puts the words “kitzircha” and “visadecha” together. **R' Yehuda** uses this pasuk for the drasha of **R' Avahu in the name of R' Elazar**, to teach that shikcha only applies in your own field (“bisadecha”), but if your grain floated to another field, shikcha will not apply. The **Rabanan** say we have 2 drashos available – one from “basadeh” (as could have been written) and one from “visadecha” (as written). **R' Yehuda** says only one drasha can be made using this word.
- **Q:** **R' Yirmiya** asked, if a forgotten bundle is laying off the ground in one's field, is it subject to the halachos of shikcha? Do we say it is in the airspace of the field and therefore is subject to the halachos, or do we say that it is not “in the field” and is therefore not subject to them? **A:** **R' Kahana** said to **R' Pappi** (or to **R' Zvid**), we can answer based on **R' Avahu's** statement (above). He said it is patur if it “floats” in another person's field, which suggests that if it floated in the owner's field he would be chayuv.
  - The Gemara says this is no proof, because surely in another's field even if it was lying on the ground the owner would be patur. He used the example of where it floated in only because that must be how it got to the other person's field. Therefore, there is no proof from that verbiage.

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- **Q:** Maybe we can bring a proof from a Braisa. The Braisa says, if one picked up a bundle to take to the city and put it down on top of another bundle and forgot both the bundles, the bottom bundle is considered shikcha and the top bundle is not. **R' Shimon ben Yehuda in the name of R' Shimon** says both are not shikcha – the bottom is not because it is covered, and the top is not because it is not on the ground. Now, all seem to agree that the upper bundle is not shikcha! **A:** It may be that since he picked it up to take it to the city he was koneh it and that is why the **T”K** holds it does not become shikcha.
  - **Q:** If so, this should be the halacha even if he put the bundle on the ground after lifting it!? **A:** That actually would be the case, and the reason the case given is where he puts it on top of another bundle is to allow for **R' Shimon** to say that the bottom bundle is also not shikcha.
  - **Q:** The Braisa says it is patur from shikcha because “it is floating”. We see that is the reason!? **A:** The Braisa means that it is “as if it is floating” – meaning it is as if he is still holding it (since he was koneh it) and that is why it is patur.
- **Abaye** once stated that he stands ready to answer any question. One of the **Rabanan** asked him, if we find two dead bodies lying on top of each other, from which body do we measure for purposes of eglah arufah? Do we say that even though the bottom one is concealed with like-kind (another body) it is considered concealed and not subject to eglah arufah, and we therefore measure from the top body, because the fact that it is lying on a like kind thing makes it as if it is lying on the ground, or do we use the reverse logic and say that we measure from the bottom one, or do we say that the bottom body is considered covered and the top one is considered not to be on the ground and therefore eglah arufah doesn't apply in this case at all? **Abaye** answered, we can answer this from the Braisa quoted above. In that case we see that the **T”K and R' Shimon** argue whether the lower bundle is considered to be concealed, presumably because they argue whether a like kind item is considered to conceal. The same would be in the case of the bodies. The Gemara says this is no proof. It may be that all agree that it is considered to be concealed, and the machlokes in the Braisa may be whether we hold that a concealed bundle is subject to shikcha or not.
  - **Q:** If that is the point of the Braisa, why not use an example of where the bundle was covered by dirt or rocks? **A:** The example uses when it is covered in like-kind to teach that if you hold a concealed bundle is not considered shikcha, that would be true even if it was covered with like-kind.
- A Braisa says, the pasuk regarding eglah arufah says “chalal” –this teaches that the person was murdered with a knife, and not choked, “chalal” – that the person was found dead, and not “almost dead”, “ba'adama” – and not covered, “nofeil” and not hanging from a tree, “basadeh” and not floating in water. **R' Elazar** says, as long as he was killed with a knife, eglah arufah must be done (and the other exclusions of the **T”K** do not apply).
  - From another Braisa we see that **R' Elazar** holds there is an extra word of “chalal”, and that is why only that word is available for a drasha. The other words are not extra and therefore cannot be used for a drasha.

### NIMTZA SAMUCH LASAPAR OY L'IHR SHERUBAH OVDEI KOCHAVIM...

- This is based on the word “ki yimatzei” (that happens to be found), which excludes finding in a place where it would commonly be found (where murder is not as uncommon).

### OY L'IHR SHE'EIN BAH BEIS DIN

- Without a Beis Din we cannot have “ziknei ha'ih”, so eglah arufah cannot apply.

### EIN MODIDIN ELAH L'IHR...

- **Q:** This is obvious, since we just said that if there is no Beis Din there is no eglah arufah!? **A:** This teaches the halacha of a Braisa, that if there is a further town that has a Beis Din, that is the town that must deal with the eglah arufah, even though they are not the closest town.

### MISHNA

- **R' Eliezer** says, if two cities are equidistant from the site of the body, they each must bring an eglah arufah. Also, the city of Yerushalayim never brings an eglah arufah.

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- **R' Eliezer** says, if the head is found in one place and the body is found in another place, we move the head to the body and measure from there. **R' Akiva** says we move the body to the head and measure from there.
- From what part of the body do they measure? **R' Eliezer** says from the navel. **R' Akiva** says from the nose. **R' Eliezer ben Yaakov** says from the place that he was killed, meaning from the neck.

### GEMARA

- **R' Eliezer** holds that 2 are brought, because he says that it is possible that they are exactly equidistant, and he says that the word “krova” can mean that even two are brought.

### V'EIN YERUSHALAYIM MIVI'AH EGLAH ARUFAH

- This is because the pasuk says “the body is found in the land that Hashem gave you to inherit” and the Mishna holds that Yerushalayim was not divided among the shevatim as an inheritance.

### NIMTZA ROSHO B'MAKOM...

- **Q:** What is the machlokes? It can't be regarding where on the body they measure from, because that is the next part of the Mishna! **A: R' Yitzchak** said, the halacha is that a meis mitzvah acquires ownership of the ground on which he is found (to be buried there). Regarding this halacha is what **R' Eliezer** says we follow the place of the body (the head must have rolled away after the death) and **R' Akiva** says we follow the place of the head (the momentum of the running body carried the body further after the death).

### MEI'AYIN HAYU MODIDIN

- **R' Akiva** holds that the main element of life is in the nose (for the air that he breaths), and **R' Eliezer** holds it is in the stomach (from the food that he eats).
  - **Q:** Maybe we can say this is the same argument regarding what part of a baby's body is formed first (the **T”K** says it is the head and **Abba Shaul** says it is the stomach)? **A:** It may be that **Abba Shaul** would agree that once the person is formed his main source of life is from the air that he breaths from his nose, as the pasuk says “kol asher nishmas ruach chayim b'apav”.

### R' ELIEZER BEN YAAKOV OMER MIMAKOM SHENAASEH CHALAL MITZAVARO

- This view is based on a pasuk which associates the term “chalal” with the neck.

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### MISHNA

- After measuring the distance to the cities the Sanhedrin would leave. The elders of the closest city would bring a female calf that had never pulled a yoke. A mum would not be a problem for eglah arufah. They take the calf to the “eisan” valley, which means it is a rocky valley. Even if the valley they go to is not rocky, it would be valid. They then decapitate the calf with a cleaver from the back of its neck. The place where this takes place is forever assur to plant or work the land. The place is mutar to use for combing flax and to chisel stones. The elders then wash their hands over that area and says “our hands have not spilled this blood and our eyes did not see it”. Now, would anyone even think to say that the elders would commit murder? Rather, they mean to say that this murdered person did not come to us and leave without us having given him food, and we did not see him and let him leave without escorting him out. The Kohanim then say “kaper l'amcha Yisrael asher padisa, Hashem, v'ahl titein dam naki b'kerev amcha Yisrael”. They did not have to say the next part of the pasuk that says “v'nikaper lahem hadam”, because those are the words of the Ruach HaKodesh, which says that whenever this procedure is performed there is a kaparah for the murder.

### GEMARA

- **Q:** We should learn from a kal v'chomer that a mum makes an eglah arufah passul. If parah adumah, which doesn't become passul based on age, becomes passul if it has a mum, then eglah arufah, which becomes passul after a year old, should surely become passul if it has a mum! **A:** The pasuk by parah adumah says “asher ein bah mum” – which teaches that only the parah adumah becomes passul from a mum, not the eglah arufah.
  - **Q:** Based on this, we should not learn out from an eglah arufah that a parah adumah could not have been used for work besides a yoke (which is how we learn that this halacha applies to parah adumah),

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because the pasuk by eglah arufah says “asher lo ubad *bah*”, which should similarly teach that this is only problematic for eglah arufah, and not for parah adumah!? **A:** This is learned through a gezeira shava on the word “oyl” from eglah arufah.

- **Q:** If we have this gezeira shava, why can't we use it to teach that eglah arufah is passul if it has a mum, just like parah adumah!? **A:** We can't learn that, because the word “bah” teaches to exclude learning that from parah adumah.
- **Q:** Why don't we say that the “bah” written by eglah arufah also excludes parah adumah from being assur to do other forms of work? **A:** That word “bah” is needed to exclude other korbanos, that they don't become passul from having done work. We would think to make a kal v'chomer and say that if korbanos become assur from a mum (and an eglah arufah does not) surely they should become assur from doing work (since an eglah arufah does).
  - **Q:** We can refute this kal v'chomer by saying that eglah arufah is assur to do work, because it becomes passul when it is over a year old, but other korbanos, which do not become passul from age, would also not become passul if work was done with them!? **A:** Some korbanos have age restrictions, and it is for those korbanos that we need the pasuk to teach that they do not become passul for having done work with them.
  - **Q:** The halacha that work is not problematic for a korbon is not learned from the word “bah”. A Braisa says it is learned from the word “eileh” written in the pasuk that lists the types of mumim!? **A:** If we only had “eileh” we would say that work that wasn't an aveirah doesn't make it passul, but work of an aveirah (e.g. work done on Shabbos or kilayim) does make it passul. The word “bah” teaches that even work of an aveirah does not make the animal passul.
  - **Q:** Another Braisa says that the word “eileh” in another pasuk teaches that an animal that was worked is kosher for a korbon. If so, we have two sources already and should not need the word “bah” to teach this as well!? **A:** We would think that it is only kosher if the work was done to it while it was still chullin. However, if it was worked after becoming kadosh we would say that it becomes passul. That is why we need “bah” to teach that even then it remains valid.
- **R' Yehuda in the name of Rav** said, if a bundle is simply placed onto a cow, it becomes passul to be used for the parah adumah. However, with regard to eglah arufah, it only becomes passul if it schlepps the bundle.
  - **Q:** A Braisa says, the only way we know that a parah adumah is assur if it does work other than a yoke is from eglah arufah, either via a kal v'chomer or via a gezeirah shava. Now, if eglah arufah doesn't become assur unless it schlepps the bundle then parah adumah shouldn't become assur until it schlepps the bundle as well!? **A:** It is actually a machlokes Tanna'im whether the psul of other work for a parah adumah is learned from eglah arufah or whether it is learned from the parsha of parah adumah itself. We actually find a Braisa that says that it is learned from the pesukim of parah adumah itself.
- **Q: R' Avahu** asked **R' Yochanan**, how far does the eglah arufah have to pull the yoke for the eglah arufah to become passul? **A:** He answered, for a distance the size of a yoke.
  - **Q:** Does he mean the length or the width of the yoke? **A: R' Yaakov** said, it was explained to me that it is the width of the yoke, which is a tefach.
    - **Q:** Why doesn't he simply say “a tefach”? **A:** He is teaching that the width of a yoke is a tefach. This teaches for commercial purposes that a yoke must be that size.
- **R' Yochanan ben Shaul** said, the reason the eglah arufah process must be done in a rocky valley is, that Hashem says, let the calf, which has produced no offspring, come and be decapitated in a place that has produced no fruit, to bring a kaparah for the murder of one who can no longer produce offspring.
  - **Q:** What is meant by saying that the murder victim “cannot produce offspring”? Does that mean that if he was an old man we don't do the eglah arufah process? **A:** It means that he can no longer do mitzvos.

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- A Braisa says we learn from pesukim that “eisan” means hard, rocky land.

### V'ORFIN OSAH B'KOFITZ MEI'ACHOREHA

- We learn that it must be done from the back of the neck via a gezirah shava on the word “arifah” from a chatas bird.

### UMIKOMA ASSUR MILIZROAH UMILEI'AVEID

- A Braisa says, the pasuk says that the place for the eglah arufah process should be a valley “in which no work be done nor can it be planted”. **R' Yoshiya** says, this means that no work was done there in the past. **R' Yonason** says, it means that no work may be done there in the future.
  - **Rava** said, all agree that no work can be done there in the future. The machlokes is whether work could have been done there in the past.

### UMUTAR LISROK SHAM PISHTAN...

- A Braisa says, the pasuk says “asher lo yei'aveid bo v'lo yizareya”. We would think that only planting there is assur. The words of “lo yei'aveid bo” teach that other forms of work are also assur. If so, what does “lo yizareya” teach? It teaches that just as planting is done to the land itself, so too only other work that is done to the land itself is assur. This comes to permit combing of flax and chiseling of stones.
  - **Q:** Why don't we say that the pasuk is a klal uprat, in which case only planting should be assur and nothing else!? **A:** The word “asher” is a “ribuy” and comes to include other work as being assur as well.

### ZIKNEI HA'IHR ROCHATZIN YIDEIHEN...

- A Braisa says, the pasuk says that all the elders of the closest city must come and wash their hands over the eglah arufah in the valley. The pasuk could have just said “over the calf”, but added the word “ha'arufah” to teach that it must be done at the site of the decapitation.
- The elders say that they did not commit or see the murder. Now, no one would suspect them of having done so. Their statement means that they did not see this victim and send him away without food or without escorting him out.
  - A Braisa says, **R' Meir** would say, we force a person to escort his friend when he is leaving, because the reward for doing so has no limits. We find this in pesukim where a person showed the Yidden the entrance to Beis Kel, which the Yidden then used to conquer the city, and this person was rewarded by not being killed, by not having him or his descendants subject to Sancheirev, Nevuchadnetzar, or even to the Malach Hamaves. Now, if this person, who merely pointed out the entrance (**Chizkiya** says he did so by mouthing where the entrance was, and **R' Yochanan** says he actually pointed with his finger) was rewarded so greatly, kal v'chomer how great the reward will be for a person who escorts another by walking him out.
  - **R' Yehoshua ben Levi** said, if someone is travelling and has no one to escort him out, he should learn Torah, which will act as his escort.
  - **R' Yehoshua ben Levi** said, it was the merit of 4 steps that Pharaoh took to escort Avrohom that allowed him to enslave the Yidden for 400 years.
  - **R' Yehuda in the name of Rav** said, if one escorts his friend even 4 amos in the city, it insures that his friend will not be harmed in his travels.
    - **Ravina** escorted **Rav bar Yitzchak** for 4 amos. **Rava bar Yitzchak** came into a dangerous situation in his travels and was saved (because of the escort).
  - A Braisa says, the distance that one must escort is as follows: a rebbi must escort his talmid until the end of the extension of the city, a friend must escort his friend until the techum Shabbos, and a talmid's obligation to escort a rebbi has no limit. **R' Sheishes** explains that “no limit” means up to a parsah. The Gemara says this is only true if this is not his “rebbe muvhak”, but for a rebbi muvhak he must escort up to 3 parsas.
    - **R' Kahana** escorted **R' Simi bar Ashi** to a place of palm trees in Bavel, and asked him, “Is it true that these trees exist from the days of Adam Harishon?” **R' Simi bar Ashi** responded with a statement that he had learned – any land that Adam Harishon said should be settled, was settled and visa-versa.
    - We find that **R' Mordechai** escorted **R' Ashi** for a very long distance.

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- **R' Yochanan in the name of R' Meir** said, someone who doesn't escort or doesn't allow others to escort him is as if he has committed murder. We can learn this from Elisha, who was not escorted by the people of Yericho, and because he was alone, these young boys started up with him and he cursed them, causing their deaths. **R' Elazar** said, "young" means that they were empty of mitzvos and had little emunah.
  - **Q:** The pasuk says that Elisha turned around and saw them and cursed them. What did he see? **A: Rav** says he simply looked at them for the purpose of punishing them. **Shmuel** says he saw that each of these boys were conceived on Yom Kippur. **R' Yitzchak Nafcha** says he saw that they each had haircuts like the goyim. **R' Yochanan** says he saw that they had no mitzvos at all, which **R' Elazar** explains to mean that he saw that no future generations of theirs would have any mitzvos either.
  - The pasuk says that 2 bears came out of the forest and tore apart 42 children. **Rav and Shmuel** argue. One says there was a miracle, because these bears did not exist until this time. The other says there was a double miracle, because even this forest did not exist until this time.
    - **Q:** Why would there be a need to create a forest for this purpose? **A:** If the bears had nowhere to hide after the attacks they would be afraid to attack in the first place.
  - **R' Chanina** said, that the result of Balak offering 42 korbanos to Hashem in the hope that He would curse the Yidden was that these 42 children were killed.
    - **Q:** How could we say that this was his reward? **R' Yehuda in the name of Rav** said that his reward for the korbanos was that Rus came from him!? **A:** His intent was to destroy the Yidden, so the efforts of bringing his korbanos resulted in the death of Yidden.

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- **Q:** The people of Yericho said to Elisha, the land is good as you can see, but the water is bad and causes disease and death. If that was true, how can they say that the land was good? **A: R' Chanin** said, a place always appears good to its inhabitants.
  - **R' Yochanan** said, there are 3 things that always seem good: a place always seems good to its inhabitants, a wife always seems good to her husband, and a purchased item always seems good to the purchaser.
- A Braisa says, Elisha became sick 3 times: once as a punishment for causing the death of the children with the bears, once for totally pushing away Geichazi for having accepted gifts from Naaman, and once when he died.
  - A Braisa says, a person should always push away with his "left hand" and pull close with his "right hand". Not like Elisha who totally pushed away Geichazi, or like **Yehoshua ben Prachya** who totally pushed away one of his talmidim (each of whom ultimately did even worse aveiros after being pushed away).
    - Geichazi accepted gifts from Naaman after being told by Elisha not to do so. When Elisha found out, he cursed him that the tzaraas of Naaman should cling to Geichazi and all his future generations. We find that this happened, as **R' Yochanan** explains the pasuk that speaks of the "4 metzora'im" as referring to Geichazi and his 3 sons.
    - The pasuk says that Elisha went to Damesek. **R' Yochanan** explains that he went there to try and get Geichazi to do teshuva. Geichazi refused and said, I have a kabbalah from you that one who sins and causes others to sin is not given the opportunity to do teshuva.
      - **Q:** What had Geichazi done? **A:** Some say he took the golden calf used as an avodah zarah by Yaravam and had it suspended mid-air by using strong magnets, and this caused people to believe that it was a god. Others say that he put a Name of Hashem into the mouth of the calf and it began saying the first two of the Aseres Hadibros. Others say that he would prevent the **Rabanan** from coming and learning from Elisha.
    - The story with **Yehoshua ben Prachya** was as follows. When he was returning to Eretz Yisrael after having fled to Egypt, he stayed at an inn and complimented the hostess' good deeds. A talmid thought he was complimenting her physical attributes and made a comment that she was

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not that pretty. **Yehoshua ben Prachya** called him a rasha for busying himself with such matters and put him into cheirem. The talmid kept coming and asking for mechila, but was not accepted. One day he came while **Yehoshua ben Prachya** was saying shema. He intended on accepting him that day, but could not speak (since he was saying shema) and motioned for him to wait. The talmid took that as a sign that he was telling him to go away and therefore gave up and went and worshipped avodah zara. When **Yehoshua ben Prachya** asked him to do teshuva he said, I have a kabbalah from you that one who sins and causes others to sin is not given the opportunity to do teshuva. We have learned that this talmid did kishuf, convinced others to do avodah zara, and caused Klal Yisrael to do aveiros.

- A Braisa says, **R' Shimon ben Elazar** says, when dealing with the desire for relations, when dealing with children, and when dealing with women, one should push away with the left hand and draw close with the right hand.

### MISHNA

- If the murderer is found before the calf is decapitated, the calf is returned to the flock and allowed to be used for any purpose. If the murderer is found after the calf was decapitated, the calf is buried there like any other eglah arufah, because it was brought when there was a safek and brought about the kaparah during this time of safek. Also, although the eglah arufah was done, if the murder is then found he still faces capital punishment.
- If one witness says he saw the murderer and another says “You did not see the murderer”, or, if one woman says she saw the murderer and another woman says “You did not”, the eglah arufah process is done. If one witness says he saw the murderer and two witnesses tell him “You did not”, they would do the eglah arufah process. If two witnesses said they saw the murderer and one witness says “You did not”, the process is not done.
- When murder became a more commonplace occurrence, they stopped doing the eglah arufah process. This was the period in time of the murderer Eliezer ben Dinai, also known as Techina ben Perisha, also known as “the murderous son”.
- When adultery became more commonplace they stopped doing the sotah process. **R' Yochanan ben Zakai** darshened a pasuk and was the one to put an end to the sotah process.
- When **Yose ben Yoezer of Tzreida** and **Yose ben Yehuda of Yerushalayim** died, that was the end of the “Eshkolos” (to be explained in the Gemara).
- **Yochanan Kohen Gadol** put an end to the viduy said with the bringing of the maaser. He also put an end to the “wakers” and the “strikers”, because until his times the hammer would bang in Yerushalayim, but he put an end to it. Also, in his days he instituted that there is no longer a need to ask whether there was maaser given from demai, because he said that maaser must be taken from all demai.

### GEMARA

- A Braisa asks, how do we know that if the murderer is found after the eglah arufah process that he is still subject to capital punishment? A pasuk says that the land will only have a kaparah for murder when the blood of the murderer is spilled as well.

### EID ECHAD OMER RA'ISI ES HAHOREG...

- The Mishna suggests that the single witness is not believed only because there is a contradicting witness. This suggests that if there was no contradicting witness the single witness would be believed and the eglah arufah process would not be done. A Braisa gives the reason for this. It is based on the pasuk that says “lo nodah mi hikahu”, which suggests that if anyone in the world knows who the murderer is, we would not do the eglah arufah process. **R' Akiva** says, even if the Sanhedrin saw a murderer killing someone, but they could not see who he was, they would not do the eglah arufah process. This is based on the pasuk of “v'eineinu lo ra'u”, and in this case their eyes *did* see the murder.
- **Q:** We see that the Torah believed a single witness in this case. If so, how is a single witness believed to contradict the first witness? **Ulla** has said that wherever the Torah believes a single witness he is believed as 2,

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and therefore a single witness should not be believed against him!? **A: Ulla and R' Yitzchak** both say that the Mishna should actually read as saying “the eglah arufah is not brought” in this case.

- **R' Chiya** says that the Mishna should read as stated – the eglah arufah is brought. Although this seems problematic with **Ulla's** statement, it is not, because the Mishna is discussing where the 2 witnesses came at the same time, and since the first witness was never established as being believed yet, a single witness could contradict him.
  - **Q:** The next part of the Mishna says that when 2 witnesses contradict the single witness we do bring the eglah arufah. This suggests that if it was only one against one we would not bring it!?  
**A:** The next part of the Mishna says that if 2 witnesses say they saw the murderer and one says “You did not”, we do not bring the eglah arufah. This suggests that if it were just one against one we would bring it! This contradicts the last part of the Mishna. Therefore, we must say that the Mishna here is discussing people who are normally passul to say testimony, in which case **R' Nechemya** says we follow the majority view, even if it is two women against one man.
    - **Another version of R' Nechemya** is that when we are dealing with witnesses who are otherwise passul, we follow the majority only when it is two women against one woman. However, if it was two women against one man it would be considered as if there is equal weight on both sides. According to this version, our Mishna is discussing where at first one woman came and said testimony, and then another two women came and contradicted her testimony.
    - According to this, both cases of this part of the Mishna are teaching regarding witnesses who are otherwise passul. The reason why we need two cases is that one teaches that we follow the majority view if it will lead to a chumra, and the other case teaches that we follow this view even if it will lead to a leniency.

### MISHERABU HAROTZCHIN...

- A Braisa say, when murders became more commonplace, especially public murders, the eglah arufah process was stopped entirely, because it is brought for a case of safek, and at that time the murderers became known and it was no longer considered to be a safek.

### MISHERABU HANO'AFIN...

- A Braisa darshens pesukim to teach that the sotah waters only check the woman if the husband is clean of the aveirah of zenus himself. Moreover, the checking of the waters do not work even if the children of these people are not clean from zenus. Moreover, the waters do not work even if the zenus done is with an unmarried woman.
- A Braisa says when pleasure seekers increased, justice became perverted, people's actions are no longer proper, and Hashem is not happy with the world. When the number of judges who showed favoritism increased, there was no longer any heed paid to the lav of “lo saguru” (do not fear a litigant), and to the lav of “you shall not show favoritism”, and people removed the yoke of Heaven and put on the yoke of people. When the number of people who whisper to the judges during the court case increased, Hashem's anger increased in Klal Yisrael, and the Shechina left from among us. When the people whose “heart lust gain” increased, this also increased the number of people who say that good is bad and that bad is good. When those people increased, it increased tzaros in the world. When the number of people who spit in the street increased, the number of arrogant people increased, and the number of talmidim decreased, and the Torah goes to look for those who will learn it. When the number of arrogant people increased, the Jewish girls began to marry only the arrogant people, since the generation is only concerned with outward appearances.
  - **Q:** We have learned that arrogant people don't find favor by anyone, even their own families!? **A:** Initially the girls will marry them, but they will later despise them.
- The Braisa continues, when judges became more involved in business, bribery and corruption increased, and general good decreased (Hashem brought punishment). When the number of judges who would trade favors with the litigants increased, there was an increase in the number of people who did whatever they saw fit in their eyes, which caused lowly people to be treated highly and visa-versa, and the Jewish kingdom continued to wither away. When cheap people and thieves increased, there decreased the givers of tzedaka and lenders of



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money, and people were therefore oiver the lav against doing so. When there was an increase in the number of women who acted immodestly, there increased the use of the sotah waters, but the use of the waters was then stopped in total. When the number of people who accept gifts increased, the length of life decreased. When the number of talmidim who would not listen to the rebbi, but would rather pasken on their own, increased, there increased the amount of machlokes. When the number of talmidim of Hillel and Shammai, who did not properly learn from Hille and Shammai, increased, there increased the amount of machlokes, and the Torah became like 2 Toros (because of all the machlokes). When there was an increase in the number of people who took charity from goyim, the goyim started being high and the Yidden low, the goyim were in front and the Yidden were in back.

MISHEMEIS YOSE BEN YOEZER...

- **Q:** What are meant by “eshkolos”? **A: R’ Yehuda in the name of Shmuel** said, it means “ish shehakol bo” – a man who has it all (all Torah knowledge).

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YOCHANAN KOHEN GADOL HEVIR HODAYAS MAASER...

- **Q:** Why did he stop the saying of viduy over the maaser? **A:** Because people were no longer giving maaser rishon properly. The Torah says to give the maaser to the Levi'im, and from the times of Ezra the maaser was being given to the Kohanim.
  - **Q:** Why couldn't the viduy continue to be said for the other maasros? **A: Reish Lakish** said, if viduy is not said for maaser rishon, it is not said for any maaser. **Abaye** explained, this is because maaser rishon is mentioned first in the pasuk.
  - **Q:** A Braisa suggests that the reason he abolished the saying of the viduy was not because people were giving the maaser improperly, but rather because many people were not giving maaser altogether!? **A:** There were two separate gezeiros. He was goizer to stop the viduy even of the people who were giving maaser, and then he was goizer that maaser must be taken from all demai, because many people were not taking maaser altogether.

V'AHF HU BITEL ES HAME'ORERIM

- **Q:** What are “me'orerim” (the “awakeners”)? **A: Rachava** said, the Levi'im would go up and sing the pasuk “Awaken, why do You sleep, Hashem!”. **R' Yochanan** said to them, Hashem does not sleep. What the pasuk refers to is a time when the Yidden are in tzaar and the goyim are living large. Since the Yidden at that time were living peacefully, he told them it is improper to go up and say this pasuk constantly.

V'ES HANOKFIM

- **R' Yehuda in the name of Shmuel** explained, this refers to the people who would bring an animal for a korbon and would make a cut between the animal's eyes so that the blood should blind the animal, making it easier to handle for shechita. He stopped this practice, because he said it looks too much like a mum. A Braisa says this refers to people who would hit the animal with a stick until it fell down and was easily shechted, which is what was typically done for avodah zara. He said to them, you are causing the bringing of treifos on the Mizbe'ach (from injuries you may be causing with the hitting). He then instituted that rings should be installed in the ground making it easier to lock up the animal and shecht it.

AHD YAMAV HAYA PATISH MAKEH B'YERUSHALAYIM

- This refers to the people who would work on Chol Hamoed.

KOL YAMAV LO HAYA ADAM TZARICH LISH'OL AHL HADEMAI

- This was explained in the previous Braisa.

MISHNA

- When the Sanhedrin ceased to function, it became assur to have song when drinking wine, as can be seen from a pasuk.
  - When the early Nevi'im died, the Urim V'Tumim ceased.

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- When the Beis Hamikdash was destroyed, the Shamir worm and the “nofes tzufim” could no longer be found, and there were no longer people with emunah.
- **R’ Shimon ben Gamliel** said that **R’ Yehoshua** testified, that from the day the Beis Hamikdash was destroyed there is no day that is without curse, the dew has not come down with bracha, and fruit has lost its flavor. **R’ Yose** says the “fat” of the fruit is also gone. **R’ Shimon ben Elazar** says, when people ceased to be careful to eat with tahara, the flavor and fragrance was lost. The stopping of giving maaser caused the grain to lose its “fat”. The **Chachomim** say that zenus and kishuf have destroyed everything.

### GEMARA

- **R’ Huna the son of R’ Yehoshua** said, the pasuk mentioned as the source for no song with wine was definitely said in reference to the cessation of the Sanhedrin, because another pasuk says “the elders are gone from the gate, the young men from their music”.
- **Rav** said, an ear that listens to music should be torn off. **Rava** said, music in a house brings destruction to it.
  - **R’ Huna** said, the music of the people who pull boats (and need the music to get them through this strenuous labor) and of the plowers (who need the music to coax the oxen to do a good job) is mutar. However, the music of the weavers is assur (it is not to help them work).
  - **R’ Huna** banned music in his locale and as a reward there was bracha to the point that 100 geese could be bought for a zuz and 100 se’ah of wheat could be bought for a zuz, and even that was looked at as a high price by the people (there was so much to go around). **R’ Chisda** disparaged the music ban, and when that happened the price of 1 goose was more than a zuz.
- **R’ Yosef** said, a choir where men lead and women sing in response is pritzus. A choir where women lead and men respond is like a fire on flax. He is teaching that the second choir should be abolished before the first (if only one can be abolished).
- **R’ Yochanan** said, one who drinks wine and listens to 4 types of music (the kinor, tof, nevel, or chalil) brings 5 calamities to the world (galus, hunger, Torah to be forgotten, the degradation of Hashem, and the degradation of Klal Yisrael), and lands this person in Gehenom.

### MISHEMEISU NEVI’IM HARISHONIM

- **R’ Huna** said, this refers to Dovid, Shmuel, and Shlomo.
  - **R’ Nachman** said, in the days of Dovid sometimes the Urim V’Tumim gave an answer (like for Tzadok) and sometimes it did not (like for Evyasar).
  - **Q: Rabbah bar Shmuel** asked, the pasuk says that Zecharya “asked of Hashem” in the days of King Uziya. Presumably this means he asked with the Urim V’Tumim, and yet this took place well after the time of Shlomo!? **A:** It means he asked via the Nevi’im.
  - **Q:** A Braisa clearly states that the Urim V’Tumim existed until the destruction of the First Beis Hamikdash!? **A: R’ Nachman bar Yitzchak** said, we must say that when the Mishna says “Nevi’im Rishonim” it means to exclude the days of Chagai, Zecharya, and Malachi, who were considered the “Nevi’im Acharonim”. As a Braisa says that when Chagai, Zecharya, and Malachi died there was no longer ruach hakodesh, although there was communication via a bas kol. The Braisa says that a bas kol once called out to the **Rabanan** that someone among them was fit to have the Shechina rest on him, but his generation was not fit for it. They all turned and looked at Hillel Hazaken. When he died they were maspid him by saying “He was such a chossid, he was so humble! He is from the talmidim of Ezra.” The same story happened another time and the **Rabanan** looked at Shmuel Hakatan, and they were maspid him in the same way but added “He is from the talmidim of Hillel”. The people wanted to be maspid the same for **R’ Yehuda ben Bava**, but they could not – out of fear for the king we are not maspid someone who was killed by the king.

### MISHECHARAV BEIS HAMIKDASH BATAL HASHAMIR...

- A Braisa brings a machlokes regarding the use of the Shamir worm. **R’ Yehuda** says it was used to cut the stones of the Beis Hamikdash. **R’ Nechemya** says these stones were cut with tools. He would hold like a Braisa who says that the Shamir was used to etch the letters into the Choshen and the Eiphod.

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- A Braisa says that the Shamir worm was the size of a barley, was created during the Days of Creation, and there is nothing that it could not break. The way to guard it was to wrap it in wool, and put it into a lead tube filled with barley.
- **R' Ami** said, when the First Beis Hamikdash was destroyed, there ceased to exist a certain fine silk and white glass. A Braisa says this as well and adds iron chariots, and jelled wine to the list.

### V'NOFES TZUFIM

- **Q:** What is “nofes tzufim”? **A: Rav** said it is a high end flour, **Levi** said it is a special type of bread, and **R' Yehoshua ben Levi** said it is a special honey.
  - **Q:** A Mishna makes mention of “zifim honey”. What is zifim honey? **R' Yochanan** said it is very thick and rich honey, and **Reish Lakish** said it is honey from the place called Zifim.
    - A pasuk says that “zifim said to Shaul...” **R' Yochanan** said this refers to people who lie, and **Reish Lakish** said it is the name of a place.

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### UPASKU ANSHEI AMANAH

- **R' Yitzchak** said, this refers to people who put their faith in Hashem, as is taught in a Braisa that **R' Eliezer Hagadol** said, if a person has enough to eat tomorrow and worries about what he will eat, he is considered to be a person of little faith. He further darshened a pasuk to mean that tzaddikim who don't have full faith in Hashem to fill their needs lose from their reward in Olam Habbah. **Rava** darshened this same pasuk to mean that when children of resha'im die in the lifetime of their parents they save their parents from punishment in the next world.
- **R' Ila'ah bar Yeverechya** said:
  - If not for the tefillos of Dovid, all of Klal Yisrael would have been very poor.
  - If not for the tefillos of Chabakuk, talmidei chachomim would have been so poor as to require two of them to share one cloak.
  - If two talmidei chachomim travel and don't discuss Torah they are fit to be burned by fire. We learn this from the pasuk that says that Eliyahu and Elisha had a fiery chariot pass between them. It only passed between them because they were discussing Torah. If they would not have been doing so they would have been burned.
  - If two talmidei chachomim live in one city and they don't learn or discuss matters of halacha together, one will die and the other will be sent into galus.
- **R' Yehuda the son of R' Chiya** said, any talmid chachom who learns Torah in poverty will have his tefillos answered. **R' Avahu** said, such a person will be satiated by the Shechina. **R' Acha bar Chanina** said, the “curtain” that separates us from Hashem will not be closed in front of such a person.

### R' SHIMON BEN GAMLIEL OMER MISHUM R' YEHOSHUA...

- **Rava** said, each successive day has a curse worse than the previous day.
  - **Q:** How then does the world continue to exist? **A:** It exists upon the people who says “Kadosh Kadosh Kadosh Hashem...”, and on the “Yihei Shimei Rabah” that is said after learning agadita.

### V'LO YARAD TAL L'VRACHA...

- A Braisa says that **R' Shimon ben Elazar** says, when people stopped eating with tahara the fruits lost their taste and fragrance, and when they stopped giving maaser the grains lost their “fat”.
  - **R' Huna** once found a high quality date and put it in a cloth. When his son **Rabbah** came he said to his father “I smell this high quality date!”. **R' Huna** was happy and said this shows that you have a special level of tahara, and he gave the date to him. In the meantime, **Rabbah's** son, **Abba**, came and **Rabbah** gave the date to him. **R' Huna** said, you made me happy by seeing that you are at a high level of tahara, but unhappy when I see that you love your son more than you love me.

### MISHNA

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- When Aspasyanus came with his army against Yerushalayim, the **Chachomim** were goizer a ban on the crowns of the grooms and on the “irus”. When the army of Titus came, the **Chachomim** were goizer to ban the crowns of the brides and were goizer against anyone teaching Greek to their children. When the last army came, they were goizer that a bride should not go out in the “apiryon” (a chuppah) in the city, but the later **Rabanan** allowed it.
- When **R’ Meir** died there ceased to be people who could make meshalim. When **Ben Azzai** died there ceased to be those who learn with great “hasmada”. When **Ben Zoma** died there ceased to be people who could darshen at a high level. When **R’ Akiva** died there ceased to exist kavod for the Torah (he would darshen every letter and crown to every letter to show that nothing was extra). When **R’ Chanina ben Dosa** died there ceased to be people of deeds (who were confident with their deeds and could perform miracles). When **R’ Yose Katonta** died there ceased to be chassidim, which is why he was called “Katonta”, because he was the smallest of the chassidim. When **R’ Yochanan ben Zakai** died there ceased to exist that special level of wisdom. When **R’ Gamliel HaZaken** died there ceased to exist kavod for the Torah (people began to learn while sitting instead of standing), and tahara and prishus (not indulging in pleasures) died along with him. When **R’ Yishmael ben Pavi** died the splendor of Kehuna ceased to exist. When **Rebbi** died there ceased to exist humility and fear of sin.

### GEMARA

- A Braisa says, **R’ Pinchas ben Yair** said, when the Beis Hamikdash was destroyed, the chavereim (talmidei chachomim) and those of pure lineage have been ashamed and have covered their heads, people of deeds have lost any status, strong people and liars have become dominant, and there is no one who looks and searches to help the Yidden. Who can we rely on? Only on our Father in Heaven!
- **R’ Eliezer HaGadol** said, from the time of the Churban, the **Chachomim** became like teachers of young children, the teachers of children became like the shamas of the shul, the shamasim became like amei haaretz, and the amei haaretz became even less in their wisdom and their mitzvos, to the point that there is no one who looks and searches to help the Yidden. Who can we rely on? Only on our Father in Heaven!
- In the period before Moshiach comes, there will be an increase in chutzpah, costs will increase, although grapes will grow the cost of wine will increase, the government will become heretics and there will be no rebuke, the place where the chachomim would meet will become a place of zenus, the Galil will be destroyed and the Gavlan will be desolate, the people in the border cities will wander about (because of frequent attacks) but they will not be helped, the wisdom of the talmidei chachomim will wither away, the people who fear sin will be looked at as disgusting, truth will be gone, the young people will shame the older people, the older people will stand for the younger people, a son will make his father disgusting, a daughter will rise up against her mother and a daughter in law against her mother in law, a man’s enemies will be the people of his household, the face of the generation will be like the face of a dog (without any shame), and son will not be ashamed in front of his father. Who can we rely on? Only on our Father in Heaven!
- **Rav** said, when the Mishna says that they banned the crowns of chassanim the Mishna was referring to crowns made of salt and sulfur. However, ones made of hadassim and roses are still mutar. **Shmuel** said, even of hadassim and roses are assur, but if made of reeds or “cheilas” (a water vegetation) it is mutar. **Levi** said, that even those would be assur.

### V’AHL HA’IRUS

- **R’ Elazar** explained, this is a bell with one clapper which was used to play music. **Rabbah bar R’ Huna** made a “tanbura” instrument for his son’s wedding. His father came and broke it, because he said the instrument could easily be confused with the “irus” which the **Rabanan** were goizer to be assur.

### B’PULMUS SHEL TITUS GAZRU...

- **Q:** What is meant by the “crowns of the bride”? **A: Rabbah bar Chana in the name of R’ Yochanan** said, it refers to a tiara on which was formed a depiction of Yerushalayim, made of gold. A Braisa says this as well and adds that a hat of fine wool may still be made for her.
- A Braisa says that they were also goizer to ban the chuppah of chassanim. The Gemara explains, this is a covering of red wool with strands of gold. A Braisa says this as well and adds that we may make a chuppah of reeds from which we may hang whatever we want.

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### V'SHELO YILAMED ES BENO YEVANIS

- A Braisa explains that when the Chashmenai kings were fighting each other, those inside Yerushalayim would send out money every day to those besieging on the outside, and in return they would send a basket over the wall with animals to use for the Korbon Tamid. There was one elderly man inside who used Greek wisdom to tell the people on the outside that if they stopped sending animals for the Korbon Tamid they would be able to conquer those on the inside. The next day the people on the outside sent up a pig in the basket. Halfway up the wall the pig dug its nails into the wall, preventing it from going up any further, and all of Eretz Yisrael shook. It was at that time that the **Rabanan** were goizer that one may not teach Greek wisdom to his children.
  - **Q:** We are taught that **Rebbi** said it is better to speak Greek than the Sursi language!? **A:** Speaking Greek is not problematic. It is Greek wisdom that is a problem.
    - **Q:** We have learned that there were 500 students of **R' Gamliel** who studied Greek wisdom!? **A:** **R' Gamliel** was close to the government, and as such found it necessary for himself and his household to be well versed in Greek wisdom. In fact, this reason is clearly taught in a Braisa as well.

### B'PULMUS HA'ACHARON GAZRU SHELO...

- **Q:** Why did they ban the brides chuppah? **A:** For reasons of tznius.

### MISHEMEIS R' YOCHANAN BATLAH HACHACHMA

- A Braisa says, when **R' Eliezer** died a Sefer Torah was buried (his knowledge of halachos from his teachers was so great, it was as if it was written down for him). When **R' Yehoshua** died, "eitzah" and "chachma" ceased to exist (his knowledge of drashos and halachos were at the highest level, and he would know how to answer the apikursim). When **R' Akiva** died, the supports of the Torah (he would find the origin in a pasuk for every halacha that was taught) ceased to exist and the wellsprings of wisdom were stuffed up. When **R' Elazar ben Azarya** died, the "crown of chachma" ceased to exist (he was very wealthy and would use that wealth to further his Torah and mitzvos). When **R' Chanina ben Dosa** died, there ceased to exist people of deeds. When **Abba Yosef ben Katonta** died, there ceased to be chassidim. In fact, he was called "Katonta" because he was the smallest of the chassidim. When **Ben Azzai** died, there ceased to exist people with true hasmada. When **Ben Zoma** died there ceased to exist people who were expert darshanim. When **R' Shimon ben Gamliel** died, locusts swarmed over the land and tzaros became plentiful. When **Rebbi** died, the tzaros then doubled.

### MISHEMEIS REBBI BATLAH ANAVAH V'YIRAS CHEIT

- **R' Yosef** told the one who was teaching the Mishna, "Do not say that "anavah" ceased to exist, because I exist (and I am extremely humble)". **R' Nachman** told the one teaching the Mishna, "Do not say that "yiras cheit" ceased to exist, because I exist (and I am a yiras cheit)".

**HADRAN ALACH PEREK EGLAH ARUFA!!!**

**HADRAN ALACH MESECHTA SOTAH!!!**

**MAZAL TOV!!!**



# Daf In Review – Weekly Chazarah

## Maseches Gittin, Daf ג – Daf ל

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf ג---2-----

### MESECHTA GITTIN

#### PEREK HAMEIVI -- PEEK RISHON

#### MISHNA

- If a shaliach brings a get from chutz laaretz to Eretz Yisrael (EY) he must say “b’fanai nechtav ub’fanai nachtam” (“it was written in front of me and it was signed in front of me” – which we will abbreviate as “BNBN”). **R’ Gamliel** says, also one who brings a get from the town of Rekem to the town of Cheger (which border EY) must say BNBN. **R’ Eliezer** says even one who brings a get from Kfar Ludim (which was right outside EY) to the city of Lud (which was in EY) must say BNBN. The **Chachomim** say, BNBN must only be said when taking a get from chutz laaretz to EY or visa-versa. Also, one who brings a get from one province to another within chutz laaretz must say BNBN. **R’ Shimon ben Gamliel** says, even if a get is brought from an area controlled by one government to an area controlled by another government within the same city, the shaliach must say BNBN.
- With regard to defining the borders of EY, **R’ Yehuda** says that Rekem is the border to the east and Rekem itself is chutz laaretz, Ashkelon is the border to the south and Ashkelon itself is chutz laaretz, Akko is the border to the north and Akko itself is chutz laaretz. **R’ Meir** says that Akko is considered part of EY for purposes of gittin.
- If a shaliach brings a get within EY he does not need to say BNBN. If the authenticity of the get is contested, the get can be confirmed through the signatures.

#### GEMARA

- **Q:** Why did the **Rabanan** institute that BNBN must be said? **A: Rabbah** says it is because the people of chutz laaretz are not familiar with the requirement that a get be written lishma (for the sake of the man and woman using the get), and saying BNBN tells us that it was written lishma. **Rava** says it is because when a get is brought from chutz laaretz to EY it is difficult to have the document confirmed with the signatures. Therefore we require that BNBN be said, and that obviates the need for any confirmation.
  - **Q:** What is the practical difference between these reasons? **A:** A difference would be if there are two shiluchim who brought the get. In that case **Rabba’s** concern is still valid, but **Rava’s** concern is no longer a concern, because we now have 2 witnesses who can be available to confirm the signatures. **A2:** A difference would be if a get is brought from one province to another within EY. **Rabbah** would say that BNBN need not be said, and **Rava** would say that it must be said (it may be difficult to confirm the signatures). **A3:** Another difference would be when a get is brought within a single province in chutz laaretz. According to **Rabbah** he would have to say BNBN, and according to **Rava** he would not have to say it.
  - **Q:** According to **Rabbah**, who says that the shaliach says BNBN because the people of chutz laaretz are not familiar with the lishma requirement, there should need to be 2 witnesses who testify to the get being written lishma, just as in all other cases where 2 witnesses are required to testify!? **A:** This is a case of “isurin” (it does not involve monetary law or criminal law) and therefore one witness is sufficient (“eid echad ne’eman b’issurin”).
    - **Q:** The only time we say one witness is enough for issurin is where the witness is not testifying contrary to a chazakah (e.g. where we have a piece of animal fat and don’t know if it is shuman or cheilev). However, in our case the woman has a chazaka that she is a married woman, which makes the case a matter of “ervah”, and we have a rule that “ein davar she’b’ervah pachos mishnayim”, and therefore 2 witnesses should be required!? **A:** In truth, most people in chutz

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laaretz are familiar with the lishma requirement. Even according to **R' Meir**, who is normally concerned for the minority, would agree in this case that we don't have to worry about the minority of people who are not familiar with the lishma requirement, because a get is written by a sofer and sofrim are generally all familiar with the lishma requirement. Therefore, D'Oraisa there is no need to testify whether the get was written lishma. It is the **Rabanan** who said that it must be done, and they were lenient (by only requiring a single witness) so as to try and prevent a woman from becoming an agunah (by making the get process an easier one).

- **Q:** This is not a leniency! If they would require two witnesses, the husband would never be able to come and say that the get is passul, but now that only one witness is required it leaves open the possibility that he can come and claim that it is passul!? **A:** Since, as we will learn, the shaliach must give the get to the woman in front of two or 3 witnesses (it is the subject of a machlokes), the **Rabanan** relied on the fact that the shaliach will research this get very well to assure its validity (so as not to be embarrassed later on if the husband calls the get into question, which would embarrass the shaliach in front of the witnesses that saw him give the get to the woman – it makes it a matter of public knowledge). Therefore they accepted his single testimony.

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- **Q:** According to **Rava**, who says that the shaliach says BBNB because we are concerned that we will not find witnesses to confirm the signatures on the get, there should need to be 2 witnesses who come and confirm the get, just as in all other cases where 2 witnesses are required to testify!? **A:** This is a case of "isurin" (it does not involve monetary law or criminal law) and therefore one witness is sufficient ("eid echad neeman b'issurin").
  - **Q:** The only time we say that one witness is enough for issurin is where the witness is not testifying contrary to a chazakah (e.g. where we have a piece of animal fat and don't know if it is shuman or cheilev), however in our case the woman has a chazaka that she is a married woman, that makes the case into a matter of "ervah", and we have a rule that "ein davar she'b'ervah pachos mishnayim", and therefore 2 witnesses should be required!? **A:** In truth, D'Oraisa we don't even need to confirm this get, based on **Reish Lakish** who says that witnesses who are signed on a document are given the status as if they have been fully vetted by Beis Din. It is the **Rabanan** who said that it must be done, and they were lenient (by only requiring a single witness) so as to try and prevent a woman from becoming an agunah (by making the get process an easier one).
    - **Q:** This is not a leniency! If they would require two witnesses, the husband would never be able to come and say that the get is passul, but now that only one witness is required it leaves open the possibility that he can come and claim that it is passul!? **A:** Since, as we will learn, the shaliach must give the get to the woman in front of two or 3 witnesses (it is the subject of a machlokes), the **Rabanan** relied on the fact that the shaliach will research this get very well to assure its validity (so as not to be embarrassed later on if the husband calls the get into question, which would embarrass the shaliach in front of the witnesses that saw him give the get to the woman – it makes it a matter of public knowledge). Therefore, they accepted his single testimony.
- **Q:** Why doesn't **Rava** hold like **Rabbah**? **A:** From the fact that the shaliach must say BBNB, and not BN lishma and BN lishma, this shows that the reason is not based on the lishma requirement.
  - **Rabbah** will say, in truth the shaliach should say BN lishma and BN lishma. However, the **Rabanan** were concerned that if the required statement were that long, the shaliach may leave out a word (the word of lishma) and therefore make the get passul (since it was not done exactly the way it was enacted to be done). Therefore, they enacted that the word Lishma need not be said at all.
    - **Q:** Even now, why are we not concerned that the shaliach will mistakenly leave out some of the words of the shortened phrase BBNB? **A:** Where there is a phrase of 3 words a person sometimes leaves a word out. However, a person does not leave out any words of a phrase that is made of only 2 words. Therefore, the 2 phrases of BN and BN will not have any words left out.

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- **Q:** Why doesn't **Rabbah** hold like **Rava**? **A:** From the fact that the shaliach doesn't just say befanai *nechtam*, but must also say befanai *nechtav*, we can see that the purpose and focus is not on confirming the signatures.
  - **Rava** will say that in truth the shaliach should only need to say befanai *nechtam*. However, if that is all he said, we would confuse this with the confirmation of a regular document, and say that even in the case of a regular document only a single witness is needed. Therefore, we require him to say befanai *nechtav* as well, which prevents us from confusing this case from that of a regular document confirmation.
    - **Rabbah** would say there is no risk for confusion, because the cases are very different. In the case of the get he says "it is signed in front of me" whereas by a regular document he says "I know these signatures". In the case of a get a woman is even believed, whereas by a regular document she is not. In the case of the get the wife herself is believed, whereas by a regular document, a party to the document is never believed. **Rava** would respond that if the shaliach of the get said "I know these signatures" instead of saying BN he would be believed as well. Therefore we must be concerned that simply saying "nechtam" without "nechtav" would lead to the erroneous allowance of having one witness to confirm a regular document.
- **Q:** According to **Rabbah**, the fact that the shaliach must say BN and BN means that the Mishna requires that the writing *and* the signing of the get to be done lishma. Who is the Tanna who holds that way? It can't be **R' Meir**, because he says in a Mishna that if a get is written on something attached to the ground but is cut free before the signing and is then signed, the get is valid. We see that according to him it is only the signing that needs to be done lishma, and not the writing! It also can't follow **R' Elazar**, because he says that signatures are not required D'Oraisa! You also can't say that maybe **R' Elazar** says that the signatures that are only required D'Rabanan must be done lishma, because a Mishna lists the gittin that are passul D'Rabanan and does not list a get that was signed not lishma! You also can't say that the Mishna follows **R' Meir** and although he holds that D'Oraisa the writing does not have to be done lishma, D'Rabanan it must be done lishma, because **R' Nachman** said "**R' Meir** would say, even if a get is found in the garbage (written for somebody else) it may be signed and used as a valid get". Now, if that is only true D'Oraisa, **R' Nachman** would have said that "**R' Meir** would say that D'Oraisa..."! **A:** The Mishna follows **R' Elazar**. Although he holds that we don't need witnesses signed on the get at all, if we do have witnesses signing, it must be done lishma. **A2:** **R' Ashi** said that the Mishna follows **R' Yehuda**, who clearly says that the writing and the signatures are both essential to the get, which would mean that he would hold that they both must be done lishma.
  - **Q:** Why didn't we initially say that the Mishna follows **R' Yehuda** (it seems to be a clear and simple answer)!? **A:** We tried to make the Mishna fit according to **R' Meir**, because he is generally the Tanna of anonymous Mishnayos. We also tried to make the Mishna fit according to **R' Elazar**, because we pasken like him regarding gittin.