



Daf In Review – Weekly Chazarah

Maseches Gittin, Daf י"ב – Daf י"ג

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 י"ב---11-----

R' SHIMON OMER AHF EILU KISHEIRIN...

- **Q:** How can he say that goyim can make a get valid when they are not “bnei krisus” (they have no involvement in the halachos of Jewish marriage, and therefore cannot serve to validate a get)?! **A:** **R' Zeira** said **R' Shimon** is following the view of **R' Elazar**, who says it is the “eidei mesira” who validate the get.
 - **Q:** **R' Avahu** has said that although **R' Elazar** says that we don't need witnesses signed on the get, he would agree that if passul witnesses signed it would make the get passul!? **A:** The case of the Mishna is where the witnesses had names that were obviously non-Jewish, and it is in that case that **R' Shimon** says their signatures do not make the get passul.
 - **Q:** This means that **R' Shimon** would agree that if they did not have such names the get would be passul. If so, when **R' Shimon** wanted to demonstrate a case of where the get would be passul, and he said that if the get was done out of court it is passul, why didn't he stick to the case at hand (where the get was done in court) and say that it is passul if the names are not obviously non-Jewish!? **A:** That is what he is actually saying. He is saying that if the names are not obviously non-Jewish then it becomes passul “just as if it was done outside of court”. **A2:** The last statement of the Mishna is not part of **R' Shimon**. Rather, it is going back on the **T"K** who said that other documents are valid even if signed by goyim. On that, the Mishna is now saying that other documents only become passul when they are done outside of court.
- A Braisa says, that **R' Shimon** is quoted as saying that **R' Akiva and the Chachomim** agree that any document, including a get and a get shichrur, that is done in the courts of the goyim, even if they have witnesses who are goyim signed on them, will be valid. They only argue when the documents are made out of court. In that case **R' Akiva** says they are still valid, and the **Chachomim** say that they are passul except for a get and a get shichrur, which are valid then as well. **R' Shimon ben Gamliel** says, that when they say the get and get shichrur are valid it is only if it is done in a place where Yidden are not allowed to sign documents (under decree of the ruler), because it is then known to all that the witnesses are not Jews. However, in a place where Yidden may sign, the get and get shichrur would be passul even if the names are obviously non-Jewish, as a gezeirah that one may come to use these witnesses to be eidei mesirah as well.
 - **Q:** Why are we not goizer in a place where Yidden are not allowed to sign so that we not come to allow in a place where Yidden may sign? **A:** People may come to confuse one name for another, but people will not come to confuse one place for another.
 - **Ravina** wanted to validate a document that was done by goyim who were not in a court setting. **Rafram** said to him, the Mishna says “in a court”, which means that it is not valid in any other setting.
- **Rava** said, if a document written in Persian and signed by Persians out of court, and was then given over to the creditor in front of Jewish witnesses, it is valid to be used to collect from unencumbered properties.
 - **Q:** The Jewish witnesses can't read Persian, so how are they effective witnesses!? **A:** The case is that these people do know how to read Persian.
 - **Q:** According to halacha, a document must be written on a paper that can be easily determined when it is erased, and Persians don't use such paper!? **A:** The case is that they did treat their paper with a substance that will make it obvious if it is erased.
 - **Q:** According to halacha the last line of a document must be a review of the integral parts of the document, and Persians don't do that!? **A:** The case is that this was done.
 - **Q:** If all these details were done, why can't they use this document to even collect from encumbered properties!? **A:** Since Yidden did not sign the document, it does not become well known. Therefore, one may not use it to collect from encumbered property.

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- **Q: Reish Lakish** asked **R' Yochanan**, if we find a get and the signatures on the get are similar to those of goyim, but we don't know for sure, do we say the get is valid if there are valid eidei mesirah or not? **A: R' Yochanan** said, the only case that came before us was where the witnesses signed on the get were named Lukus and Lus, and we said the get is valid. However, it is only in a case like that, where no Yidden have those names, that we said it is valid. However, if they were names that could be had by Yidden as well, it would not be valid.
 - **Q:** A Braisa says that a get that comes from chutz laaretz and the signatures are names that seem like those of goyim, the get is valid because most Yidden in chutz laaretz have names like those of goyim. We see it is valid even though the names are not obviously non-Jewish names!? **A:** That is because in chutz laaretz Yidden have those names and it can be assumed that the witnesses were Yidden. **R' Yochanan** is discussing a case in EY, where Yidden don't generally have such names. Therefore, we assume the witnesses are goyim and the get is passul.

MISHNA

- **R' Meir** says, if a man instructs to give a get to his wife or a get shichrur to his slave, he can retract either of these until the document actually reaches his wife or his slave. The **Chachomim** say that he may only retract a get, but not a get shichrur, because one is koneh a benefit for another person even without him being there (so the shaliach is koneh for the slave as soon as it reaches the shaliach's hand). The reason a get shichrur is considered a benefit is because if the master wants he does not have to feed his slave. However, a husband must always support his wife, and therefore a divorce is not considered to be a benefit for the woman. **R' Meir** said to them, by a slave being freed from his master who is a Kohen, the slave loses the right to eat terumah, as does a wife who is divorced from her husband who is a Kohen. Therefore, just as it is not considered to be a benefit for a woman to get divorced, it is also not considered to be a benefit for the slave to be freed!? They answered, the slave loses the right to eat terumah only because he is no longer the property of the Kohen, not because of his going free (to be explained in the Gemara).

GEMARA

- **R' Huna and R' Yitzchak bar Yosef** were sitting in front of **R' Yirmiya**, who was dozing off. **R' Huna** said, we see from the shita of the **Rabanan** in our Mishna that one may seize property from a debtor for his friend who is a creditor. **R' Yitzchak bar Yosef** asked, can this be done even though this will be detrimental for other creditors of that debtor? **R' Huna** said – yes (we see that the shaliach can be koneh for the slave even though it is detrimental for the master). At this point **R' Yirmiya** awoke and told them that **R' Yochanan** said that one may not seize for a creditor if it is detrimental for other creditors. Our Mishna is no proof, because since the master said “give this to him” it is as if he told the shaliach “be koneh for him”, and that is the reason he can be koneh for him.
 - **R' Chisda** said, that the matter of whether one can seize for a creditor when it is detrimental for other creditors is a machlokes between **R' Eliezer and the Rabanan** in a Mishna. The Mishna says, if someone grabs peyah and says he is grabbing it for a certain poor person, **R' Eliezer** says he is koneh it for the other person and the **Rabanan** say he is not.
 - **Ameimar** (or **R' Pappa**) said, this is not necessarily the machlokes. It may be that **R' Eliezer** would only say he is koneh in that case, because since the person who is grabbing the peyah can be mafkir all his possessions and thereby get a right to take the peyah for himself, he is also allowed to now take it for somebody else, but in the case of **R' Huna** he would not be allowed to seize from the debtor. Also, it may be that the **Rabanan** only don't allow seizing by peyah, based on the pasuk of “lo silaket...le'ani”, which they darshen to mean, one may not gather peyah for a poor person (he must do it himself). However, in the case of **R' Huna** they may agree that a person may seize for a creditor.
 - **Q:** How would **R' Eliezer** darshen the pasuk of “lo silaket...”? **A:** He says the pasuk teaches that a poor person may not keep the peyah of his own field, but must instead leave it for another poor person.

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-----Daf ג'---12-----

SHE'IHM YIRTZEH SHELO LAZUN...

- **Q:** From the Mishna it seems that a master can tell his slave “work for me, but I will not feed you”? **A:** The Mishna may be talking about a case where the master tells him to keep his earnings to support himself. However, if the master takes the earnings, he would have to support the slave.
 - **Q:** The equivalent case of a wife (where the Mishna says he wouldn't be able to shun support) would be where he tells her to keep her earnings for her support. Why couldn't he do that? **A:** The case is where the wife does not earn enough to support herself, in which case the husband must help and support her.
 - **Q:** This must be the case by the slave as well, so why does the master not have to support the slave? **A:** If a slave can't earn enough to support himself he is of no value to his master, and the master need not support him.
- **Q:** We have learned in a Braisa, that if a slave runs to galus in an “arei miklat” (he killed someone b'shogeg), his master does not need to support him and the slave's earnings go to the master. We see that a master can tell a slave “work for me and I will not support you”!? **A:** This too is a case where the master told him to keep his earnings and use it for support.
 - **Q:** If so, why does the Braisa say that the earnings go to the master? **A:** It means that if he earns more than needed for his support, that excess goes to the master.
 - **Q:** It is obvious that any excess is given to the master!? **A:** We would think that since in this case if he doesn't earn enough the master still does not have to give him, maybe therefore if there is excess he doesn't get it. The Braisa teaches that he does get it.
 - The reason the Braisa gives the case of the arei miklate is, that we would think that there may be a greater obligation to support him when he is in the arei miklat, because the pasuk says “vachai”. The Braisa teaches that there are no increased obligations.
 - **Q:** The Braisa continues and says that if a wife is forced to run to arei miklat, the husband must continue to support her. Now, if the case is that he tells her to keep her earnings for her support, then why would he have to support her? It must be that he didn't tell her to do that. That must mean that in the case of the slave he also did not tell him to do that!? **A:** He actually did tell that to his wife, but the case is where she does not earn enough to support herself.
 - **Q:** The Braisa then says, if the husband told his wife to keep her earnings for support, he may do so. Now, this means that the previous part of the Braisa is *not* talking about that case!? **A:** The entire Braisa is discussing where he told her to keep her earnings for support. This part of the Braisa is adding, that if she does earn enough for her support, he may have her keep her earnings and not support her.
 - **Q:** That seems to be obvious!? **A:** We would think that he may not do so, because a woman should not be wandering a strange city looking for work. The Braisa teaches that he may nevertheless tell her to work and to keep her earnings.
- **Q:** Maybe we can say that this concept of a master saying “work for me and I will not support you” is actually a machlokes among Tanna'im. A Braisa says, **R' Shimon ben Gamliel** says that in a year of hunger a slave may tell his master “Either feed me or free me”. The **Chachomim** say he may not do so, and it is solely up to the master to decide when to free him. Presumably the machlokes is that the **Chachomim** say a master may tell his slave to work for him without being supported, whereas **R' Shimon** says that this may not be done? **A:** This cannot be the machlokes, because according to **R' Shimon** the slave should be saying “either feed me or allow me to keep my earnings for support”, and he should not be mentioning anything about getting freed. Also, if this were the point of machlokes, why would a year of hunger be different than any other year? Therefore, we must say that the case in the Braisa is where the master told the slave to take his earning and support himself, and in a year of hunger his earnings are not sufficient to support himself. **R' Shimon** says the slave can demand to be supported or freed so that people will have mercy on him (as a full-fledged Jew) and give him food. The **Rabanan** say that whoever will have mercy on him as a freed Jew will also have mercy on him as a slave, and therefore there is no reason to allow him to force his master to free him.

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- **Q: Rav** said, that if a person is makdish the hands of his slave, the slave should borrow money for food and work for the creditor thereby paying him back for the borrowed funds. We see from here that a master can say work for me and I will not support you!? **A:** The case is where the master is providing him with food. The reason he is borrowing is for additional food that he wants beyond what he needs.
 - **Q:** Hekdesh should be able to say – until now you existed on less food, so you should not be allowed to borrow and repay with work now!? **A:** Hekdesh is ok with him eating more, because that will lead to him being more productive in general.
 - **Q:** How can he pay back with work? All his work belongs to hekdesch!? **A:** Hekdesh only takes effect on something worth at least a perutah. In this case the creditor “collects” on the work at each interval when it is still below the value of a perutah.
 - We can prove that **Rav** holds that a master may not force his slave to work without feeding him, because **Rav** said elsewhere that if a slave’s hands are made hekdesch, he works to buy food and eats, because if not, who will give him food? Now, if we understand the previous statement of **Rav** to mean that the master was supporting him, and a master may not make him work without support, that is why in this case we must allow him to work for his food. However, if we understand **Rav** to say that a master may force him to work without feeding him, why is **Rav** in this case concerned with how he will get fed? It is not the master’s obligation or the obligation of Hekdesh to feed him!
- We find that **R’ Yochanan** says that a master may force his slave to work without supporting him, because he says, if one cuts off the hand of his friend’s slave, he must pay the value of the lost earnings and the medical expenses to his master and the slave gets fed from tzedaka. We see, that although the master is getting the work he need not support him.
 - The Gemara says this is no proof, because the case may be where the master was supporting him.
 - **Q:** Then why is he getting food from tzedaka? **A:** For food beyond what he needs to live.
 - If this was what **R’ Yochanan** meant, he would have used verbiage that more clearly says that. From the fact that he didn’t, we see that he means he is getting his essential food from tzedaka, and we see that a master can force his slave to work without supporting him.
 - **Q:** It is obvious that the master gets the lost wages, so why did **R’ Yochanan** need to say that? **A:** The halacha of the medical expenses is not obvious and the halacha of lost wages, although unnecessary, was said along with the medical expenses.
 - **Q:** The medical expenses should go to the slave so that he can use it to get healed!? **A:** **R’ Yochanan** is referring to a case where the slave underwent extra pain to heal in a shorter time period, and therefore had extra money left over from the medical expense payment. We would have thought that since he suffered the extra pain he should also benefit from the extra money. **R’ Yochanan** teaches that this money goes to the master.
 - A Braisa says, **R’ Elazar** said, we told **R’ Meir** that it is a zechus for a slave to be freed, and he responded that it is not, because a slave of a Kohen would lose his right to eat terumah. We said to him, the master can decide to not feed the slave even without freeing him, so there is no disadvantage to his being freed! He responded, if the slave of a Kohen ran away he would continue to have the right to eat terumah, but once he is freed he no longer has that right. The **Chachomim** then said, with regard to divorce, we agree that it is not a benefit for her, because divorce makes her passul to eat terumah and ends her right to be supported.
 - The Gemara explains the back and forth in the Braisa as follows: After they explained why he is not disadvantaged for losing his master as a source of support, **R’ Meir** said, that doesn’t take away the fact that the slave of a Kohen loses out by going free, and if you will try and say that the shaliach is not disadvantaging the slave by taking the get shichrur, because the master can simply throw the get at the slave, I will tell you that if the slave runs away the master will not be able to free him and he will be allowed to continue eating terumah.
 - **Q:** How do the **Rabanan** answer that challenge? **A:** **Rava** said, this is what the **Rabanan** meant in the Mishna when they said “he eats because he is the Kohen’s property”. This means, that even if the slave runs away, the Kohen can accept a few perutahs from a non-Kohen and sell him the

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slave, thereby making it now assur for him to eat terumah. Therefore, it is not the freedom that prevents him from eating terumah, it is his ownership by the Kohen.

- **Q: R' Meir** has only stated why he feels that freeing the slave of a Kohen is disadvantageous to him. What about the slave of a non-Kohen? **A: R' Shmuel bar R' Yitzchak** said, it is disadvantageous to him, because he loses the ability to marry a non-Jewish maid.
 - **Q:** That is actually an advantage, because he gains the ability to marry a Jewess!? **A:** He rather be allowed to marry a non-Jewish maid, because he need not treat her with the same respect as a free woman, she is more available to him, and she is more of a “prutza”.

-----Daf ל'---13-----

MISHNA

- If a man instructs to give a get to his wife or a get shichrur to his slave and the man then dies, these documents may not be given over after his death. If someone instructs to give money to someone and the giver then dies, the money should be given even after his death.

GEMARA

- **R' Yitzchak bar Shmuel bar Masna in the name of Rav** said, the only time you would give the money after the death is if the money was specifically identified by the person before he died (i.e. he had said “give *that* money to so-and-so” and not just “give money to so-and-so”).
 - **Q:** What is the case? If the giver was healthy at the time of the gift, then if the recipient didn't do meshicha before the death he should not get the money in either case, and if the giver was on his death bed at the time of the instruction then the recipient should get the money in either case, because the instruction of one on his death bed is considered as if it was written and given over!? **A: R' Zvid** said, the case is where the giver was healthy at the time of the instruction, and the Mishna is following the view of **R' Huna in the name of Rav**, who said that if Reuven is a shomer of money for Shimon, Shimon can tell Reuven “give that money of mine to Levi”, and if all 3 parties are present, Levi is koneh that money. That is the case of the Mishna and that is why the money must be identified, so that it fits the requirements for this type of case. **A2: R' Pappa** said, the case is where the giver is on his deathbed, and the Mishna is following another statement of **Rav**, where he says that the instruction of such a person to give money is only carried out if he identifies specific money to be given. If he just says an amount of money, the instruction is not carried out after death, because we are concerned that he may have meant to give specific money that he had buried somewhere and we are therefore not to give him different money. That is why in this case we only give it if the money has been specifically identified.
 - The Gemara paskens that we need not be concerned that he was referring to buried money.
 - **Q:** Why didn't **R' Pappa** say like **R' Zvid**? **A: R' Pappa** holds that as long as all parties are there the kinyan can take place even if the money was a loan instead of a pikadon, which means that he holds that the money does not have to be specifically identified.
 - **Q:** Why didn't **R' Zvid** say like **R' Pappa**? **A:** He says that our Mishna can't be talking about a person on his deathbed, because we have learned that **R' Shimon Shezuri** says, if a seriously ill person instructs to write a get to his wife, it is given even if he doesn't instruct to “give it” to her. The fact that our Mishna says that he instructed “to give it” to her shows that we are not dealing with a seriously ill person.
 - **Q: R' Ashi** said, this is no proof, because the Mishna may be following the **Rabanan** who argue on **R' Shimon Shezuri**, and say that a seriously ill person must say to “give it” to her.
- We have stated above that **Rav** said that if Reuven has money of Shimon, Shimon can tell Reuven “give that money of mine to Levi”, and if all 3 parties are present, Levi is koneh that money.
 - **Rava** said, it is logical to say this only applies where Reuven is a shomer over that money, but would not apply if Reuven had borrowed the money from Shimon, however, I know that **Rav** said this applied even

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if Reuven had borrowed the money. **Shmuel in the name of Levi** specifically said that this applies even when Reuven borrowed the money.

- **Ameimar** explained, the reason this works even when it is a loan is because it is as if when Reuven takes the money he says “I am obligated to give this back to you or to anyone who you designate in your place”.
 - **Q: R’ Ashi** asked, if that is true, the lender should not be able to designate someone who was not yet born at the time of the loan, and we know that such a person can be designated!? **A: R’ Ashi** therefore said, what happens when all 3 parties are standing there is that the loan is being cancelled and the borrower willingly obligates himself to pay the amount to the new party. He does this because he rather deal with a new “creditor” (who will likely be more patient) than the old creditor. Since this happens at the time they are all standing there, even a person who was not around at the time of the loan can become the new creditor.
 - **Q: Huna Mar the son of R’ Nechemya** said to **R’ Ashi**, what about a case where the new creditor is more oppressive than the old creditor? Are you saying that in that case the kinyan will not take place? And if you say that in that case it will not take place, we will be left with different results depending on the circumstances of the case, which is something we never do!? **A: Mar Zutra** therefore said, there are 3 halachos D’Rabanan which were said as if they are Halacha L’Moshe MiSinai (there is seemingly no logical reason for them), and this halacha is one of them (which is why it doesn’t seem to logically make sense).

-----Daf 7’---14-----

- **Rav** once told **R’ Acha Bardela** to give an item of **Rav’s**, that **R’ Acha Bardela** was holding, to a certain person, and said “I am telling you this in front of him so that I cannot retract on my instruction”. Based on what **Rav** said previously, since all 3 parties were there, a true kinyan would take place, so how would he even think to say that he may be able to retract his instruction? **A:** That is what **Rav** was actually saying – since I am telling this to you in his presence, a kinyan is taking place and can therefore not be retracted.
 - **Rav** has already said this halacha, so why did he have to repeat it to **R’ Acha Bardela**? **A:** The story with **R’ Acha Bardela** involved an item of little value. We would have thought that the halacha only applies to a more significant sum of money. He therefore taught that it applies to small amounts as well.
- A group of gardeners once divided money and realized they had given 5 zuz extra to one of the gardeners. Instead of taking it back they instructed him to give it to the owner of the land, who was standing there as well. The owner of the land went and made a separate kinyan on the money. After this happened, the gardener with the extra 5 zuz realized that a mistake was made and the 5 zuz were rightfully his and were not extra. He went to **R’ Nachman**, asking what to do, and was told that based on the kinyan of **Rav** and on the separate kinyan made, he had no choice but to give the money. **Rava** said, the gardener is saying that he never had the extra money there to effect a kinyan of **Rav**! **R’ Nachman** said, if so, it is like any kinyan made in error and is therefore not effective.
- If a debtor sends money with a shaliach to his creditor, **Rav** says the debtor remains responsible for the money until it reaches the creditor, and if the debtor wants to retract, he can no longer do so. **Shmuel** says, since he remains responsible, he can retract if he wants to.
 - **Q:** Maybe the machlokes is that **Rav** holds that saying “take this” is like saying “be koneh for him” and **Shmuel** holds it is not so? **A:** It may be that all agree that saying “take this” is like saying “be koneh for him”. The machlokes may be whether we say miguy (since he is responsible for it he may retract it) – **Rav** says we don’t say this miguy and **Shmuel** says that we do.
 - There is a Braisa that says like **Rav**. The Braisa says if one tells someone else to “take” money to someone or to “give” money to someone for repayment on a loan or for return of a pikadon, the sender remains responsible for the money until it reaches the destination and he may not retract the instruction.

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- **R' Sheishes** was owed money and he asked **R' Yosef bar Chama** to go and get the money for him. The debtors asked **R' Yosef bar Chama** to accept responsibility for the money that was given to him. Ultimately, he decided not to accept responsibility. **R' Sheishes** told him it was smart not to take responsibility, because the debtors are the ones responsible for the money.
- **R' Achi the son of R' Yoshiya** asked **R' Dustai bar R' Yanai** and **R' Yose bar Kipeir** to pick up a silver keili that he had by a shomer in Neharda'a. They went and got the item. The shomer then asked that they accept responsibility for the item. They said they would not do so. The shomer then asked for return of the item. **R' Dustai** agreed to return it, but **R' Yose** did not. They began to beat **R' Yose** and **R' Dustai** seemed to encourage the beating. He later explained that these people were very strong, powerful, and connected people. Therefore, although they were wrong in asking for return of the item, he agreed to do so for fear of his life.
- A Braisa says, if a shaliach is told to “take this money to so-and-so”, and he then finds out that the intended recipient has died, he should return the money to the sender. Another Braisa says he should give the money to the heirs of the intended recipient.
 - **Q:** Maybe we can say that the machlokes is that the second Braisa says “take this” is the equivalent of sayinf “be koneh this for him”, whereas the first Braisa says it is not the same? **A: R' Abba bar Mamal** said, both Braisos say it is not equivalent. The first Braisa is discussing a present sent by a healthy person and the second Braisa is discussing a sender who was on his deathbed. **A2: R' Zvid** said both Braisos are discussing a person on his deathbed. However, the first Braisa is discussing where the intended recipient was already dead when the gift was instructed to be given and the second Braisa is discussing where he died after the gift was instructed to be given. **A3: R' Pappa** said both Braisos are discussing a healthy sender. The second Braisa is discussing where the sender died before the intended recipient, and before the gift was given, and therefore the instruction must still be carried out to the heirs of the intended recipient. The first Braisa is discussing where the intended recipient died before the sender, in which case the instruction becomes nullified.
- **Q:** Maybe we can say that whether “take” is equivalent to “be koneh” is actually a machlokes in the following Braisa. The Braisa says, if one tells a shaliach to take money to so-and-so, and the intended recipient is found to have died, the money should be returned to the sender (the **T”K** seems to say that “take” is not like “be koneh”). If the sender has died as well, **R' Nosson and R' Yaakov** say the money should be returned to the heirs of the sender (they agree with the **T”K** and add that we don't say it is a mitzvah to fulfill the words of the one who has died). **Others** say the money should be given to the heirs of the intended recipient (they hold that take is equivalent to be koneh). **R' Yehuda Hanasi in the name of R' Yaakov in the name of R' Meir** said it is a mitzvah to fulfill the words of one who has died (they agree with the **T”K**, but argue with **R' Nosson and R' Yaakov**). The **Chachomim** say the money should be split among the parties (they are unsure whether take is like be koneh and therefore say the money should be split). In **Bavel** they said that the shaliach should give the money to whoever he sees fit (they are also unsure and say that this is a better solution than splitting the money). **R' Shimon Hanasi** then said that he was once a shaliach in this situation and was told to give the money to the heirs of the sender (he is coming to teach us an actual case of how the halacha was carried out). We see this is a matter of machlokes? **A:** It may be that all would agree that with regard to a healthy person, saying “take” is not equivalent to saying “be koneh”. The entire Braisa could be explained as arguing regarding a person on his deathbed, and whether his statement of “take” is the equivalent of his saying “be koneh”, as we find this is actually a machlokes between **R' Elazar** (he says a healthy person and sick person are treated the same) and the **Chachomim** (they say that by a sick person, saying “take” is like saying “be koneh”).
 - **Q:** The Braisa mentions “**R' Shimon Hanasi**”. Was he actually a Nasi, or does this mean he said it in the name of the Nasi? **A: TEIKU.**
 - **Q:** We learned that **R' Yosef** said the halacha follows **R' Shimon Hanasi** (and the money is to be returned to the sender's heirs). How can that be? We know that the gift of a person on his deathbed is considered as fully given!? **A: R' Yosef** understands the Braisa as explained initially, that the giver was a healthy person.

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- **Q:** We pasken that it is a mitzvah to fulfill the will of a dead person. If so how can we pasken like **R' Shimon Hanasi** and give the money back to the sender's heirs? **A:** Change the Braisa to read that **R' Shimon Hanasi** says to return the money to the sender, and he is only talking about a case where the sender had not died.

HADRAN ALACH PEREK HAMEIVI GET!!!

-----Daf 10-----15-----

PEREK HAMEIVI BASRA -- PEREK SHEINI

MISHNA

- If a shaliach brings a get from chutz laaretz and says befanai nachtav but not befanai nechtam, or he says befanai nechtam but not befanai nachtav, or he says befanai nachtav the entire get but befanai nechtam only half of the signatures, or befanai nechtav half the get but befanai nechtam the entire get, in each of these cases the get is passul.
- If one person says befanai nechtav and another person says befanai nechtam, the get is passul.
- If two people say befaneinu nechtav and one person says befanai nechtam, the get is passul. **R' Yehuda** says the get would be valid.
- If one person says befanai nechtav and two people say befaneinu nechtam, the get is valid.

GEMARA

- **Q:** The first Mishna of the Mesechta already taught that the shaliach must say BBNB, so why does this Mishna have to repeat that requirement? **A:** Based on the first Mishna alone we would have thought that l'chatchila it should be said, but b'dieved if it is not said the get remains valid. This Mishna therefore teaches that if BBNB is not said, the get is passul even b'dieved.

BEFANAV NECHTAV CHETZYO U'BEFANAI NECHTAM KULO PASSUL

- **Q:** Which half does he say was written in front of him? If it refers to the first half, why would it be passul? **R' Elazar** has said that even if one line of the get (the essential part of the get, of which the first half is a part) is written lishma, that is sufficient and the shaliach need not see beyond that!? **A:** **R' Ashi** said, the Mishna is referring to the second half of the get (which is non-essential).

BEFANAI NECHTAV KULO U'BEFANAI NECHTAM CHETZYO PASSUL

- **R' Chisda** said, even if two other people come and confirm the second signature, the get would be passul. The reason is, the signatures must either be confirmed totally by a regular confirmation, or totally by the enactment of BBNB. To combine the two is not allowed.
 - **Q: Rava** asked, how can it be that if one person (the shaliach) would testify about the signature the get would be valid, but now that 2 people are testifying about the signature the get becomes passul!? **A: Rava** therefore said, what we can say is that if the shaliach testifies alone with regard to one signature, and then joins another person to testify regarding the second signature, the get would be passul. The reason is that this can lead to confusion regarding other cases of confirming signatures, because we are essentially relying on one person for ¾ of the confirmation (we rely on him totally with regard to one signature and 50% with regard to the second signature. This can lead to confusion regarding a case where one signing witness confirms his own signature and acts as one witness regarding confirmation of the second signature on a monetary document. In that case we may not rely on one person to that degree. Therefore, we cannot rely on the shaliach to this degree regarding get either, so as not to get confused with a monetary case).
 - **Q: R' Ashi** asked, how can it be that if the shaliach confirms all signatures on his own he is believed, but because there is a second person who joins him regarding one of the signatures it now becomes passul!? **A: R' Ashi** therefore said, what we can say is that if the shaliach says befanai nechtam on the first signature and then says "I am the second signing witness on the

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get”, the get is passul. The reason is, that the get must be confirmed either completely based on the enactment of BBNB or completely based on regular confirmation.

- **Q:** Our Mishna said, if the shaliach says befanai nechtav the entire get but befanai nechtam only one of the signatures, the get is passul. What is being said about the other signature? If he is saying that there is no one to confirm that signature at all, then this halacha of the Mishna is obvious, because the Mishna said that if one person says befanai nechtav the entire get and the other says befanai nechtam on both signatures the get is passul. If so, it is obvious that saying befanai nechtam on only one signature would make the get passul!? Rather, we must say that the Mishna is teaching something new, and because we must say that the less novel teaching is likely what is being taught, we will say that the Mishna is teaching either like **Rava** said or like **R’ Ashi** said, and not like **R’ Chisda**!? **A: R’ Chisda** would answer, why did the Mishna teach the case of where the shaliach says befanai nechtav but not befanai nechtam? If the Mishna teaches it is even passul when he says befanai nechtam on half, then surely it is passul when he doesn’t say befanai nechtam at all! Rather, we will say that the Mishna is using the approach of “lo zu ahf zu” – which means that the Mishna teaches a smaller chiddush and then a bigger chiddush, even though the smaller chiddush could have been learned from the case of the bigger chiddush. The same can be said for the other cases, and therefore mention of where he says befanai nechtam on only one of the signatures can be taken at face value that nothing is being said about the other signature, and although this could have been learned from the next part of the Mishna, the Mishna is using the “lo zu ahf zu” approach.
- **R’ Chisda** said, if a pit is 5 tefachim deep and there are walls from ground level that reach 5 tefachim high, they do not combine to form a wall of 10 tefachim (which would help to make the pit into a reshus hayachid). Rather, to enclose a reshus hayachid the enclosure must be all above ground walls, or all dug out walls below ground. **Mareimar** darshened that these two types of walls do combine. The Gemara paskens that these walls do combine.
- **Ilfa** asked, can hands become tahor by using half measures or not?
 - **Q:** What is the question?
 - If he means to ask whether 2 people can be “metaher” their hands with one cup holding a revi’is of water, a Mishna clearly says that that would be fine!?
 - If he was asking whether a person can wash his hands separately (each hand is thus considered to be a “half measure”), we learn from a Mishna that that is also fine!?
 - If he was asking whether a person can wash half his hand and then wash the other half of his hand, we have learned that **R’ Yanai** said that that may not be done!?
 - If he was asking if someone can wash half his hand, leaving it moist, and then washing the other half of the hand, we have learned a Mishna that that would still not be good for taharah!?
 - **A:** The question is where he only washes half the hand and leaves it wet enough to be able to make something else wet enough that it too can make something else wet. Although we have learned a Braisa that says in that case the liquids would be considered connected, we would think they are considered connected only in regard to the concept of mikvah. His question is whether this “connection” applies to the concept of making hands tahor as well.

-----Daf 10---16-----

- **Q: R’ Yirmiya** asked, the halacha is that if someone who went to the mikvah then put his head and most of his body into drawn water, or if a tahor person had 3 lug of drawn water poured over him, he is tamei D’Rabanan. What is the halacha if after going to the mikvah he put half his body into drawn water and poured drawn water over the other half of his body, would he become tamei in that case as well? **A: TEIKU.**
- **Q: R’ Pappa** asked, the halacha is that a baal keri who is sick and therefore can’t go to the mikvah (the **Rabanan** were goizer that a baal keri may not daven or learn until he goes to the mikvah), the **Rabanan** said he can pour 9 kavim of drawn water over himself, and is then allowed to daven and learn. What if he puts half his body in the mikvah and pours 9 kavim over the other half of his body, would that work as well? **A: TEIKU.**

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ECHAD OMER BEFANAI NECHTAV V'ECHAD OMER...

- **R' Shmuel bar Yehuda in the name of R' Yochanan** said, it is only passul if one of these people was not appointed by the husband as a shaliach. However, if both of these people were appointed as a shaliach, then even if only one says BN and the other says BN, it would be a valid get (even though their saying of BN and BN is meaningless, because the enactment was that the same person must say both, still it would be valid, because when 2 people bring a get there is no need to say BNB altogether). We see that **R' Yochanan** holds that when 2 sheluchim bring a get they do not need to say BNB.
 - **Q: R' Assi** asked, according to this, when the Mishna later said, “if two people say befaneinu nechtav and one says befanai nechtam the get is passul, but **R' Yehuda** says it is valid” the only reason the **Rabanan** (the T”K) would say it is passul is because only one of these people was a shaliach, but if there were two sheluchim the **Rabanan** would say that the get would be valid in this case as well (since BNB need not be said at all). If so, that there is only one shaliach, why does **R' Yehuda** say it is valid!? **A:** The machlokes is that the **Rabanan** hold that since the shaliach only testified about the signatures and it was other people who testified about the writing of the get, we have to be concerned that this will lead to confusion and will mistakenly allow confirmation of signatures by even one witness. **R' Yehuda** holds that since there are people who are testifying about the writing of the get as well, this case will not lead to confusion with confirmation of signatures on other documents.
 - **Another version** of the previous discussion is as follows. **R' Shmuel bar Yehuda in the name of R' Yochanan** said, it is even passul if both of these people were sheluchim for this get. The reason is that he holds that when two sheluchim bring a get from chutz laaretz they *must* say BNB.
 - **Q: R' Assi** asked, based on this, when the Mishna later said, “if two people say befaneinu nechtav and one says befanai nechtam the get is passul, but **R' Yehuda** says it is valid” the **Rabanan** would hold this way even if all these 3 witnesses were sheluchim for this get. What is the machlokes with **R' Yehuda** and why does he say the get remains valid? **A:** The **Rabanan** hold like **Rabbah** (that BNB is also said to assure that the get was written lishma), and since the testimony was not given as it should have been (some said BN and the other said BN) it may lead to confusion and allow other documents to be confirmed with just a single witness. **R' Yehuda** holds like **Rava**, and therefore since there are at least 2 sheluchim who are available to confirm the get there is no need to say BNB. Therefore, the get is valid no matter what they say or how they say it.
 - **Q:** Based on this, maybe we can say that the machlokes between **Rabbah and Rava** is actually the machlokes between the T”K and **R' Yehuda** in our Mishna? **A:** This is not necessarily so. **Rava** can learn like the first version of this discussion (in which all held like his reasoning). **Rabbah** could say that really all agree there is the concern of lishma, and our Mishna is discussing a period in time in which all are well versed in the lishma requirements (which is why there is no longer a concern for lishma). The machlokes in our Mishna is that the **Rabanan** are goizer for the chance that people will once again forget the halachos of lishma, and **R' Yehuda** is not goizer in that way.
 - **Q:** However we explain the machlokes between the T”K and **R' Yehuda**, why does **R' Yehuda** not argue in the earlier case as well (where 2 people bring the get and one says BN and the other says BN)? Since there are 2 people bringing the get, according to him there is no need to say BNB and anything said will not make the get passul!? **A:** We have learned that **Ulla** said that **R' Yehuda** actually did argue in the earlier case as well.
 - **Q: R' Oshaya** asked **Ulla**, a Braisa says that **R' Yehuda** said the get is valid “in this case but not in another case”. Presumably this means that he only argues as stated in the Mishna and does not also argue in the immediately previous case!? **A:** The Braisa means that he does not argue in the case where the shaliach says befanai nechtam but does not say befanai nechtav. We would have thought that since **R' Yehuda** is not goizer for the possibility that people will again forget the lishma requirements, maybe he will also not be goizer in this case, because he is

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not concerned that we will confuse this case with the confirmation of other documents. The Braisa therefore teaches that **R' Yehuda** is concerned for that, and therefore if the shaliach does not say befanai nechtav the get is passul.

- We have learned that **R' Yehuda** (the Amora) said that in the case where two sheluchim brought a get from chutz laaretz, it will be subject to the machlokes between **R' Yehuda and the Rabanan**. This statement follows the second version of the discussion, stated above.
- **Rabbah bar bar Chana** was sick and **R' Yehuda and Rabbah** went to visit him. When they were there, they asked him, if two sheluchim bring a get from chutz laaretz, do they need to say BNB? He answered, they do not need to say BNB, because if they would simply testify that “this woman was divorced in front of us” they would be believed, so they are believed to bring the get without BNB as well. As they were talking a Persian person came in and took away a lamp from them (it was a Persian holiday where lighting lamps outside their places of worship was deemed illegal). **Rabbah bar bar Chana** said “Hashem, either hide us in Your shadow, or in the shadow of the children of Esav (the Romans) who will treat us better than the Persians!”
 - **Q:** This seems to suggest that the Romans were better to us than the Persians. However, **R' Chiya** taught a Braisa that darshens a pasuk to teach that Hashem knew we could not withstand the Roman decrees, so He sent us to Bavel. We see that the Romans are worse than the Persians in Bavel!? **A:** The pasuk is referring to the time before the Persians took over Bavel. **Rabbah bar bar Chana** was talking about the time after the Persians took over.

-----Daf 17-----

ECHAD OMER BEFANAI NECHTAV U'SHNAYIM OMRIM BEFANEINU NECHTAM KASHER

- **R' Ami in the name of R' Yochanan** said, the get is only valid if the one who said befanai nechtav is a shaliach, and it is therefore as if 2 witnesses are testifying to the writing and there are 2 witnesses who testify to the signing. However, if he is not a shaliach, the get would be passul. We see that **R' Yochanan** holds that when there are 2 sheluchim for a get, they must say BNB.
 - **R' Assi** said, this would mean that in the previous case of the Mishna where it says “if two people says befaneinu nechtav and one says befanai nechtam the get is passul, but **R' Yehuda** says it is valid” the **Rabanan** would hold this way even if all these 3 witnesses were sheluchim for this get. [The back and forth of the Gemara on the last daf would be appropriate to repeat again here, but the Gemara didn't want to repeat it again – Tosfos].
 - At another time **R' Assi** found **R' Ami** sitting and saying that the get is valid even if the 2 witnesses on the signatures are the ones who are the sheluchim. From this we see that he holds that when 2 sheluchim bring a get they need *not* say BNB.
 - **Q: R' Assi** asked, you have said different before!? **A:** He answered, my later statement is the more correct version.

MISHNA

- If a get was written by day and signed that day, or written by night and signed that night, or written by night and signed the following day, the get is valid. If it was written by day and signed the following night (i.e. it is predated – the date is an earlier day than it was signed and executed), it is passul. **R' Shimon** says the get would be valid, because **R' Shimon** says that all documents that are written by day and signed the following night are passul except for a get.

GEMARA

- Why did the **Rabanan** say that a get must be dated? **R' Yochanan** said, as a gezeira for one who is married to his niece (and she is mezaneh while married to him and therefore will face the death penalty, out of compassion for his niece he will produce an undated get and claim that he had divorced her before the znus, thereby saying that it was not a capital offense). **Reish Lakish** said, it must be dated so that the husband will not sell his wife's

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nichsei melog (which he has rights to only during their marriage) after the divorce and claim that it was before the divorce (which is undated and therefore hard to prove as to when it took place).

- **Q:** Why doesn't **Reish Lakish** say like **R' Yochanan**? **A:** He feels that a case of zenus is not common and therefore the **Rabanan** would not have made an enactment for a case of zenus.
- **Q:** Why doesn't **R' Yochanan** say like **Reish Lakish**? **A:** He holds that a husband has a right to the nichsei melog until the get is actually given to the woman. Therefore, the date does not show when he loses his rights, it is only the time of delivery that makes him lose his rights.
- **Q:** According to **Reish Lakish** we can understand why **R' Shimon** allows a predated get, because **R' Shimon** holds that a husband loses his right to the melug from the time that the get is written and dated. Therefore, the woman can use that date to cancel any sale that happened after that date even if she received the get some time after that date. However, according to **R' Yochanan**, why would **R' Shimon** say that the get is valid (why is he not concerned for the niece who is mezaneh)? **A:** **R' Yochanan** only said his reason to explain the view of the **Rabanan**. However, **R' Shimon** would have to hold like **Reish Lakish**.
- **Q:** According to **R' Yochanan** we understand the basis for the machlokes between **R' Shimon and the Rabanan**. According to **Reish Lakish**, what is the machlokes between them? **A:** The machlokes would be regarding the husband's right to the melug between the time he writes a get and the time he has it signed. The **Rabanan** say he loses his right at the time of the signing. Therefore, if the get is predated and he sells something after the writing but before the signing, it was sold properly. However, Beis Din will look at the date, assume it was signed on that day, and cancel any sale that was done after the date. **R' Shimon** says he loses his right at the time of the writing, and therefore there is no reason to make a predated get passul.
 - **Q:** We have learned that **R' Yochanan** says that a husband loses his rights to melug at the time the get is written and **Reish Lakish** says he loses the right when the get is given to the wife. This is contradictory to what we have now said!? **A:** The views in this last statement should be reversed to make them consistent with what was said earlier.
- **Q:** **Abaye** asked **R' Yosef**, a Mishna says that an undated get is passul l'chatchila but valid b'dieved. If so, how have the **Rabanan** accomplished anything by requiring it to be dated, if it is valid b'dieved!? **A:** They accomplished that using such a get will make it that l'chatchila she is assur to remarry. Therefore, he will not be able to find a sofer to write such a get or witnesses to sign such a get.
 - **Q:** He can have a dated get written and signed and he can then cut out the date, which circumvents the gezeira!? **A:** We are not concerned that someone will openly try to cheat and lie like that.
 - **Q:** A get would be valid (with regard to the dating requirement) if the husband simply writes which shmitta cycle of the yovel it is, or which year in the shmitta cycle it is, or which month of the year, or which week of the month. If so, what have the **Rabanan** accomplished with their gezeira (since such a loosely dated document still leaves open the possibility for the concerns of an undated get)!? **A:** Even if only the shmitta cycle is mentioned, it does accomplish something, since it cannot be said to have been written in the previous or the following shmitta cycle. Although there is a lot of room for concern, there is *something* that was accomplished. In fact, even when the exact date is given, it doesn't tell us whether it was written in the beginning of the day or the end of the day, but since it tells us that it can't be the day before or after, we consider it useful. The same concept can be said when only the shmitta cycle of the yovel is written.
- **Q:** **Ravina** asked **Rava**, if a man writes a get and holds onto it for some time before giving it to his wife (in the hope that he will be able to reconcile with her and not have to use it), the gezeirah for having a date can be circumvented!? **A:** **Rava** said, people do not bring about bad things earlier than they must be brought about. Therefore, a person will not write a get until he is ready to give it over to her.
- **Q:** **Ravina** asked **R' Ashi**, when a get is written and signed in chutz laaretz and then sent to the woman in EY (which may take even 6 months), the get is dated, but the concerns that required a get to be dated

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still exist. If so, the gezeira is ineffective!?! **A: R' Ashi** said, such a get is known by all to have been dated long before it was received, and therefore they cannot be used to save the wife from the death penalty or to nullify the husband's sale of the nichsei melug.