



## Daf In Review – Weekly Chazarah

### Maseches Gittin, Daf אב – Daf אג

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 אב--25-----

- **Q: R' Hoshaya** asked **R' Yehuda**, if a man tells a sofer “write a get for whichever of my wives is first to walk out of the door” is it a valid get with breirah or not? **A:** He answered, we have learned in our Mishna that if he tells the sofer to write a get for whichever wife he later decides to divorce, it is not valid, because we don't hold of breirah.
  - **Q:** A Mishna says, if one tells his sons, “I am shechting my Pesach with intent to include whichever one of you gets to Yerushalayim first”, the halacha is, that as soon as the first of the sons enters Yerushalayim, he gets a portion and gets portions for his brothers as well. We see that we do hold of breirah, because the father shechts the Pesach and only later determines who is included!? **A:** He answered, **R' Yochanan** said, the father really intended to include all his sons. He made this “contest” only to push them to run to do mitzvos.
    - The Gemara says, this must be right, because if not, how does the first brother's entrance entitle all the other brothers to a portion as well? They cannot be added after the shechita!? It must be that they were all intended to be included in the Pesach all along. In fact a Braisa even says that it once happened that the man's daughters raced up there before his sons, and it was thus determined that his daughters were more “zrizim” than his sons. We see that his whole intent was only to push them to run and do mitzvos.
  - **Q: Abaye** asked, **R' Hoshaya** asked from a case that is dependent on the actions of others (i.e. who will walk through the door first), **R' Yehuda** then answers from a case that is dependent solely on his own decision making (i.e. who he will later decide to divorce), and **R' Hoshaya** then asked again from a case that is dependent on others (i.e. the case with the Korbon Pesach). The question and answer are different cases, so not necessarily will the decision of whether to hold of breirah be the same in both types of cases!? **A: Rava** said, it may be that if one holds of breirah he holds of it in both of these scenarios, and if one does not hold of breirah he does not hold of it in both of these scenarios.
    - **Q: R' Mesharshiya** asked, we find that **R' Yehuda** does hold of breirah when it is dependent on someone else's action (as we find a Mishna where he says that one who gives a get and says it should take effect if he dies from his illness, **R' Yehuda** says it is valid based on the principles of breirah), and does not hold of breirah when it is dependent on his own decision (as we find a Braisa when one verbally designates terumah and maaser with the intent that what he will later physically separate will be the terumah and maaser through breirah, and **R' Yehuda** says the designation is not effective)!?
      - **Q: Ravina** said we also find that **R' Shimon** makes this distinction as well!? He holds that there is no breirah when it is dependent on his own decision (he agrees with **R' Yehuda** in the Braisa regarding separating terumah and maaser), and he holds that there is breirah when it is dependent on other people (as we find in a Braisa where a man has bi'ah with a woman and says it should act as a kiddushin if his father agrees to the kiddushin, and **R' Shimon** says if the father agrees, the kiddushin is valid based on breirah)!?
    - **A: Rava** answered, in truth **R' Yehuda** and **R' Shimon** always hold of breirah (even when it is based on his own decision alone). The reason they say that in the case of the oral designation the terumah separation is not valid is, as they said to **R' Meir** in the Braisa, that we must be concerned that the person will drink from the wine based on the designation and the jug of wine will then break before the physical separation. The result will be that he would have drunk wine that ultimately did not have terumah separated from it. It is only because of that concern that

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they don't allow this verbal designation. However, based on the principles of breirah alone, they would allow it.

-----Daf 12---26-----

## MISHNA

- One who writes the tofes of a get (without being instructed by a husband to do so) must leave the name of the man, of the woman, and the date, blank.
- One who writes a loan document (a form to be ready for use) must leave blank the name of the creditor, of the debtor, the amount of the money, and the date.
- One who writes documents of sale must leave blank the name of the buyer, the name of the seller, the amount of money, the place of the field, and the date.
- All the above was instituted as a “takanah” (to be explained in the Gemara). **R' Yehuda** says all the above are pasul even if the blanks are left open as stated. **R' Elazar** says they are all valid except for the case of the get, because the pasuk says “v'kasav lah”, which teaches that it must be written lishma.

## GEMARA

- **R' Yehuda in the name of Shmuel** said, when writing the get he must also leave blank the place for the statement of “harei aht muteres l'chol adam”, and the Mishna holds this way because it is following **R' Elazar**, who says eidei mesira are essential and the actual get must be written lishma.
  - Although **Shmuel** already said that two earlier Mishnayos reflect the opinion of **R' Elazar**, it was necessary for him to say so in all three places. The first Mishna says “one may not write a get on something attached to the ground” and then said “if one did...”. In order to answer the seeming contradiction he had to say the Mishna follows **R' Elazar**. However, when the later Mishna says “the validity of a get is dependent on its signatures” we would think that clearly follows **R' Meir**, so he must tell us that that Mishna also follows **R' Elazar**. And, if he would just tell us in those two cases, we would say that (the anonymous part of) our Mishna surely doesn't follow **R' Elazar**, because he is specifically named later in the Mishna. Therefore, he tells us that our Mishna is the view of **R' Elazar** as well.

## MIPNEI HATAKANAH

- **Q:** What takanah was accomplished? **A:** **R' Yonason** said, it was a takanah for the sofrim to allow them to write a tofes of a get before being asked to do so. The Mishna follows **R' Elazar** and therefore even the tofes should not be pre-written. As a takanah, the **Rabanan** allowed the tofes to be pre-written. **R' Yehuda** in the Mishna says we cannot allow the tofes to be pre-written as a gezeira that it may lead to the toref being pre-written, and we can't pre-write other documents as a gezeirah that it may lead to a get being pre-written as well. **R' Elazar** is not goizer other documents, but he is goizer that the tofes can't be written to prevent the toref from being pre-written.

## SHENE'EMAR V'KASAV LAH

- **Q:** The word “lah” is referring to the toref, so how could **R' Elazar** use that as a reason that the tofes can't be pre-written? **A:** He means to say, since there is a lishma requirement on the toref, we are goizer that even the tofes may not be pre-written.
- **Q:** The beginning of the Mishna (which we said is **R' Elazar**) contradicts what **R' Elazar** says at the end!? **A:** There are two Tanna'im who argue as to what **R' Elazar** said.
- **R' Shabsai in the name of Chizkiya** said that the takanah referred to in the Mishna was to prevent fights from taking place, and the Mishna follows **R' Meir**, who says that the signing witnesses are essential. Therefore, in truth even the toref may be pre-written. However, if a woman hears a sofer writing a get for her and her husband she will think that the husband instructed him to do so, and this will lead to fights. Therefore, the **Rabanan** said that the toref may not be pre-written.
- **R' Chisda in the name of Avimi** said that the takanah referred to is to prevent agunos. Some say this can be explained by having the Mishna follow **R' Meir** and others say it can be explained by having the Mishna follow **R' Elazar**. If the Mishna follows **R' Meir**, in truth the toref may also be pre-written. However, the **Rabanan** were

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concerned that if a get is ready and available, a husband will be much quicker to divorce her wife and leave her single (which is what is meant by the Gemara when it says “agunah” in this situation). Therefore, they were goizer that the toref may not be pre-written. If the Mishna follows **R’ Elazar**, in truth even the tofes may not be pre-written. However, the **Rabanan** were goizer and allowed it to be pre-written so that if a husband must leave quickly to overseas he will find a get that is almost ready to go, because if he will not find one, he will end up leaving without giving her a get and she will be left as a true agunah.

### UMIKOM HAZMAN

- **Q:** The Mishna seems to clearly say that the date may not be pre-written on a get, without making a distinction whether the get was from an eirusin or from a nissuin. Now, if the get is from the nissuin, the date could not be pre-written whether you hold the reason for the date is so that he cannot save his wife from death in a case where she was mezaneh or if it is to give a date that he no longer has rights to the melug property. However, if the divorce is from an eirusin, although the first reason for the date exists, the second reason does not exist, because a husband does not have rights to the melug property until after the nissuin!? **A: R’ Amram** said, he heard from **Ulla** (and later understood from a Braisa) that a get for an eirusin can’t be pre-written, because we are concerned that the husband will move forward to nissuin and then immediately divorce her with the pre-dated get. If she has a child from that one time of being together with him, the pre-dated will cause the appearance that the child was conceived out of wedlock, when in fact she was married at the time. To prevent this from happening, we require that the get be filled in at the time of execution.
- In the name of **Rav** it was said that the halacha follows **R’ Elazar** (that the tofes of all documents may be pre-written, but not the tofes of a get). **Rav** even praised **R’ Elazar** for his view.
  - **Q:** We find that **Rava** says that even other documents may not be pre-written, because doing so appears to be creating a false document!? **A:** We find that **R’ Nachman** disagrees with **Rava**, and therefore we do not need to follow **Rava**.

## -----Daf 27-----

### MISHNA

- If a shaliach was bringing a get and lost it on the way, if he finds it immediately it remains valid. If not, it is passul (we are concerned that this get found is not the get that was lost, but is instead another get written for people with the same names). If the shaliach found the get in a “chafisah” or “deluskema” container, or if the shaliach recognizes the get, the get is valid.

### GEMARA

- **Q:** A Mishna says, if a person finds a get or other document, it should not be given to the intended recipient of the get or document, because the maker of the get or document may have had it written and changed his mind before ever giving it over. Now, this implies that if the maker tells the finder to give it to the intended recipient, he would do so, even if it was found a while after it was lost, which is contradictory to our Mishna, that says that a get is only returned if it is found immediately!? **A: Rabbah** said, our Mishna is discussing a place where there are a lot of travelers (and we must be concerned that the get found was dropped by one of the travelers, and is not the get lost by the shaliach). The other Mishna is discussing a place where there are not a lot of travelers, and there is therefore no such concern.
  - The Gemara says, even in a place where there are a lot of travelers, the concern that the get found is a different get only exists if we know that there is another man and wife that have the same name as the maker of the get lost and his wife, and live in the same city. We must say this is the only time we have a concern, because if we don’t say that, we will have a contradiction between two statements of **Rabbah**. For we find that when a get was found in **R’ Huna’s** Beis Din, **R’ Huna** said the get may not be returned to the shaliach who said he lost it, but **Rabbah** said it should be returned. Now, the Beis Din of **R’ Huna** is considered to be a place with many travelers, and still **Rabbah** said it may be returned. It must be that in that case there was no known other couple with the same name, whereas in **Rabbah’s** earlier statement there was.

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- In an actual case where a get was found in the flax house of Pumbedisa, **Rabbah** allowed for it to be returned. Some say that it was the place where flax was soaked, and even though there was another couple with identical names, since it was not an area travelled by many people, he allowed it to be returned. Others say it was the place where flax was sold, and although it was a place travelled by many people, since there was no known other couple with the same names, he allowed it to be returned.
- **Q: R' Zeira** asked, our Mishna says we only return a lost get if it was found immediately. However, a Braisa says that if a get is found, then if the husband admits to having given it to his wife, it may be returned to his wife. If he doesn't admit to it, it should not be returned to either party. Now, this implies that if the husband admits to it, it may be returned to the wife even if it was lost for a while, which contradicts what our Mishna said!? **A:** He answered, our Mishna is discussing a place where there are a lot of travelers (and we must be concerned that the get found was dropped by one of the travelers, and is not the get lost by the shaliach). The Braisa is discussing a place where there are not a lot of travelers, and there is therefore no such concern.
  - **Some say** that he says it should not be returned in the Mishna only when there is also a known second couple with the same names, which would mean that **R' Zeira** is saying the same thing as **Rabbah**. **Others say** that he says it may not be returned even if there is no known second couple with the same names, which would mean that he is arguing on **Rabbah**.
  - **Q:** We can understand why **Rabbah** asked from another Mishna instead of this Braisa, because asking from a Mishna produces a stronger question. However, why did **R' Zeira** ask from the Braisa instead of the Mishna quoted by **Rabbah**? **A:** He feels that when we imply from the Mishna that if the husband says “give it to her” we would give it to her, it may mean that we would only do so if it was found immediately, which would be in agreement with our Mishna.
  - **R' Yirmiya** said, the other Mishna and the Braisa are not a contradiction to our Mishna, because they are talking about a case where the signing witnesses say that they only signed on one get with a husband and wife having these names. Therefore, there is no concern that it is a different get, and it may be returned even if it was found a while after it was lost.
    - **Q:** That would seem to be obvious!? **A:** We would think that besides being concerned for the possibility of another couple with the same names, maybe we also have to be concerned that there are other witnesses with the exact same names signed on that get.
  - **R' Ashi** said, the other Mishna and the Braisa are not a contradiction to our Mishna, because they are talking about a case where the shaliach or the one claiming the get gives a “siman muvhak”, as where he says there is a hole right near a particular letter. That is why we return it to him.
    - The Gemara says, this is only if the siman is unique. However, if he says that there is a hole somewhere on the document, it would not be returned, because he is unsure whether the concept of simanim are D'Oraisa or D'Rabanan. Therefore, he requires it to be unique.
  - **Rabbah bar bar Chana** once lost a get (he was bringing as a shaliach) in the Beis Medrash. The **Rabanan** there found it. He said to them, if you want I can give you a siman, if you want I can simply tell you if I recognize the document. They returned the get to him. He later said, I don't know if they returned it based on the siman, which would mean that they held that simanim are D'Oraisa, or whether they returned it based on my recognition, which is something they would only do for a talmid chochom.

### V'IHM LAV PASSUL

- A Braisa asks, how much time must pass that it is no longer considered to be “immediately”? **R' Nosson** says, it means the get was lost for as long as it takes for a caravan to come by and rest there. **R' Shimon ben Elazar** says, it is considered “immediate” as long as someone was looking at that place and saw that no one else passed by. **Others** say, for as long as no one else stayed there. **Rebbi** says, “immediate” is the amount of time needed to write a get. **R' Yitzchak** says, it is the time it takes to read a get. **Others** say, it is the time it takes to write and read a get. The Braisa continues, that even if it was lost for a longer time, but someone claims the get and states

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a siman, it may be returned to him. [The Gemara says that the siman must be unique as saying that there is a hole at the side of a particular letter. Simply giving the characteristic as to the dimensions of the paper would be insufficient.] The Braisa continues, if the shaliach lost the get and then found it tied to a wallet or to a ring, and he recognizes the wallet or the ring, or if he found it in his house among his keilim, even if he first found it a while after losing it, it is still valid.

- **R' Yehuda in the name of Shmuel** paskened that “immediate” is for as long as no other person stayed in that place. **Rabbah bar bar Chana in the name of R' Yitzchak bar Shmuel** said, the halacha is that “immediate” is for as long as no other person passed by that place.
  - **Q:** Why don't they just say they follow the Tanna'im who have that view in the Braisa, instead of quoting the actual halacha? **A:** There are different views as to who said what in the Braisa, so to avoid confusion they don't state the names.

### MATZ'OH BACHAFISA OH B'DLUSKIMA

- **Rabbah bar bar Chana** explained that “chafisa” is a small leather bottle.
- “Dluskima” is a box used by older people to keep their things.

## -----Daf כח--28-----

### MISHNA

- If a shaliach is bringing a get for a husband who is old or sick, he gives the get to the wife on the chazaka that the husband is still alive.
- If a Yisraelis is married to a Kohen and her husband travels overseas, she may continue eating terumah on the chazakah that her husband is alive.
- If a person sends his Korbon Chatas from overseas, the korbon is offered on the chazakah that he is still alive.

### GEMARA

- **Rava** said, the Mishna only discusses an old person who is not yet 80 years old and a sick person who is not at death's door. However, if the person was 80 years old, or already a “goseis”, the shaliach may not give the get (because there is no chazaka that the husband is still alive).
  - **Q: Abaye** asked, a Braisa says, if a shaliach brings a get for a husband who is 100 years old, he may give the get on the chazaka that the husband is alive!? **A: TEYUFTA. A2:** Once this man has shown that he lives longer than most people (he already lived to 90 – Rashi) he has a chazaka that he is alive even past that age as well.
- **Q: Abaye** asked **Rabbah**, our Mishna says that we are not concerned that a person may have died, but a Braisa says, if a husband who is a Kohen gave a get to his wife and told her “the get should be effective a moment before I die”, she becomes assur to eat terumah immediately. We see the Braisa is concerned for the husband's death!? **A: Rabbah** said, you can't ask from the case of terumah to the case of gittin. Regarding terumah, where the terumah is not essential (she can eat other food), we are concerned for death. Regarding gittin, where if we would be concerned no one would ever be able to send a get, we are therefore not concerned.
  - **Q:** Our Mishna says that we are not concerned for death even by terumah!? **A: R' Ada the son of R' Yitzchak** said, in both cases we are not concerned for death. However, in the Braisa she is set to become assur to eat terumah even during his lifetime (“one moment before my death”) and that is why she becomes assur immediately.
    - **Q: R' Pappa** asked, you are assuming that the get will take effect (thereby making her assur to eat terumah). Maybe she will die first, in which case the get never takes effect!? **A: Abaye** therefore said, our Mishna follows **R' Meir** who is not concerned for death (just as he is not concerned with the possibility of a jug of wine breaking after an verbal separation of terumah, as stated in a Mishna previously quoted), and the Braisa follows **R' Yehuda** who is concerned for death (just as he is concerned with the possibility of the jug breaking). **A2: Rava** said, we can answer that no one is concerned that maybe a person has already died, but all are concerned that a person may die soon, and that is why the Braisa says she must stop eating terumah immediately.

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- **Q: R' Ada bar Masna** asked **Rava**, the case of the jug of wine breaking is similar to the case of being concerned that someone will die soon, and yet we see there is a machlokes in that case!? **A: R' Yehuda** from Diskarta said, the jug of wine is different, because it can be given to a shomer to watch and protect, and that is why **R' Meir** is not concerned in that case.
  - **Q: R' Mesharshiya** asked, there can be no guarantee of protection on the jug, so it is still similar to the case of someone dying soon, and yet we see there is a machlokes!? **A:** Rather, **Rava** said, although no one is concerned that someone has already died, regarding whether we are concerned that someone will soon die is actually a machlokes Tanna'im.

### HASHOLE'ACH CHATASO MIMEDINAS HAYAM...

- **Q:** How can a chatas be sent with a shaliach, given that a chatas needs "semicha" by the owner!? **A: R' Yosef** said, the Mishna is talking about the korbon of a woman, which does not require semicha. **A2: R' Pappa** said, the Mishna is discussing a bird chatas, which does not require semicha.
- All 3 cases of the Mishna are necessary to be taught. If we would just say the case of get we would say we are not concerned for death in that case, because being so concerned would prevent all gittin from ever being sent. If we would be taught terumah, we would say that since it is sometimes necessary for her to eat terumah (e.g. if she is very poor and can only afford terumah), we will not be concerned, but regarding a Korbon we should always be concerned for death. The Mishna therefore teaches that regarding the Korbon we are not concerned for death either.

### MISHNA

- **R' Elazar ben Parta** said 3 things to the **Chachomim**, and they agreed: the people of a city under siege by an army, the people on a ship that is being thrown about at sea, and a person who is being tried for a capital crime, all have a chazaka that they are alive.
  - However, regarding people of a city captured by an invading army, people on a ship that was lost at sea, and a person being taken out to be executed, we apply the chumros of the possibility that they are alive and the chumros of the possibility that they are dead. For example, if one of these people was a Kohen married to a Yisraelis, she may not continue to eat terumah (because he may be dead), and if one of these people are a Yisrael married to a Kohenes, she may also not eat terumah (since he may still be alive).

### GEMARA

- **R' Yosef** said, a person taken to be executed is given the chumros of being alive only if he is taken out by a Jewish court. However, if he is taken out by a non-Jewish court, once they sentence him to death they will definitely execute him and he has a chazaka of being dead.
  - **Q: Abaye** asked, a non-Jewish court can be bribed to save him from execution!? **A: R' Yosef** said, they only accept bribes before the sentencing, not after.
  - **Q:** A Mishna says, if witnesses testify to a Beis Din that a certain person was sentenced to death by another Beis Din, the Beis Din hearing the testimony puts the subject of the testimony to death. We see that we are not concerned that the verdict may be overturned even in a Jewish court!? **A:** It may be that when the defendant runs away we do not believe there will be a reason to overturn the verdict.
  - **Q:** A Braisa says, if a Jewish court says "so-and-so was executed", we allow his wife to remarry based on that announcement. If a non-Jewish court says "so-and-so was executed", we do not allow his wife to remarry based on that. Now, what is meant by "executed"? If it means he was already put to death, then why would a non-Jewish court not be believed? We pasken that a goy is believed to testify regarding someone's death when he says it masi'ach lefi tumo!? Rather, "executed" must mean that they say he was taken out to be executed, and we see that in a Jewish court he is considered to have been definitely executed, which is contrary to what **R' Yosef** said!? **A:** "Executed" means the court says

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he was actually put to death. The reason the non-Jewish court is not believed is because they take pride in their executions and would therefore lie and say he was executed even if he was not truly executed.

- Another version of **R' Yosef** is that he said that the Mishna's statement only applies in a non-Jewish court, because it may be that he was not actually executed. However, if he is taken to be executed in a Jewish court he will certainly be executed and is considered as dead.
  - **A: Abaye** asked, in a Jewish court there is the possibility that they may find a zechus to acquit him!? **A:** They would only find a zechus before the verdict.
  - **Q:** Maybe we can bring a proof from a Mishna, which says, if witnesses testify to a Beis Din that a certain person was sentenced to death by another Beis Din, the Beis Din hearing the testimony puts the subject of the testimony to death. We see that we are not concerned that the verdict may be overturned even in a Jewish court!? **A:** It may be that when the defendant runs away we do not believe there will be a reason to overturn the verdict.
  - **Q:** Maybe we can bring a proof from a Braisa which says, if a Jewish court says "so-and-so was executed", we allow his wife to remarry based on that announcement. If a non-Jewish court says "so-and-so was executed", we do not allow his wife to remarry based on that. Now, what is meant by "executed"? If it means he was already put to death, then why would a non-Jewish court not be believed? We pasken that a goy is believed to testify regarding someone's death when he says it masi'ach lefi tumo!? Rather, "executed" must mean that they say he was taken out to be executed, and we see that in a Jewish court he is considered to have been definitely executed, which is what **R' Yosef** said!? **A:** "Executed" means the court says he was actually put to death. The reason the non-Jewish court is not believed is because they take pride in their executions and would therefore lie and say he was executed even if he was not truly executed.

### -----Daf װ׳--29-----

#### MISHNA

- If a shaliach was appointed to bring a get within EY and the shaliach then became sick, the shaliach may appoint another person to bring the get for him (since there is anyway no need to say BBNB). However, if the husband had told the shaliach "When you give the get take back a certain object from her", the shaliach may not appoint another person in his place, because it may be that the husband does not want any other person being the shomer on the object he asked him to collect.

#### GEMARA

- **R' Kahana** said, a shaliach may only appoint another person if he became sick, not if he just doesn't want to complete the job.
  - **Q:** That is obvious! The Mishna specifically says the case is where the shaliach became sick!? **A:** We would think that he may appoint a new shaliach at any time, and the reason the Mishna discusses where he was sick is because that is a usual case of where he would want to appoint another person.
  - **Q:** A Braisa says, if the husband tells a shaliach "Take this get to my wife", the shaliach is allowed to appoint another person to take over for him. If the husband said "You take this to my wife", the shaliach may not appoint another person. **R' Shimon ben Gamliel** says, in either case a shaliach may never appoint another shaliach to take over for him. Now, if our Mishna is discussing where the husband said "Take this get to my wife" then according to the **T"K** he should be able to appoint another person even if he was not sick. If the husband said "You take this to my wife" then the shaliach should not be able to appoint another person even if he did get sick. According to **R' Shimon** also, the shaliach should never be able to appoint another shaliach. If so, who does our Mishna follow? **A:** The Mishna is discussing a case where the husband said "Take this get to my wife". It may be that when the **T"K** allows the shaliach to appoint another shaliach (when the husband said "Take this get to my wife"), he only meant to allow that if the shaliach had become sick. **A2:** The Mishna is discussing a case where the husband said "You take this get to my wife". It may be that the Braisa would agree that if the shaliach became sick even after such an instruction he may appoint a new shaliach. **A3:** We can say that our

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Mishna follows **R' Shimon ben Gamliel**, who only discusses a healthy shliach, but would agree that if a shliach became sick, he may appoint another shliach.

- **Q:** A Mishna says, if a husband tells two people “Give a get to my wife”, or if he tells 3 people “Write a get and give it to my wife”, they should write a get and give it to his wife. This implies that only they may do so, but they may not appoint another shliach to do so. This contradicts our Mishna!? **A: Abaye** said, in that Mishna the husband wants these people specifically to carry out the shlichus, because he is embarrassed by the fact that he doesn’t know how to write his own get and doesn’t want that fact being known by additional people. However, in our Mishna the shliach is simply delivering the get. In that case the husband doesn’t care if the shliach appoints another shliach, and that is why it is valid. **A2: Rava** said, in that Mishna there was only a verbal instruction with no tangible items. Therefore, that cannot be transferred to a new shliach, because “words can’t be transferred to a shliach” to then pass along to another shliach. However, in our Mishna we have the tangible get. That can be passed along to another shliach.
  - The practical difference between these answers is regarding a shliach appointed to write a gift document. According to **Rava** this instruction could also not be transferred to another shliach. According to **Abaye**, since it is the obligation of the recipient to have the document written, if the giver appoints someone to write it for him it does not show that he is incapable of doing so. In arguing about this, they argue in the machlokes of **Rav and Shmuel**, where **Rav** says that a gift document is not like a get (which is the view of **Abaye**) and **Shmuel** says that a gift document is like a get (which is the view of **Rava**).

### V’IHM AMAR LO TOL LI HEIMENAH CHEIFETZ PLONI

- **Reish Lakish** said, here is where **Rebbi** learned and taught that a lender may not lend the borrowed object, and a renter may not rent out the rented object, just as our Mishna says he should not appoint another shliach to retrieve the object from the wife. However, the get would remain valid even if he did so. **R' Yochanan** said, that is a halacha that even children know. What **Rebbi** must have taught was that there are times that if the shliach makes another shliach to bring the get and retrieve the object from the woman, the get will not be a valid get, because it becomes as a case where the husband specifically tells the shliach to divorce his wife on the ground floor and he does so on the upper floor, or where he tells him to divorce her with his right hand and he uses his left hand.
  - All agree that what the husband meant with his instruction is that the object should first be retrieved, and then the get should be given. Therefore, if the shliach appointed another shliach, and the new shliach retrieved the object before giving the get, the get would be valid. The machlokes is where he first gave the get and then got the object. **R' Yochanan** says that if the original shliach did it that way it would be passul, so surely if the newly appointed shliach does it that way it is passul. **Reish Lakish** says that if the newly appointed shliach does it that way it would still be valid, and surely if the original shliach did it that way it would be valid.

### MISHNA

- If a shliach is bringing a get from chutz laaretz and becomes sick, he appoints a new shliach in Beis Din and tells Beis Din BNB. The “last” shliach need not say BNB. Rather, when he delivers the get he simply says “I am a shliach of Beis Din”.

### GEMARA

- The **Rabanan** told **Avimi the son of R' Avahu** to ask **R' Avahu** if the shliach appointed by the shliach of the husband can also appoint a new shliach or not. **Avimi** said, that is not a question, because the Mishna says “the last shliach need not say BNB”. The use of the word “last” teaches that there can be more than just one new shliach in the chain. If anything, my question is, when the second shliach makes a new shliach, must that also be done in Beis Din or not? The **Rabanan** said, that is not a question, because the Mishna says the last shliach says “I am a shliach of Beis Din”. Obviously, each appointment must be done in Beis Din.
  - **R' Nachman bar Yitzchak** has a slightly different (but essentially the same) version of the preceding conversation.



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- **Rabbah** said, if a get is being delivered within EY, each shlaliach may appoint another shlaliach (and it need not be done in Beis Din).
  - **R' Ashi** said, if the first shlaliach dies, all subsequent shluchim become batul. **Mar bar R' Ashi** said, my father must have said this when he was young (because it is incorrect). For, if the husband were to die, clearly all the shluchim would become batul. We see that all the authority comes from the husband. That is true whether the first shlaliach is still around or not.
- A person wanted to send a get to his wife and made a shlaliach to do so. The shlaliach said, I don't know what your wife looks like, so how can I bring her a get? The husband told him, bring the get to Abba bar Menyumei, who knows what my wife looks like, and he will give it to her. The shlaliach went and could not find Abba bar Menyumei. He found **R' Avahu, R' Chanina bar Pappa, and R' Yitzchak Nafcha**, with **R' Safra** sitting along with them. The three of them told the shlaliach, make us (as a Beis Din) a shlaliach, and when Abba bar Menyumei comes, we will give it over to him as you were supposed to do. **R' Safra** said to them, this shlaliach was not given the authority to make the divorce (he was only supposed to give it to Abba bar Menyumei), so he can't make a shlaliach in his place! The three of them felt embarrassed. **Rava** said, **R' Safra** has cut the feet from under these 3 **Rabanan**. **R' Ashi** said, why did you think he posed a good challenge to them? The husband never told the shlaliach "I want Abba bar Menyumei to deliver the get, and not you". Therefore, he does have authority to deliver the get, and therefore can appoint a shlaliach in his place.
- A person gave a get to a shlaliach to deliver to his wife and instructed him not to deliver it until 30 days have passed. In those 30 days the shlaliach became an oneis and no longer had the ability to deliver after the 30 days. The shlaliach asked **Rava** what to do. **Rava** told him, just as a sick shlaliach, who is an oneis, may appoint another shlaliach in his place, you can do the same. Therefore, **Rava** told him to make his Beis Din a shlaliach so that after the 30 days they can appoint a new shlaliach to deliver the get. The **Rabanan** said to **Rava**, during the 30 days this shlaliach does not have authority to deliver the get, and as such cannot make a shlaliach to do so! **Rava** said, since after 30 days he can deliver the get, even at this point he is considered to have the authority and can appoint a new shlaliach.
  - They asked **Rava**, why are we not concerned that the pre-dated get (since it won't be given for at least 30 days) may become a "get yashan" if the couple stops fighting and lives with each other during that time? **Rava** felt embarrassed that he didn't have an answer for this question. However, it later became known that this story happened with a get for an eirusin (where there is no concern that they will live together). He said, there is no such concern by an arusah!
  - **Q: Rava** asked, when Beis Din appoints the shlaliach, must the first shlaliach be there? **A: Rava** later said, he does not have to be there. They sent a message from EY also saying that he need not be there.
- A person gave a get to his wife and said, it should be effective today if I don't return within 30 days. At the end of the 30 days he was prevented from crossing the river to come, because the ferry was not there. He stood at the other side and yelled "I am here, I am here!". **Shmuel** said, it is as if he did not show up, and the get is effective.
  - A person gave a get to his wife and said, if I do not appease her within 30 days, the get should be effective from now. He then tried to appease her, but she would not be appeased. **R' Yosef** said, did he offer her astronomical amounts of money to be appeased? Since he did not, the get will take effect. **Others say** that **R' Yosef** said, is he required to offer her astronomical amounts of money? Rather, since he tried his best and she was not allowing herself to be appeased, the get does not take effect.
    - The first version of **R' Yosef** holds that we don't have the concept of oneis by gitten. The second version of **R' Yosef** holds that we do allow the concept of oneis by gittin.

-----Daf לך-----30-----

### MISHNA

- If someone lends money to a Kohen, to a Levi, or to a poor person, with the understanding that he will get paid back with the terumah, maaser rishon, or maaser ani that he would have given each of them, respectively, he

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may separate these items from his produce and keep them for the loan on the chazakah that these people are still alive, and the poor person has not become rich.

- If they did actually die, the lender must get permission from the heirs before taking the terumah or maaser that he was going to give to them. However, if the loan was done in Beis Din, he may take the terumah and maaser even without getting permission from the heirs.

### GEMARA

- **Q:** How can the lender take the terumah or maaser without it having first been received by these people? **A: Rav** said, the Mishna is discussing where the borrowers are close friends of the lender, and the lender would therefore always give his terumah and maaser to them. In such a case, the terumah and maaser is considered to belong to these people as soon as it was separated. **Shmuel** said, the Mishna is discussing where the lender gave the terumah and maaser to another person to make a kinyan for the borrowers. Therefore, they actually were koneh the terumah and maaser and the lender can take them as repayment for the loan. **Ulla** said, this follows **R' Yose**, who says that although there was no true kinyan made, the **Rabanan** treated it as if the borrowers were koneh the terumah and maaser so that the lender should be able to take the produce as repayment for the loan.
  - The others did not say like **Rav**, because our Mishna does not say it is talking about close friends. The others did not say like **Shmuel**, because the Mishna does not say that a kinyan was made. The others do not say like **Ulla**, because according to him the Mishna must follow the singular view of **R' Yose**.
- A Braisa says, If someone lends money to a Kohen, to a Levi, or to a poor person, with the understanding that he will get paid back with the terumah, maaser rishon, or maaser ani that he would have given each of them, respectively, he may separate these items from his produce and keep them for the loan on the chazakah that these people are still alive. The lender can also say that he will value the produce for purposes of repayment at the lower of the current price or the price at the time of separation (a lower price means he gets more produce as repayment), and that does not create a problem of "ribis". Also, shmitta will not cancel this loan. Also, if he wants to cancel this arrangement, he may not do so. Finally, if the lender has given up hope of collecting the loan, he may no longer separate the terumah and maaser as repayment for the loan, because they may not be separated for loans that are lost.
  - **Q:** It is obvious that the lender may set the price at any point, since this may be done for any loan!? **A:** The Braisa is teaching, that even if he did not say that the price will be set at the lowest market price, it is as if he said that, and the price will be set at the lowest market price.
  - **Q:** Why is this not considered to be ribis D'Rabanan? **A:** Since if there is no produce (e.g. they were destroyed) the borrower will not be obligated to pay back the loan (repayment was set to only be taken from the terumah and maaser), the fact that we set it at the lower price does not cause it to be ribis (there is risk to the lender and it is therefore viewed more as a sale than as a loan).
  - Shmitta does not cancel the loan, because this loan does not fall under the umbrella of "lo yigos", because the lender was never able to demand payment on the loan (repayment was to be taken from terumah and maaser).
  - The Braisa said that "if he wants to cancel this arrangement, he may not do so". **R' Pappa** said, this means that the lender may not retract on his deal. However, the Kohen may cancel this arrangement if he wants.
  - **Q:** It is obvious that if he gave up hope for collecting repayment, he may not take the terumah and maaser!? **A:** The case is where the stalks grew and the crops then dried up. We would think, since the stalks grew the crop may still bounce back and recover, and therefore he never fully gave up hope. The Braisa teaches that growth of the stalks is not enough to prevent him from giving up hope wholeheartedly.
- A Braisa says, **R' Eliezer ben Yaakov** says, if one lends money to a Kohen or a Levi in Beis Din, and the borrower then dies, the lender may separate terumah and maaser from his produce on the account of Kohanim and Levi'im in general and then keep them for payment of the loans. Similarly, if he lends money to a poor person in Beis Din and the poor person died, the lender may separate maaser ani on account of Jewish poor people in general and then keep it for repayment of his loan. **R' Achai** says, he may separate the maaser ani on account of

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all poor people in the world. [The Gemara explains, the difference between these opinions is whether we consider poor Kutim to be Jews – according to **R' Eliezer ben Yaakov** they are not and according to **R' Achai** they are]. If the poor person became wealthy, the lender may not keep maaser ani as repayment, and the borrower is not liable to pay back (the deal was that the lender was only going to get repaid from the maaser ani).

- **Q:** Why is it that the **Rabanan** allowed the lender to continue taking maaser ani even after the poor person dies, but they do not allow him to continue taking the maaser after the poor person became wealthy? **A:** Death is a common occurrence, so the **Rabanan** felt the need to protect the lender against that. Becoming wealthy is not a common occurrence, and therefore there was no need to protect for a case of that happening.

MEIS TZARICH LITOL RESHUS...

- A Braisa said, **Rebbi** said, this only refers to heirs that inherit.
  - **Q:** Are there heirs that don't inherit? **A:** **R' Yochanan** explained, the Mishna refers to heirs that have inherited real property. In that case they would anyway be obligated to repay the loan of their father. Therefore, the **Rabanan** said that the lender may simply continue to keep the terumah or maaser.
    - **R' Yonason** said that the lender may only keep the terumah or maaser up to the value of the land that was inherited. **R' Yochanan** said that he may keep the terumah and maaser in excess of the value of the inherited land.
- A Braisa says, if a Yisrael tells a Levi "there is maaser rishon of yours in my hand", we need not be concerned about the terumas maaser within it. If, however, he said to the Levi "There is a kor of maaser of yours in my possession", we must be concerned about the terumas maaser.
  - **Abaye** explained, the first case is, if a Yisrael says to a Levi "I have maaser rishon of yours in my hand, and here is money for me to buy it from you", we need not be concerned that the Levi used all that maaser as terumas maaser for other maaser rishon that he had, because he does not know how much maaser he is getting from this Yisrael, so could not use it for terumas maaser for elsewhere. On the other hand, the second case says, that if the Yisrael told the Levi how much maaser he has for him, we need to be concerned that the Levi is using the entire thing for terumas maaser.
    - **Q:** Is the Braisa dealing with wicked people, who would take money for the maaser and then make the whole thing assur as terumas maaser!? **A:** Rather, **R' Mesharshiya the son of R' Idi** said, the first case is where he tells the Levi "I have maaser of your father in my hand", and the second case is where he says "I have a kor of maaser of your father in my hand". In that case, when the amount is known, we are concerned that the father is the one who used it for terumas maaser, and since it is the son who is accepting the money, he doesn't know that he is selling something that is assur.
    - **Q:** Typically, Levi'im who took maaser were at the high level of being "chaveirim", and such people would not take terumah for produce that was not right next to the produce being separated as terumah!? **A:** Rather, **R' Ashi** said, the case in the Braisa is where a Yisrael tells a Levi "My father told me that he has some maaser of yours in my hand", or "there is a kor of maaser of yours in my hand". In the first case we must be concerned that the father did not separate terumas maaser from the maaser (since no exact amount was given) and the Levi must remove terumas maaser before eating. When he gives the amount, we can assume that the father of the Yisrael already took off terumas maaser, and therefore the Levi does not have to separate terumas maaser before eating the maaser.
      - **Q:** Is a Yisrael allowed to remove the terumas maaser before giving the maaser to the Levi? **A:** The Braisa follows **Abba Elazar ben Gamla**, who says in a Braisa that we learn from a pasuk that the Yisrael is allowed to remove terumas maaser from the maaser.

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- If someone set aside produce to be used as terumah and maaser for other produce of tevel that he has, or he set aside coins to be used to redeem maaser sheini, he may designate them as terumah and maaser even if he is not near them, on the chazaka that they are still in existence. If he finds out that they were lost at the time of his designation, he must be concerned regarding the tevel produce that he thought he had given maaser for, for a period of 24 hours (to be explained in the Gemara). This is the view of **R' Elazar**.
  - **R' Yehuda** says at 3 points in time one must check the wine that he left over to be used for terumah and maser to make sure it is still wine and has not become vinegar: when the east wind blows after Succos, when the little grapes first grow on the vine, when the juice begins to enter the unripe grapes.

### GEMARA

- **Q:** What is meant by the 24 hour period? **A: R' Yochanan** said, this means that we must be concerned that the produce was missing for a period of 24 hours from when it was discovered as being lost. **R' Elazar ben Antignos in the name of R' Elazar the son of R' Yannai** said, we must be concerned that it was lost from a period of 24 hours after the produce was left there.
  - **Q:** Our Mishna said, when the produce was discovered to be lost we must be concerned for a period of 24 hours (“me’eis l’eis”). According to **R' Elazar ben Antignos** the Mishna should have said we must be concerned all the way back *until* the period of 24 hours of when the produce was placed there (“adh me’eis l’eis”)? **KASHYEH**.

### DIVREI R' ELAZAR

- **R' Elazar** (the Amora) said, the **Rabanan** argued on **R' Elazar** (the Tanna in our Mishna), as we find a Mishna that says if a mikvah is found to be passul, everything that went to that mikvah from the last time it was checked, is considered to be tamei.
  - **Q:** It seems obvious that they argue!? **A:** We would think that the Mishna means that only things that were toiveled within the last 24 hours are considered tamei, and it does not argue with **R' Elazar**. Therefore, he tells us that the Mishna means everything toiveled there is tamei, and it does argue on **R' Elazar**.

### R' YEHUDA OMER B'SHLOSHA PERAKIM...

- A Braisa says, the east wind that blows after Succos requires the wine to be checked only if it is in autumn. If it is still summer, it is not required.
- A Braisa says, **R' Yehuda** says, there are 3 times during the year when produce may be sold: before the planting season, during the planting season, and during the 15 days before Pesach. There are 3 times during the year when wine may be sold: during the 15 days before Pesach, during the 15 days before Shavuos, and during the 15 days before Succos. Oil may be sold anytime from Shavuos and on.
  - **Q:** What halacha was being taught in the Braisa? **A: Rava** or **R' Pappa** said, it is teaching regarding partners, that if during one of these times a partner sold the items that are sold during that time, the sale is a valid sale (even if the other partner was not told of the sale first).
    - **Q:** What would be the halacha after the times listed in the Braisa? **A: Rava** said, any times after the times listed are still considered as part of the selling season.
- A pasuk in Yonah refers to the east wind and says it was “charishis”. **R' Yehuda** said, this means that the wind blew so strong that it made furrows (like a plow) in the water.
  - **Q: Rabbah** asked, the pasuk says that the wind made it very hot to the point that Yonah fainted, which would mean it was not a stormy wind!? **A:** He therefore says that charishis means the wind quieted down all other winds, leaving it extremely hot.
  - **R' Huna and R' Chisda** were sitting and Geniva walked by. One of them said, we should stand up because Geniva is a talmid chochom. The other said, Geniva causes arguments, and therefore we need not stand for him. In the meantime Geniva walked over to them and heard that they were learning about winds. He told them, **R' Chanan bar Rava in the name of Rav** said that 4 winds blow every day, and the North Wind blows with every other wind, because if it did not, the world would be destroyed. Also, the South Wind is so damaging that if not for a Malach that blocks that wind, it would destroy the world.

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- The Gemara says a story in which the east wind caused such heat that **R' Acha bar Yaakov** had to uncover his arms due to the heat.
- **Rava** said, **Rav** has said that the east wind causes miscarriages, and **Shmuel** said that it even causes the peals in the sea to rot. **R' Yochanan** said that it even causes the zerah in a woman's stomach to deteriorate. **R' Nachman bar Yitzchak** said that all 3 statements are based on a drasha of a pasuk.
  - The Gemara brings various opinions of how the east wind causes damage. **Rava** said, even the handle of a shovel becomes loose from it. **R' Yosef** said, even a peg in the wall becomes loose. **R' Acha bar Yaakov** said, even a reed from a wicker basket becomes loose.

**HADRAN ALACH PEREK KOL HAGET!!!**