



Daf In Review – Weekly Chazarah

Maseches Gittin, Daf לב – Daf לה

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

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PEREK HASHOLEI'ACH -- PEREK REVI'I

MISHNA

- If a husband sends a get to his wife and meets the shaliach before he gave the get to the wife, or he sends another shaliach to reach the shaliach, and tells the original shaliach, “The get I gave you is hereby batul”, the get becomes batul. If he runs to the wife before she receives the get, or if he sends a shaliach to the wife before she receives the get, and tells her “The get I have sent to you is hereby batul”, the get is batul. However, if the get was already delivered to the wife, the get does not become batul.
- Initially, the husband was allowed to go to Beis Din wherever he was, and declare the get batul over there. However, **R' Gamliel Hazaken** instituted that for the benefit of the world this may not be done (when this is done the shaliach doesn't know about it and will deliver the get to the woman, who thinks it is a valid get, and will get married based on it).

GEMARA

- The Mishna says that the husband “met” the shaliach, and not that he ran after him to stop the get. The chiddush is, that although he made the get batul only when he happened to meet him, we don't say that his true intention was to annoy his wife and not to be mevatel the get.
- **Q:** Why is it necessary to give the case of where the husband sent a shaliach to the first shaliach to be mevatel the get? **A:** We would think that a second shaliach cannot be made to be stronger than the first shaliach (in the sense that he is nullifying the job of the first shaliach). The Mishna teaches that he can.
- **Q:** Why do we need the case of where the husband goes directly to the wife? **A:** We would think that the fact that he went directly to the wife proves that his whole intention was to annoy her. The Mishna teaches that we say that he actually intends to be mevatel the get.
- **Q:** Why do we need the case of where he sends a second shaliach to the wife? **A:** We would think that when he travels to the wife it is not just to annoy her, because he wouldn't bother travelling just to annoy her. However, when he is sending a shaliach, since he doesn't care that the shaliach is undertaking the travel, maybe we say that his whole intent is only to annoy her.
- **Q:** It seems obvious that once the get was given to the wife he can no longer make it batul!? **A:** The chiddush is, even if it is known that the husband was trying to be mevatel the get before it reached her hand, we don't say that there is a retroactive annulment of the get from before it was given to her. Rather, if he is mevatel it before it reaches her, it will be batul. If not, not.
- A Braisa says, if the husband says “it is void” or “I do not want it”, the get becomes batul (his statements are saying “the get is hereby batul”). However, if he says “it is passul” or “it is not a get”, the get does *not* become batul (he is saying that the get is passul, and in fact the get is not passul).
 - **Q:** This seems to suggest that saying “batel” is saying that something *shall* become void. However, **Rabbah bar Eivo in the name of R' Sheishes** said regarding a recipient who is trying to reject a gift, that it actually means something was *already* void in the past!? **A:** **Abaye** said, it can have both meanings, and we look at the context in which it is used in order to determine its intent.
 - **Abaye** said, we have a kabbalah that the shaliach for a gift is like a shaliach for a get. Meaning, that in both cases the shaliach is not automatically koneh the item for the recipient (of the gift or of the get).
 - **Ravina** asked **R' Nachman bar Yitzchak**, what is the halacha if the husband says a single word – “batel”? He said, that case remains a **TEIKU**.

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- **R' Sheishes** said, if the husband said “the get should not be ineffective” or “it shall not release” or “it shall not cause to leave” or “it shall not send away” or “it shall not divorce” or “it shall be a piece of pottery” or “it shall be as a piece of potter”, the get becomes void. If he says “it is not effective” or “it does not release”, etc., the get would not become void.
 - **Q:** What if he says “the get is pottery”? **A:** **Ravina** told **R' Acha the son of Rava**, it would be as when someone says “it is hekdesch” or “it is hefker”. Just as in those cases the statement causes the stated effect, here too the get would be void.
- **Q:** If a get was made to be void, may it be used as a get if the husband then changes his mind and wants to divorce her? **A:** **R' Nachman** said he may use the get again, and **R' Sheishes** said that he may not. The Gemara says that the halacha follows **R' Nachman**.
 - **Q:** We have learned that the halacha follows **R' Yochanan**, who says that a woman may retract her willingness to get married, and any act of kiddushin that was already done (i.e. on a condition) becomes batul. If she then changes her mind, a new act of kiddushin would be needed. Presumably, the same would hold true regarding a get, that once it becomes batul it would not be able to be used again!? **A:** Regarding kiddushin, her later words void her earlier words (of acceptance), and the earlier words can therefore not be reinstated. However, regarding the case of get, the husband has only voided the shlichus, not the actual get document. Therefore, it can be used again if he changes his mind.

BARISHON HAYA OSEH

- **Q:** Before the takanah (when being mevatel a get was allowed to be done wherever the husband was), how many people did the husband have to be mevatel in front of? **A:** **R' Nachman** said, in front of 2 people, and **R' Sheishes** said, in front of 3 people, because the Mishna says it had to be done in front of Beis Din, which is 3 people. **R' Nachman** says that 2 people are referred to as a Beis Din as well.
 - **R' Nachman** brings a proof from a Mishna that says that the person making the “pruzbul” should say “I am giving the loan over to so-and-so and so-and-so the dayanim. We see that there are only 2 dayanim. **R' Sheishes** said, there are really 3, but the Tanna didn't feel the need to write “so-and-so” for the third time.
 - **R' Nachman** brings a proof from a Mishna regarding “pruzbul” that says either the dayanim or the witnesses can sign. He says the dayanim are compared to the witnesses – just as we only need two witnesses, so too only two dayanim are needed for a Beis Din. **R' Sheishes** said, there is no such comparison. Rather, the Mishna is teaching that even if the dayanim sign their names with the title of being witnesses, or visa-versa, the pruzbul is still valid.

-----Daf ל"ג-----33-----

MIPNEI TIKUN HA'OLAM

- **Q:** What is the reason for the takanah? **R' Yochanan** said it is to prevent mamzeirim from being created, and **Reish Lakish** said it is to prevent the problem of agunos.
 - **R' Yochanan** said it is to prevent mamzeirim. This is because he holds like **R' Nachman**, who said that the husband had to be mevatel only in front of 2 people, which is not enough publicity to make this voiding known. Therefore, the woman will not hear that her get was voided and will remarry based on it, leading to her having children who are mamzeirim. **Reish Lakish** holds like **R' Sheishes**, that the voiding needed to be done in front of 3 people. Therefore, there was publicity and the woman would hear that her get was voided and would not remarry based on it. The only issue is, that allowing the husband to do so affords him the opportunity to torture her by voiding the get with little effort on his part. Therefore, they instituted that in order to void the get he must intercept the shaliach or reach the woman before the shaliach does.
- A Braisa says, **Rebbi** says, if after the enactment of the takanah a husband went and voided a get in Beis Din (without the presence of the shaliach or the wife), the get is still voided. **R' Shimon ben Gamliel** says the husband cannot void the get if the shaliach or the wife are not there and he may not even add to any condition

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of the get if they are not there, because if we allow him to do so, what good is the power of **R' Gamliel's** takanah?

- **Q:** Can it be that D'Oraisa a get becomes batel, but because of the concern for the power of Beis Din we will say that the get is not batel? **A:** Yes. All kiddushin is done subject to the will of the **Rabanan**, and in this case the **Rabanan** retroactively uproot the kiddushin between this man and woman, thereby making her mutar to marry anybody.
 - **Q: Ravina** asked **R' Ashi**, that seems possible to say when the kiddushin was done with money (the **Rabanan** have the power to disown one of his money, and they therefore say the money given as kiddushin was actually a simple gift, thereby making that the kiddushin never took place). However, in a case where kiddushin was done with bi'ah, how can the **Rabanan** say that the kiddushin never took place? **A:** He answered, the **Rabanan** consider the bi'ah that was done to be an act of zenus.
- A Braisa says, if a man tells 10 people “write a get for my wife” (in which case any of them can write it and any 2 of them can sign it), **Rebbi** says he may later nullify the authority of any one of them even if not done in the presence of the others. **R' Shimon ben Gamliel** says it may only be done in the presence of the others.
 - The machlokes is based on whether we say that nullifying the authority of some of the people nullifies the authority of all the people. **Rebbi** says doing so will not nullify the authority of all of them. Therefore, if any of the people who did not have their authority annulled goes and gives the get, she is divorced. **R' Shimon ben Gamliel** holds that doing so will nullify all of them. Therefore, we need to be concerned that the people who are not present will not know that their authority was nullified, will therefore give a get to the wife (which is actually done without authority and is not valid), who will then get married based on this passul get.
 - We can also say that the machlokes is based on the following. All agree that nullifying some does not nullify all. The machlokes is whether something that is established in the presence of 10 people needs the 10 people to be present to void it.
 - **Q:** What would be the halacha if the husband instructed that “all 10 of you write a get for my wife”? If the reason of **R' Shimon** is like the first version of the machlokes, then since in this case there is no concern that the remaining people will give the get (they know that all 10 must be involved, and the people who have their authority revoked directly will not participate, since they know their authority has been revoked), we would allow the authority to be revoked even if not in the presence of all 10. If his reason is like the second version of the machlokes, then without all 10 there the authority cannot be revoked in this case either. Which one is it? **A:** A Braisa says, if a man tells two people “Give a get to my wife”, **Rebbi** says he may revoke the authority of one without the presence of the other, and **R' Shimon ben Gamliel** says he may not do so. Now, when he says this to 2 people, it is the equivalent of him saying “all of you”, and yet we see that they still argue in this case.
 - **R' Ashi** said, it may be that the Braisa is discussing a case where the 2 people were not appointed to write the get, but were rather appointed to bring the get to the wife. It is only in that case that **R' Shimon** says he cannot revoke the authority of one when not in the presence of the other, because the other will not know and will continue to deliver the get. However, if they were instructed to write the get it may be that **R' Shimon** would not argue.
 - This must be right, because the Braisa then says that if the husband appointed each of the two people separately, he can revoke their power separately. If they are simply shluchim, that makes sense. However, if they are witnesses to the writing, how can they separately testify to the get? The halacha is that the two witnesses must always testify at the same time.
 - The Gemara says this is no proof, because the Braisa may hold like **R' Yehoshua ben Korcha**, who holds that the witnesses need not have seen the event together.
- **R' Shmuel bar Yehuda** said, I heard from **R' Abba** that he paskened like **Rebbi** in one of the machlokes and like **R' Shimon ben Gamliel** in the other, but I don't know in which case he paskened like which one. **R' Yosef** said, we find that in regard to a different case **Rebbi** later agreed that we must be concerned that allowing something

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that the **Rabanan** prohibited will compromise the power of Beis Din. Since he ultimately agrees to **R' Shimon ben Gamliel** about that, it must be that in the machlokes above that centers around that concern is where we pasken like **R' Shimon ben Gamliel**, and therefore it must be in the other machlokes that **R' Abba** paskened like **Rebbi**.

- **R' Yoshiya of Usha** also held like **R' Abba**, because after forcing a husband to consent to a get he told the people appointed to write the get to run away and hide. He did this to prevent the husband from being able to retract the get. This shows that he held like **R' Shimon ben Gamliel** that a retraction in front of Beis Din would not work. Also, the fact that he told them to hide, and not to simply separate, shows that he held like **Rebbi**, because he would hold that if they would simply separate the husband would still be able to revoke their authority, which is why they were instructed to hide.
- **Rava in the name of R' Nachman** said that the halacha follow **Rebbi** in both machlokes.
 - **Q:** We find that **R' Nachman** does not allow young orphans to later protest the division of the estate by Beis Din, because we are concerned for the power of Beis Din, so how could he hold like **Rebbi** in the first machlokes!? **A:** **R' Nachman** holds we are concerned for the power of Beis Din only regarding monetary matters, not regarding issurim (like gittin).

-----Daf 77---34-----

- Gidul bar Re'ilai sent a get to his wife. When the shaliach reached her she was weaving and told him to come back the next day to deliver the get. When the shaliach reported back to Gidul, he responded by saying "Baruch Hatov V'hameitiv". **Abaye** said, this response does not make the get batel. **Rava** said that it does. The point of machlokes is that **Abaye** holds that showing intent to void a get is not sufficient to void the get, and **Rava** says that it is.
 - **Rava** brought a proof from a story where **R' Sheishes** forced a husband to give a get. Before it was delivered, the husband told the witnesses, "**R' Sheishes** told you to let the get be void". Upon hearing what had happened, **R' Sheishes** required that another get be written. We see that intent without specific declaration is enough to void a get. **Abaye** said this is not a proof, because what happened was that the husband fully voided the get. The reason he then told it to the witnesses in this cryptic way was so that **R' Sheishes's** henchmen wouldn't come and beat him up for doing so.
 - **Abaye** brought proof from the case of where **R' Yehuda** forced a husband to write a get and the husband then voided it. This repeated a second time. When he forced it to be written a third time he told the witnesses to stuff their ears so that they cannot hear the husband's attempt to void the get again. Now, this husband was running after them trying to void the get, which shows explicit intent, and yet we see the get was not voided. **Rava** said this is no proof, because it may be that the husband was running after them to encourage them to deliver the get faster so that **R' Yehuda** would stop attacking him.
 - **Abaye** brought proof from the earlier case of the man who said a get should take effect if he does not return in 30 days, and at 30 days he was prevented from coming because the ferry didn't arrive to take him across the river. He therefore began yelling "Look! I am here" (to say that he doesn't want the get to take effect), and yet **Shmuel** said that the get does take effect even though there is clear intent on the husband's end to void the get. **Rava** said that is no proof. In that case he was not trying to void the get, he was trying to say that he fulfilled the condition in the get (by returning), but he had in fact not done so.
 - A person gave a get to his arusah and said, if we don't enter into nissuin in 30 days, the get should take effect. On the 30th day he said to the witnesses, "I am busy preparing for the wedding now" (I am doing everything possible to be ready, but it cannot be done, and the get should therefore not take effect). The Gemara says, the fact that he is an oneis doesn't help him, because we pasken that "ein oneis b'gittin". We can't say that the get is batel based on the husband's clear intent, because that is a matter of machlokes between **Abaye and Rava**. Therefore, the get will take effect.
 - A person gave a get to his arusah and said, if we don't enter into nissuin by Rosh Chodesh Adar, the get should take effect. On Rosh Chodesh Adar he said to the witnesses, "I thought I had said that we have

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until Rosh Chodesh Nisnon, and that is why I am not ready yet”. The Gemara says, the fact that he is an oneis doesn’t help him, because we pasken that “ein oneis b’gittin”. We can’t say that the get is batel based on the husband’s clear intent, because that is a matter of machlokes between **Abaye and Rava**. Therefore, the get will take effect.

- The Gemara paskens like **R’ Nachman** (that a get only needed to be voided in front of 2 people), and like **R’ Nachman** (that we pasken like **Rebbi** in both places mentioned where he argues with **R’ Shimon ben Gamliel**), and like **Nachmeini** (which refers to **Abaye**, in the machlokes with **Rava**, above).

MISHNA

- Originally, they would write the name of the husband, the wife, and the city, as they were referred to in the place that the get was written. **R’ Gamliel Hazaken** then instituted for the benefit of the world, that they write the name of the husband “and all other names he is known by”, and the same should be done for the wife.

GEMARA

- **R’ Yehuda in the name of Shmuel** said, the people of chutz laaretz sent to **R’ Gamliel**, the people who come from EY and are known here by different names, how can they divorce their wives (since people will not recognize their names as written in the get)? **R’ Gamliel** thereby instituted that the names and all secondary names of the husband and wife must be written in the get, for the benefit of the world.
 - **R’ Ashi** said, this is only if at the time and place of the writing it is known that the husband or wife goes by more than one name. **R’ Abba** said that **R’ Mari and R’ Elazar** hold like that as well.
 - A Braisa can be brought as a proof as well. The Braisa first says that all names of the husband must be used and then says that any one name can be used. It must be that the first part of the Braisa is discussing where he was known to go by more than one name, and the second part of the Braisa is discussing where he was only known to have one name (even if he in fact was known by more than one name).
 - There was a woman who was referred to by most people as Miriam, and by some people as Sarah. The **Rabanan** said that her get must list Miriam first, since that is her primary name, and then should list her other names afterwards.

MISHNA

- Originally, a widow was only allowed to collect her kesubah from the inherited assets of the orphans if she first swore that she had not yet been paid her kesubah. Eventually, the Beis Din stopped allowing the widows to swear (making it impossible to collect her kesubah). **R’ Gamliel Hazaken** then enacted that the widow should take on a neder prohibiting herself in anything that the orphans want her to be prohibited in, if she had already accepted payment, and after making that neder she can collect her kesubah. There was also an enactment (by **R’ Gamliel** – Rashi) that witnesses must sign a get (and we should not rely on the eidei mesirah). Both these were enacted for the benefit of the world. Also, **Hillel** enacted pruzbul for the benefit of the world.

GEMARA

- **Q:** Why is the Mishna singling out a widow, that she must swear to collect from the orphans? Any creditor that wants to collect from orphans must swear before collecting!? **A:** The chiddush is that even a widow has to swear, and we don’t say that the **Rabanan** allowed her to collect without swearing so that the prospect of marriage remain attractive for women.

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NIMNI’U MILIHASHBI’AH

- **Q:** Why did they stop allowing the widow to swear? It can’t be based on the concern of **R’ Kahana**, who told the story of a widow who was asked to watch a golden dinar and hid it in her flour for safekeeping. She mistakenly used the flour and baked the dinar into a loaf of bread and gave the loaf to a poor person. When the owner asked her for the dinar and she couldn’t find it, she swore on the life of her children that she had not benefitted

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at all from the dinar. A short time later her child died. When the **Rabanan** realized what had taken place they said, if someone who swears honestly can be punished so harshly, then certainly someone who swears falsely will be punished. Although she believed that she swore truthfully, in fact, the space of the coin allowed her to use less flour for the loaf, and in that way she did benefit, and that is why she was punished by her own swearing. Still, since we see how harshly she was punished when she did not knowingly swear falsely, that may be the reason that the **Rabanan** stopped allowing a widow to swear. However, that can't be the reason, because based on that reason a divorcee who is trying to collect her kesubah should also not be allowed to swear. Why did they only single out a widow? **A:** A widow is different because she takes care of the orphans, and she justifies swearing falsely to collect money based on the fact that she has "earned" this money by caring for the orphans.

- **R' Yehuda in the name of R' Yirmiya bar Abba** said, **Rav and Shmuel** both say that the takanah only stopped a widow from swearing in Beis Din, but she may still swear to the orphans outside of Beis Din (where the swearing will only follow a D'Rabanan format, and will therefore not carry the severity of a swearing done in Beis Din).
 - **Q:** We find that **Rav** would never allow a widow to collect her kesubah from orphans at all!? **A:** **KASHYEH.**
 - In Sura, they taught the above version of **R' Yehuda**. In Nahrda'ah they said that **R' Yehuda in the name of Shmuel** said, that she may swear outside of Beis Din, but **Rav** argued and said that she may not even swear outside of Beis Din. According to this, **Rav** follows his view in which he never allowed a widow to collect her kesubah from orphans.
 - **Q:** Why didn't **Rav** allow her to make a neder and collect her kesubah based on the neder (according to the takanah of **R' Gamliel**)? **A:** In **Rav's** times people treated nedarim very lightly, and therefore making a neder was not enough of a reliance to have her collect her kesubah based on it.
 - A widow once came to **R' Huna** to collect her kesubah from orphans. **R' Huna** told her, I can't help you, because **Rav** did not allow a widow to collect her kesubah from orphans. She said, **Rav** said that only because of the concern that I may have taken my kesubah already. However, I swear in Hashem's Name that I have not gotten anything. **R' Huna** said, even **Rav** agreed that although we do not allow her to swear, if the widow went and swore before we could stop her, we would then allow her to collect her kesubah from the orphans.
 - A widow once came to **Rabba bar R' Huna** to collect her kesubah from orphans. **Rabbah** told her, I can't help you, because **Rav** and my father (**R' Huna**) did not allow a widow to collect her kesubah from orphans. She said, if so, then allow me to be supported from the estate. He said, I cannot allow that either, because **R' Yehuda in the name of Shmuel** said, once a woman demands payment of her kesubah in Beis Din, she loses her right to support. She said to him "His chair should be overturned (this was a curse that **Rabbah bar R' Huna** should die) because he has taken the approach to be machmir against me from both sides!" The people there quickly turned over **Rabbah bar R' Huna's** chair, in the hopes of having her curse become nullified, by having the literal words being fulfilled. This saved him from death, but did not save him from becoming ill due to the curse.
 - **R' Yehuda** told **R' Yirmiya Bira'ah**, if a widow comes to you to collect her kesubah from orphans, either make her take a neder in Beis Din or make her swear outside of Beis Din, and then she may collect her kesubah.
 - **R' Zeira in the name of Shmuel** said, only a widow may not swear, but a divorcee may swear and then collect her kesubah.
 - **Q:** This suggests that a divorcee may not collect based on a neder, only by swearing. However, we have learned that in EY they once allowed a divorcee to collect based on a neder!? **A:** **R' Ashi** said, that woman was a yevama who received a get from her yavam (instead of yibum or chalitza, in which case she becomes assur to have yibum done). In fact, she was looking to collect from the estate of her husband and was a widow. She had the label of "divorcee" because of the get, but was not a true divorcee. That is why a neder was sufficient for her to collect.

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HISKIN R' GAMLIEL HAZAKEN SHETIHEI NODERES...

- **R' Huna** said, we only let a widow make a neder and collect her kesubah if she has not remarried. However, if she has already remarried, she may not collect based on a neder.
 - **Q:** The reason she can't collect based on a neder if she is married is because the neder is meaningless since her husband can be meifer the neder. If so, why can she collect based on a neder before she remarries? When she later does remarry the husband will be meifer then!? **A:** A husband cannot be meifer nedarim that were accepted prior to the marriage.
 - **Q:** We should be concerned that she will go to a chochom and be matir neder after making the neder!? **A:** **R' Huna** holds that one must give the chochom the details of why the neder was accepted. When a chochom hears why she accepted the neder, he will not be matir it for her.
- **R' Nachman** said, even if she already remarried, she may accept a neder and collect her kesubah.
 - **Q:** The husband will be meifer the neder!? **A:** We make her accept the neder in front of 10 people, in which case **R' Nachman** holds that the husband cannot be meifer.
- **Q:** A Braisa says, if the widow remarried, she still collects her kesubah if she made a neder. Presumably this refers to her making a neder now, as a married woman. This refutes **R' Huna**!? **A:** The Braisa is referring to where she made the neder before she remarried.
- **Q:** Another Braisa says, if she remarries, she makes a neder and collects her kesubah. This seems to clearly allow her to make the neder after she remarries!? **A:** There is a machlokes Tanna'im whether a neder that was made in front of 10 people is subject to hafarah. This Braisa follows the view that it is not subject to hafarah, and that is why she can collect on a neder made even after she remarries. **R' Huna** holds that such a neder is subject to hafarah, and therefore she would not be allowed to collect based on that neder.
- **Q:** When someone goes to a chochom to be matir neder, does he have to detail the circumstances under which the neder was made or not? **A:** **R' Nachman** says he does not, because if it was required, then the person may end up giving less than the complete story and the chochom will be matir based on incomplete information. **R' Pappa** says that he does, because the chochom has to know if the neder was made to prevent the person from sinning.
 - **Q:** A Mishna says, if a Kohen is married to a woman who is assur to him (a divorcee, zonah, or chalalah), he is assur to do the Avodah until he makes a neder not to benefit from the woman. A Braisa says, he makes the neder, can then do the Avodah and must then divorce her. Now, if one does not need to explain the circumstances of when the neder was made, why are we not concerned that the Kohen will make the neder, but will then go to a chochom and be matir neder? **A:** We make him swear in front of 10 people.
 - **Q:** What about the view that even such a neder can be annulled as well? **A:** We have the Kohen make the neder "ahl daas rabim" (based on the understanding of the people), in which case all agree that the neder cannot be annulled without the presence of all those people there.
 - Such a neder may only not be annulled for a discretionary purpose. However, if it is preventing someone from doing a mitzvah, even such a vow may be annulled.

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V'HA'EIDIM CHOSMIN AHL HAGET MIPNEI TIKUN HA'OLAM

- **Q:** Witnesses must sign the get based on the pasuk, not for "the benefit of the world"!? **A:** **Rabbah** said, this means, that according to the view of **R' Elazar**, who says that D'Oraisa we don't need witnesses signed on the get, the **Rabanan** instituted that we should have witnesses who sign the get, so that if the eidei mesirah die or go overseas, she can still have a method of proving the validity of the get. **A:** **R' Yosef** said the Mishna can even follow the view of **R' Meir** (who requires witnesses to sign the get even D'Oraisa). However, initially the witnesses would not sign their actual name, but instead would sign "I, ploni, am signing as a witness". The **Rabanan** instituted that they should write their actual name so that it be easier to verify their signatures and prove the validity of the get.

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- **Q:** Does this mean that anything but the full name would not be acceptable? We find a number of **Rabanan** who would sign by using a symbol, instead of writing their actual name!? **A:** The **Rabanan** are different, because their symbols are well known as being their signatures, as was seen by all in their written answers to questions and letters. Therefore, they were able to sign using those symbols.

HILLEL HISKIN PRUZZBUL...

- A Mishna says, when one writes a pruzbul he may collect on the loans even after shmitta. **Hillel** made this takanah of pruzbul because he saw people holding back from giving loans as shmitta neared, and in that way they were being over a mitzvah in the Torah. The essence of a pruzbul is that the lender writes “I hereby give these dayanim in this place all the debts owed to me that they can now be collected whenever I want”, and either the dayanim or the witnesses then sign.
 - **Q:** Can it be that D’Oraisa the loan gets cancelled, and **Hillel** came along and said that it does not get cancelled? **A:** **Abaye** said, this was done for shmitta in today’s times, and following the shita of **Rebbi** who says that when the halachos of shmitta in EY are D’Rabanan (which is the case after the Churban), the halachos of shmitta cancelling loans is also only D’Rabanan, as a remembrance to the halachos of shmitta. Therefore, **Hillel** changes a D’Rabanan, not a D’Oraisa.
 - **Q:** Can it be that D’Oraisa a loan is not cancelled, and the **Rabanan** came and cancelled the loan? **A:** **Abaye** said, the **Rabanan** change the D’Oraisa through a “shev v’ahl taaseh” (they said do not go and collect the loan). The **Rabanan** have the power to do so in this format.
 - **A:** **Rava** said, whether the cancellation of debts is D’Oraisa or D’Rabanan, the **Rabanan** (and **Hillel**) have the right to say that the loans are not cancelled, based on the concept of “hefker Beis Din hefker”.
- **Q:** Did **Hillel** enact pruzbul for his generation, or was it enacted for all future generations as well? The difference would be whether a later generation of **Rabanan** could abolish the enactment. If it was only enacted for his generation, a later **Rabanan** may abolish the concept of pruzbul. If it was enacted for all generations, it would not be able to be abolished, because a later Beis Din could only abolish an earlier enactment if the later Beis Din is greater than the earlier Beis Din in both wisdom and number. **A:** We have learned that **Shmuel** said, a pruzbul may only be written in the Beis Din of Sura or of Neharda’ah (since they are great enough to make something hefker). Now, if **Hillel’s** takanah was for all generations, then any Beis Din should be able to write a pruzbul, since they would anyway be relying on **Hillel’s** takanah!
 - **Q:** It may be that although the takanah was for all generations, the takanah was that the pruzbul must be written in a Beis Din that is great enough to make something hefker.
 - **Q:** Maybe we can answer as follows. We are taught that **Shmuel** said that the concept of pruzbul is puzzling to him (how it can work) and he said that if he had the strength he would abolish it. This must mean that it was not enacted for all generations, because if it was, how was he planning on abolishing it? **A:** It may be that **Shmuel** was saying, I know I can’t abolish it, however, if I was able to assemble a Beis Din greater than **Hillel**, I would abolish it. If that is what **Shmuel** meant, it would show that pruzbul was enacted for all generations.
 - **R’ Nachman** said about pruzbul, “I would confirm the enactment of pruzbul”.
 - **Q:** Why would he have to confirm it, since it is already confirmed and in practice? **A:** He was saying that he would want to expand pruzbul that even if someone didn’t write a pruzbul his debts do not become cancelled at shmitta.
- **Q:** What is the meaning of the word pruzbul? **A:** **R’ Chisda** said, it means “an enactment to benefit the rich and the poor”. **Rava** heard a foreign speaking person use the word pruzbul and asked him what it meant in his language. He said it meant an act done to benefit something.

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- **R’ Yehuda in the name of Shmuel** said, orphans do not need to write a pruzbul, and the debts owed to their deceased father will not be cancelled by shmitta. **Rami bar Chama** explained from a Braisa that the Beis Din is considered to be the guardians of the orphans, and their debts are therefore already given over to the Beis Din.

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- A Mishna says, a pruzbul must be written on the basis of a piece of land (owned by the debtor). If the debtor has no land, the creditor should give him a tiny piece so that the pruzbul can take effect.
 - **R' Chiya bar Ashi in the name of Rav** said, the “tiny piece” can be as small as one stalk of cabbage. **R' Yehuda** said, the creditor can even just lend him land for his use, and that is sufficient for the purposes of pruzbul.
 - **Q: Hillel** (the Amora) taught a Braisa that a pruzbul can only be written on a flowerpot if it has a hole on the bottom (and is therefore considered to be connected to the ground). This suggests that a flowerpot without a hole cannot be used, even though it takes up space (and therefore should be sufficient according to **R' Yehuda**)!? **A:** The case is where the flowerpot is on a stand, and therefore not taking up place on the ground.
 - **R' Ashi** gave his debtor the stump of a palm tree and wrote a pruzbul based on that.
 - **The Rabanan of the Yeshiva of R' Ashi** would verbally say the pruzbul to each other instead of writing it down. **R' Yonason** did the same to **R' Chiya bar Abba**, who then told him, you have done all that needs to be done for pruzbul.
 - A Braisa says, if the debtor doesn't have any land, but the guarantor on the loan does, the pruzbul can be written on the basis of that land. If the debtor and the guarantor don't have any land, but a debtor of the debtor does, the pruzbul may be written on the basis of that land (using the “shibuda d'Rebbi Nossan”).
- A Mishna says, shmitta cancels a loan, whether it is a loan written in a document or not.
 - **Rav and Shmuel** both say, when the Mishna says “written in a document” it means a document where there is “achrayus” (a lien on real property), and when it says “not written in a document” it means a document that doesn't have achrayus. Certainly, a loan that was only done orally will be cancelled as well. **R' Yochanan and Reish Lakish** say, when the Mishna says “written in a document” it means a document where there is no achrayus, and when it says “not written in a document” it means an oral loan. However, a loan written in a document with achrayus will not be cancelled by shmitta.
 - There are two Braisos that say like **R' Yochanan and Reish Lakish**.
 - In practice **R' Yochanan** once ruled that a loan written in a document with achrayus is cancelled by shmitta. **R' Assi** asked him, you have said different!? **R' Yochanan** said, I said what I said as an explanation to a Mishna, but did not pasken that way, because I did not hear this from my rabbei'im. **R' Assi** asked, we have Braisos that say that the loans do not get cancelled!? **R' Yochanan** answered, it may be that those Braisos follow **B”S**, who say that a document which stands to be collected is considered as if it was already collected (and as such is not outstanding by shmitta).
- A Mishna says, if a loan was done with collateral, and loans that were given over to Beis Din, are not cancelled by shmitta.
 - **Q:** We understand why loans given over aren't cancelled (because they were given to Beis Din who has the power to deem them collectable). Why is a loan made with collateral not cancelled? **A: Rava** said, since the lender holds the collateral, it is as if the loan is already collected.
 - **Q: Abaye** asked, according to this, if the borrower allowed the lender to live in his courtyard as collateral, the loan should also not be cancelled by shmitta, and yet we know that is not the halacha!? **A: Rava** explained, the case of a moveable collateral is different, because the lender is actually koneh the collateral, as taught by **R' Yitzchok**. Therefore, it is in that case that the loan is considered to already be collected.
- A Mishna says, if a debtor pays back a loan after shmitta (although it was cancelled by shmitta), the creditor must tell him “I relinquish the debt”. If the debtor then says, “Even so, I still want to repay it”, the creditor may then accept payment.
 - **Rabbah** said, the creditor may pressure the debtor until he says “Even so, I want to repay the loan”.
 - **Q: Abaye** asked, a Braisa says that when a debtor repays a loan after shmitta, he must say that he is giving the money as a gift, not as repayment. This suggests that he cannot be forced or pressured to repay!? **A: Rabbah** said, he is allowed to pressure him to say “I am giving you this money as a gift”.

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- It once happened that **Abba bar Marsa** attempted to pay a loan back to **Rabbah** after shmitta, and **Rabbah** told him “I relinquish the debt”. **Abba bar Marsa** went away without paying. When **Abaye** saw that **Rabbah** was upset and was told what happened, he went to **Abba bar Marsa** and told him to go back to **Rabbah** and to tell him, “Even so, I still want to repay you”. He did so, and **Rabbah** accepted the money.
- **R’ Yehuda in the name of R’ Nachman** said, a person is believed to say “I had a pruzbul, but I lost it”. The reason is, that since the pruzbul allows him to collect his debts in a permissible way, we can assume that he had one done, and did not decide to lie and collect his debts in a prohibited way.
 - When a creditor would go to **Rav** (as a Beis Din) to collect their debts after shmitta, he would say to them, “Did you maybe have a pruzbul and it got lost”? He held that this was a case where it is mutar for Beis Din to coach the claimant into making the proper claim.
 - **Q:** A Mishna says that when a creditor comes for payment after shmitta without a pruzbul, they do not collect the loans. This seems to suggest that when he claims the pruzbul was lost we do not believe him (if the Mishna is talking about where he admits to never having written a pruzbul, it would be obvious that he may not collect)? **A:** It is actually a matter of machlokes between Tanna'im in a Braisa whether the creditor must be in possession of the pruzbul, or whether he can say that he had one written but misplaced it.

MISHNA

- If a slave was captured and Yidden paid a ransom to get him free, if they did so with the purpose that he remain a slave, he remains a slave. If they did so with the purpose of having him become a free man, he is no longer a slave. **R’ Shimon ben Gamliel** says, in either case he remains a slave.

GEMARA

- **Q:** What is the case in the Mishna? If he was ransomed before the owner was “meya’esh”, why should he go out free? If it was done after “yi’ush”, why would he remain a slave if they ransomed him with the intent that he remain a slave? **A: Abaye** said, the Mishna is discussing where the owner was not yet meya’eish. Therefore, if he was ransomed with the intent to remain a slave, he remains a slave of his original owner. If he was ransomed with the intent to make him a free man, then he is no longer a slave to his original owner or to the one who paid the ransom. He is not owned by his original owner, because if we were to say that he is, people would not go and ransom him from captivity. **R’ Shimon ben Gamliel** holds that he will continue to be owned by the original owner and we are not concerned that people will not ransom him, because just as there is a mitzvah to redeem a Jew, there is also a mitzvah to redeem a slave. **A2: Rava** said, the Mishna is discussing where the owner was already meya’eish. If the slave is ransomed to remain a slave, he becomes the property of the one who ransomed him (since the original owner was already meya’eish). If he was ransomed to go free, he goes free. **R’ Shimon ben Gamliel** argues and says that in both cases he remains the property of the original owner, as **Chizkiya** explains, because if we don’t say that, when a slave wants to be free of his master, he will just have himself captured and in that way end up being free.
 - **Q:** A Braisa says that **R’ Shimon ben Gamliel** said to the **Rabanan**, just as it is a mitzvah to redeem a Jew, it is also a mitzvah to redeem a slave. Now, this statement is his reason according to **Abaye**. However, according to **Rava**, this is not his reason! **A: Rava** will explain, that **R’ Shimon ben Gamliel** was not sure what the **Rabanan** were saying. Therefore, he said to them, if the owner was not yet meya’eish, then the concern is that if he doesn’t go out free people will not redeem him, and to that I say that just as there is a mitzvah to redeem a Jew there is also a mitzvah to redeem a slave. And, if you mean to discuss where the owner was already meya’eish, then the reason he must remain the property of the original owner is like **Chizkiya** said.
 - **Q: Rava** said that the Mishna is discussing where the owner was meya’eish, and if the ransom was given with the intent for him to remain a slave, the slave becomes the property of the one who gave the ransom. From who was this person koneh the slave? You can’t say he is koneh him from the captor, because how was the captor ever koneh the slave? **A:** Although the captor was never koneh the actual

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body of the slave (because a goy can't own the body of another goy) he is koneh the work of the slave, and it is that, that he then gives over for the ransom.

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- **R' Shaman bar Abba in the name of R' Yochanan** said, if a slave escapes from jail, he goes out free from his master. Moreover, we force his master to write a get shichrur for him.
 - **Q:** Our Mishna said, **R' Shimon ben Gamliel** says, no matter the intent for having ransomed the slave, if he was ransomed he remains a slave. Now, **Rabbah bar Chana in the name of R' Yochanan** said, we always pasken like the view of **R' Shimon ben Gamliel** in a Mishna except for 3 places. How can **R' Yochanan** pasken like **R' Shimon ben Gamliel** in our Mishna and also say that a slave who escapes from jail is free from his master as well? Now, according to **Abaye** we can say that our Mishna is discussing before the master was meya'eish and the case of escaping from jail is discussing after the master was meya'eish. However, according to **Rava**, who says that even the Mishna is discussing after yi'ush, we have a self-contradiction of **R' Yochanan**!? **A: Rava** would answer, the reason he continues to be a slave in our Mishna is based on **Chizkiya** (that a slave will have himself captured just to free himself of his master). However, when dealing with a slave who escaped prison, who risked his life to escape, there is no concern that he would put himself into prison to try and free himself of his master. That is why in that case he goes out free from his master.
 - **Shmuel's** maidservant was captured, and some Jews ransomed her with the intent for her to remain a slave. They sent her back to **Shmuel** and told him, we hold like **R' Shimon ben Gamliel**, who says the slave must always remain a slave. And, even if you hold like the **Rabanan**, we ransomed her with intent to remain a slave, and therefore she still belongs to you. Their mistake was that they thought **Shmuel** had not yet been meya'eish, but in truth he already had been. With regard to **Shmuel**, not only did he not take her back, he said she is free without even needing a get shichrur, because he darshens a pasuk to teach, if a person is mafkir his slave, the slave is free and does not need a get shichrur.
 - **R' Abba bar Zutra's** maidservant was captured and was redeemed by a goy for the purpose of marrying her. The **Rabanan** sent to **R' Abba** – if you want to do the right thing and help her, send her a get shichrur.
 - **Q:** If the **Rabanan** were able to redeem her from the goy, why did they need him to send a get shichrur? If they were not able to do so, how would his sending the get shichrur help the situation? **A:** They were able to redeem her from the goy. They wanted him to send her a get shichrur, because if he did (and she thereby becomes a full-fledged Jew) it would be much easier to raise the necessary funds to redeem her from the goy. **A2:** They were not able to redeem her (the goy was unwilling), but they figured that if a get shichrur is sent to her, the goy would become disenchanted with her (since this shows that she was a slave) and will then allow her to be redeemed.
 - **Q:** We have learned that goyim want anything that belonged to a Jew, so why would the fact that she was slave to a Jew cause him to lose interest in her? **A:** In private they want that, but when it becomes known publicly, it is embarrassing for them. Therefore, the sending of the get shichrur would make him lose interest in her.
 - There was a maidservant with whom men were sinning. **Abaye** said, if not for the statement of **R' Yehuda in the name of Shmuel**, who said that one is oiver on an assei if he frees a slave, I would force this master to free this woman (so she can marry a Jew, who would put an end to that behavior). **Ravina** said, in such a case even **R' Yehuda** would say it would be permitted to free her, to prevent the aveiros from happening.
 - **Q:** We find that **R' Nachman bar Yitzchak** instructed that a master fully free his maidservant who was already half-freed, because men were doing aveiros with her. This is contrary to what **Abaye** said above!? **A:** In **Abaye's** case it is possible to marry her off to a slave, and that too would put an end to the aveiros, and there was therefore no need to free her. In this case, since

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she was already half-free, the only way she could marry would be if she were to become totally free.

- We have mentioned above, that **R' Yehuda in the name of Shmuel** said that one is over on an assei if he frees a slave, based on the pasuk of "l'olam bahem ta'avodu".
 - **Q:** We have learned that **R' Eliezer** freed his slave when he needed one person for a minyan!? **A:** They may be freed to allow for fulfillment of a mitzvah.
 - The Gemara says, you can't answer that **R' Eliezer** held like **R' Yishmael** who says that the assei to keep them forever is not an obligation, because we find that **R' Eliezer** clearly says that it is an obligation.
 - **Rabbah** said, 3 things cause a person to lose his wealth: letting slaves go free, checking on properties on Shabbos, and making their Shabbos meals the same time as the rav's drasha.
 - **Rabbah in the name of Rav** said, if one makes a slave hekdesch, the slave goes out free. The reason is, his body can't become kadosh, and he didn't mean to make his value kadosh, because he would have been more specific. Therefore, what he must have meant was that this slave should become part of the "Holy Nation" (the Yidden) and must have meant to free him. **R' Yosef in the name of Rav** said, if one makes his slave hefker, he goes out free.
 - **Rabbah** would definitely agree with **R' Yosef** (if one declares his slave to be hefker, he would go out free). **R' Yosef** may not agree with **Rabbah**, because he could say that the person meant to make the value of the slave kadosh.
 - **Q:** Does a slave who is freed using one of these ways need a get shichrur? **A:** **R' Chiya bar Avin in the name of Rav** said that he does need a get shichrur.
 - **Q:** **Rabbah** asks on himself, a Braisa says that if a slave is made hekdesch, the slave should be sold to others and they may free him if they want. This suggests that the slave was meant to be kadosh for his value!? **A:** We can't ask on **Rav** from a Braisa, because **Rav** is like a Tanna and can argue on a Braisa.
 - **Q:** A Braisa learns from a pasuk that a slave can be given to hekdesch!? **A:** The Braisa is discussing where the person specifically said it is being given for its value. We can't say this about the other Braisa brought as a question, because if he was only made kadosh for his value, how can he be sold to others to be freed? The master must give the slave's value. There is no ownership given to hekdesch at all!
 - **Q:** A Braisa says that if a slave is given to hekdesch, the slave may work for food, because he is only hekdesch for his value. We see that he doesn't go out free, and this is not what **Rabbah** said!? **A:** This Braisa follows **R' Meir**, who says we must follow what one says, because he would not promise something to hekdesch without purpose. However, according to the **Rabanan**, we would say that the statement said was a statement to make the slave free.