



Daf In Review – Weekly Chazarah

Maseches Gittin, Daf טז – Daf טז

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 טז---67-----

- We previously learned, that **Shmuel in the name of Rabbi** paskened like **R' Yose**, that words cannot be transferred to a shaliach.
 - **R' Yishmael the son of R' Yose** asked, since **R' Meir and Chanina of Ono** argue with **R' Yose**, why does **Rebbi** pasken like him? **Rebbi** told him, you have never seen **R' Yose**, because if you had, you would know that his reasoning is always solid.
 - A Braisa says this as well. The Braisa says, **Isi ben Yehuda** was counting the praise of the Chachomim: **R' Meir** was a chochom and a sofer, **R' Yehuda** was a chochom whenever he desired to be, **R' Tarfon** was like a pile of nuts (he would bring proof to his words from many places, like a pile of nuts that comes tumbling down), **R' Yishmael** was like a store full of merchandise (he was always prepared in Torah and therefore never kept anyone waiting), **R' Akiva** was like a storehouse with compartments (he gained tons of knowledge and later organized everything he had learned), **R' Yochanan ben Nuri** was like a box of a peddler's of spices (knew so many various things), **R' Elazar ben Azarya** was like a user's basket of spices, the teachings of **R' Eliezer ben Yaakov** are few but they are pure, **R' Yose** always has strong reasons for his views, **R' Shimon** grinds a lot and lets go of little (he learns a lot and let's go of very little).
- We said earlier, if a husband tells two people "tell a sofer to write a get and tell these two people to sign it", **R' Huna in the name of Rav** said it is valid, but this should not be done.
 - **Q: Ulla** asked **R' Nachman**, if it is valid, why shouldn't it be done!? **A:** He answered, we are concerned that a woman would hire people to say that they were instructed by the husband to arrange for a sofer and witnesses. Therefore **Rav** was goizer that it should not be done.
 - **Q:** A Braisa says that we are not concerned that witnesses would sign falsely on a document!? **A:** They would not sign falsely, but they may speak falsely, which is the concern in this case.
- If a husband tells two people "tell a sofer to write a get and you two sign it", **R' Chisda, R' Nachman, and Rabbah** say it is valid but should not be done, and **Rabbah bar bar Chana, R' Sheishes, and R' Yosef** say that it is valid and it may be done.

AMAR L'ASARA KISVU GET

- A Braisa says, if a husband said to 10 people "write a get and give it to my wife", any one of them can write on behalf of the others. If he told them "all of you write", one of them write in the presence of the others. If he told them "take a get to my wife", one may take on behalf of all of them. If he told them "all of you take the get to my wife" one of them may take it to her in the presence of all of them.
 - **Q:** What if the husband counted out the people in the group, and then told them to write the get but did not say "all of you"? **A:** **R' Huna** said counting is not like saying "all of you", and **R' Yochanan in the name of R' Elazar of Rome** said that it is as if he said "all of you".
 - **R' Pappa** said, they do not argue. One is talking about where he counted every member of the group, and the other is talking about where he did not count every member.
 - Some explain that **R' Huna** is discussing where each member was counted, and some explain that it was **R' Yochanan** who was discussing that case.
 - **R' Yehuda** said, that when a husband instructed a group without saying "all of you" the sofer should write "the husband told us to write – either all of you or one of you, to sign – either all or two of you, and deliver – either all of you or one of you". **Rava** said, if the sofer would forget to write some of these words it may seem as if all had to write, sign, and deliver. Therefore, he is better off writing that the husband told any one person to write, any two to sign, and any one to deliver.

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HADRAN ALACH PEREK HA'OMER!!!

PEREK MI SHE'ACHZO -- PEREK SHEVI'I

MISHNA

- If someone is seized by “kurdaykus” (a sheid that takes control of a person who drinks a lot of wine from the press), and he says “write a get for my wife”, the statement has no effect. If a healthy person said “write a get for my wife” and he was then seized with kurdaykus, and he then said “do not write the get”, this second statement has no effect.
- If a man became mute and people asked him “should we write a get for you wife?” and he nodded his head, we test him three times to determine his mental state. If we see that he says “no” when he is supposed to say “no”, and says “yes” when he is supposed to say “yes”, then we write the get and give it to his wife.

GEMARA

- What is kurdaykus? **Shmuel** said, he is taken over from drinking fresh wine from the press.
 - **Q:** Why doesn't the Mishna say “if one is taken over from drinking fresh wine”? Why instead use the term kurdaykus? **A:** The Mishna is teaching that the sheid that takes hold of a person in this state is called kurdaykus. The reason it is important to have this information is so that a proper kameya can be written. To heal this condition one would eat lean meat that was broiled on coals and drink heavily diluted wine.
 - The Gemara quotes **Abaye** as he states remedies for a number of illnesses.
 - **R' Amram Chasida** would be tormented by the household of the Reish Galusa and was made to sleep in the snow. The next day they asked him what he would like to eat and drink. He figured, whatever I tell them, they will bring me the opposite. Therefore, he asked for lean meat broiled on coals and heavily diluted wine. Instead, they brought him fatty meat broiled on coals and undiluted wine (which the Gemara said was the proper remedy for a cold). He thereby acquired what he needed to heal himself. Yalta, the wife of **R' Nachman**, heard about what happened to **R' Amram**. She took him and had him stand in the hot waters of the bathhouse until the waters became red and his skin formed round blotches.
 - **R' Yosef and R' Sheishes** would each do heavy manual labor when they were sick from a cold, and would sweat and become healed.
 - The people of the Reish Galusa asked **R' Sheishes** why he never ate with them. He said it is because your servants are suspected of serving eiver min hachai. He proved this by having his attendant steal the leg of an animal that these servants were preparing, and when he asked them to bring the pieces of the animal to him and made a comment that they are serving him a 3 legged animal, they simply ripped a leg off another animal and put it with the first animal. He then pulled out the leg he stole, and proved that they were suspect on kashrus. The people of the Reish Galusa said to him, let them prepare a meal in your presence and then you can eat with us! **R' Sheishes** agreed to that. The servants brought him meat with small bones, which they figured he would choke on and die (he was blind and wouldn't see or feel these small bones). **R' Sheishes** felt the bones and took the whole piece of meat, wrapped it in a handkerchief and put it away. The servants later claimed “He stole a silver cup” so that they could unwrap the handkerchief to see what he had hidden in it. When they found the meat they told the Reish Galusa, he has come to bother us, not to eat with us! **R' Sheishes** said, I ate a little, but it tasted like an animal with tzaraas, so I didn't eat more. They said, we did not prepare an animal with tzaraas today! He told them to look at the skin for a white spot. They looked and found that there was actually such a spot there. As he was leaving, they dug a hole and covered it, and walked **R' Sheishes** there, figuring that he would fall in. **R' Chisda** made a noise to warn **R' Sheishes**, who then asked a child to tell him the pasuk he was learning. The pasuk was “turn to your right or your left”. He knew to walk around and not straight.

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- Shlomo Hamelech says in a pasuk “asisi li sharim v’sharos v’sanugos bnei ha’adam shida v’shidos”. The Gemara explains “sharim v’sharos” refer to types of musical instruments; “v’sanugos bnei ha’adam” refer to pools and bathhouses; “shida v’shidos” in Bavel they said refers to male and female sheidim, and in EY they said it refers to wagons.
 - **R’ Yochanan** said, there are 300 types of sheidim in Shichin, but I still do not know what a sheid is.
 - Shlomo Hamelech needed male and female sheidim for the following reason. When Shlomo was building the Beis Hamikdash he needed to cut the stones, but was not allowed to use a metal instrument. The **Rabanan** told him to use the shamir worm that Moshe used to cut the stones of the Eiphod. He asked where to find this shamir. The **Rabanan** told him to get a male and female sheid and force them to tell. He did so and they claimed that they do not know, but said that Ashmedai, the king of the sheidim, may know. They told him he can be found on a particular mountain, where he dug a pit that he fills with water, covers it with a stone, seals it, goes every day to learn in Heaven, then comes down and learns on Earth, checks his seal to see if it is intact, uncovers it, drinks the water, and again covers and seals the water pit.

Shlomo sent Binyahu ben Yehoyada to capture Ashmedai. He gave him a chain with the Name of Hashem engraved on it and a ring also so engraved, balls of wool, and flasks of wine. Binyahu went and dug a pit underneath the pit of Ashmedai and drained the water. Then he stuffed the hole with the wool. He then dug a pit above the pit of Ashmedai and filled the pit of Ashmedai with wine. He then filled in the new pits with earth so Ashmedai would not notice anything. He then went and sat in a tree and waited. Ashmedai came and found his seal intact. He opened it and found the water to be replaced with wine. He didn’t want to drink it, because of the dangers that drinking wine leads to. However, he became very thirsty and drank it, became intoxicated and fell asleep. Binyahu then went and wrapped him in the special chain. When Ashmedai woke up he tried to free himself, but Binyahu told him, Hashem’s Name is on you, so you cannot break out.

As he was walking him back to Yerushalayim, Ashmedai brushed against a palm tree and it fell down. He did the same to a house. As he was passing the hut of a widow, she came out and begged him not to touch her hut. He bent his body away from the hut and broke a bone doing so. He saw a blind person and helped him on his way. He saw a drunk person, and helped him on his way. He saw a festive wedding and began to cry. He heard a man telling a shoemaker “make me shoes that will last for 7 years”, and Ashmedai laughed. He saw someone doing kishuf and he again laughed.

When he reached the palace he was not brought to Shlomo for 3 days. On the first day he asked why he wasn’t brought to Shlomo and they told him that Shlomo drank too much. Ashmedai responded by putting one brick on top of another. Shlomo explained that Ashmedai was trying to tell them to have Shlomo drink more. On the second day Ashmedai asked why he wasn’t brought to Shlomo and they told him that Shlomo ate too much. He responded by taking one brick off the other and putting it on the ground. Shlomo explained that Ashmedai was saying to withhold food from Shlomo. At the end of the 3rd day he was brought to Shlomo. He took a stick and broke off a piece that was 4 amos and threw it towards Shlomo. He said “when you die you will have nothing in this world besides your 4 amos (you burial spot). You have conquered the entire world and that is not enough that you now have to also conquer me!?” Shlomo told him, I do not need you for myself. I need you because I need the shamir worm to build the Beis Hamikdash. Ashmedai said, I don’t have it. It was given to the Malach of the sea, who has given it to the wild rooster, who swore to guard it and is trusted. He uses it to go to barren mountains, to break them and plant vegetation.

They went and found a wild rooster who had babies and covered the nest with glass. When the rooster returned and couldn’t get in, it brought the shamir to cut through the glass. The people then yelled to scare the rooster, who then dropped the shamir, which was then grabbed by the people. The rooster then killed itself for having violated his promise to guard the shamir.

Binyahu asked Ashmedai why he helped the blind person. He told him, in Heaven they said that this person is a complete tzaddik and whoever helps him will go to Olam Habbah. He then asked why he

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helped the drunkard. Ashmedai said, they said in Heaven that this person is a complete rasha so I should help him and thereby give him his reward in this world. He asked, why did you cry when you saw the wedding? Ashmedai said, because the groom will die without children in 30 days, and the bride will have to wait 13 years for the yavam to become an adult. He asked him, why did you laugh at the man in the shoemaker? Ashmedai said, because this person wants shoes to last for 7 years, and he will not even live out the next 7 days! He asked him, why did you laugh at the person doing kishuf? Ashmedai said, that man was standing on top of a treasure, and yet with all his kishuf he couldn't see that.

Shlomo kept Ashmedai in captivity until the Beis Hamikdash was built. One day Shlomo asked him, a pasuk praises Hashem by saying that He has Malachim and sheidim. What is so great about you sheidim? Ashmedai said, take off my chains and give me your ring and I will show you. Shlomo did so and Ashmedai went and swallowed Shlomo. He then put one wing in Heaven and one on Earth and threw Shlomo 400 parsas away, leaving him with nothing. Shlomo would go and beg door to door. At each place he would claim to be Shlomo Hamelech, but no one believed him. When he went to the Sanhedrin they said, a shoteh does not stick to one story, and this person is sticking to his story. They asked Binyahu whether he had been summoned by the king recently, and he said he was not. They asked the queens whether the king had been with them recently and they said that he was. They told the queens to check his feet to see if they look normal, and they replied that he always comes wearing his socks, and he has even asked to be with us while we are niddos, and he even tried to be with his mother! The Sanhedrin took Shlomo and gave him a ring and chain with the Name of Hashem carved into it. He took it, went into the room of Ashmedai, who saw him and flew away. After that time, Shlomo constantly lived in fear of Ashmedai.

There is a machlokes between **Rav and Shmuel** – one says that Shlomo was king and then became a regular person (when he was thrown away) and never fully took back the kingdom. The other says that he was king, then a regular person, but then became a full king again.

-----Daf 69-----

- The Gemara lists many ailments and the cures for these ailments.
 - For a headache caused by blood in the head, there is a mixture to be boiled and then the person is to pour 300 cups of this mixture on each side of the head. If that doesn't work, he should boil a certain white rose and pour 60 cups on each side of the head.
 - For a headache in half the head, a wild rooster should be shechted with a sharp, silver zuz, and the blood should be let to spill over the side of the head that hurts. The carcass should then be hung on the door so that he brushes against it on his way in and on his way out.
 - For an eye ailment (cataract) he should make a mixture using a specific scorpion and other ingredients, grind it up, and put 3 doses of the powder in each eye.
 - For night blindness, he is to tie his leg to the leg of a dog using hair of an animal's tail, should have children follow him saying some incantation as he collects 7 pieces of raw meat, eats them near the garbage dump, must then say some more incantations, and then blow into the eye of the dog.
 - For daytime blindness, he follows a specific process of getting and cooking seven fresh spleens, and then eating them with some incantations.
 - For nosebleeds, there are incantations that should be written by other people or himself. If that doesn't work he makes a mixture and burns it into ashes, rolls a vinegar soaked wool into the ashes, and places it in his nose. If that doesn't work, he should straddle a stream that flows east to west, take mud from beneath his feet, take wool and cover it with this mud and put the wool into his nose. If that doesn't work, he should sit under a water spout, have people pour water on him and they should say, just like the water stops flowing, the nose of this person should stop bleeding.
 - For bleeding in the mouth, we check with a wheat straw to see if the blood is sticky. If it is, it means the blood is from the lungs and can be healed. If it is not, it means it is from the liver and cannot be healed.
 - **Q: R' Ami** asked **R' Ashi**, a Mishna says that an animal is a treifah if it is missing *all* of its liver or even *part* of its lungs. This suggests that a problem in the lungs would be more severe than in

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the liver!? **A:** He said, if blood is coming from the mouth and we determine that it is from the liver, it would mean that the entire liver has dissolved.

- The remedy for the blood that comes from the lungs is a mixture of a number of ingredients to be cooked and eaten along with drinking strong beer that was made in Teves.
- For a toothache there is a garlic mixture which should be ground, put on the thumb nail of the side that has the toothache and the mixture should then be surrounded with dough.
- For a tonsil ailment, **R' Yochanan** says, first a process should be done to reduce the swelling, then a process should be done to collect the pus, then a process should be done to make the pus burst out, and then a process should be done to heal the burst skin.
- For a head/nose ailment, there is a potion to be mixed, cooked, and drunk. If that doesn't work, there is a second potion. If that doesn't work there is a third.
- For piercing pains of the heart, one should pour water over a specific upside down stone, and drink the water. If that doesn't work, he should drink from water that a dog drank from at night, but making sure it was not left uncovered for snakes to drink from.
- If one drank water that was left uncovered, he should drink a certain keili filled with undiluted wine.
- To heal "mursa", one should drink a keili of wine with aloe.
- For fluttering of the heart, one should eat barley bread that was soaked in kutach and then drink heavily diluted wine.
 - **Q: R' Acha Midifti** asked **Ravina**, that will cause even more fluttering!? **A: Ravina** said, this remedy was for a heavy heart. For fluttering, one should eat wheat bread soaked in honey and then drink undiluted wine.
- For heart pain, one should eat a potion made of different spices.
- For stomach pain, one should get 300 long peppers and drink 100 of them per day in wine.
 - **Ravin** of Narish used 150 peppers for **R' Ashi's** daughter and it worked.
- For worms in the stomach he should drink a keili of wine with a certain leaf.
- For white worms in the stomach, ingredients should be soaked in water, and he should then drink the water.
- For dealing with going to the bathroom, there is one mixture that loosens the bowels and one that dries up the bowels.
- For a spleen ailment, there is a potion using leeches and wine. If that doesn't work, he should take the spleen of a goat that never gave birth, put it in the oven and say an incantation. If that doesn't work, he should take the goat's spleen and put it in between the bricks of his house and say the incantation. If that doesn't work, he should take the hand of someone who died on Shabbos, put it on his spleen, and say the incantation. If that doesn't work, he should roast a fish on a blacksmith's coals, dip it in his water, eat it, and drink the blacksmith's water as well. If that doesn't work, he should drink a lot of wine. **R' Acha the son of Rava** said to **R' Ashi**, if someone has a lot of wine, he will not get sick. If someone can't afford so much wine, he should make sure to eat bread in the morning, because it is beneficial for the entire body.
- For hemorrhoids, there is a potion that should be placed topically onto the affected area. If that doesn't work, he should drink diluted beer.
- For a hip ailment, one should take fish brine and rub it 60 times on each hip.
- For urinary tract stones, there is a mixture that should be placed in that area. If that doesn't work, a certain keili should be hung from the person. If that doesn't work, red string spun by a particular woman should be hung from the person. If that doesn't work, a louse from a man and a woman should be hung from the person. He should then urinate on dry thorns in a doorway, and should pay attention to find the stone when it exits, because it is an effective remedy for all types of fever.
- For an outside fever, he should boil up two potions and sit in between them, then put them into bowls and sit on a table on top of them until the steam enters his body. He should then wash with this water and drink from one of them.

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- For an internal fever, he should eat beets cooked with the earth in which they were grown and drink beer with leaves in it, or grapes of a vine hanging over a palm tree, with water.
- For a moist boil, a potion is made and applied topically. **R' Simi bar Ashi** used this remedy to heal a goy from tzaraas.

-----Daf יז---70-----

- **Shmuel** said, a person who was stabbed with a Persian spear will certainly die, but he should be given fatty meat roasted on coals to eat, and undiluted wine to drink, so that he will at least live long enough to give instructions to his household.
- **R' Idi bar Avin** said, a person who swallows a bee will certainly die, but he should be given a reviis of strong vinegar to drink, so that he will at least live long enough to give instructions to his household.
- **R' Yehoshua Ben Levi** said, if a person eats beef with turnips and sleeps outside under the moon on the 14th or the 15th of the month in the summer will get the “achilu” disease.
 - A Braisa says, a person who eats too much will get the achilu disease. **R' Pappa** said, this is even if someone eats too many dates (which are very beneficial when eaten).
 - **R' Elazar** said, achilu is a fire in the bones.
 - **Abaye** said, the remedy for this must be drincken until he is fully healed. It must be taken after eating, drinking, going to the bathroom, and washing of the hands. He takes a fistful of lentil mix, and of old wine, and kneads them together and eats it. He then wraps himself in warm blankets and sleeps until he wakes up on his own, and when he wakes up he must immediately take off the blankets or risk getting the disease again.
- **Eliyahu** told **R' Nossan**, eat to 1/3 of your stomach's capacity, drink 1/3, and leave 1/3 empty, so that if you get angry afterward, there is room to handle the anger.
 - **R' Chiya** taught a Braisa, if one wants to stay away from stomach illness, he should always dip his bread into dips in the summer and winter, he should not overeat, and should not hold back from going to the bathroom.
- **Mar Ukva** said, a person who drinks inferior white “tilya” wine is at risk to becoming weak.
 - **R' Chisda** said, there are 60 types of wine. The best is the good smelling red wine. The worst is the tilya wine.
 - **R' Yehuda** said, if one sits near a fire on the mornings in Nisson, and then rubs oil on himself and goes out to sit in the sun, he is at risk of becoming weak.
 - A Braisa says, if one lets blood and then has tashmish and a child is conceived from that, the child will be weak. If the man and the woman had let blood, the children will have the “raasan” condition.
 - **R' Pappa** said, this is only if they did not eat anything after letting the blood.
 - **Rabbah bar R' Huna** said, if one has tashmish after traveling, the children will be weak.
 - A Braisa says, one should not have tashmish after going to the bathroom until he waits the time it takes to walk a half mil, because of a particular sheid. If he doesn't wait, the children will have epilepsy.
 - A Braisa says, if one has tashmish while standing, he will have cramps. If he has tashmish while sitting, he will get “delarya”. If she is on top for the tashmish, he will also get delarya. The Gemara then gives the remedy for delarya.
 - **Abaye** said, someone who is impotent should take a measure of saffron that was fertilized with sheep manure, grind it up, cook it in wine, and eat it. **R' Yochanan** said he found this helpful.
- Three things weaken a person: anxiety, travel, and sin.
- Three things weaken a person's body: eating while standing, drinking while standing, having tashmish while standing.
- Five things brings a person closer to death than life: eating and immediately getting up, drinking and immediately getting up, letting blood and immediately getting up, sleeping and immediately getting up, having tashmish and immediately getting up.

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- If one does these 6 things he will immediately die: he is exhausted from traveling, lets blood, goes into a bathhouse, drinks and becomes drunk, sleeps on the ground, and has tashmish.
 - **R' Yochanan** said, he will only die if he does these 6 things in this order.
- There are 8 things that are only good if done in moderation: travel, tashmish, wealth, work, wine, sleep, hot water, and bloodletting.
- There are 8 things that decrease a person's zerah: salt, hunger, "nesek", crying, sleeping on the ground, coriander, hops when not in season, and letting blood below is twice as bad as everything else.
 - A Braisa says, just as letting blood below is twice as bad, letting blood up high is twice as good.
 - **R' Pappa** said, "below" means below the man's private area, and "above" means above that area.
 - A Braisa says, just as hops out of season are bad, hops in season are good for a person. **R' Pappa** said, in season is summer and out of season is winter. During the spring and fall they are neither good nor bad.

AMAR KISVU GET L'ISHTI V'ACHZO KORDAYKUS...

- **Reish Lakish** said, the get is to be written and given immediately (even while he is in the state of kordaykus), as the Mishna says "his later words are meaningless". **R' Yochanan** said, the get may not be written and given until he recovers, and the words of the Mishna mean that when he recovers he does not need to be asked whether he wants to give it, rather it is given immediately.
 - The machlokes is that **Reish Lakish** compares the state of kordaykus to one who is sleeping, whereas **R' Yochanan** compares it to one who is a shoteh.
 - **R' Yochanan** says it is different than a sleeping person, because something must be done to remove the person from the kordaykus state (he must eat the lean meat roasted on coals and drink heavily diluted wine). **Reish Lakish** says it is different than being a shoteh, because we can bring about the cure.
 - **Q:** How could **R' Yochanan** pasken like that? We find that **R' Yehuda in the name of Shmuel** said, and a Braisa says, that someone who was mortally wounded may instruct to give a get and the get is written and given, so why is a state of kordaykus different? **A:** In those cases the man has clarity of mind, and he is only quickly becoming weaker and dying. In the case of kordaykus the man is effected mentally, and therefore is not in a state in which a get can be given for him.
 - **Q:** The case of **Shmuel** was where a man had his trachea and esophagus cut, and he says that a get may still be given for him. However, we find elsewhere that **Shmuel** says, if witnesses see a person with his trachea and esophagus cut and the man runs away, they may testify that he is dead. If so, how can he allow a get to be given for them? **A:** He is considered alive at the moment, but he will certainly die soon.
 - **Q:** If he will certainly die, if someone did this to another person by accident, the killer should have to run to galus, and yet a Braisa says that in this case he would not have to go to galus!? **A:** **R' Hoshaya** explained that Braisa that we say there may be outside influences, like the wind or the person's movements, which brought about the death. That is why he is not sent into galus.

NISHTATEK V'AMRU LO NICHTOV GET L'ISHTICHA...

- **Q:** How can we assume that he is nodding or shaking his head as an answer to the question? Maybe he had a condition that caused his head to shake!? **A:** **R' Yosef bar Menyumei in the name of R' Nachman** said, we ask him at intervals. Not all at once.
 - **Q:** Maybe he has a condition that makes him shake his head at intervals? **A:** We ask him some questions that require nodding and some that require shaking. If he does the right movement for the right question, we know that he means what he is motioning.

-----Daf נ"ז---71-----

- **R' Kahana in the name of Rav** said, if a healthy man got married (his marriage is D'Oraisa) and then became a deaf-mute, if he is able to communicate by writing, he may have a get written and given to his wife (and it will dissolve the D'Oraisa marriage).

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- **Q: R' Yosef** asked, this is already learned in our Mishna, when the Mishna said that if a mute nods when asked if a get should be written, we test him, but then write a get for his wife!? **A: R' Zeira** said, a mute is considered mentally competent, as can clearly be seen in a Braisa. It is a deaf-mute who is not, and that is why **Rav** had to teach this halacha regarding a deaf-mute.
- **Q: R' Zeira** said, what I find difficult is, a Braisa says that “ihm lo yagid” teaches that a mute does not bring a korbon for swearing falsely (by nodding to an oath) that he does not know testimony. Now, according to **Rav**, the writing of the mute should be the same as his speaking, and if so he should be subject to the oath and the korbon!? **A: Abaye** said, the halachos of eidus are different, because the pasuk says “mipihem”, which teaches that testimony must be oral, not written. Therefore, in this case the written is not equivalent to the spoken.
 - **Q:** A Braisa says, just as we test a mute regarding a get, we test him the same way for business transactions, for testimony, and for inheritances. We see that a mute’s testimony is accepted!? **A: R' Yosef bar Menyumei in the name of R' Sheishes** said, this is referring to testimony regarding the death of a woman’s husband, where the **Rabanan** were lenient, and therefore accepted their written testimony. However, in other cases their testimony would not be accepted.
 - **Q:** The Braisa said they are believed regarding inheritances!? **A: R' Avahu** said, that is referring to the mute making decisions on how to divide his own estate.
 - **Q:** The Braisa said they are believed regarding business transactions, presumably referring to testifying regarding the business transactions of other people!? **A:** It is referring to his own business transactions.
- **Q:** A Braisa says, regarding a deaf-mute, we do not follow his motions, his mouthing, or his writing regarding gittin. We only accept them regarding moveable items!? **A:** This is a machlokes among Tana'im. Although this Braisa argues on **Rav**, another Braisa agrees with him. The Braisa says, **R' Shimon ben Gamliel** says, we don't accept his motions, his mouthing, or his writing regarding gittin only if he was always a deaf-mute. However, if he was once healthy and then became a deaf-mute, he may write a get.
 - **Q:** If he was always a deaf-mute, then his marriage was done with his motions, his mouthing, or his writing and is only D'Rabanan, so his get done in the same way should be acceptable as well!? **A:** He can divorce his wife, for the reason stated. What is being discussed here is when a yevama falls to him for yibum (which is D'Oraisa), and therefore, his motions and writing cannot divorce her.
 - **Q:** What is the case? If his brother who died was also a deaf-mute, then the yevama is also only D'Rabanan and his motions and writing should be sufficient to divorce her!? **A:** The brother who died was a healthy individual, and therefore had a marriage D'Oraisa. **A2:** The brother was also deaf-mute, but we made a gezeira that he cannot divorce this yevama as a gezeira so that he not divorce the yevama of his healthy brother.
 - **Q:** If so we should make a gezeira that he can't divorce his own wife as a gezeira that he not come to divorce his healthy brother's yevama!? **A:** We have to be goizer for the case of one yevama to another. We don't have to be goizer the case of a yevama for the case of a wife.
 - **Q:** We see from a Mishna that we are not goizer the case of a deaf-mute brother for the case of a healthy brother!? **A:** If so, we must use the other answer.
 - **R' Yochanan** said, the earlier Braisa argues on **R' Shimon ben Gamliel** (and don't think that they earlier Braisa meant to agree with him and should be understood in that way). **Abaye** said, we can see this from a Mishna, because the Mishna says, if a husband becomes a deaf-mute he may *never* divorce his wife. Presumably this means, even if he is able to write his intention to divorce her. This clearly argues on **R' Shimon ben Gamliel**, and must be the view of the other Braisa.
 - **R' Pappa** said, if not for **R' Yochanan** we would think they do not argue, and the Mishna may mean that even if the deaf-mute seems sharp, if he cannot write he is considered

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to be mentally incompetent. We can also say that the term “never” is to be understood according to **R’ Yitzchak** who says this means that he cannot divorce D’Oraisa.

MISHNA

- They asked a husband, “should we write a get for your wife?” and he responded “write it”, if they then told a sofer to write it and instructed others to sign as witnesses on the get, and they wrote and signed and gave it to the husband who then gave it to his wife, the get is batul, because a get is not valid unless the husband himself tells the sofer to write and the witnesses to sign.

GEMARA

- **Q:** The Mishna seems to say that the get is passul, because the husband said “write it” and never said “give it”. Had he said “give it” it would be valid. This means that the Mishna follows **R’ Meir**, who says that words may be given over by a shaliach to another shaliach. However, the Mishna ends off by saying that the get will only be valid when the husband himself tells the sofer to write and the witnesses to sign. This seems to follow **R’ Yose**, who says that words may not be given over by a shaliach to another shaliach!? **A:** We must say that the beginning of the Mishna follows **R’ Meir** and the end follows **R’ Yose**. **A2: Abaye** said, the entire Mishna follows **R’ Meir**, and the end of the Mishna is discussing where he did not just say “give it” (but rather said “write it” as well) and that is why it is passul, because **R’ Meir** would agree in that case that they cannot delegate the writing and signing to others.
 - **Q:** If that is true, then the Mishna should say “it is passul until he only says ‘give it’”? **A:** The case is where he was talking to 2 people. Even **R’ Meir** says that only 3 people can be instructed to appoint a sofer and witnesses, and that is why in this case it is passul.
 - **Q:** If that is true, the Mishna should have said “it is passul unless the husband is speaking to 3 people”? **A:** Rather, we will say that the entire Mishna follows **R’ Yose**, and the reason it is passul in the beginning of the Mishna is because the husband did not specifically instruct the people to appoint a sofer and witnesses, but if he would have done so, it would have been valid.
 - **Q:** If that is true, the Mishna should have said “it is passul unless the husband specifically instructed them to do so”? **Q2:** Also, how can we say that **R’ Yose** would agree in this case that they may have someone else write the get? A Mishna says, if a sofer wrote the get and a witness signed, it is valid. **R’ Yirmiya** explained, this means that if the sofer wrote and signed and another witness signed, the get is valid. **R’ Chisda** said, this Mishna must follow **R’ Yose** who says that words cannot be transferred to a shaliach (and the husband must have directly asked the sofer to write the get, because if he asked others who may then appoint the sofer, they will ultimately allow the sofer to sign so as not to embarrass him, and since the husband never asked him to sign, the get would be passul. Therefore, to prevent this from happening, the **Rabanan** would have to institute that a sofer may not be a signor on the get. Since that was not instituted, it must be that we are not concerned for this situation, because a sofer cannot write the get without being specifically told by the husband to do so). If **R’ Yose** agrees in a case where the husband tells them that they can appoint a sofer, this concern would still be a concern. From the fact that it is not a concern, it must be that **R’ Yose** does not allow the witnesses to appoint a sofer even if the husband told them that they may!? **A:** We must answer as we did previously, that the beginning of the Mishna follows **R’ Meir** and the end of the Mishna follows **R’ Yose**.
 - **R’ Ashi** said, we can say the entire Mishna follows the view of **R’ Yose**, and should be understood as saying “not only this, but even that”. The Mishna is saying, not only is it passul if the husband did not only say “give it” (but rather added “write it”), rather even if he did, they may still not appoint a sofer or witnesses. And, not only is this true when there were not 3 people that he was instructing, rather even if he instructed 3 people, they may not appoint a sofer and witnesses. And, not only is this true where he didn’t

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specifically tell them to appoint a sofer and witnesses, rather even if he did specifically do so, it is passul.

- There is a Braisa that can be a proof to **R' Ashi**. The Braisa says, if the sofer wrote a get lishma and the witnesses signed lishma, and they wrote it, signed it and gave it to the husband who then gave it to the wife, it is passul, until the sofer and witnesses “heard the husband’s voice”, so that he told the sofer “write” and told the witnesses “sign”. The Gemara says, when the Braisa says “until they heard...” that comes to exclude the view that says that **R' Yose** agrees that that they may appoint a sofer and witnesses when explicitly told to do so, and when the Braisa says “his voice” it comes to exclude **R' Kahana in the name of Rav**, who says that a deaf-mute can communicate in writing to divorce his wife.

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MISHNA

- If a husband tell his wife “this is your get if I die”, or “this is your get from this illness”, or “this is your get after my death”, the get is passul, because the get would not take effect until after his death, and there is no concept of a get after the death of the husband. However, if he said, “this is your get from today if I die” or “from now if I die”, the get is valid.
 - If he said “this is your get from today and after my death” it is a safek get, and therefore if the husband then dies without children, she does chalitza and may not do yibum.
 - If he said “this is your get from today if I die from this illness”, and he then got better and went out in the market, but then became sick and died, we have to assess whether he died from the original illness (in which case it is a get) or from a different illness (in which case it is not a get).

GEMARA

- **Q:** From the beginning of the Mishna we see that the phrase “if I die” refers to after death, but from the next part of the Mishna, where he says “from today if I die” we see that it means before death, because if it meant “after death” it would be a safek get, as stated in the next part of the Mishna!? **A: Abaye** said, “if I die” can mean before death or after death, depending on the context in which it is used. Therefore, when he says “from today...” it means from before death.

ZEH GITEICH IHM MATI LO AMAR KLUM

- **R' Huna** said, she would still need to do chalitza if the husband were to die childless.
 - **Q:** The Mishna says that the get has *no* effect, which should mean that she can even do yibum!? **A:** The Mishna means that the get is ineffective with regard to the rest of the world, and she remains married to her husband. However, if he dies, she is considered divorced to the point that we won’t allow yibum.
 - **Q:** Since the next part of the Mishna says she may only do chalitza, this would suggest that in this part of the Mishna she may even do yibum!? **A:** Our Mishna follows the view of the **Rabanan**, who say the get is only valid retroactively if he says it should take effect “from today”. **R' Huna** holds like **R' Yose**, who says that when a person dates a document, the date is the equivalent of him saying “from today”. Since a get is dated, even if he does not say “from today”, it takes effect as if he said so.
 - **Q:** If he is following **R' Yose**, the woman should be considered fully divorced and should not need chalitza either!? You can’t say that **R' Huna** was unsure whether we pasken like **R' Yose**, because we find that he had **R' Nachman** ask **Rabbah bar Avuha** whether we pasken like **R' Yose**, and was told that we do, which would suggest that he then also held like **R' Yose**!? **A: R' Huna** was unsure whether **R' Yose** said his shita only when the condition (“when I die”) was written in the document next to the date. However, in the case of the get, the condition was said orally, and maybe in that case **R' Yose** would say that the date does not mean that he wants the document to take effect retroactively.

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- **Q:** We find that **R' Yose** says his shita even when dealing with a get, where the condition was oral!? **A:** **R' Huna** knew that **R' Yose** said that, but he did not know whether we pasken like **R' Yose** in this type of case or not.
- **Q:** We find that **Rava** said that we do pasken like **R' Yose** even in this case!? **A:** **Rava** felt that we pasken like **R' Yose** in this case, but **R' Huna** was unsure whether we pasken like him in this case.
- **Others** say that **R' Huna** was referring to the part of the Mishna where the husband said “here is your get after death” in which case the Mishna said the get is passul. On that, **R' Huna** said that according to **R' Yose** she would need chalitza if the husband then died childless.
 - **Q:** This seems obvious, because the **Rabanan** say that when the husband says “this is your get from now and after my death” she would need chalitza, and the only point of machlokes with **R' Yose** is that he says that the date takes the place of saying “from now”, so according to him, even if he only said “here is your get after death”, it would be the same case and she would need chalitza!? **A:** We find that **Rebbi** argues with the **Rabanan** and says that in the case where he said “from today” it is a valid get, not a safek as the **Rabanan** said. We would think that maybe **R' Yose** agrees with the principle of **Rebbi**, and holds that when the get is dated the get is certain, not safek. **R' Huna** therefore teaches that **R' Yose** holds it is a safek, and therefore chalitza would be required.

ZEH GITEICH MEIHAYOM IHM MATI MEICHOLI ZEH V'AMAD...

- **R' Huna** said, the halachos of get are like those of a gift, in the sense that just as if a seriously ill person gives a gift and he then recovers, he may take the gift back, so too, if this person gave a get and he then recovers, he may take the get back. Also, just as when such a person instructs to write a get, we give it without being instructed to give it, so too regarding the gift of such a person, if he says to give it without saying to be koneh it, we give it to him.
 - **Q:** Our Mishna said, if a person gives a get and says “this is your get from today if I die from this illness” and he then recovers, and then becomes sick again and dies, we need to assess – if he died from the original sickness, the get is valid, and if not, it is not valid. Now, according to what **R' Huna** said, as soon as he recovers the get should be batul, so why do we need to assess him at all!? **A:** **Mar the son of R' Yosef in the name of Rava** said, the case of the Mishna is where he went from one illness to the next, without recovering in between. In that case even **R' Huna** would agree that the get is valid.
 - **Q:** The Mishna clearly says that he recovered!? **A:** It means that he recovered from one illness only to be caught in the second illness.
 - **Q:** The Mishna says that he walked out into the market!? **A:** He walked with his cane, never fully recovered from the first illness. The Mishna is teaching that if he recovered enough to go out and walk with a cane we need to assess which illness was the cause of his death. However, if he remained bedridden from the first illness, we do not even need to assess, and can assume it was the first illness that killed him.
 - **Q:** Maybe we should learn from this that if a seriously ill person gave a gift and then went from being ill with one illness to being ill with another illness, the gift remains in effect? **A:** Yes we can. In fact, **R' Elazar in the name of Rav** clearly says this.
 - **Rabbah and Rava** both argue on **R' Huna**, and say that if a seriously ill person gives a get and then recovers, the get remains in effect as a gezeira D'Rabanan so that people not say a get takes effect after a person has died.
 - **Q:** Can it be that D'Oraisa a get becomes batel, but because of a gezeira D'Rabanan 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,

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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.

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- A Braisa says, if a man tells his wife “this is your get from today if I die from this illness” and he is then killed by a house collapse or a snake bite, the get is not valid. If he had said “this is your get from today if I do not recover from this illness” and he is then killed by a house collapse or a snake bite, the get is valid.
 - **Q:** What is the difference between the beginning and the end of the Mishna? **A:** The Gemara says it once happened that after a husband said as in the Braisa, he was eaten by a lion and the **Rabanan** said that we have no reason to say that the get is valid. We see that the beginning of the Braisa is correct and the end is not.
 - It once happened that a person sold land and accepted responsibility even for any accident that might damage the land. People then went and diverted a river to run through this land. **Ravina** told the seller that he is responsible for this since he accepted all forms of oneis. **R' Acha bar Tachlifa** said to **Ravina**, this is a very unusual oneis and therefore the seller never intended to take responsibility for something like this. The question was eventually brought to **Rava**, who said that the seller is not responsible, because the damage was so unusual. **Ravina** asked him, our Mishna says that it is a get although he died in a highly unusual accident!? **Rava** said, the beginning of the Mishna says that it is not a get, which shows that a person is not responsible for unusual occurrences. Obviously, this self-contradicting Braisa cannot be used to prove either side of the equation and we must follow our logic to answer this question.
 - **R' Pappa and R' Huna the son of R' Yehoshua** bought sesame seeds at the Malka River and hired sailors to take it across the river. The seller accepted al responsibility to have this delivered. The river was blocked and ships could not pass through. **R' Pappa and R' Huna** told the seller that he must hire donkeys to deliver the goods to them, because he accepted full responsibility. They went to **Rava**, who said that the seller need not do so, because this is a highly unusual oneis.

MISHNA

- If a get was given and was said to take effect “from today when I die”, then after the receipt of the get the wife may not be secluded with the husband unless there are witnesses there, even a witness who is a slave or a maidservant, as long as it is not her own maidservant (because she is not embarrassed to have tashmish in front of her).
- What is her status after receiving the get, and before the husband dies? **R' Yehuda** says she is a full-fledged married woman, in all respects. **R' Yose** says she is in a state of safek – she is treated as divorced and not divorced.

GEMARA

- A Braisa says, if witnesses saw this couple in seclusion at night, or that they were sleeping in the same bed, we don't have to suspect that they had bi'ah and created a new marriage. We do suspect that they had bi'ah for znus, but do not suspect that they did so for a new kiddushin. **R' Yose the son of R' Yehuda** says, we also suspect that they had bi'ah to create a new kiddushin.
 - **Q:** The Braisa seems to contradict itself!? **A:** **R' Nachman in the name of Rabbah bar Avuha** said, the Braisa means, if witnesses saw them having bi'ah, we must suspect that a new kiddushin was done. However, if after the bi'ah they saw him give her money, we suspect that it was done as znus and not for kiddushin. **R' Yose the son of R' Yehuda** says that even in this case we suspect that it was done for purposes of kiddushin.
 - According to this understanding of the Braisa, all shitos in the Braisa would agree with the statement of **Rabbah bar Chana in the name of R' Yochanan**, who says that even **B"H** agree

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that if a divorced couple was seen secluded together, but not seen actually having bi'ah, they do not need a second get.

- **Q: Abaye** asked, how could **R' Nachman** explain the Braisa as he does, when the actual Braisa makes no mention of him paying her money!? **A: Abaye** therefore said, the Braisa means, if witnesses only saw them go into seclusion, we do not suspect that they had bi'ah. However, if they saw them have bi'ah, we suspect it was done as znus, and not for a new kiddushin. **R' Yose the son of R' Yehuda** says that “even” in this case we suspect it was done for a new kiddushin.
 - According to this understanding of the Braisa, the statement of **Rabbah bar bar Chana in the name of R' Yochanan**, who says that even **B”H** agree that if a divorced couple was seen secluded together, but not seen actually having bi'ah, they do not need a second get, will only follow the view of **R' Yose the son of R' Yehuda**.
 - **Q: Rava** asked, according to **Abaye**, what does **R' Yose** mean when he says “even”? **A: Rava** therefore said, **R' Yose the son of R' Yehuda** means to say, that even if the couple was not actually seen having bi'ah, even then we assume that a new kiddushin was made.
 - According to this understanding of the Braisa, none of the shitos in the Braisa would agree with the statement of **Rabbah bar bar Chana in the name of R' Yochanan**, who says that even **B”H** agree that if a divorced couple was seen secluded together, but not seen actually having bi'ah, they do not need a second get.

MAH HEE B'OSAN HAYAMIM...

- A Braisa says, **R' Yosef** only gives her the status of a safek if the husband died in a way that satisfied the condition that he placed on the get.
- **Q: R' Yehuda and R' Yose** in the Mishna seem to agree that the get does not take effect until the husband actually dies. How can that be when we pasken that a get cannot take effect after the husband's death? **A: Rabbah** said, the case is where the husband said “let the get take effect a moment before I die”.
- A Braisa says, from the time that the wife receives the get until the husband dies, the husband has rights to her finds, to her earnings, to be meifer her nedarim, to inherit her, and to become tamei to her (if he is a Kohen). The rule is that she is considered to be his full-fledged wife, except that he does not need to give her a second get. This is all according to **R' Yehuda**. **R' Meir** says, if she was mezaneh with another man during this time, this aveirah “hangs” and we wait to see – if the get retroactively takes effect because he died from the illness, then the zenus does not require a korbon, because she was not married at the time. **R' Yose** says, her zenus is in a state of safek. The **Chachomim** say, she is considered to be divorced but not divorced, as long as the husband dies.
 - **Q:** What is the difference between the opinions of **R' Meir and R' Yose**? **A: R' Yochanan** said, the difference would be whether the woman would have to bring an asham talui for the znus that was done. According to **R' Meir** one would not be brought, and according to **R' Yose** it would have to be brought.
 - **Q:** What is the difference between the opinions of the **Chachomim and R' Yose**? **A:** The difference would be whether the husband is obligated to support her during this time, as **R' Zeira** said, that whenever the **Chachomim** say a woman is “divorced but not divorced”, the husband is obligated to support her.