



Daf In Review – Weekly Chazarah

Maseches Gittin, Daf טז – Daf ט

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---74-----

MISHNA

- If a man tells his wife “this is your get on condition that you give me 200 zuz” she is divorced and she must give him 200 zuz.
 - If he said “on condition that you give it to me within 30 days”, then if she gives it to him within 30 days, she is divorced. If not, she is not divorced.
 - **R' Shimon ben Gamliel** said, it once happened in Tzidon that a man told his wife “this is your get on condition that you give me my coat” and she lost his coat, and the **Chachomim** said she should give him the value of the coat.

GEMARA

- **Q:** What is meant when the Mishna says “and she shall give him the 200 zuz”? **A:** **R' Huna** said, it means when she gives him the 200 zuz, the get takes effect retroactively from the time that she received it. **R' Yehuda** said, the get takes effect at the time that she gives the money.
 - The difference between these views is if the get becomes lost before she gives the money. According to **R' Huna** a new get would not be needed, but according to **R' Yehuda** a new one would be needed.
 - They have the same machlokes regarding kiddushin. A Mishna says, if a man tells a woman “You are hereby mekudeshes to me on the condition that I give you 200 zuz”, she is mekudeshes and he must give her the 200 zuz. Regarding that Mishna **R' Huna** said, when he gives her the money the kiddushin takes effect retroactively, and **R' Yehuda** says it takes effect at the time the money is given.
 - The difference between the views in this case would be where she accepted kiddushin from another man before the first man gave the money. According to **R' Huna**, once the condition is fulfilled with the giving of the money she was mekudeshes to the first man and the second kiddushin is therefore meaningless. According to **R' Yehuda** the second kiddushin takes effect, because the first kiddushin only takes effect when the money is given.
 - We need to have the machlokes in both cases. If we would only have the machlokes regarding kiddushin, we would say that **R' Huna** says it takes effect retroactively over there, because the point of kiddushin is to bring her close, and he therefore intends for it to take effect at that time. However, regarding a get, it may be that he agrees with **R' Yehuda** that it does not take effect until the money is given. If we would only have the machlokes regarding get, we would say that in that case **R' Huna** says that it takes effect retroactively, because he is not embarrassed to press her for collection of the money. However, when he gives her kiddushin she will be embarrassed to do so, and therefore maybe **R' Huna** would agree with **R' Yehuda** and say that it does not take effect until the money is actually given. These same 2 reasons would apply to **R' Yehuda** in the reverse. That is why we need the machlokes taught to us in both cases.
 - **Q:** A Braisa says that if a man tells his wife “this is your get on condition that you give me 200 zuz” and the get is then lost, she is still divorced but may not marry someone else until she gives the money. This refutes **R' Yehuda**! Even more, a Braisa says, if a man tells his wife “this is your get on condition that you give me 200 zuz” and he then died childless, if she gave him the money before he died, she is not bound to the yavam, if she did not, she is bound. **R' Shimon ben Gamliel** said, even after he died she can still give the money to the husband's father, brother or relative. Now, the machlokes is only whether the husband meant that the condition can be fulfilled through giving the money to his inheritors or not. However, all seem to agree that the get takes effect retroactively and this therefore refutes **R' Yehuda**!?

Daf In Review – Weekly Chazarah

A: **R' Yehuda** will answer, these Braisos follow the view of **Rebbi**, who was quoted by **R' Huna** to say that whenever someone says that there should be a condition he means for it to take effect immediately. However, the **Rabanan** argue with **Rebbi**, and **R' Yehuda** will hold like the **Rabanan**.

- **R' Zeira** said that he repeated this quote of **R' Huna in the name of Rebbi** and it was accepted in Bavel. However, in EY he was told by **R' Assi in the name of R' Yochanan** that **Rebbi and the Rabanan** agree that by a condition a person means for it to take effect immediately. The machlokes is only when a husband gives a get and says it should take effect “from today and after my death”. In fact, we have a Braisa that says that they argue in specifically that case.
 - **Q:** According to **R' Yehuda**, why do they argue in that case in the Braisa? They should argue in the case of a regular condition!? **A:** They argue in that case to show that **Rebbi** holds that even in that case it takes effect immediately. We want to show the extent of **Rebbi's** shita, because he is issuing the permissive ruling.

AHL MENAS SHETITNI LI MIKAN V'AHAD SHLOSHIM YOM...

- **Q:** It is obvious that the get will only take effect if she fulfills the condition, so what is the Mishna teaching? **A:** We would think that the husband doesn't mean to make the timeline into an absolute demand, but instead means to push her to give the money. The Mishna teaches that the timeline is an absolute demand and condition.

AMAR R' SHIMON BEN GAMLIEL MAASEH B'TZIDON...

- What halacha in the Mishna was the cause for mentioning this story? **A:** The Mishna is missing words and should be understood as follows. The **T"K** says, if a husband said “this is your get on condition that you give me my coat” and she lost his coat, only the return of the coat will satisfy the condition. **R' Shimon ben Gamliel** argues and says, giving the value of the coat will satisfy the condition as well. He then says, in fact there was a story in Tzidon where they allowed for the return of the value.
- **Q:** **R' Assi** asked **R' Yochanan**, if a husband tells his wife “this is your get on condition that you give me 200 zuz”, and he then tells her “I am mochel the money”, must she still give the money? Maybe the **Rabanan** only insist on the return of the actual coat because he wasn't mochel the coat, but here they would agree that she does not need to pay the money? Maybe even **R' Shimon ben Gamliel** only says it is a get in the case of the coat because she gave the value, but in this case, if she gives nothing the get will not take effect? **A:** **R' Yochanan** said, the get will not take effect, because without giving the money, the condition is not satisfied.
 - **Q:** A Mishna says, if a person says to his friend “I make a neder that you are assur to benefit from me if you don't give a kor of wheat and 2 barrels of wine to my son”, **R' Meir** says the neder is effective until the items are given to his son, and the **Rabanan** say that it is ineffective, because the person can say “it is as if I have received the gift from you” and in that way he can remove the neder. We see that if the husband is mochel, it is as if he actually received it!? **A:** In the case of get, his purpose was to bother her, and if she doesn't give the money, she was not bothered and the get does not take effect. In the case of nedarim, the condition was made to benefit the person's son. He then changed his mind and decided that he does not need to benefit his son, and therefore it is as if he received the money.
 - There was a person who made a deal with his sharecropper and said as follow: “all sharecroppers water the crops 3 times a year and take 1/4 of the produce, you must water the crops 4 times a year and you will receive 1/3 of the produce”. It ended up raining, thereby obviating the need for a 4th watering. **R' Yosef** said, since he did not water a fourth time he is only entitled to the 1/4 of the produce. **Rabbah** said, he did not water it because it was not needed, and therefore he still gets 1/3 of the produce.
 - **Q:** Maybe we should say that **R' Yosef** holds like the **Rabanan** (that returning the value of the coat is not the same as returning the actual coat) and **Rabbah** holds like **R' Shimon ben Gamliel** (who says that returning the value is like returning the actual coat)? **A:** That can't be, because we pasken like **Rabbah** when he argues with **R' Yosef**, and we do not pasken like **R Shimon ben Gamliel** in this case. Rather, we must say that everyone follows the **Rabanan**. **Rabbah** will say, the reason the **Rabanan** hold that way regarding the coat is because he is trying to bother her, and therefore he means to insist on the return of the actual coat. However, in the case of the sharecropper, he wants to make sure his crops are watered more than the norm, and since it

Daf In Review – Weekly Chazarah

was watered more than the norm (albeit by rain), the sharecropper is entitled to the extra produce.

- If a person sells a house in a walled city in EY, he may redeem it for the first 12 months. If he does not do so, the buyer keeps the house forever. A Mishna says that these buyers would hide on the last day of the 12 months so that they could not be found to be given money for redemption. **Hillel Hazaken** instituted that the seller could simply place the money in a special box, and then forcibly take back his house, and the buyer could go and collect the money whenever he wants. **Rava** said, from **Hillel's** institution we can learn, that if the husband told his wife “this is your get on condition that you give me 200 zuz”, if she gives him the money with his consent, she is divorced. If she gives it to him against his will, she is not divorced. We see this from the fact that **Hillel** had to say that a giving against one's consent in the case of the house will be considered an act of “giving”, it must be that in all other cases it is not considered to be an act of giving.
 - **Q: R' Pappa or R' Simi bar Ashi** asked, maybe **Hillel** only had to make that takanah when he is not in the person's presence, but if he was in the person's presence, he can even give it to him against his will and it will have the status of an act of giving?
 - **Others** say that **Rava** said, from **Hillel** we see that giving against one's will is only not an act of giving if it is done not in the person's presence. On that, **R' Pappa or R' Simi bar Ashi** asked, maybe even in his presence if it is done against his will, it is not an act of giving. Nothing can be inferred from **Hillel's** takanah, because that was instituted for that specific need, and not to learn from there to other places.
- **Rabbah bar bar Chana in the name of R' Yochanan** said, wherever **R' Shimon ben Gamliel** teaches a halacha in a Mishna the halacha follows him, except for the case of “areiv” (a guarantor), Tzidon (the case in our Mishna) and “raya achrona”.

-----Daf 75-----

- A Braisa says, if a man tells his wife “this is your get, but the paper still belongs to me”, she is not divorced. If he says “on the condition that you return the paper to me”, then she is divorced.
 - **Q:** What is the difference between the two cases? **A: R' Chisda** said, the Braisa is following the view of **R' Shimon ben Gamliel** (who says the wife can return the value of the coat to the husband), and the second case of the Braisa is where she keeps the get (which is why it is effective) and gives him the value of the paper instead.
 - **Q: Abaye** asked, **R' Shimon** only says this when the item is no longer available to be returned, not when it is. Therefore, he would not allow for a return of the value of the paper instead of the actual paper!? **A: Abaye** therefore said, the Braisa follows **R' Meir**, who says that in order for a condition to be effective it must be double-sided (e.g. “if A then B, and if not A then no B”). Here, the condition was not double sided, so it is not effective and the get remains effective even if the paper is not returned.
 - **Q: Rava** asked, you are suggesting that the only thing preventing the condition from taking effect is that it is not double sided. However, another requirement of a condition (as we learn from the conversation between Moshe and the people of Gad and Reuven) is that the condition must be stated before the act, and here the act (this is your get) is stated before the condition (if you give the paper back to me)!? **A: Rava** therefore said, the reason the get is valid in the Braisa is because the condition is invalid, because the act was stated before the condition.
 - **Q: R' Ada bar Ahava** asked, you are suggesting that the only thing preventing the condition from taking effect is that the act was stated before the condition. However, another requirement of a condition (as we learn from the conversation between Moshe and the people of Gad and Reuven) is that the condition and the act cannot be regarding the same matter. If so, in our Braisa, since they are regarding the same matter, that should make the condition ineffective!? **A: R' Ada bar Ahava** therefore said, the reason the get is valid is because the condition is invalid, because the condition and the act are both regarding the same matter.

Daf In Review – Weekly Chazarah

- **R' Ashi** said, the Braisa is following the view of **Rebbi**, who says that when one says “ahl menas”, it is as if he says that it should take effect immediately. Therefore, the get is valid as soon as it is received by the woman.
- When dealing with the get of a man who was deathly ill, **Shmuel** had the man make the condition that “if I do not die this should not be a get, and if I do die it should be a get”.
 - **Q:** Why didn't he say the part of “if I do die” first? **A:** A person would not state a negative thing (his dying) first.
 - **Q:** Why didn't he make him say “this will not be a get if I do not die, and will be a get if I do die”? **A:** We need to state the condition before the act.
 - **Q:** **Rava** asked, we learn from the conversation between Moshe and the people of Gad and Reuven, that the positive possibility (“if you do”) must be stated before the negative possibility (“if you don't”). If so, he should need to first state “if I die...”? **A:** **Rava** said, he began by saying “if I don't die” so as not to begin with a bad thing. He then began the true condition and said “If I die.....if I don't die....” And thereby had the positive before the negative.

MISHNA

- If a man tells his wife “this is your get on the condition that you serve my father” or “on the condition that you nurse my son”, how long must she nurse him in order to fulfill the condition? Two years. **R' Yehuda** says 18 months. If the son or the father died before that time, the get is valid.
- If a man tell his wife “this is your get on the condition that you serve my father for 2 years” or “on the condition that you nurse my son for 2 years”, and the son died or the father said he doesn't want her serving him through no fault of hers, the get is passul. **R' Shimon ben Gamliel** says, in this case it would be a get. **R' Shimon ben Gamliel** said a general rule, if she did not fulfill the condition for any reason that was not her fault, the get will be valid.

GEMARA

- **Q:** A Braisa says that if she only serves his father one day or nurses his son for even just one day, the get would be valid. Why does our Mishna require a longer time!? **A:** **R' Chisda** said, our Mishna follows the view of **R' Shimon ben Gamliel**, who understands a husband's condition with the intent to profit, and therefore, without stating a timeframe, he means for it to be done for as long as necessary. The Braisa follows the view of the **Rabanan**, who understand the condition to be said literally (he wants the actual coat to be returned) and therefore, even one day of service or nursing is sufficient.
 - **Q:** The end of the Mishna is stated as being the view of **R' Shimon ben Gamliel**, which would suggest that the beginning of the Mishna does not follow him!? **A:** We must say that the Braisa follows **R' Shimon ben Gamliel**, who has a general view of being meikel regarding interpreting conditions, and the Mishna follows the **Rabanan**, who are more stringent regarding interpretation of conditions.
 - **Rava** said, the Mishna is referring to where no timeframe was specified, and the Braisa is discussing where a timeframe of one day was given. **R' Ashi** said, this can't be right, because any unspecified statement could be fulfilled with one day.
 - **Q:** Our Mishna said the **T"K** says she must nurse the baby for 2 years and **R' Yehuda** said for 18 months. How would **R' Ashi** understand this, since according to him even one day is sufficient!? **A:** The Mishna means that she must nurse for one day during the first two years of the baby's life, or during the first 18 months of the baby's life, and not after that time.
 - **Q:** The Mishna gives a second case where the timeframe was specified. According to **Rava**, the first case discussed an unspecified timeframe and the second case discussed a specified timeframe, so we understand the difference in the cases. However, according to **R' Ashi**, who we just said holds that in the first case there was a specified timeframe as well, what is the difference between the cases in the Mishna!? This remains a **KASHYEH**.

Daf In Review – Weekly Chazarah

-----Daf 76-----

- A Braisa says, if a man tells his wife “this is your get on the condition that you serve my father for two years” or “that you nurse my son for 2 years”, **R’ Meir** says the get is valid even if she doesn’t fulfill the condition, because the condition was not made double-sided. The **Chachomim** say, if she fulfills the condition, the get is valid. If not, it is not. **R’ Shimon ben Gamliel** says, there is no condition in Kesuvim that is not double-sided.
 - Some say **R’ Shimon** was responding to **R’ Meir**, and was saying that all conditions in Kesuvim are double-sided. If so, since there are 2 pesukim that speak about this, the rule is that we will not learn out to other places from these pesukim. Therefore, all other conditions do not need to be double-sided. Others say that he was responding to the **Rabanan** and was saying that every condition in Kesuvim is double-sided, and from there we learn out to all conditions, that they must be double-sided.
 - **Q:** A Braisa says, if a man tells his wife “this is your get on the condition that you serve my father for two years” or “that you nurse my son for 2 years”, and the father or the son dies, **R’ Meir** says it is not a valid get. The **Chachomim** say it is a valid get, because she can tell the husband “bring me your father and I will serve him” or “bring me your son and I will nurse him”. This Braisa contradicts the last one regarding the opinion of **R’ Meir** and of the **Chachomim**!? **A:** Regarding **R’ Meir** there is no contradiction, because this second Braisa is discussing where the condition was double-sided, making the condition valid and the get batul. Regarding the **Chachomim** there is no contradiction, because the **Chachomim** of the second Braisa is **R’ Shimon ben Gamliel**, who holds that if it is not the woman’s fault, the get is valid.
- A Braisa says, if a man tells his wife in front of two witnesses “this is your get on the condition that you serve my father for 2 years”, and he then tells her in front of 2 witnesses “this is your get on the condition that you give me 200 zuz”, the second condition does not nullify the first one, and she therefore has a choice to fulfill *either* condition to make the get valid. However, if the first condition was that “you give me 200 zuz” and the second condition was that “you give me 300 zuz”, the second instruction does nullify the first, and she can only make the get valid by giving 300 zuz. Also, one witness from the first pair cannot join one witness of the second pair to testify that there was a condition to the get (since each witnessed a different condition).
 - **Q:** It seems obvious that one witness from each pair should not be able to combine!? **A:** We would think that they can join to say testimony that there was a condition to this get (without specifying what the condition was). The Braisa teaches that they cannot do so.

MISHNA

- If a husband tells his wife “this is your get if I do not come back within 30 days”, and he was going from Yehuda to the Galil, then if he reached Antipras and returned within 30 days the condition is nullified and the get is batul.
- If he tells her “this is your get if I do not come back within 30 days”, and he was going from Galil to Yehuda, and he reached Kfar Osnai and returned within 30 days, the condition is nullified and the get is batul.
- If he tells her “this is your get if I do not come back within 30 days”, and he was going to chutz laaretz, and he reached Akko and returned within 30 days, the condition is nullified and the get is batul.
- If he tells her “this is your get any time that I shall not be in front of you for 30 days”, then even if he was constantly passing in front of her, but never secluded with her, the get is valid.

GEMARA

- **Q:** Does the Mishna mean to say that Antipras is in the Galil? There is a Braisa that says that Antipras is in Yehuda and Kfar Osnai is in the Galil!? **A:** **Abaye** said, the Mishna is discussing a man who made 2 conditions: one, that “if I go to the Galil, the get should be effective immediately”, and second, “if I remain on the road for 30 days and do not come back during that time the get should be valid”. Based on this, if he reached Antipras and returned within 30 days, since he didn’t reach the Galil, and didn’t remain on the road for 30 days, the condition is nullified and the get is therefore batul.

HAREI ZEH GITEICH IHM LO BASI MIKAHN V’AHD SHLOSHIM YOM...

Daf In Review – Weekly Chazarah

- **Q:** Does the Mishna mean to say that Akko is in chutz laaretz? We have learned that **R' Safra** said that the **Rabanan** would escort until Akko, because they would not want to leave EY. We see that Akko is still in EY!? **A:** **Abaye** said, the Mishna is discussing a man who made 2 conditions: one, that "if I go to the chutz laaretz, the get should be effective immediately", and second, "if I remain on the road for 30 days and do not come back during that time the get should be valid". Based on this, if he reached Akko and returned within 30 days, since he didn't reach chutz laaretz, and didn't remain on the road for 30 days, the condition is nullified and the get is therefore batul.

HAREI ZEH GITEICH KOL ZMAN SHE'EVOR...

- **Q:** Why is the get valid if he was not away for 30 days!? **A:** **R' Huna** said, when he says "if I will not be in front of you" he is referring to tashmish. **R' Yochanan** said, he meant actually being in front of her. However, the Mishna does not mean that she is divorced, rather the Mishna says "the get is valid" and may be used as a get if he then leaves for 30 days, and we have no reason to be concerned for a "get yashan". A Braisa says like **R' Yochanan** as well.
 - **Q:** Why are we not concerned that he made peace with her and went into seclusion with her, thereby making the get into a get yashan!? **A:** **Rabbah bar R' Huna** said that **Abba Mari in the name of Rav** said, the case is where the husband said "my wife is believed by me to say that I have not made peace with her".
 - Some say that **Rav's** statement was said on the Mishna where the husband said "this is your get if I don't come back within 12 months" and he died within the 12 months, in which case the get is valid. The Gemara asks, why are we not concerned that they made peace and were secluded, thereby making the get into a get yashan? Again the Gemara answers that the case is where the husband said his wife is believed by him to say that he had not returned.
 - The version that this was said on the Mishna will agree that it can be taught on the Braisa as well. The version that says it was taught on the Braisa may hold that in the case of the Mishna **Rav** did not make this statement, because even without his saying that the wife is believed we would not be concerned, because he was away and was not known to have even come back for an opportunity for them to make peace.

MISHNA

- If a husband says "this is your get if I do not come back within 12 months" and he then died within those 12 months, the get is not valid. If he said "this is your get from now if I don't return within 12 months" and he then died within the 12 months, the get is valid.
- If a husband says "if I do not return within 12 months, write and give a get to my wife" and they went and wrote the get within the 12 months but did not give it until after the 12 months, the get is not valid. If he said "write and give a get to my wife if I do not return within 12 months" and they went and wrote the get within the 12 months but did not give it until after the 12 months, the get is not valid, but **R' Yose** says, in this case it is a valid get.
 - If they wrote and gave the get after the 12 months, but the husband then died, if the get was given before the death, the get is valid. If not, the get is not valid. If it is not known which happened first, this is the case that they said "she is divorced and not divorced".

GEMARA

- A Braisa says, in a case like the first of the Mishna the **Rabanan** allowed her to remarry.
 - **R' Yehuda in the name of Shmuel** said, the **Rabanan** is the view of the Beis Din that allowed the use of oil of goyim, and they follow **R' Yose**, who says that the date on the document is the equivalent of him saying "from now".
 - The Gemara quotes a number of Amaoraim who said that **R' Yehuda Nesiah** paskened like the Braisa, but that the others disagreed with him.

Daf In Review – Weekly Chazarah

- **R' Elazar** asked an elderly man, when **R' Yehuda Nesiah** allowed her to remarry, did he allow her to do so immediately (since he will clearly not be coming), or only after the 12 months have passed (because it is only then that the condition is fulfilled)?
- **Q:** Why couldn't he ask this on the case of the Mishna where he said "from now" and then died within the 12 months? **A:** He could have, but he met the old man who was on the Beis Din of **R' Yehuda Nesiah**, so he asked him about that case.
- **Abaye** said, all agree that if a man says "this is your get when the sun rises", that the get is only effective in the morning, and if he died during the night before, the get would be passul. If he said "this is your get on the condition – ahl menas – that the sun rises", all agree that it takes effect immediately because **R' Huna in the name of Rabbi** previously said that "ahl menas" is like saying "from now". The machlokes is only in the case where he said "if the sun comes out". In that case the Braisa holds like **R' Yose** that it is as if he said "from now", because the get is dated, and the Mishna does not hold like **R' Yose** and therefore the get is not effective immediately.

KISVU U'TNU GET L'ISHTI IHM LO BASI MIKAHN...

- **Q:** Shall we say that **R' Yose** argues because he holds that even when a condition is not fulfilled the get is always valid? **A:** He only argues in the second case because he holds that since the husband said "write and give a get to my wife if I do not return within 12 months", we understand it as if he said write the get now, and give it if I do not return within 12 months.
- A Braisa says, if the husband said "it should be a get if I do not return after this shemitta cycle", we wait until the first year after the shemitta cycle has passed. If he said "after this year" we wait until the first month after the year. If he said "after this month", we wait until the first week after the month.
 - **Q:** What if he says "after this week"? **A:** **R' Zeira** was sitting before **R' Assi** and said, Sunday, Monday, and Tuesday are still called "after last Shabbos" and Wednesday, Thursday, and Friday are considered "before the next Shabbos". Therefore, we give him until Tuesday of the next week.
- A Braisa says, **Rebbi** said, if he said "after the Yom Tov", we wait for 30 days. When **R' Chiya** said this in the name of **Rebbi**, people praised him. When he said it in the name of the rabbim, he was not praised. It must be that the halacha does not follow **Rebbi**.

HADRAN ALACH PEREK MI SHE'ACHZO!!!

-----Daf 77-----

PEREK HAZOREIK -- PEREK SHMINI

MISHNA

- If a man throws a get to his wife while she is inside her house or inside her chatzer (and the get lands in her house or in her chatzer) she is divorced.
- If he throws it to her while she is in his house or his chatzer, even if the get in on the bed in which she is lying, she is not divorced.
- If he throws it into her lap or into her basket, she is divorced.

GEMARA

- **Q:** How do we know that the get does not need to be put into her hand? **A:** A Braisa says, the pasuk says "v'nosson b'yadah". We would think it must be placed into her hand. The word "v'nosson" teaches that she is divorced even if the get is put into her chatzer or the like.
 - There is a Braisa which teaches the same concept regarding a thief. The pasuk says "b'yado", which would suggest he is only chayuv to pay double ("keifel") if he stole with his hand. The words "himatzei timatzei" teach that he is chayuv even if he steals using his chatzer or the like.

Daf In Review – Weekly Chazarah

- Both Braisos are necessary to be taught. If it was only taught regarding a get we would say that in that case a chatzer works because a woman can even be given a get against her will. If it was only taught regarding a thief, we would say chatzer works there, because the Torah penalizes the thief.
- **Q:** How can her chatzer be koneh for her? The halacha is that whatever a woman is koneh belongs to her husband!? **A: R' Elazar** said, the case is that he relinquished all rights to her property, which is why she is koneh whatever goes in there.
 - **Q:** A Braisa said that relinquishing rights does not help once a person was already koneh something, and since the husband was koneh her assets at the time of nissuin, he can no longer just relinquish rights from it!? **A:** In the Yeshiva of **R' Yannai** they taught, that the case is that he relinquished these rights when she was still an arusah, at which time he could still do so.
 - **A: Rava** said, is the woman's hand not also owned by the husband, and yet she can accept a get in her hand! It must be that we say she takes back ownership of her hand as she accepts the get. Similarly, she takes back ownership of her chatzer as the get is placed into it.
 - **Q: Ravina** asked **R' Ashi**, you can't compare her hand to her chatzer, because her hand is not physically owned by the husband, rather he has the rights to her earnings. Maybe that is why she can accept a get in her hand. However, that would not explain why she could accept a get in her chatzer!? **A: R' Ashi** answered, **Rava** meant to compare the hand of a slave, which is physically owned by the master and yet can be used to accept his get shichrur, because we say that his hand is transferred back to him as he accepts the document, to the chatzer of a woman, which will be returned to the woman as the get is placed into it.
 - There was a deathly ill person who wrote a get to his wife on Friday afternoon, but did not have enough time to give it to her before Shabbos. On Shabbos his condition became worse and he was at death's door. They went to **Rava** to ask what can be done to give the get to the woman so that she should not be subject to the yavam. He said, tell the husband to gift the place where the get is lying to the woman, and she should then go and lock the door in that area and then open it, thereby making a kinyan chazakah. She will then also be koneh the get.
 - **R' Ilsh** asked **Rava**, a husband is koneh whatever his wife is koneh, so how can she be koneh this area? At first **Rava** was embarrassed. It then became known that this woman was only an arusah. **Rava** said, an arusah can surely be koneh something! **Rava** then said, even a nesuah would be able to use this plan, because she would be koneh the chatzer as she is koneh the get, and therefore she can be koneh something for herself.

V'HEE B'SOCH BEISAH

- **Ulla** said, this only works if she is standing next to her house or next to her chatzer. **R' Oshaya** said, she does not have to be anywhere near her field. The Mishna means that the house or the chatzer must be guarded under her control, which makes it *as if* she is standing there, and if it is so guarded, she will be koneh the get and will be divorced.
 - **Q:** Maybe the machlokes is that **Ulla** says we learn the concept of chatzer from her hand, and therefore she must be next to the chatzer, whereas **R' Oshaya** says we learn chatzer from the concept of shlichus, and therefore she does not have to be next to it for it to be koneh? **A:** Everyone learns the concept of chatzer from the concept of her hand. However, **Ulla** learns that just as her hand is near her, the chatzer must be near her, and **R' Oshaya** learns that just as her hand is guarded under her control so too her chatzer must be guarded under her control.
 - A person threw a get to his wife while she was standing in a chatzer. The get landed on a block of wood. **R' Yosef** said, we must see: if the block of wood is 4x4 amos, then it is considered its own reshut and the get is not valid. If the block is smaller than that, it is part of the chatzer and the get is valid.
 - **Q:** What is the case? If it was her chatzer, even if the block is 4x4 amos, why would that make the get invalid? If the chatzer belonged to him, why if the block was smaller than 4x4 amos would the get be valid? **A:** The case is that he lent her that place for her to be koneh the get. A person lends only one place, not two. Therefore, if the block of wood is large enough to be considered its own place, that place is not considered lent to her and the get is therefore invalid.

Daf In Review – Weekly Chazarah

- This is the halacha only if the block of wood is less than 10 tefachim tall. If it is 10 tefachim tall, then even if it is less than 4x4 amos it is considered to be its own place. Also, this is only if it does not have an identifying name, because if it does, then even if it is less than 10 tefachim tall and less than 4x4 amos, it will be considered its own place.

AFILU HU IMAH B'MITAH...

- **Rava** said, this is only true if the bed belongs to him. However, if the bed belongs to her she would become divorced. A Braisa says this as well.
 - **Q:** Even if the bed belongs to her, it is like having the keili of the buyer in the property of the seller (it is the wife's bed, but it is on the husband's property), and we should learn from here that a buyer can be koneh with his keilim in that situation!? **A:** The case of the bed is that it is 10 tefachim off the ground, and therefore it is not considered to be on the property of the husband. The place of the legs are insignificant and therefore do not give the status of the bed as being on the husband's property.

-----Daf פ"ט--78-----

L'TOCH CHEIKAH OH L'TOCH KALSAH MIGORESHEH

- **Q:** Again, this is a case of the keili of the buyer in the property of the seller, so why is she koneh? **A:** **R' Yehuda in the name of Shmuel** said, the case is where the basket is hanging from her (so it is like part of her body), and **Reish Lakish** said, the case can be where the basket is tied to her, even if it is not hanging from her. **R' Ada bar Ahava** said, the case is where the basket was on the ground between her legs, and that area is certainly temporarily given to her while she is occupying it). **R' Mesharshiya bar R' Dimi** said, the case can be where the husband is a basket merchant, and therefore he doesn't mind the space taken up by her basket, because that area is full of baskets anyway. **R' Yochanan** said, the husband gives her the place she needs for her basket, and **Rava** explains, this is because people are not particular about places of that size when someone else needs it.

MISHNA

- If a man gave a get to his wife and said to her "take this promissory note", or if she found the document behind him and she read it and found it to be her get, the get is not valid until he tells her "here is your get".
- If he gave her a get while she was sleeping, and she later wakes up and reads it and discovers that it is her get, it is not a valid get until he says to her "here is your get".

GEMARA

- **Q:** In the case of the Mishna where "she finds the get behind him", even if he tells her "here is your get", why would it be valid? **Rava** has said that if a husband tells his wife "take your get from the ground" it is not a good get!? **A:** The case is where he stuck the get into his belt and she took it from there, not off the ground.
 - **Q:** This is still not a case of "v'nossan b'yada", and it should therefore not be valid!? **A:** The case is that he turned his body towards her and she pulled it from his belt. That does satisfy the "v'nossan" requirement.
 - A Braisa says, if a man gave a get to his wife and said to her "take this promissory note", or if she pulled it from behind him and she read it and found it to be her get, **Rebbi** says the get is not valid until he tells her "here is your get". **R' Shimon ben Elazar** says it is not valid until he takes it back from her, gives it to her again and tells her "here is your get". If he gave her a get while she was sleeping, and she later wakes up and reads it and discovers that it is her get, **Rebbi** says the get is not valid until he tells her "here is your get". **R' Shimon ben Elazar** says it is not valid until he takes it back from her, gives it to her again and tells her "here is your get".
 - Both cases are necessary to be taught. If we would only have the first case, we would think that **Rebbi** agrees in the second case that since she is sleeping, she is not fit to be divorced and would agree with **R' Shimon**. If we only had the second case, we would think that **R' Shimon** would agree that in the first case, since she was fit to be divorced, he does not have to give it to her a second time, and would agree with **Rebbi**.

Daf In Review – Weekly Chazarah

- **Rava** said, if a man wrote a get and put it into the hand of his wife's slave who was sleeping and was guarded by his wife, it is a valid get. If he was awake it is not valid, because she would not be guarding him, rather he would be guarding himself.
 - **Q:** Even when he is sleeping, since he has the ability to move, he has the status of a moveable chatzer, which can't be koneh!? **A:** The case must be where he is tied up, and therefore unable to move.

MISHNA

- If she was standing in the reshus harabim and he threw a get to her, if it landed closer to her, she is divorced. If it landed closer to him, she is not divorced. If it was equidistant, she is divorced and not divorced (it is a safek). The same is true regarding a kiddushin.
 - The same is true regarding a debt. If the creditor said "throw me the money that you owe me" and the debtor threw it to him, but it never reached the creditor's hand and was lost, if the money had landed closer to the creditor, the creditor was koneh it and the debtor is now off the hook. If it had landed closer to the debtor, he remains chayuv to pay the creditor. If it was equidistant, they must each bear half the loss.

GEMARA

- **Q:** What does the Mishna mean by "closer to him" and "closer to her"? **A: Rav** said, "closer to her" means it lands within her 4 amos, and "closer to him" means it lands within his 4 amos.
 - **Q:** According to this explanation, what is the case of "equidistant" (the Mishna calls it "half and half")? **A: R' Shmuel bar R' Yitzchak** said, that means that it fell in a place within 4 amos of where he and she were standing.
 - **Q:** Why don't we see who entered those 4 amos first, and say that it belongs to that person? **A: R' Kahana** said, the case is where there was exactly 8 amos between them and the get landed partially in his 4 amos and partially in her 4 amos.
 - **Q:** Since the get never totally left his reshus, it cannot be valid!? **A: Rabbah and R' Yosef** both say, the Mishna is discussing where there are 2 sets of witnesses: one says the get landed in his 4 amos and the other says it landed in her 4 amos. That is why there is a safek.
 - **R' Yochanan** said, "closer to her" can even mean it is 100 amos away from her and "closer to him" can mean it is 100 amos away from him – it all depends on who it is actually closer to it. As **R' Shemen bar Abba** explained, this means it all depends on who can guard it (if she can and he can't, it is "closer to her", and if he can and she can't, it is "closer to him"). The case of "half and half" is where they can both guard it or where they both cannot guard it.
 - We find that **R' Yonason** explained like this as well, and a Braisa is understood using this explanation as well.
 - **Shmuel** told **R' Yehuda**, "closer to her" means that she is able to simply bend down and pick it up. However, you should not pasken that a woman is divorced until the get actually reaches her hand.

V'CHEIN L'INYAN KIDDUSHIN

- **R' Assi in the name of R' Yochanan** said, this concept of "closer to her" and "closer to him" only applies to get, but not to any other area.
 - **Q: R' Abba** asked **R' Assi**, the Mishna clearly says that it also applies to kiddushin!? **A:** It applies there only because of the hekesh between get and kiddushin taught in the pasuk ("v'yatza, v'huysa").
 - **Q:** The Mishna clearly says that it applies to a debt as well!? **A:** The case is where the creditor specifically said "throw me the money to a place closer to me, and you will be patur from having to pay me". That is why it applies in that specific case.
 - **Q:** This case is obvious, so why would the Mishna have to mention it? **A:** Rather, the case must be where the creditor said, "throw me the money as if it were a get".
 - **Q:** That is also obvious that the laws of get would apply, so why would the Mishna mention it? **A:** We would think the creditor could later say, "I was joking around with

Daf In Review – Weekly Chazarah

you”, and if something happened to the money the debtor would have to pay again. The Mishna therefore teaches that he cannot claim that.

- **R’ Chisda** said, if the get is in her hand, but it is attached to a string that is still in his hand, then if the string is strong enough to pull the get to him, she is not divorced. If not, she is divorced. This is because if he can pull it back there is no “krisus” (separation).
- **R’ Yehuda** said, if her hand was sloped downward and he threw a get to her hand, even if it reaches her hand, she is not divorced (because it will roll right off).
 - **Q:** The get will fall into her 4 amos, so why won’t she be divorced!?! **A:** The case is where it doesn’t come to rest on the ground (e.g. it rolls off into a fire and gets burned).
 - **Q:** She should be koneh with the airspace of her 4 amos, and since we are saying that she is not, we should learn that airspace of one’s 4 amos is not koneh from him!?! **A:** The case is that her hand is positioned over a river. Therefore, there is no chance of it falling into her 4 amos, in which case all would agree that the airspace is not koneh for her.

-----Daf 79-----

MISHNA

- If a woman was standing on top of her roof, and her husband threw her get up to her from his chatzer below, once the get reaches the airspace of the roof, she is divorced.
- If he was on his roof above, and she was in her chatzer below, once the get leaves the reshus of the roof, even if it gets erased or burned, she is divorced.

GEMARA

- **Q:** In the first case how is she divorced if the get is not guarded? **A: R’ Yehuda in the name of Shmuel** said, the Mishna is discussing a roof that has a gate around it, which prevents the get from being blown off. **Ulla bar Menashyeh in the name of Avimi** said, the Mishna is discussing where the get came to within 3 tefachim of the roof, which has the status as if it came to rest on the roof itself.

HU LIMAALA

- **Q:** The get is not guarded in the chatzer, so why is she divorced? **A: R’ Yehuda in the name of Shmuel** (and a number of others) said, the Mishna is discussing where the walls surrounding the chatzer are higher than the roof (so as soon as the get leaves the reshus of the roof it is enclosed in the chatzer).
 - **Q: R’ Abba** asked **Ulla**, this seems to only follow **Rebbi**, who says regarding the halachos of Shabbos, that something that has entered into an airspace is viewed as if it has landed on the ground!?! **A: Ulla** said, it may even follow the **Rabanan** who argue on **Rebbi**, because they only argue regarding Shabbos. However, in our case it is a matter of whether the get is guarded, and since the walls are higher, it is guarded and the **Rabanan** would therefore agree that it is as if it came to rest on the ground in the chatzer.

NIMCHAK

- **R’ Nachman in the name of Rabbah bar Avuha** said, the Mishna is only discussing where the get was erased when it was already on its descent. However, if it got erased on its way up, she would not be divorced, because the get is not viewed as being given to her until its descent, and at that time the get was already erased.

NISRAF

- **R’ Nachman in the name of Rabbah bar Avuha** said, the Mishna is only discussing where the get entered the airspace before the fire was there. However, if the fire was there first, she would not be divorced, because the get is destined to be destroyed before reaching the ground and therefore does not have the status of having reached the ground.
- **R’ Chisda** said, reshusim are separate for purposes of gittin (if a husband lends a place in his property for his wife to use to be koneh her get, she cannot use a different piece of his property for that purpose).
 - **Rava** explained to **Rami bar Chama**, this is learned from our Mishna. The Mishna’s first case is where he throws the get from the chatzer to the roof. Now, if both of these areas belong to her, she should be

Daf In Review – Weekly Chazarah

koneh the get even in the chatzer. If both areas belong to him, she should not be koneh the get at all. It must be that the roof belongs to her and the chatzer belongs to him. Now, in the second case of the Mishna, we would have to say the reverse, that the chatzer belongs to her and the roof belongs to him. It is difficult to say that the two cases are speaking about such reverse sets of circumstances!?! Rather, it must be that both cases are discussing where both areas belong to the husband and in the first case he lent her the roof and in the second case he lent her the chatzer, and we see that he only lends her that one area, not others. **Rami bar Chama** said, this is no proof, because it may be that each case is discussing its own set of circumstances – in the first case she owns the roof and he owns the chatzer, and in the second case he owns the roof and she owns the chatzer.

- **Rava** said, there are 3 ways in which gittin differ from other halachos:
 - When **Rebbi** says that something within the airspace is considered as if it landed, and the **Rabanan** argue, that is only with regard to Shabbos. However, with regard to get, the determining factor is whether the get is being guarded, and since the get is guarded even the **Rabanan** will agree that we view the get as having landed.
 - When **R' Chisda** said that a platform on a pole that is 100 amos high in the reshus hayachid still has the status of that reshus hayachid, that was only said in regard to Shabbos, but in regard to get, since the get cannot be guarded up there, it will not be viewed as having landed into that reshus hayachid.
 - When **R' Yehuda in the name of Shmuel** said that one may not carry from one side of a roof to another on Shabbos in the case where underneath the roof there are two separate houses, that distinction was only made regarding Shabbos. However, regarding gittin, if the husband lent her one side of the roof to use to be koneh her get, she may even use the other side of the roof as well.
- **Abaye** said, if there are two chatzeiros – one within the other, with the inner one belonging to the wife and the outer one belonging to the husband, and the outer one's walls are taller than the walls of the inner one, and he threw a get to her in her chatzer, even if the get has not yet dipped below the level of the inner walls, she is divorced, because the get is protected by the taller, outer walls. This is different than the case of 2 boxes, one within the other, where the inner belongs to her and the outer belongs to him, and he throws a get into the airspace of the inner box, in which case the halacha would be that she is not divorced until it actually lands in her box.
 - **Q:** Even when it lands in the box, it is the keili of the buyer in the property of the seller, so why is she koneh at all? **A:** The case is that the outer box has no bottom, so the inner box is sitting directly on the ground, and not in the box of the husband.

MISHNA

- **B" S** say a man may divorce his wife using a "get yashan", and **B" H** say it is assur.
 - What is a get yashan? It is a get where the husband secluded himself with his wife after the get was already written.

GEMARA

- The machlokes is that **B" S** are not concerned that if they conceive a child in that seclusion and he then gives the get (which was written before the seclusion) people will say that she had the child out of wedlock. **B" H** is concerned for that.
- **R' Abba in the name of Shmuel** said, if a woman remarried on the basis of a get yashan, she need not get divorced from her new husband. **Others** say that he said that if she received a get yashan she may even remarry based on it, l'chatchila.

-----Daf 80-----

MISHNA

- If a man was in Bavel and dated a get based on the years to the "unworthy kingdom", or to the kingdom of Madai, or the kingdom of Yavan, or based on the years since the building of the Beis Hamikdash, or since the

Daf In Review – Weekly Chazarah

Churban, or if he was in the east and wrote in the get that he was in the west, or if he was in the west and wrote in the get that he was in the east, in all these cases if she got remarried based on this get, she must leave the first and the second husband, she needs a get from the first and the second husband, she is not entitled to any kesubah, she is not entitled to have her husband ransom her if she is captured, she is not entitled to support, she is not entitled to her worn out clothing from either of the husbands. If she took such payments from any of the husbands, she must return it. The child she has from either husband (after this get) is a mamzer. If the husbands are Kohanim, neither of them may become tamei to her if she dies. Neither husband is entitled to her finds, or her earnings, or to be meifer her nedarim. If she was a Yisraelis, she now becomes passul to the Kehuna. If she was a Leviya she becomes assur to eat maaser. If she was a Kohenes she becomes passul to eat terumah. None of the heirs of either husband inherit her kesubah. If either of the husbands die childless before giving her a get, the brothers must give her chalitza, and not yibum.

- If the sofer changed his or her name on the get, or the name of his city or her city, and she remarried based on this get, she must leave both husbands and all the other penalties previously mentioned apply to her.
- With regard to all the women who the **Rabanan** said that they make their tzaros patur from being subject to yibum or chalitza, if these tzaros relied on that basis and remarried and the women (who were the reason for the tzaros becoming patur) were found to be an aylunis (in which case their original marriage was a mekach ta'us and is therefore batul retroactively, and the tzaros were therefore never truly patur from yibum or chalitza) the tzara who remarried must leave her second husband, and all the other penalties previously mentioned apply to her.
- If a yavam did yibum to one of his brother's wives and the other wife then went and married another man (as she may do), and it turns out that the one he did yibum to was an aylunis, the other wife must leave her husband and all the other penalties previously mentioned apply to her.
- If a sofer wrote a get for the man (to give to his wife) and a receipt for a the woman (to give to her husband when the kesubah was paid), and he gave a document to each of them (the husband thought he got the get and gave that to his wife, and she thought she got the receipt and gave that to the husband), and after some time, and after the woman had remarried to another man, they each finally read the document they received and realized that the woman never got the get from her husband, the woman must leave both husbands and all the other penalties previously mentioned apply to her. **R' Elazar** says, if the mistake was noticed "immediately", then we assume the woman was never truly divorced, and all the penalties apply. However, if this was noticed after some time, we assume she was truly divorced, because we do not believe the first husband and the wife to say that the second husband may no longer live with this woman.

GEMARA

- **Q:** What is meant by the "unworthy kingdom"? **A:** It refers to the Roman kingdom, and they are so called because they don't have their own alphabet or their own language.
- **Ulla** said, the reason a get must be dated according to the years of the local kingdom is to promote peace with the kingdom.
 - **Q:** For that reason we would say that if it was done differently she must leave her husband and any children are mamzeirem!? **A:** Yes. **R' Meir** is following his view elsewhere, where **R' Hamnuna in the name of Ulla** said that **R' Meir** said, if anyone deviates at all from the process that the **Rabanan** set in place for gittin, the child will be a mamzer.

L'SHUM MALCHUS YAVAN

- The Mishna needs to give all these examples. If it would just say that dating to the years of the Romans is passul, we would say that is so because they are a present kingdom, but Yavan and Madai, who are kingdoms of the past, there would be no problem of making the local kingdom angry and the get would not be passul. Therefore the Mishna teaches that dating to the kingdoms of Yavan and Madai are also passul. If we would only say Yavan and Madai, we would think that dating to them is passul because they are other kingdoms, but dating to the building of the Beis Hamikdash would not cause any problems. If we would only mention dating to the building of the Beis Hamikdash, we would say it is passul there, because the local kingdom will have a problem with the

Daf In Review – Weekly Chazarah

Jews as being disloyal, but dating to the Churban should not be a problem. The Mishna therefore teaches that even dating to the Churban makes the get passul.

HAYA B'MIZRACH V'KASAV B'MAARAV

- **Q:** This can't refer to where the husband was in the east and in the get it said he was in the west, or where the wife was in the east and it said she was in the west, because that is already dealt with in the Mishna where it said "if he changed the name of his city or her city"!? **A:** It is referring to where the sofer was in the east and wrote that the get was written in the west. As we find that **Rav** and **R' Huna** would tell their sofrim to write the place where the get was written even if the instruction was given elsewhere.
- **R' Yehuda in the name of Shmuel** said, the rule that the get must be dated by the years of the local kingdom, follows the view of **R' Meir**. However, the **Rabanan** say, even if it is dated by the years of the town's clerk, the get would be valid.
 - It once happened that a get was dated according to the years of a city governor. **R' Nachman bar R' Chisda** asked **Rabbah** if this would be valid. He answered that in such a case even **R' Meir** would agree that it would be valid, because dating to a governor is showing respect for the local kingdom. Dating for the town clerk is considered an embarrassment and that is why in that case **R' Meir** would say that it would be passul.
 - **R' Abba in the name of R' Huna in the name of Rav** said, the **Chachomim** would agree with **R' Meir** that a get dated in this way should not be used. They only argue that if it was used, the child of this marriage will not be a mamzer. The **Chachomim** would agree however, that if his name, her name, his city's name, or her city's name were changed, and she remarried based on that get, that the child would be a mamzer.
 - **R' Ashi** said, we can prove this from our Mishna. The Mishna does not combine the invalidities of the first list (dated by some other government) with those of the second list (changed his name, her name, etc.). It must be because the first list is the view of **R' Meir**, and the second list is the view of the **Rabanan**, and we see that they do not agree with the halacha of the first list, but do agree with the second list.

KOL ARAYOS SHE'AMRU...

- **Q:** The Mishna says that if the tzaros *married* other men they become assur to the yavam. This would suggest that if they were *mezaneh* without having married they would remain mutar to the yavam. This refutes **R' Hamnuna**, who says that such a woman would be assur to the yavam as well!? **A:** The Mishna means to include a woman who was *mezaneh* as well. The reason it only mentions a woman who married is because it is a more refined speech.
 - **Others** say that the Mishna means to include a woman who was *mezaneh* as well.
 - **Q:** Maybe we can say that this is a proof to the halacha of **R' Hamnuna**? **A:** The Mishna may mean to include only a woman who remarried, and the reason such a woman would be assur is because she is similar to the case of a woman who remarried based on being told that her husband who was overseas had died.

HAKONEIS ES YEVIMTO...

- We need both of these similar cases (where one of the wives is an ervah who is later found to be an aylunis, and where yibum was done and the yevama was found to be an aylunis) to be taught in the Mishna. If we would only have the first case we would say we are very machmir, because the mitzvah of yibum was never done. If we would only say the second case, we would say that we are very machmir in that case, because she had fallen to the yavam for yibum (in the first case she was patur and never fell for yibum).

KASAV HASOFER V'TA'AH V'NOSSAN GET L'ISHA...

- **Q:** What is considered "immediately" and what is considered "after some time"? **A:** **R' Yehuda in the name of Shmuel** said, as long as they are still sitting and discussing the divorce, it is called "immediately". Once they got up, it is called "after some time". **R' Ada bar Ahava** said, if she never remarried yet, it is called "immediately", if she had remarried, it is called "after some time".
 - **Q:** The Mishna says that after some time we don't believe them, because the first husband is not believed to effect the rights of the second husband. According to **R' Ada bar Ahava** this makes sense,

Daf In Review – Weekly Chazarah

but according to **Shmuel**, who says there is a second husband here? **A:** The Mishna means the rights befitting a second husband, but not to say that there actually is a second husband.