



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Ayin Daled

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**! **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'AH 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...

- **Q: 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 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 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".