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DAF Notes
Insights into the Daily Daf
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Gittin Daf 55

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"h

Tzvi Gershon ben Yoel (Harvey Felsen) o"h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

Rabbi Yochanan ben Gudgada testified about a female deaf-mute whose father gave her in marriage (*which constitutes a Biblically valid marriage*), that she goes out with a *get* (*since the woman's consent is not necessary by a get*).

He also testified regarding an orphaned minor girl, the daughter of a *Yisroel*, who married a *Kohen* (*after her father died, either by her mother or her brothers, which is Rabbinically valid*), that she is permitted to eat (*Rabbinic*) *terumah*, and if she dies, her husband inherits her property.

He also testified regarding a stolen beam that was built into a building, that the owner receives its value (*but he cannot force the thief to give him the beam*), to facilitate repentance (*for otherwise, he would not return it*).

He also testified regarding a stolen *chatas* offering which is not known to the public (*that it was stolen*) that it effects atonement, for the benefit of the Altar. (55a)

Her Knowledge is not Necessary

Rava said: From the testimony of Rabbi Yochanan ben Gudgada we may learn that if a man said to the witnesses (*not in the presence of his wife*), "See this *get* which I am about to give to her," and then he said to his wife, "Take this debt document," the divorce is nonetheless valid. For did not Rabbi Yochanan ben Gudgada say that the consent of the wife is not necessary? So too, here, we do not require her knowledge.

The *Gemora* asks: Isn't this obvious?

The *Gemora* answers: You might have thought that his saying to her "Take this debt document," rendered the *get* void. Rava therefore teaches us that if he had meant to nullify it, he would have said so to the witnesses, and the reason why he said this to his wife was because he was ashamed. (55a)

Distinction between a Minor Girl and a Deaf Woman

The *Mishna* had stated: He also testified regarding an orphaned minor girl, the daughter of a *Yisroel*, who married a *Kohen* (*after her father died, either by her mother or her brothers, which is Rabbinically valid*), that she is permitted to eat (*Rabbinic*) *terumah*.

The *Gemora* asks: Why did the Rabbis allow a minor girl (*who is married to a Kohen*) to eat Rabbinical *terumah*, but they did not give this allowance to a deaf woman?

The *Gemora* answers: It is a preventive measure against the possibility that a deaf husband might feed his mentally competent wife with *terumah*.

L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H

The *Gemora* asks: Why don't we allow a deaf husband to feed his wife with Rabbinical *terumah*?

The *Gemora* answers: A preventive measure was made against the possibility of his feeding her with Biblical *terumah* (*and this is not a concern by a minor girl, for a minor Kohen cannot even enter into a Rabbinical marriage*). (55a)

Stolen Beam

The *Mishna* had stated: He also testified regarding a stolen beam that was built into a palace, that the owner receives its value (*but he cannot force the thief to give him the beam*), to facilitate repentance (*for otherwise, he would not return it*).

The *Gemora* cites a *braisa*: If a man steals a beam and builds it into a palace, Beis Shamai say that he must demolish the entire palace and return the beam to its owner. Beis Hillel, however, say that the owner can claim only the money value of the beam, in order to facilitate repentance (*for otherwise, he would not return it*). (55a)

Stolen Chatas

The *Mishna* had stated: He also testified regarding a stolen *chatas* offering which is not known to the public (*that it was stolen*) that it effects atonement, for the benefit of the Altar.

According to Biblical law, whether the fact that it was stolen is known to the public, or not, the offering does not effect atonement (*for the thief*). The reason is because *yi'ush* (*the abandonment by the owner of the hope of recovery*) does not by itself confer ownership to the thief (*unless there has also been a change of ownership from the thief to a third party; Rashi understands that this is the halachah only regarding sacrifices; yi'ush alone is not sufficient for the animal to be regarded as "his" korban*). Why then did the *Mishna* say that if it was not known, atonement is effected? It is so in order that the *Kohanim* should not be saddened (*by the fact that they ate from unconsecrated meat that was slaughtered in the Courtyard, which is forbidden*).

The Rabbis asked Ulla: But our *Mishna* says that it effects atonement for the benefit of the Altar (*and not because of the Kohanim*)?

Ulla replied to them: When the *Kohanim* are saddened, the Altar will remain idle.

Rav Yehudah said: According to Biblical law, whether the fact that it was stolen is known to the public, or not, the offering effects atonement (*for the thief*). The reason is because *yi'ush* (*the abandonment by the owner of the hope of recovery*) by itself confers ownership to the thief. Why then did the *Mishna* say that if it was known, atonement is not effected? It is because we did not want people to say that the Altar is consuming stolen goods.

The *Gemora* asks: It is understandable according to Ulla why the *Mishna* says a *chatas* offering (*and not an olah; for an olah is completely burnt, and the Kohanim would not become saddened*), but according to Rav Yehudah, why does the *Mishna* say *chatas*; the *halachah* should be the same by an *olah* as well (*that people should not say that the Altar is consuming stolen goods*)!?

The *Gemora* answers: The *Mishna* is written in a "it is not necessary to say" format. It is not necessary to say this *halachah* by an *olah*, which is entirely consumed on the Altar, but even in the case of a *chatas*, where only the fat and blood go up on the Altar and the rest is

eaten by the *Kohanim*, even there the *Chachamim* decreed (that it should not be offered) in order that people should not say that the Altar is consuming stolen goods.

Rava asks on Ulla from the following: We learned in a *Mishna*: If a man stole an animal and consecrated it and then slaughtered and sold it, he pays a twofold restitution to the owner, but not four and fivefold. [*Usually, if a thief slaughters or sells an ox or a sheep, he pays four or five; since here, at the time of the slaughtering or selling, it already belonged to hekdesh, and these payments do not apply to hekdesh, he is not liable for this extra fine.*] And with reference to this, it was taught in a *braisa*: If in such a case, he would slaughter the animal outside the Temple Courtyard, his punishment is *kares*. Now, if you say that *yi'ush* alone does not confer ownership to the thief, how does *kares* come in? [*There can only be a prohibition against slaughtering a korban outside the Courtyard if it was fit to be brought inside; this animal, according to Ulla, is Biblically unfit for a korban!?*]

Rav Shizbi answers: It means that he will receive a *kares* decreed by the Rabbis.

They laughed at him: Is there such a thing as *kares* decreed by the Rabbis?

Rava replied to them: When a great man has said something, do not laugh at him. He means that *kares* will come to him through their regulation; for it was the Rabbis declared it to be in his possession, so that he might be liable for it (*if he slaughters it outside the Courtyard*).

Rava said: What I would like to know is this: When the Rabbis declared him to be the owner; did they mean this to apply retroactively from the time of stealing, or from the time of the consecration? What practical difference does it make? It makes a difference with respect to the shearings and the offspring (*which come about after he stole it, but before he consecrates it*). What is the *halachah*?

Rava said: It is logical to suppose that it is from the time that he consecrated them, so that a sinner should not profit from his offense. (55a – 55b)

Mishna

[*A sikerikon is an idolater who threatens to murder a Jew unless he gives him his field. Our Mishna discusses a Jew's purchase of a field from a sikerikon, and whether the field's original owner may reclaim the field from the purchaser.*]

There were no *halachos* of *sikerikon* in Judah regarding those slain in the war. [*This is referring to the time period towards the end of the Second Temple, when the Roman general Titus waged a war on Judah and Jerusalem.*] However, after the period when people were slain in the war, there was the *halachah* of *sikerikon*.

What is the case? If one purchased a field from a *sikerikon* and then acquired it (*with a kinyan*) from the original owner, his purchase is void. [*We may assume that the owner only consented to sell the field to this Jew because of his fear of the sikerikon, or because he did not intend to give him ownership of the field, but rather he thought, "Let him take it now, and tomorrow, I will sue and recover my field from him, for it will be easier than recovering it from the sikerikon."*] If, however, he purchased it first from the owner and then he acquired it from the *sikerikon*, his purchase is valid.

If one purchased a field from a man and then purchased (*the lien*) from his wife (*in order that she should not collect her kesuvah from this field*), his purchase is void (*for we may assume that she only consented to please her husband*). If, however, he purchased it first from the wife and then he acquired it from the husband, his purchase is valid.

This (*the halachah regarding a sikerikon*) was the initial teaching. But a *Beis Din* after them decreed that if one purchases a field from a *sikerikon*, he gives the owner one quarter (*and he may then keep the field*). When did this *halachah* apply? It applied when the original owner did not have the means to buy it himself, but if he does have the means to buy it, he has the first right to buy it.

Rebbe convened a Court and they decided by a counted vote that if the land remained in the possession of the *sikerikon* for twelve months, whoever purchases it first, acquires it, but he still gives the owner one quarter. (55b)

Sikerikon

The *Gemora* asks: If there was no *sikerikon* for those slain during the war, is it possible that there should have been after the termination of the war? [*It was probably more common during the war!?*]

Rav Yehudah explained: It means that the *halachos* of *sikerikon* were not applied during the war. For Rav Assi has stated: They (*the Roman Government, led by Titus*) issued three decrees. The first was that whoever did not kill a Jew when he had the opportunity to do so should himself be put to death. The second was that whoever killed a Jew should pay four *zuz*. The last was that whoever killed a Jew should himself be put to death. Therefore, during the time when the first two decrees were in effect, the Jew, being in danger of his life, would sincerely transfer his property to the *sikerikon* (*hence, during the war, the halachos of sikerikon would not apply*). However, in the time of the last decree (*after the war*), he would say to himself, "Let him take it now, and tomorrow, I will sue and recover my field from him, for it will be easier than recovering it from the *sikerikon*." (55b)

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: When, according to all opinions, do we not impose a penalty on an inadvertent action on account of a deliberate one?

A: If he intended for good (*to repent or to pay someone back*).

Q: When is someone believed to say that he contaminated his fellow's produce?

A: According to Abaye – if he still has the power to do it; According to Rava – always, as long as he didn't see him, before and not say anything (*for then, we may assume that he is just saying this to bother him*).

Q: If the Names of Hashem were written in a Sefer Torah without the proper intention, is there any remedy?

A: If it is only relevant to one mention of Hashem's Name, you can take a pen and write over it, according to Rabbi Yehudah; the *Chachamim* disagree. If it is many times, even Rabbi Yehudah holds that it cannot be fixed (*for the Torah will appear spotted*).

L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H