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Gittin Daf 66

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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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

### **Geniva’s Gift**

Geniva was being led out in chains. On his way out, he said, “Give four hundred zuz to Rabbi Avina of the wine which I have in Nehar Panya.”

Rabbi Zeira said: Let Rabbi Avina put his pack on his shoulder (*to travel*) and go to Rav Huna his teacher, since Rav Huna had ruled that the laws of a *get* are the same as a gift (*with respect to a deathly ill person*). Just as if he recovers (*and does not die*), he can withdraw his gift, so too, if he recovers, he can withdraw his *get* (*for his intention was only to give the get or the gift if he dies*). Similarly, just as in the case of his *get*, even though he did not express himself clearly (*that it should be given*), if he says “write,” even though he does not also say “give,” it is sufficient, so too, with his gift, since he has said “give,” even though no *kinyan* was performed, it is sufficient (*and therefore, Rabbi Avina should acquire the wine*).

Rabbi Abba asked: Geniva’s gift was one made by a deathly ill person (*since he was going to die*) on a portion of his property, and a gift made by a deathly ill person on a portion of his property needs a *kinyan* in order to be effective!? [*Since he is giving away only part of his property, he is indicating that he has in mind the possibility that he will recover, and therefore the gift has the same halachos as one given by a healthy person.*]

This would seem to show that Rav Huna holds that no *kinyan* is necessary in this case, and yet we know that in fact, it does require a *kinyan*!?

The *Gemora* answers: Here it is different because he was giving his last dispositions (*since he knew that he would not be returning alive*).

The *Gemora* asks: This would indicate that Rabbi Abba holds that even where one gives his last dispositions, a *kinyan* is still required, and we know that the *halachah* is that no *kinyan* is required!?

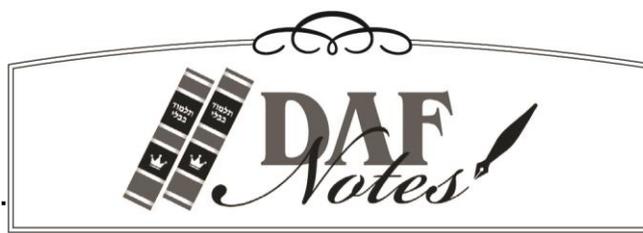
The *Gemora* answers: Rabbi Abba was concerned since he said, “Give four hundred zuz from the wine.” [*This seemingly was a meaningless statement and it should not be effective.*]

Rabbi Zeira held that he used this expression to make his title more secure. [*This way, he would have a lien on the entire wine in case any of it went sour or the money obtained from the sale of it was lost; the words “from the wine” include both the wine and its money value.*]

They sent from *Eretz Yisroel* to say: “From the wine” makes his title more secure. (65b – 66a)

### **Mishna**

If someone was thrown into a pit and calls out that anyone who hears him should write a *get* to his wife (*specifying his name and his city*), those who hear this should indeed write and send the *get* to his wife (*we*



assume that he omitted the instruction of giving the get due to the confusion of his situation). (66a)

### **Man or Demon?**

The *Gemora* asks: Is it not possible that it was a demon (who are suspect of evil behavior, such as deceiving people) that issued that proclamation?

Rav Yehudah replied: The *Mishna* is referring to a case where they saw in him the form of a man.

The *Gemora* asks: But demons sometimes appear in the form of humans?

The *Gemora* answers: They saw his shadow.

The *Gemora* counters: But demons also have a shadow?

The *Gemora* answers: They saw a shadow of his shadow.

The *Gemora* asks: Is it not possible that demons also cast a shadow of a shadow?

Rabbi Chanina replied: The demon Yonasan told me that demons have a shadow, but not a shadow of a shadow.

The *Gemora* asks: Is it not possible that it was a co-wife (whom the man had married in another town, and who came for the specific purpose of misleading the woman to marry another man so that she might thereby become forbidden to her present husband; a co-wife is usually suspected of malice against her counterpart) that issued that proclamation?

The *Gemora* answers: A *braisa* was taught at the *Beis Medrash* of Rabbi Yishmael: At a time of danger (when a man was cast into a pit and is in grave danger), a *get* may be written and delivered to the woman even if we cannot identify the man issuing the instructions as her husband.

(Similarly, in the case dealt with in our *Mishna*, were the voice not be relied upon, the woman might have to remain all her life bereft of her own husband and unable to remarry.) (66a)

### **Mishna**

If a healthy person said, "Write a *get* for my wife," we assume that he only wanted to make fun of her (since he did not say, "Give the *get* to her"). It once happened that a healthy person said, "Write a *get* for my wife," and (after the *get* was given to his wife) he climbed up on a roof, fell and died. Rabban Shimon ben Gamliel said: If he fell down by himself, the *get* is valid (for we assume that this was his intention the whole time, and due to his confusion, he omitted the instructions to give her the *get*). If the wind pushed him, it is not a *get*. (66a)

### **Incidents with Agents**

The *Gemora* asks: Does the *Mishna* bring this incident to contradict its previous ruling?

The *Gemora* answers: It is as if there are missing words in the *Mishna*, and this is what it should say: If the conclusion is an indicator as to the husband's intentions in the beginning, the *get* will be valid. And it once happened that a healthy person said, "Write a *get* for my wife," and (after the *get* was given to his wife) he climbed up on a roof, fell and died. Rabban Shimon ben Gamliel said: If he fell down by himself, the *get* is valid (for we assume that this was his intention the whole time, and due to his confusion, he omitted the instructions to give her the *get*). If the wind pushed him, it is not a *get*.

The *Gemora* cites an incident: A certain man went into the synagogue and found a teacher of children and his son sitting there and a third man was also sitting by them. He said to them, "Two of you should write a *get* for my wife." Before the *get* was given the teacher died. The question

arose: Do people usually make a son their agent in the place of his father or not? [*Do we say that the man was particular as to who the agents should be, or not?*]

Rav Nachman said: People do not make a son the agent in the place of his father. Rav Papi said that people do make a son their agent in the place of his father.

Rava said: The *halachah* is that people do make a son the agent in place of the father. (66a)

### **Mishna**

If someone says to two people, "Give a *get* to my wife," or he says to three people, "Write and give a *get* to my wife," they should write it and give it. [*Rashi explains that the latter case implies that if he would have merely said to three people that they should "give" not "write" a get, they could have appointed a messenger. This is because it is like he made them into a Beis Din that has the right to appoint a messenger.*] However, if he says to three people, "Give a *get* to my wife," they can tell others to write the *get*, for he made them into a *Beis Din*; these are the words of Rabbi Meir. And this is a *halachah* that Rabbi Chanina of One brought back from prison (*in the name of Rabbi Akiva*): I have a tradition that if a person says to three people, "Give a *get* to my wife," they can tell others to write the *get*, for he made them into a *Beis Din*; Rabbi Yosi said: We said to the messenger (*Rabbi Chanina*): We also have a tradition, that even if he said to the Great *Beis Din* in Yerushalayim, "Give a *get* to my wife," they must learn how to write, write the *get* and give it. If he said to ten people, "Write a *get* for my wife," one may write the *get* and two sign it. However, if he says, "All of you write it," one of them writes the *get* and all of them sign it. Therefore, if one of them dies, the *get* is invalid. (66a – 66b)

### **The Definition of "Write"**

Rabbi Yirmiyah bar Abba said: An inquiry was sent from the Beis Medrash of Rav to Shmuel: Would our teacher (*Shmuel*) inform us what the *halachah* would be if the husband said to two people, "Write and deliver a *get* to my wife," and they told a scribe and he wrote it and they themselves signed it? [*Do they have to write the get, or is it sufficient if they sign it?*]

He sent back the following: She must leave her second husband, but the matter requires further study.

The *Gemora* asks: What did he mean by saying that the matter requires further study? Shall we say it is because only a verbal instruction was given to them by the husband, and Shmuel is in doubt whether a verbal instruction can be passed on to another agent or not? But didn't Shmuel say in the name of Rebbe that the *halachah* follows Rabbi Yosi, who said that verbal instructions cannot be passed on to another agent?

The *Gemora* explains: Shmuel wanted to know the following: When the husband said to them, "write," did he mean their signatures, or are they required to write the entire *get*?

The *Gemora* asks: Let us resolve this from our *Mishna*: If someone says to two people, "Give a *get* to my wife," or he says to three people, "Write and give a *get* to my wife," they should write it and give it. [*Evidently, they must write the get as well!*]

The *Gemora* answers that Shmuel was uncertain as to the meaning of the *Mishna*: What do they have to write; their signatures or the entire *get*?

The *Gemora* asks: But let us prove that they must write the entire *get* from the latter part of the *Mishna*: Rabbi Yosi said: We said to the messenger (*Rabbi Chanina*): We also have a tradition, that even if he said to the Great *Beis Din* in Yerushalayim, "Give a *get* to my wife," they must

learn how to write, write the *get* and give it. Now if you say that the *Mishna* is referring to the writing of the *get*, it is understandable; however, if you say it is the writing of the signatures, surely there is no *Beis Din* that do not know how to sign their names!?

The *Gemora* rejects the proof, by saying that this might happen in a new *Beis Din*.

The *Gemora* asks: Now if we understand that “write” means “write your signatures,” but the actual *get* may be written by others, but didn’t Shmuel say in the name of Rebbe that the *halachah* follows Rabbi Yosi, who said that verbal instructions cannot be passed on to another agent?

The *Gemora* answers: If we understand that “write” means “write your signatures,” then as far as the writing of the *get* is concerned, it is as if the husband had given instructions that they should tell the scribe to write the text of the *get*, and Rabbi Yosi admits that the *get* written by the scribe is valid where he said, “Tell the scribe to write it.” (66b)

## DAILY MASHAL

### *Demons*

If someone was thrown into a pit and calls out that anyone who hears him should write a *get* to his wife (*specifying his name and his city*), those who hear this should indeed write and send the *get* to his wife (*we assume that he omitted the instruction of giving the get due to the confusion of his situation*).

The *Gemora* asks: Is it not possible that it was a demon (*who are suspect of evil behavior, such as deceiving people*) that issued that proclamation?

Rav Yehudah replied: The *Mishna* is referring to a case where they saw in him the form of a man.

The *Mishnah* *Lamelech* proves that that there were only two people heard the voice, for if there were three people there, a demon would not reveal itself to them. Now, if there are only two people, it must be that one of them is writing the *get* and signing on it. This will prove that the signature of a scribe together with one witness is sufficient! This would be problematic, for Amoraim below argue on this exact issue!?

Poras Yosef answers that the *Mishna* can be referring to a case where there were three people there, and the demon would nevertheless reveal itself, because they were far away from each other.

The *Beis Aharon* writes that in a place where demons are accustomed to be, such as inside pits, they will reveal themselves even in the presence of three people.

## QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF to refresh your memory

Q: When can a son sell land that he inherited from his father?

A: Only after he is twenty years old.

Q: Why would the husband want to divorce his wife in one place, but not another?

A: The husband did not want people there to speak ill of him in the other location.

Q: Why do we say that if the husband said to an agent, “Write a letter,” he meant to divorce his wife?

A: It is because the following expression is written in every *get*: “and this, which shall be from you to me, a writ of divorce and a letter of abandonment.”