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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

[The *Gemora* noted a contradiction with the final ruling of the *Mishnah*, which states: The *get* is invalid until the husband tells the scribe to write it and the witnesses to sign it. This would seem to follow the opinion of Rabbi Yosi who holds that verbal instructions may not be passed over to another agent. Is the beginning of the *Mishnah* according to Rabbi Meir, and the end of the *Mishnah* following Rabbi Yosi’s opinion?]

Rav Ashi said: The entire *Mishnah* follows Rabbi Yosi, and [the last clause] is written in the form of “it is not necessary to say”: Not only where he omitted to say “Give” [is the *get* invalid] but even where he said, “Give,” and not only where he did not tell three people, but even where he told three people, and not only where he did not say “Tell” but even where he said “Tell” [the *get* is invalid until he says to the scribe etc.]

A Baraisa has been taught in accordance with Rav Ashi: In the case where the scribe wrote and the witnesses signed for her name, though they had written and signed it and given it to him and he had given it to her, the *get* is void unless they had heard him saying with his own voice to the scribe, “Write,” and to the witnesses, “Sign.” The word ‘hear’ excludes the opinion [mentioned above], that Rabbi Yosi admits that the *get* is valid where the husband said “Tell.” ‘His voice’ excludes the statement made by Rav Kahana in the name of Rav.<sup>1</sup> (72a1)

### **Mishnah**

If a man says to his wife, “This is your *get* from this illness,” or he says, “This is your *get* if I die,” or he says, “This is your *get* after death,” he has said nothing. [In all these cases, he has stipulated that the *get* should be effective after his death; this is impossible.] However, if he says, “This is your *get* from today, if I die,” or he says, “from now, if I die,” the *get* is valid. If he says, “This is your *get* from today and after death,” it is a valid *get* and it is not a *get*. [We are uncertain if he was stipulating that the *get* should retroactively take effect from today if he dies; accordingly, the *get* would be valid. Or perhaps, he meant to retract from his original statement, and he wants the *get* to be effective after his death, in which case, the *get* will be void.] If he would die (*childless*), his wife would submit to *chalitzah*, but would not be taken in *yibum*. If he says, “This is your *get* from today, if I die from this illness,” and then he recovered and walked in the marketplace, but then got sick again and died, we evaluate if he died because of the first illness, in which case, the *get* would be valid. If, however, we determine that he did not die as a result of the first illness, it is not a *get*. (72a2)

### **If I Die**

The *Gemora* asks a contradiction between two rulings in the *Mishnah*: From the first ruling (where the husband said, “This is your *get* if I die,” he has said nothing because

<sup>1</sup>That a deaf-mute may give instructions in writing.

he is stipulating that the *get* should be effective after his death), it is apparent that “if I die” is like he said “after death,” and the *get* is not valid. However, the very next ruling in the *Mishnah* is that if he said, “This is your *get* from today, if I die,” or if he says, “from now, if I die,” the *get* is valid! This would indicate that “if I die” is not the same as saying “after death,” and therefore, the *get* would be valid!?

Abaye answers that both meanings are correct, but it may depend upon the context. If he said, “from today,” then, when he said, “if I die,” he means “from now,” and the *get* would be valid. If he does not say, “from today,” then it is as if he said that the *get* should be affective after his death, and the *get* will not be valid. (72a2)

#### **Rav Huna**

The *Mishnah* had stated: If a man says to his wife, “This is your *get* if I die,” he has said nothing.

Rav Huna said: She must submit to *chalitzah* (if he dies childless).

The *Gemora* asks: But the *Mishnah* said that he has said nothing (if there is no *get*, why can't *yibum* be performed)?

The *Gemora* answers: He has said nothing with respect that she is forbidden to marry anyone (until she submits to *chalitzah*) and she is forbidden to the *yavam* as well (because we are uncertain if the *get* is valid or not).

The *Gemora* asks: But by the fact that the later part of the *Mishnah* rules that she must submit to *chalitzah*, isn't it evident that in this case, even *yibum* may be performed with her?

The *Gemora* answers: The *Mishnah* is following the opinion of the Rabbis (who maintain that the *get* is only

valid if he says, “from today”), and Rav Huna was stating his opinion according to Rabbi Yosi, who holds that the date recorded on the document indicates that he wants it to be retroactively effective.

The *Gemora* asks: If he is following Rabbi Yosi's opinion, why is *chalitzah* required (the *get* is valid)?

Perhaps you will answer that Rav Huna is uncertain if the *halachah* is like Rabbi Yosi or not. This cannot be, for once when Rabbah bar Avuha was ill, Rav Huna and Rav Nachman went to visit him, and Rav Huna said to Rav Nachman, “Ask Rabbah bar Avuha whether the *halachah* follows Rabbi Yosi or not,” and Rav Nachman replied to him, “I do not know Rabbi Yosi's reasoning, how can I ask him the *halachah*?” Rav Huna responded, “You ask him the *halachah* and I will tell you the reason.” He therefore asked him, and Rabbah bar Rav Huna replied, Rav said, “The *halachah* is according to Rabbi Yosi.” When Rav Nachman came out, Rav Huna said to him, “The reason of Rabbi Yosi is because he held that the date of the document is sufficient indication that he wants it to be retroactively effective.” [Evidently, Rav Huna was certain that the *halachah* followed Rabbi Yosi!?

Rather, the *Gemora* says, Rav Huna was uncertain if Rabbi Yosi ruled that the *get* is valid retroactively even in a case where the stipulation was stated verbally (for perhaps he ruled this way only when the stipulation was written in the document which recorded the date).

The *Gemora* asks: Is Rav Huna uncertain regarding this? But we learned in a *Mishnah*: If a man says to his wife, “Here is your *get* if I do not come back within twelve months,” and he died within the twelve months, the divorce is not valid. And it was taught in a *Baraisa*: Our Rabbis allowed her to marry again (even without *chalitzah*; she is regarded as being divorced). And it was said: Who are these Rabbis? Rav Yehudah said in the name of Shmuel: It is the *Beis Din* that permitted the olive

oil of idolaters (*Rabbi Yehudah Nesiah*). And the reason why the Rabbis permitted her to *get* married is because they hold like Rabbi Yosi who said that the date of the document indicates that the divorce is valid retroactively. (*Even if the husband died, the divorce is still valid because the date written on the document was the date that the get was drawn up and delivered to the wife, and it is valid retroactively.*) [Evidently, Rabbi Yosi's ruling applies even when the stipulation was stated verbally.]

Rather, the *Gemora* says, Rav Huna was uncertain if the *halachah* followed Rabbi Yosi concerning a verbally stated stipulation.

The *Gemora* asks: Is Rav Huna uncertain regarding this? But Rava said: If a husband said to his wife, "This is your *get* if I die," or "supposing that I die," the *get* is valid (*retroactively*), but if he said, "when I die," or "after death," the *get* is not valid.

Now, how are we to understand this? Are we to suppose that he [also] said "from today," and [that Rava adopted the view of] the Rabbis? Surely there is no need to tell us this, seeing that we have learned: If he said, "From today if I die, the *get* is valid." We must therefore suppose that, in these cases (*where the get is valid*), he did not say to her "from today," and Rava is adopting the view of Rabbi Yosi, which shows that the *halachah* is in accordance with Rabbi Yosi, even by a verbally stated stipulation!?

The *Gemora* answers: Rava was certain on this point, but Rav Huna was not.

Alternatively, we can say that Rava was referring to a case where the husband did say "from today," and he was following the opinion of the Rabbis, and the novelty of this teaching was to explain that the expression of "supposing that I die" is equivalent to "if I die," but "when I die" is equivalent to "after death."

There were those that connected Rav Huna's statement with the latter clause (*from the beginning section*) of the *Mishnah* in the following manner: The *Mishnah* said: If he says, "This is your *get* after death," he has said nothing. Rav Huna said: According to the view of Rabbi Yosi, she must submit to *chalitzah*.

The *Gemora* asks: Surely this is obvious, since in the later clause, the ruling of the Rabbis requires her to submit to *chalitzah*, it would follow that in the earlier case, according to Rabbi Yosi, she would be required to submit to *chalitzah*?

The *Gemora* answers: One might have thought that in this case Rabbi Yosi would agree with Rebbe, who said that the *get* is valid (*when the husband said, "This is your get from today and after death"*) and that she would not be required to submit to *chalitzah* either; Rav Huna therefore tells us that neither did Rebbe concur with Rabbi Yosi, nor Rabbi Yosi with Rebbe.

Rebbe did not concur with Rabbi Yosi because he stated expressly 'a *get* like this is valid', to exclude one allowed by Rabbi Yosi. Rabbi Yosi did not concur with Rebbe, because he stated expressly, 'a *get* like this is valid', to exclude one allowed by Rebbe.

In what connection did Rebbe use these words? — As it has been taught in a Baraisa: If the husband says, "This is your *get* from today and after death," it is a valid *get* and it is not a *get*; these are the words of the Rabbis. Rebbe says: A *get* like this is valid (*but not if he said that it should take effect after his death*).

In what connection did Rabbi Yosi use these words? — As it has been taught in a *Mishnah*: If the husband says, "Write and give a *get* to my wife if I do not return within twelve months," if they wrote it within the twelve months and gave it after the twelve, it is not a valid *get*. Rabbi Yosi, however, said: A *get* like this is valid. (72a3 - 72b3)



## DAILY MASHAL

### *Directly from Hashem*

The *Gemora* cited a *Baraisa*: If a scribe wrote a *get* for the sake of a specific woman, and the witnesses signed it for her sake as well, although they wrote, signed and gave it to the husband, and the husband gave the *get* to his wife, it is not valid until the scribe and the witnesses hear the husband's voice telling them to write and sign it.

It is evident from here that if one person tells another to tell another, it is not regarded as if the third person heard it from the first.

Reb Yosef Engel asks from a *Gemora* in Kiddushin (22b), which states: Why is the ear different than all the other limbs in the body (*that it is chosen for piercing for a slave that chooses to stay by his master*)? The Holy One, Blessed be He said, "The ear that heard My voice on Mount Sinai when I said, 'Bnei *Yisroel* are slaves to Me, and not slaves to other slaves,' and this person went and acquired another master for himself, his ear should be pierced!" Why is it regarded as if he heard these words from Hashem? Bnei *Yisroel* only heard the first two commandments from Him; the rest were said over by Moshe!? We could have answered that since Moshe heard it directly from Hashem, and Bnei *Yisroel* heard it from Moshe, it is regarded as if they heard it directly from Hashem. However, based on our *Gemora*, that is incorrect!?

He answers that since when Moshe spoke, the *Shechinah* was talking through Moshe's throat, it was considered as if they heard the commandments directly from Hashem.

## QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Can a mute testify through writing?

A: No.

Q: Can one, who was a deaf-mute from birth, instruct a scribe to write a *get* for his wife by writing?

A: Yes.

Q: Can a deranged woman be divorced?

A: According to the Biblical law, a deranged woman may be divorced, since her case is similar to that of a mentally competent woman who may be divorced without her consent. What then is the reason why it was stated that she may not be divorced? It is in order that people should not act immorally with her.