

## OVERVIEW of the Daf

### 1) Giving something to someone against his will (cont.)

R' Pappa or R' Shimi bar Ashi challenge Rava's inference from the Mishnah in Arachin that if a woman gives money to her husband in fulfillment of a condition without her husband's consent the **טג** is invalid.

A second version of this exchange is recorded.

### 2) Forgiving a condition (cont.)

Rabbah bar bar Chanah in the name of R' Yochanan teaches that the Halacha follows R' Shimon ben Gamliel's opinions that are recorded in the Mishnah except in three cases.

### 3) A conditional **טג**

A Baraisa issues two rulings related to a conditional **טג**.

The Gemara notes that the two rulings seem contradictory.

R' Chisda offers an explanation.

Abaye challenges this interpretation and offers an alternative explanation.

Rava challenges this interpretation and suggests his own explanation.

R' Ada bar Ahavah rejects this explanation and proposes another explanation.

R' Ashi presents an alternative explanation.

### 4) The condition incorporated into the **טג** of someone who is deathly ill

Shmuel enacted that a stipulation should be incorporated into the **טג** of someone who is deathly ill.

The Gemara unsuccessfully challenges the language chosen by Shmuel.

Rava successfully challenges Shmuel's wording and proposes his own wording, which he also explains.

### 5) MISHNAH: The Mishnah continues to discuss different halachos related to conditions of a **טג**.

### 6) Nursing or serving his father

A Baraisa is cited that contradicts the Mishnah's first ruling related to a **טג** that was given on condition that the wife would nurse or serve the husband's father.

R' Chisda suggests one resolution.

This suggestion is rejected and the Gemara suggests another resolution.

Rava offers his own answer.

R' Ashi challenges this answer.

A Mishnah is cited that is consistent with Rava and refutes R' Ashi's position.

The Gemara explains how R' Ashi will resolve this challenge.

Another challenge to R' Ashi's position is presented. ■

## Distinctive INSIGHT

*When do we need that a condition be doubled?*

מכדי כל תנאי מהיכא גמרינן להו מתנאי בני גד ובני ראובן

The rules which establish the legal guidelines for making binding conditions are learned from the episode of the tribes of Gad and Reuven and their dealings in negotiating to settle in the area to the east of the Jordan River. When Moshe spoke with the leaders of those tribes, he told them that if they would lead the nation into Eretz Yisroel, they would be able to keep the territory to the east of the Jordan as their inheritance. If they would not lead the nation into Eretz Yisroel, they would not be able to keep that land. We see, as a rule, that a condition must be stated both in the affirmative, as well as in the negative (תנאי כפול). Apparently, the lesson is that it is not adequate for a condition to be stated affirmatively, and for the negative side to be left self-understood.

The **שיטה לא נודע** explains that the specific rules regarding conditions which are taught here only apply to a situation similar to that case where the tribes had already moved into the area in question, and the conditions which were set up by Moshe and the leaders of the tribes were arranged in order to evict them in case they did not fulfill their agreements. Without establishing firm guidelines for their being permitted to stay in their land, Moshe (or Yehoshua) would not have been able to remove them from their land in case of failure to keep these conditions. However, if someone sells or transfers land to his friend with cash or a contract, and he stipulates that the land will become his after thirty days if he fulfills a certain condition, in this case there is no need to abide by the entire litany of details for the stipulation to be binding.

Tosafos explains that it is regarding monetary matters that a double expression is necessary in order for a condition to be binding. In regard to matters which involve prohibitions, even a simple expression of contingency is valid. For example, the Torah prohibits entry into the Beis Hamikdash for a kohen who has an excessive growth of hair (**פרוע ראש**) or is intoxicated. The penalty for this violation is heavenly death. The punishment for these offenses is not written in the verse, but it is inferred from the wording of the verse (Vayikra 10:6,9) where we are told that if the kohanim enter if they do not have long hair or drink they will not die. ■

## HALACHAH Highlight

### *Beginning and ending with something that is bad*

לא מקדים איניש פורענותא לנפשיה

*A person will not advance tragedy upon himself*

Chazal teach that a person should always begin with something that is good and conclude with something that is good. Rav Yosef Chaim of Baghdad<sup>1</sup>, the Ben Ish Chai, wondered whether it is more important to begin with something good or conclude with something good. There are times when a person has to discuss something that presents two possibilities, one which is good and one that is not. Is it better to begin with the bad outcome so he can conclude with something good or is it more important to begin with something good even though it will result in concluding with something that is bad? Ben Ish Chai noted that even in this case it is possible to begin and conclude with something that is good. If one begins by mentioning the positive outcome, followed by the negative outcome and then repeat the positive outcome he is able to begin and conclude with that which is good. Furthermore, one who adopts such an approach does not have to be concerned that he is using more words than necessary, by repeating himself, since it is done for the purpose of beginning and concluding with something that is good and wise people will understand why the seemingly extra words were uttered.

If, however, one faces a circumstance where it is not possible to repeat oneself and one must choose between beginning with something good or concluding with something good Ben

## STORIES Off the Daf

### *Absolving a debt*

”רב אשי אמר כל סתם נמי כמפרש יום אחד דמי...”

A certain very wealthy man once loaned a large sum of money to a fellow merchant. When the time for payment came around, the merchant explained that he didn't yet have the funds. He asked to defer repayment. The lender agreed, but a month later the borrower still could not repay the loan. After this happened a few times, the merchant got tired of his friend's delays and did some investigations. He found that the borrower could not repay the loan without selling something that he really couldn't af-

ford to lose.

On the one hand, the wealthy man felt bad for him and wanted to just forgive the loan so that they could move on with a clean slate. On the other hand, he wanted to teach this man a lesson to ensure that other people would not abuse his kindness in the future.

He finally hit upon the perfect plan. He found a coarse soiled garment—the sort worn by non-Jewish shepherds—and approached the man who owed him the money with garment in hand. He declared the debt was pardoned if the borrower would wear the garment to the public market.

The borrower took it and wore it that day to the market. The next day, he wore respectable garments like everyone else. When the wealthy man confronted him

about this he claimed that a day is enough since he didn't say a particular amount of time.

“I didn't give a time limit because I meant that you should wear it every day unless I excuse you!”

They went for mediation to the Ben Ish Chai, zt”l. He said to them, “In Gittin 75 we find that Rava and Rav Ashi argue about a situation where a husband has issued a divorce on condition that the former wife serve his father for an unspecified period. According to Rav Ashi, she must only serve his father for one day. Rava, however, disagrees. The Rif and Rambam both hold like Rav Ashi, who is a later authority... So, in our case, which is similar to the Gemara, he only needs to wear it for one day.”<sup>1</sup> ■

1. שו"ת תורה לשמה, סימן שלי"ה

## REVIEW and Remember

1. Why is it necessary for the wife to take ownership of the paper when she is given her גט?
2. What is the source for making conditional agreements?
3. Explain the stipulation that Rava adds to a גט that is given by a man who was deathly ill?
4. What principle did R' Shimon ben Gamliel establish regarding the fulfillment of stipulations?

Ish Chai asserts that it is better to begin with the positive since one should avoid bringing tragedy upon oneself for as long as possible (דלא להקדים פורענותא לנפשיה). Proof to this principle is found in our Gemara that relates that one should mention the possibility of not dying before mentioning the possibility of dying in order to avoid mentioning the negative consequence. This establishes the principle that when given the choice it is better to begin with something positive than to conclude with something positive. This is also important, emphasizes Ben Ish Chai, regarding Krias Hatorah. He notes that many people are careful that they should not conclude with something that is bad but it is even more important that one should not begin with something that is bad. ■

1. שו"ת תורה לשמה סי' שע"ו. ■

