

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

Rabbah had suggested that the Mishnah does not refer to a case of where there is a question whether the גט was closer to him or to her. This was because the co-wife of the ערוה had a chazaka of permitting to marry without yibum or chalitza and that status cannot be changed because of a questionable event. Rabbah responds to the challenge Abaye presented against this.

Rabbah's response is unsuccessfully challenged.

Abaye presents another unsuccessful challenge to Rabbah's explanation from a Mishnah.

The assertion of one of the answers that chalitza is not performed because of fear that it may lead to yibum is presented together with a second challenge which successfully refutes Rabbah's explanation.

Abaye suggests another explanation to the Mishnah, namely, that the Mishnah mentioned some case regarding kiddushin and other cases regarding divorce but they apply equally to both.

Rava refutes this explanation.

Rava offers an alternative explanation and the case that applies to divorce that does not apply to kiddushin is a kiddushin document that is not dated.

An explanation is suggested to explain why it is not necessary to date a kiddushin document.

This explanation is unsuccessfully challenged.

An alternative explanation is suggested.

2) MISHNAH: Rabanan and R' Shimon dispute what should be done when two women fall to yibum, the wife of the first brother (having received מאמר from the second brother before he died), and the second brother's wife. Rabanan maintain that both should receive chalitza whereas R' Shimon maintains that one could receive yibum and the other will receive chalitza.

3) Clarifying the position of Rabanan

It is clarified that the rationale behind the position of Rabanan is Rabbinic and the Gemara explains the specific concern that led to the decree. ■

Today's Daf Digest is dedicated
By Dr. and Mrs. Samuel Saltzberg
in loving memory of their father
ר' טובי' בן ר' נחום
Dr. Ted Saltzberg o.b.m.

Distinctive INSIGHT

Testimony—from their mouths, and not from written records

זמנין דחזו מכתבא ואתו מסהדי ורחמנא אמר מפיהם ולא מפיי כתבם

The Kuzari writes (2:72) that the function of language and speech is to take a thought which has surfaced in the mind of a speaker and to ingrain it into the heart and mind of a listener. This intent cannot be fully accomplished unless the communication is done face to face. There is a distinct advantage to conveying words and impressions when done with the assistance of a personal delivery. The famous adage teaches: "It is better to hear from the mouth of סופרים (sages), rather than from ספרים (books)."

Yaavetz writes (בית מדות) that when words are spoken directly to a listener, many techniques can be utilized that are hardly available for a writer. A speaker can pause or expand upon a theme to increase his emphasis or interrupt a particular point. He can speak softly or drill home a word or sentence. His speech can be quickened, or he can lengthen his delivery, all in order to adjust the dramatic effect of his story. His hand motions and usage of arm or head movements can drastically change the impression he is making upon a listener. He can literally create excitement by adept usage of a combination of physical twists and modulations of his voice. These devices, much or even none of it which is available for the written word, can create a mood or an understanding which is critical. Whether it be anger, wonderment, astonishment or simply credibility, one's spoken words when used for testimony are unpar-

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REVIEW and Remember

1. What is the halachic significance of מגורשת ואינה מגורשת?
2. When is a sale of property executed by Bar Shatya valid?
3. What is it not necessary to include the date in a kiddushin document?
4. How is it possible for a woman to carry two zikahs?

HALACHAH Highlight

Placing the גט into the woman's hands

היתה עומדת ברשות הרבים וזרקו לה קרוב לה מגורשת וכו'

If she was standing in a public domain and he threw the גט to her if it is closer to her the divorce is valid.

Shulchan Aruch¹ rules in accordance with our Gemara that if a man throws a גט to his wife and it lands in her yard or, if she is standing in a public domain, within her four amos, the divorce is valid. Rema² writes that this ruling is true according to the letter of the law but l'chatchila a גט should not be thrown into her yard or even on to her clothing; rather the גט should be put directly into her hand to follow the instructions of the Torah to place the גט directly into her hand - ונתן בידה -.

Following this ruling, Rema adds that the custom is that the woman should not have anything in her hands, even a ring, at the time she is receiving her גט. The Knesses Hagedolah³ explains that the concern is that the ring can become an interposition between her hand and the גט. Therefore, she should also be careful that her sleeve does not cover her hand at the time she receives her גט. The Pischei Teshuva⁴ cites opinions who maintain that the concern of an interposition is a mere stringency. The reason is that she is acquiring the גט by lifting it (הגבהה) and the issue of an

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alleled in written form.

This is the underlying reason why the Torah requires that testimony be acceptable only when delivered directly from the mouths of the witnesses, and it disqualifies testimony presented in writing. ■

interposition is not a factor for that method of acquisition. The Levush⁵ writes that the reason to be concerned about an interposition is that acquiring the גט is not sufficient because there is an additional requirement to place the גט into her hand - ונתן בידה - which requires that the גט should be in her hand without an interposition.

Teshuvos Shoshanim L'Dovid⁶ was asked whether a woman's request that her גט should be thrown into her property should be honored. One of the issues examined was whether Sefardim accepted this stringency of the Rema. His conclusion was that Sefardim follow the stringencies of Rema concerning matters of Gittin, especially in this case since this opinion is cited by the Beis Yosef. Therefore, one has no authority to disregard this stringency. ■

1. שו"ע אה"ע סי' קל"ט
2. סם סע' י"ד
3. כנה"ג סדר הגט חלק הששי סע' א'
4. פת"ש סדר גיטין אות רכ"א בשם הגט מקושר
5. לבוש סי' קל"ט סע' י"ד
6. דיני הגט סע' ל' ■

STORIES Off the Daf

An insane sale

וארעא אוקמא בחזקת בר שטיא

On today's daf we learn about Bar Shatya; at times he was sane and at times he was not. If he sold property when not in his right mind the Chachomim agree that there is no sale.

There was once an exceedingly wealthy man who felt very complacent. He would often say, "How could Hashem possibly make me lose my money? I am so wealthy that it would be impossible for me to lose everything." People would hear him and would try to steer him away from such language, but the wealthy man refused to listen.

One day, the man was gripped by a

sudden fit of insanity. He felt an irrepresible urge to become an apostate! In a fever of madness, he ran to the priest of the town and begged to undergo conversion.

The priest glared at him, "Surely you mock me! You are the most prominent man in this town and are always poking fun at the church. Well, your attempt at a practical joke to embarrass us will not succeed because I am smarter than you think!"

"I am serious! Please help me," implored the man, clearly out of his mind.

The priest considered. "If you are really serious, sign over your money to the church. That way I will be assured of your sincerity and can arrange a date for conversion."

The wealthy Jew signed over all of his property to the church.

As the formerly wealthy Jew left the

building, his mind returned to normal and he was horrified by his impetuous deed. "What came over me? Oy vey!" he cried.

He ran to the Rebbe of the town. "Rebbe, you must help me! I always boasted that Hashem couldn't cause me to lose my money! But just look at me now. I have nothing! I regret my words and I surely deserve what happened to me, but think of the chilul Hashem that this will cause!"

"Don't worry. Just pray and hope for the best. Since I can see that your teshuva is sincere, we can trust that Hashem will undo the damage that you have done."

The man went home and petitioned Hashem with his whole heart. That night there was a fire in the church. It, together with the contract, burned to the ground! ■

