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Intro

Today we will בע"ה learn מסכת גיטין of מסכת גיטין of מסכת גיטין. Some of the topics we will learn about include.

The precautions that a person should take to prevent illness

The factors that might affect a person's health

A continuation of the previous Mishnah's Halachah of אמר כתבו גט לאשתי

ואחזו קורדייקוס

וחזר ואמר אל תכתבו

If a person first instructed others to write a **G**ett for his wife, but then his mind was overcome by a קורד"קוס, and he is now considered insane, and he then retracted and told them not to write the **G**ett,

אין דבריו האחרונים כלום

They disregard his final statement and they DO write the Gett.

The Machlokes ריש לקיש and רבי יוחנן as to whether they write the Gett even while his mind is not sane, or only after he recovers and his mind is sane.



Precautions one should take to prevent illness



Factors that might affect a person's health



אמר כתבו גט לאשתי ואחזו קורדייקוס וחזר ואמר אל תכתבו



Whether they write the Gett even while he is not sane, or only after he recovers and his mind is sane

שמואל's Halachah of שחט בו שנים או רוב שנים שחט בו אמר כתבו גט לאשתי ורמז ואמר כתבו גט לאשו יהרי אלו יכתבו ויתנו

If a person's throat was slit open as in Shechita, and he signaled that they should write a Gett for his wife, they do follow his instructions and deliver the Gett to his wife.

The Mishnah Halachah regarding

נשתתק

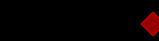
ואמרו לו נכתוב גט לאשתך

והרכין בראשו

If a person became mute, and when he was asked if they should write for his wife a Gett, he nodded his head, yes. בודקין אותו שלשה פעמים

They asking him questions to check if he is sane, to which he responds three times yes and no;

The Gemara discusses the sequence in which they ask him these questions.



שחט בו שנים או רוב שנים ורמז ואמר כתבו גט לאשתי הרי אלו יכתבו ויתנו



נשתתק ואמרו לו נכתוב גט לאשתך והרכין בראשו

בודקין אותו ללה בצמים







So let's review ...

The Gemara in the previous Daf mentioned numerous medical conditions and their remedies.

The Gemara now proceeds to discuss precautions that a person should take to prevent illness.

١.

א"ר יהושע בן לוי אכל בשר שור בלפת ולן בלבנה בלילי י"ד או ט"ו בתקופת תמוז אחזתו אחילו

If a person eats beef with turnips and then sleeps in the open under the moon on the 14th or 15th night of a summer month;

OR

הממלא כריסו מכל דבר

He ate a desirable food to the extent that he filled his stomach

אחזתו אחילו

He is liable to develop a disease which the Gemara describes as

אש של עצמות

A fever in the bones

Therefore, these are to be avoided. However, if he did do one of these, the Gemara offers a remedy.

Precautions one should take to prevent illness

אכל בשר שור בלפת אכל בשר שור בלפת ולן בלבנה בלילי י"ד או מ"ו בתקופת תמוז אחזתו אחילו

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הממלא כריםו מכל דבר

Or if he ate a desirable food to the extent that he filled his stomach - he is liable to develop

אש של עצמות

A fever in the bones

However, if he did do one of these, the Gemara offers a remedy.

2 2

אליהו הנביא instructed רבי נתן אכול שליש ושתה שליש והנח שליש

A person should eat only 1/3 of his stomach's capacity, and he should drink only 1/3, and leave 1/3 empty, so that לכשתכעוס תעמוד על מילואך

If he blows up in anger, the empty portion of his stomach can retain the כעס. However, if he eats to his full extent, then as Rashi says

לכשתכעוס תבקע

If he becomes angry his stomach will split open, because it cannot retain the כניס.

בי נחן instructed אנידו פוביא

אכול שליש ושתה שליש והנח שליש

A person should eat only 1/3 of his stomach's capacity, and he should drink only 1/3, and leave 1/3 empty,

לכשתכעום תעמוד על מילואך

If he blows up in anger, the empty portion of his stomach can retain the כעם.

However, if he eats to his full extent, then as Rashi says

לכשתכעום תבקע



Dedicated By: _





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רבי חייא says

הרוצה שלא יבא לידי חולי מעיים

יהא רגיל בטיבול קיץ וחורף

A person who wants to avoid stomach pains should dip his bread into wine or vinegar both during the summer and winter. And

סעודתך שהנאתך ממנה

משוך ידך הימנה

And he should control himself from indulging in a tasty meal.

ואל תשהה עצמך

בשעה שאתה צריך לנקביך

And he should not wait when he needs to relieve himself.

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שלשה דברים

מכחישים כחו של אדם

There are three factors that drain a person's strength.

1.

פחד

As Rashi explains

שדואג על העתיד כגון טירוד מזונות

או פחד איוב

If a person worries constantly about his financial stability, or of a potential enemy, as the Pasuk states

לבי סחרחר

עזבני כחי

2.

דרך

Travel, as the Pasuk states,

ענה בדרך כחי

3.

ועון

A person's sin, as the Pasuk states,

כשל בעוני כחי

And the Gemara goes on to discuss other factors that affect a person's health.

The Gemara now returns to the Mishnah's Halachah of אמר כתבו גט לאשתי ואחזו קורדייקוס

וחזר ואמר אל תכתבו

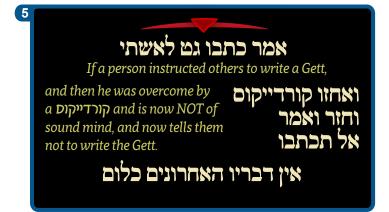
If a person of sound mind instructed others to write a Gett for his wife, and then he was overcome by a קורד"קום and is now NOT of sound mind, and in that state retracted and told them not to write the Gett,

אין דבריו האחרונים כלום

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They disregard his final statement and may write the Gett.











The Gemara now cites a Machlokes:

ריש לקיש holds

כותבין ונותנין גט לאלתר

They may write and deliver the **G**ett immediately, even though he is currently not of sound mind, because מדמי ליה לישן

A קורדייקוס is compared to a person who is merely sleeping whose שליח can give a **G**ett, but he is not compared to a שליח an insane person, whose שליח cannot give a **G**ett, because

קורדייקוס

סמיה בידן

A קורדייקוס can be healed through a known remedy.

However

שוטה

לא סמיה בידן

A שוטה has no remedy.

רבי יוחנן disagrees and say

אלא לכשישתפה

They cannot write the Gett unless he recovers and is of sound mind, because

מדמי ליה לשוטה

 ${\bf A}$ קורדייקוס is compared to a שוטה, and not to a ישן, because קורדייקוס

מחוסר מעשה

A קורדייקום cannot recover on his own, only through an active remedy, while

שו

לאו מחוסר מעשה

A sleeping person will wake up without any action.

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The Gemara asks that according to קורדייקוס a רבי יוחנן is not considered mentally competent, while in the following two Halachos a person whose health is severely compromised is nevertheless considered mentally

competent?

שמואל says

שחט בו שנים או רוב שנים

ורמז ואמר כתבו גט לאשתי

הרי אלו יכתבו ויתנו

If a person's throat was slit as in Shechitah, and he signaled that they should write a Gett for his wife, they do follow his instructions and deliver the Gett.

2.

Similarly in the Braisa's case of

ראוהו מגויד או צלוב על הצליבה

ורמז ואמר כתבו גט לאשתי

הרי אלו יכתבו ויתנו

If a person had a deadly wound, or was hanging from the gallows, and he signaled that they should write a **G**ett for his wife, they do follow his instructions.

Apparently in both cases even though he was extremely weak to the extent that he cannot even speak, he is still considered competent, if so why is a קורדייקוס not considered competent?

9 The Gemara explains:

הכי השתא

התם דעתא צילותא היא

וכחישותא הוא דאתחילה ביה

In those cases his mind was not affected and is completely sane, but rather his weakened body prevents him from speaking. However, regarding קורד"קוס

דעתא שגישתא היא

His mind was affected, and he is therefore considered incompetent.

The Gemara points out further that on the one hand שמואל rules

שחט בו שנים או רוב שנים

ורמז ואמר כתבו גט לאשתי

הרי אלו יכתבו ויתנו

The שלוחים may write and deliver a גט.

Yet שמואל also rules

שחט בו שנים או רוב שנים וברח

מעידין עליו

If a person in this condition ran away and we cannot find him, witnesses can testify that he died and his wife may marry.

The explanation is

חי הוא וסופו למות

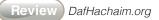
At that point in time he is alive and mentally competent, but he will not survive. Therefore, after some time we can assume that he's no longer alive.

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Dedicated By: _









10 T

The previous Mishnah concluded with the case of נשתתק

ואמרו לו נכתוב גט לאשתך והרכין בראשו

If a person became mute, and when he was asked if they should write a **G**ett for his wife, he nodded his head, yes; בודקין אותו שלשה פעמים

אם אמר על לאו לאו ועל הן הן הרי אלו יכתבו ויתנו

They ask him questions to check if he is sane, to which he responds three times yes and no, and if he answers correctly, they can give the Gett.

10

If a person became mute, and when he was asked if they should write a Gett for his wife, he nodded his head, yes נשתתק ואמרו לו נכתוב גם לאשתך והרכין בראשו

בודקין אותו שלשה פעמים אם אמר על לאו לאו ועל הן הן הרי אלו יכתבו ויתנו

They ask him questions to check if he is sane, to which he responds three times yes and no, and if he answers correctly, they can give the Gett.







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The Gemara offers two explanations of the Mishnah. Either.

1.

דאמרינן ליה חד לאו

ותרין הן

They first ask him one NO question, and two YES questions, and then they ask in reverse

תרין לאו

וחד הן

Two NO questions and one YES question, and if all his answers are correct this is a proof that he is sane. But, if they were to ask him

לאו לאו

והן הן

Consecutively, first three NO questions and then three YES questions, there is NO proof that he is sane, because דלמא שיחיא דלאו והן נקטיה

Perhaps he developed a habit of first shaking and then nodding his head repeatedly, and even if אמרינן ליה בסירוגין

They were to switch back and forth between a yes and no question, there is still NO proof that he is sane, because דלמא שיחיא דסירוגין נקטיה

Perhaps he developed a habit of alternately shaking and nodding his head.

2

דבי רבי ישמעאל says

אומרים לו דברים של ימות החמה בימות הגשמים

ושל ימות הגשמים בימות החמה

In the winter he is asked questions that pertain to the summer, such as would you like fruits that are only available in the summer, and in the summer he is asked vice versa, as Tosfos says

חכמה גדולה היא

ולא בעי סירוגין

If he answers these questions correctly this is a stronger proof that he is sane, and therefore

אומרים לו

לאו לאו

והן הן

They may even ask these questions consecutively.



Therefore אומרים לו לאו לאו והן הן They may even ask these questions consecutively.



