

A גס"ד

Intro

Today we will learn בע"ה of דף ע 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 Gett for his wife, but then his mind was overcome by a קורדייקוס, and he is now considered insane, and he then retracted and told them not to write the Gett,

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.

A

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

B

שמואל's Halachah of שחט בו שנים או רוב שנים ורמז ואמר כתבו גט לאשתי הרי 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.

B

**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 שלשה פעמים

1 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.

1. 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.

2

2. רבי נתן אליהו הנביא
אכול שלישי ושתה שלישי והנח שלישי
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 כעס.

1

Precautions one should take to prevent illness

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
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

רבי נתן אליהו הנביא
אכול שלישי ושתה שלישי והנח שלישי
A person should eat only 1/3 of his stomach's capacity,
and he should drink only 1/3,
and leave 1/3 empty,

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

3

3. 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 כזונה משוך ירך הימנה
 And he should control himself from indulging in a tasty meal. ואל תשהה עצמך בשעה שאתה צריך לנקבין
 And he should not wait when he needs to relieve himself.

3

רבי חייא

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 during the summer and winter

<p>ואל תשהה עצמך בשעה שאתה צריך לנקבין</p> <p><i>And he should not wait when he needs to relieve himself.</i></p>	<p>סעודתך שהנאתך ממנה משוך ירך הימנה</p> <p><i>And he should control himself from indulging in a tasty meal.</i></p>
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4

4. 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 סירוד 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.

4

שלשה דברים מכחישים כחו של אדם

Three factors that drain a person's strength.

<p>ועון</p> <p><i>A person's sin,</i></p> <p>כשל בעוני כחי</p>	<p>דרך</p> <p><i>Travel,</i></p> <p>ענה בדרך כחי</p>	<p>פחד</p> <p><i>שדואג על העתיד כגון סירוד מזונות או פחד איוב</i></p> <p><i>If a person worries constantly</i></p> <p>לבי סחרחר עזבני כחי</p>
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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 קורדייקוס and is now NOT of sound mind, and in that state retracted and told them not to write the Gett, אין דבריו האחרונים כלום
 They disregard his final statement and may write the Gett.

5

אמר כתבו גט לאשתי

If a person instructed others to write a Gett, and then he was overcome by

<p><i>a קורדייקוס and is now NOT of sound mind, and now tells them not to write the Gett.</i></p>	<p>ואחזו קורדייקוס וחזר ואמר אל תכתבו</p>
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אין דבריו האחרונים כלום



6 The Gemara now cites a Machlokes:
 כותבין ונותנין גט לאלתר
 They may write and deliver the Gett 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 Gett, but he is not compared to a שוטה, an insane person, whose שליח cannot give a Gett, because קורדייקוס סמיה בידן
 A קורדייקוס can be healed through a known remedy. However שוטה לא סמיה בידן
 A שוטה has no remedy.

6 *רש"ק*
כותבין ונותנין גט - לאלתר
Even though he is currently not of sound mind, because מדמי ליה קורדייקוס

 שוטה A person who is insane, whose שליח cannot give a Gett, שוטה לא סמיה בידן A שוטה has no known remedy	 ישן A person who is sleeping whose שליח can give a Gett, קורדייקוס סמיה בידן Can be healed through a known remedy.
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7 אין כותבין ונותנין גט לאלתר
 They cannot write the Gett unless he recovers and is of sound mind, because מדמי ליה לשוטה
 A קורדייקוס is compared to a שוטה, and not to a ישן, because קורדייקוס מחוסר מעשה
 A קורדייקוס cannot recover on his own, only through an active remedy, while ישן לא מחוסר מעשה
 A sleeping person will wake up without any action.
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7 *רבי יוחנן*
אין כותבין - אלא לכשישתפה
They cannot write the Gett unless he recovers, because מדמי ליה לשוטה

 שוטה A person who is insane, whose שליח cannot give a Gett, קורדייקוס מחוסר מעשה A קורדייקוס cannot recover on his own, only through an active remedy	 ישן A person who is sleeping whose שליח can give a Gett, לא מחוסר מעשה A sleeping person will wake up without any action.
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8 The Gemara asks that according to רבי יוחנן a קורדייקוס is not considered mentally competent, while in the following two Halachos a person whose health is severely compromised is nevertheless considered mentally competent?

1.

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 מוגיד 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 Gett 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?

8

According to רבי יוחנן a קורדייקוס is not considered mentally competent, while in the following two Halachos a person whose health is severely compromised is nevertheless considered mentally competent



בריתא

ראוהו מוגיד
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 they should write a Gett for his wife, they do follow his instructions

למאן

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 they should write a Gett for his wife, they do deliver the Gett

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 קורדייקוס

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 גט 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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9

הכי השתא...

קורדייקוס
דעתא שגישתא היא

His mind was affected, and he is therefore considered incompetent

התם

דעתא צילותא היא

וכחישותא הוא דאתחילה ביה
In those cases he is sane, only his weakened body prevents him from speaking

למאן

שחט בו שנים
או רוב שנים וברח
מעידין עליו

If a person in this condition ran away, witnesses can testify that he died and his wife may marry

למאן

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 they should write a Gett for his wife, they do deliver the Gett

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

- 10 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 Gett for his wife, he nodded his head, yes; בודקין אותו שלשה פעמים אם אמר על 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 *מלך*

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 גט לאשתך והרכין בראשו

בודקין אותו שלשה פעמים אם אמר על 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.

11 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.

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.

11

1

But, if they were to ask him

לאו לאו והן הן

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

דלמא שיחיא דסירוגין נקטיה

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

דאמרינן ליה חד לאו ותרין הן

They first ask him one NO question, and two YES questions,

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.

2

דבי רבי ילאן

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 fruits that are only available in the summer, and in the summer he is asked vice versa

חכמה גדולה היא ולא בעי סירוגין

Therefore

אומרים לו לאו לאו והן הן

They may even ask these questions consecutively.