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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 Mishnah's Halachos of

1.

זה גיטיך אם מתי זה גיטיך מחולי זה

זה גיטיך לאחר מיתה

לא אמר כלום

If a person gives his wife a Gett only so that if he dies she should not fall to Yibum, and he stated "This is your Gett אם מחולי, if I die, or this is your Gett מחולי, from this sickness and on, or this is your Gett לאחר מיתה, after I die, "even if he does die, the Gett is not valid.

2.

מהיום אם מתי

הרי זה גט

If he states "This is your Gett from today אם מתי, or from now," the Gett is valid.

3.

מהיום ולאחר מיתה

גט ואינו גט

If he states "This is your Gett from today, and לאחר מיתה," the Gett is questionable.

The Machlokes רבי יוסי and the חכמים in Masechta Bava Basra regarding

זמנו של שטר מוכיח עליו

Whether the date in a שטר alone is a proof that his intention is for the transaction to take effect immediately, or he must also include the word החים, from today.

B רב הונא's Halachah that in the Mishnah's case. וחולצת

If he dies, she does not perform Yibum, but she does require a Chalitzah.

And the Gemara's two approaches as to whether he refers to

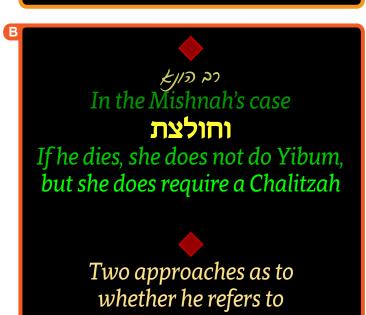
זה גיטך אם מתי

OR to

Dedicated By: \_

זה גיטך לאחר מיתה



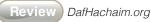


זה גיטך אם מתי

or to

זה גיטך לאחר מיתה







So let's review ...

## Zugt Di Mishnah

זה גיטיך אם מתי

זה גיטיך מחולי זה

זה גיטיך לאחר מיתה

לא אמר כלום

If a person gives his wife a אס only so that if he dies she should not fall to Yibum, and he stated "This is your Gett אם מחילי, if I die, or this is your Gett מחולי, from this sickness and on, or this is your Gett אחר מיתה, after I die," even if he does die, the Gett is not valid, because אין גט לאחר מיתה

A Gett cannot take effect after his death.

However,

מהיום אם מתי

מעכשיו אם מתי

הרי זה גט

If he states "This is your Gett from today אם מתי, or from now אם מתי, the Gett is valid, because the Get takes effect retroactively from when he gave it to her and he was still alive.

## As the Gemara explains

אם מתי שתי לשונות משמע

The words אם מתי can be understood two ways; either as מעכשיו, from now, or לאחר מיתה, after his death. Therefore, if סיפא is preceded by מהיום, as in the סיפא, it implies מעכשיו, and therefore

הרי זה גט

But if he states אם מתי alone, as in the לאחר, it implies מיתה; and therefore לא אמר כלום

The Mishnah continues however

מהיום ולאחר מיתה

גט ואינו גט

If he states "This is your גט from today, and after I die," the Gett is questionable; because as Rashi explains, the words לאחר מיתה have only one understanding, and even if it was preceded by לאחר מיתה it implies לאחר מיתה. However, there is a ספק as to why he mentioned the two contradicting terms לאחר מיתה and מהיום:

We could say

תנאה הוי

He intended לאחר מיתה merely as a stipulation, that the Gett take effect מהיום, TODAY, retroactively, if אחר מיתה, if and when he dies, and therefore,

הרי זה גט

OR

חזרה הוי

He first intended for מהיום, but then he retracted and he wants the **G**ett to take effect only לאחר מיתה and therefore,

Since it's a ספק, we must rule לחומרא;

ואם מת

חולצת ולא מתייבמת

If he dies, she may NOT perform Yibum, because perhaps it was a Gett; but she must perform Chalitzah, because perhaps it was not a Gett.

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The Gemara cites רב הונא, who says regarding the first case of the רב,

זה גיטיך אם מתי

לא אמר כלום

Rav Huna adds

וחולצת

If he dies, she may not perform Yibum, but requires Chalitzah.

Although the Mishnah states א אמר כלום, which implies that she may even perform Yibum, the Gemara explains that the Mishnah's Halachah is actually a Machlokes רבי in Masechta Bava Basra regarding הכותב נכסיו לבניו

צריך שיכתוב מהיום ולאחר מיתה

דברי רבי יהודה

If a person signs away his assets to his sons, רבי יהודה says that he must include in the שטר both, מהיום, from today, and ולאחר מיתה from when I die, which is interpreted as גופא קני מהיום

ופירי לאחר מיתה

They acquire the actual field today, but they get the fruits only after the father dies. However, Rashi explains that if he does not include מהיום,

הוי מתנה לאחר מיתה

The sons do not acquire even the field, because a מתנה cannot take effect after מיתה.

רבי יוסי disagrees and says

אינו צריך

He does not need to include מהיום, and it is sufficient if he writes only אאחר מיתה, because

זמנו של שטר מוכיח עליו

The date of the שטר is proof that he does intend for a מתנה, because had he intended only for a מתנה לאחר מיתה then there would be no need for the current date.

Accordingly, in our Mishnah's first case of זה גיטך אם מתי

רבי יוסי holds

הרי זה גט

This is a גט ודאי, a definite Gett, and therefore, she does not even require Chalitzah, and certainly she does not perform Yibum, because

זמנו מוכיח עליו

The date in the Gett is proof that he intended for a Gett מהיום, and this is considered as if he had stated both, מהים, in which the Mishnah rules הרי זה גט.

While the Chachamim in our Mishnah hold לא אמר כלום

This is definitely NOT a **G**ett, and therefore she MAY even perform Yibum, and certainly requires חליצה, because he did not specify מהיום, and we do not say זמנו אלינ

And

ואין גט לאחר מיתה









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רב הונא however rules

This is a questionable **G**ett, because he does concur with רבי יוסי that we do say זמנו מוכיח עליו, however מספקא ליה

אי הלכה כרבי יוסי בעל פה

רב הונא was not sure whether the Halachah follows רבי יוסי even in this case in which only the מכן was written in the Gett, while אם מתי was stated orally.

OR the Halachah follows זמן only when both, the זמן and the words מיתה לאחר מיתה were written into the ...

However in this case

אין הלכה כרבי יוסי

Rashi explains this distinction as follows: If אם מתי is also written in the Gett, it is certainly understood as a תנאי. He wants the ט to take effect retroactively היום, on the condition of אם מהיום, IF he dies. However, if אם מתי is not written in the Gett, he merely said it at the time he gave the Gett, it can possibly be understood as a חורה, a retraction. He changed his mind, and does NOT want it to take effect אם מחי, but only, אם מתי WHEN he dies. However, that cannot be, because אין גט לאחר מיתה

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איכא דמתני לה אסיפא

The Gemara mentions yet a second version that רב הונא refers to the Mishnah's second case of

זה גיטך לאחר מיתה

לא אמר כלום

אמר רב הונא ולדברי רבי יוסי חולצת

רבי יוסי holds

This is a questionable Gett, because

זמנו מוכיח עליו

And therefore this is considered as if he had stated both מהיום ולאחר מיתה, regarding which the Mishnah rules גט ואינו גט

Because

מספקא ליה

אי תנאה הוי או חזרה הוי

While the Chachamim in our Mishnah hold לא אמר כלום

This is definitely NOT a **G**ett, and therefore she **MAY** even perform Yibum, because he did not specify מהיום, and we do not say זמנו מוכיח עליו

And

ואין גט לאחר מיתה

But סיפא and the Chachamim do agree in the דבי וחי that if he states

מהיום ולאחר מיתה

גט ואינו גט

This is a questionable Gett, because

מספקא ליה

אי תנאה הוי או חזרה הוי

The Gemara however cites a Braisa in which רבי disagrees and holds

מהיום ולאחר מיתה

כזה גט

This is מדאי גט, and therefore she does not even require Chalitzah, because

תנאה הוי





