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## Intro

Today we will Be"H learn מטכת גיטין of דף ע"ט. Some of the topics we will learn about include:

#### חצר וגג

The Gemara describes when a Dtatakes effect if it was thrown from the husband's yard onto his wife's rooftop, or vice versa.

Additionally,

נמחק או נשרף

The גע MAY be valid even if it was destroyed before it landed in her property.

## ג' מדות בגיטין

There are several differences between the נתינה required for Gittin and הנחה, the conclusion of an act of carrying on Shabbos. This is because Gittin require

That the גט be placed in a guarded area, and משום קפידא

Depends on the husband's particularity



רשויות חלוקות לגיטין

If a husband allows his wife to use an area to acquire her גט, she must use only the area specified.

גט ישן

It is a מחלוקת whether a couple may use a מולוקת whether a couple may use a if they were secluded after it was written, because people might assume

גיטה קודם לבנה

Her child was born of wedlock









So let's review...

Zugt di Mishnah

היתה עומדת על ראש הגג

וזרקו לה

If the husband was standing in the yard and threw a us to his wife, who was standing on the roof,

כיון שהגיע לאויר הגג

הרי זו מגורשת

She is divorced as soon as the נמ reaches the airspace of the roof, as the Mishnah later explains, even if נמחק או נשחק

Even if it subsequently gets erased by rain or burned by fire before it lands, she is divorced because the va took effect in the airspace before it got destroyed.

The Gemara questions the validity of the divorce, because הא לא מינטר

The airspace of the roof is not a guarded area, as Rashi explains, because

דאתי זיקא ושדי ליה

a wind could easily blow it away; which deems it אויר שאין סופו לנוח

It's not destined to land on the ground; and airspace cannot serve as her חצר to acquire the גט unless it IS destined to land on the ground?

The Gemara offers two suggestions:

1.

בגג שיש לו מעקה

The roof is surrounded by a fence; therefore, it IS protected from the wind.

2.

בפחות משלשה סמוך לגג

דכגג דמי

The טפחים of the floor before it was destroyed; therefore, Rashi explains,

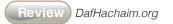
כמאן דנח

Dedicated By: \_

It is as if it already landed.









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## The Mishnah continues

הוא מלמעלה והיא מלמטה

וזרקו לה

If SHE was in the yard, and HE was on the roof, and he threw her the ya,

כיון שיצא מרשות הגג

נמחק או נשרף

הרי זו מגורשת

She is divorced as soon as the walleaves the airspace of the roof, even if it subsequently gets destroyed before it lands, because the wat took effect in the airspace of the yard before it got destroyed.

# Here, too, the Gemara asks

והא לא מינטר

When the us leaves the airspace of the roof it is still above the walls of the yard, which is not a guarded area?

# The Gemara answers;

שהיו מחיצות התחתונות עודפות על העליונות

The walls surrounding the yard rise above the roof's fence, and so the vx WAS protected when it entered the airspace of the yard.









The Gemara qual

The Gemara qualifies several terms mentioned in the Mishnah:

לא שנו אלא שנמחק דרך ירידה

The גא is valid only if was erased while on its way down; אבל נמחק דרך עלייה לא

But the vais NOT valid if it was still on an upwards trajectory when it was erased, because,

מעיקרא לא למינח קאי

And as Rashi explains,

לא מיקרי נתינה

אלא דרך הנחתו לבא לרשותה

The נחינה only occurs when it is in the process of landing.

Similarly,

לא שנו אלא שקדם גט לדליקה

The גע is valid only if the fire started AFTER he threw the

אבל קדמה דליקה לגט לא

But the  $\omega$  is NOT valid if the fire was there before the  $\omega$  came into the airspace, because

מעיקרא לשריפה קאזיל

It was destined to be burned before it landed, and is not considered a גרינה.









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The Gemara continues to explain the Mishnah and points out an apparent discrepancy:

רישא

גג דידה

וחצר דידיה

In the first case she is divorced only when the tox reaches the roof. Clearly, the roof belongs to the wife, and the yard to her husband.

סיפא

גג דידיה

וחצר דידה

In the second case she is divorced only when the vareaches the yard. Clearly, the roof belongs to the husband, and the yard to his wife?



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The Gemara suggests two explanations:

1.

הא כדאיתא

והא כדאיתא

Indeed, the Mishnah is referring to two separate cases.

2.

Alternately, they are both his property. However, דאושלה מקום

He lent her an area to use to acquire her vs. And the Mishnah teaches us that

רשויות חלוקות לגיטין

She must use the specific area they agreed to, because חד מקום

מושלי אינשי

תרי מקומות

. לא מושלי אינשי

He is particular, and only intends to lend her the exact area he specified.

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6 The C

The Gemara now contrasts the נתינה required for Gittin, and הנחה, the conclusion of an act of carrying on Shabbos. שלש מדות

בגיטין

There are three differences:

1.

Regarding Hilchos Shabbos, the רבנן, who disagree with יבי, maintain

קלוטה

לאו כמי שהונחה דמי

Something that enters the airspace of an area is NOT considered as if it landed.

Nevertheless,

הכא

משום אינטורי הוא

Regarding Gittin, it does need to have landed; it merely needs to be protected.



2.

Similarly,

נעץ קנה ברשות היחיד ובראשו טרסקל

וזרק ונח על גביו

אפילו גבוה מאה אמה

If someone stood in a public domain, and threw something into a basket on top of a tall pole found in a private domain;

-לענין שבת

חייב

Regarding Shabbos, it is considered to have landed in a רשות היחיד.

הכא

משם אינטורי הוא

והא לא מינטר

It is NOT a guarded area, and so throwing a גט into such a basket would NOT constitute a valid ...









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Additionally,

לא יעמוד אדם בגג זה

ויקלוט מי גשמים מגגו של חבירו

One may not carry from one rooftop to another without a עירוב, because

שכשם שדיורין חלוקין מלמטה

כך דיורין חלוקין מלמעלה

They are considered two domains, just like the two homes underneath. However,

לענין גט

משום קפידא הוא

וכולי האי לא קפדי אינשי

If the wife borrowed one rooftop, we assume that he DOES permit her to use the other rooftop, and in that sense are considered one domain, because as Rashi explains

אין תשמיש רגיל בהן

since they are not used regularly.

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9 The Gemara illustrates another scenario of acquiring her Gett in her airspace:

שתי חצרות זו לפנים מזו

פנימית שלה וחיצונה שלו

There are two yards one within the other, the inner one hers and the outer one his;

ומחיצות החיצונות עודפות על הפנימיות

The outer walls are taller than the inner walls; וזרסו לה

And the husband threw the Gett into her yard;

כיון שהגיע לאויר מחיצות החיצונה

הרי זו מגורשת

The גד takes effect once it is over her חבר, even while still at the height of his outer walls and not yet at the lower height of her inner walls;

מאי טעמא

פנימית גופה במחיצות החיצונה קא מינטרה

Since her inner חצר is also protected from the wind by the outer walls, her airspace is considered סופו לנוח, and acquires in her behalf.

מה שאין כן בקופות

This would not work in the same scenario of two boxes one within the other:

מאי טעמא

דהא לא נח

Because it did not actually land; and as Rashi explains, ואין מחיצות כלי עשוין לאוירן לשמור

דאין כלי עשוי אלא להניח בתוכו

A vessel does not acquire in its airspace.

See Tosfos however, who questions Rashi's opinion in this matter.

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Zugt di Mishnah

בית שמאי אומרים

פוטר אדם אשתו

בגט ישו

An old גט may be used.

ובית הלל אוסריו

may not be used. ב"ה

The Mishnah explains that the designation "גט ישן" is not determined by age, but rather

ואיזהו גט ישן

כל שנתייחד עמה

מאחר שכתבו לה

If the couple was secluded after the א was written. And the Gemara explains the מחלוקת:

ב"ה סברי אמרינו

גזרה שמא יאמרו גיטה קודם לבנה

are concerned that based on the date people will assume the va was given immediately when it was written, and that her son was born afterwards when she was already divorced and he is a פגום, of flawed lineage. ב"ש סברי לא אמרינן

גזרה שמא יאמרו גיטה קודם לבנה

ש"ם are not concerned about this possibility.

The Halachah, as usual, follows ב"ה that a גט ישן may not be used. Nevertheless, the Gemara rules:

אם נישאת

לא חצא

If she did remarry based on a גט ישן, she does not need to leave the second husband.

An alternate version:

אם נתגרשה

תינשא לכתחלה

If he uses the גט ישן, and subsequently travels abroad and is unable to receive another גט, she may remarry לכתחילה.





