

מסכת גיטין • דף כ"ח ע"א

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THE SUGYA

We begin this part of the shiur by wrapping up the previous sugya regarding a lost get that was found, clarifying the exact halachic definitions of the Tannaim's dispute and identifying the specific vessels, a chafisa and a deluskema, where a found get is considered safe. From there, we move into a beautiful new Mishnah that introduces us to the fundamental concept of chazakah—the halachic presumption of status quo. We learn that if a shliach leaves a husband who is elderly or sick, he may deliver the get under the chazakah that the husband is still alive, and we apply this same chazakah to a Kohen's wife eating terumah while her husband is overseas, and to bringing a korban on behalf of someone far away.

The Gemara immediately dives into the limits of this chazakah. Rava suggests that this presumption only applies to an ordinary sick person or someone who hasn't reached extreme old age, but not to a goses (a dying person) or someone past eighty. Abaye challenges this from a baraita, leading to a deep discussion on how we view the natural course of life and aging. We then confront a fascinating contradiction between our Mishnah, which lets a wife eat terumah based on the chazakah that her husband is alive, and a baraita regarding a conditional get 'one hour before my death,' which immediately forbids the wife from eating terumah out of concern that he might die at any moment.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

MISHNAH מִשְׁנָה

MISHNAH

או שֶׁמָצְאוּ בֵּין כֻּלָּיו; אֲפִילוּ לְזֶמֶן מְרוּבָה – כָּשֵׁר.

Or in a case where he found it among his own utensils in his house, then even if a long time has passed, the bill of divorce is valid, as we do not fear that it is a different document.

GEMARA גְּמָרָא

STATEMENT

אֵיתָּמַר: רַב יְהוּדָה אָמַר שְׁמוּאֵל, הִלְכָּה: שְׁלֹא שָׁהָ אָדָם שָׁם.

It was stated that the Amora'im disagreed with regard to the halakha in this dispute: Rav Yehuda says that Shmuel says: The halakha is that the get is valid as long as no person stopped there.

STATEMENT

רַבָּה פַּר פַּר חָנָה אָמַר רַב יִצְחָק בַּר שְׁמוּאֵל, הִלְכָּה: שְׁלֹא עָבַר אָדָם שָׁם.

And Rabba bar bar Chana says that Rav Yitzchak bar Shmuel says: The halakha is that the get is valid as long as no other person passed there.

QUESTION

לִימָא מַר הֵלְכָה כְּמָר, וּמַר הֵלְכָה כְּמָר!

The Gemara asks: **Let this Master**, Rav Yehuda citing Shmuel, **say** simply that the **halakha is in accordance with this Master**, the opinion cited as 'Some say'; **and let this Master**, Rabba bar bar Chana citing Rav Yitzchak bar Shmuel, **say** that the **halakha is in accordance with this Master**, Rabbi Shimon ben Elazar! Why was it necessary to state the actual opinion?

ANSWER

מִשּׁוּם דְּאִפְכֵּי לְהוּ.

The Gemara answers: This was necessary **because there are those who reverse them**, i.e., who reverse the opinions of the Tanna'im, and therefore they needed to state the opinions explicitly so that there would be no mistake with regard to the halakha.

מִשְׁנָה MISHNAH

MISHNAH

מִצָּאוֹ בְּחַפְסָה אוֹ בְּדִלוּסְקָמָא:

We learned in the Mishnah: If **one found it in a chafisah or in a deluskema**, it is valid.

גְּמָרָא GEMARA

QUESTION

מַאי "חַפְסָה"? אָמַר רַבָּה בַּר בַּר חֲנָה: חֶמֶת קִטְנָה.

The Gemara asks: **What is** the meaning of the word **chafisah**? Rabba bar bar Chana says: It is a small leather flask.

QUESTION

מַאי "דִּלוּסְקָמָא"? טְלִיקָא דְסִבִּי.

The Gemara asks: **What is** the meaning of **deluskema**? The Gemara answers: It is a **purse of the elderly**.

מִשְׁנָה MISHNAH

MISHNAH

מִתְנִי' הַמְבִּיא גֵט, וְהַנִּיחוֹ זָקֵן אוֹ חוֹלָה – נוֹתֵן לָהּ בְּחִזְקַת שְׂהוּא קָיָים.

MISHNAH: An agent who brings a bill of divorce to a woman, and **left him**, the husband, when he was **elderly or sick**, gives the get to her based on the **presumption that he is still alive**, and we do not worry that he died in the interim.

MISHNAH

בת ישראל הנשואה לכהן, והלך בעלה למדינת הים – אוכלת בתרומה בחזקת שהוא קיים.

Similarly, the daughter of an Israelite who is married to a Kohen, and her husband went to a country overseas, may continue to eat terumah based on the presumption that he is still alive.

MISHNAH

השולח מטאתו ממדינת הים – מקריבין אותה בחזקת שהוא קיים.

Similarly, one who sends his sin-offering from a country overseas, the Kohanim may offer it on the Altar based on the presumption that he is still alive.

גמרא GEMARA

STATEMENT

גמ' אמר רבא: לא שנו אלא זמן שלא הגיע לגבורות; וחולה – שרוב חולים לחיים;

GEMARA: Rava says: They taught this halakha of presumptive status **only** concerning an elderly man who has not yet reached his years of strength, i.e., eighty years of age; **and** concerning a sick person, as the majority of sick people continue to live and recover;

STATEMENT

אבל זמן שהגיע לגבורות, וגוסס – שרוב גוססין למיתה; לא.

but in the case of an elderly man who has reached his years of strength, or a moribund person (a goses), as the majority of moribund people proceed to death, we do **not** establish this presumption of life.

OBJECTION

איתיביה אבאי: המביא גט והניחו זמן – אפילו בן מאה שנה, נותן לה בחזקת שהוא קיים!

Abaye raised an objection to him from a Baraisa: An agent who brings a bill of divorce and left him, the husband, when he was elderly, even if he was one hundred years old, gives the get to her based on the presumption that he is still alive! This contradicts Rava's distinction regarding eighty years.

REFUTATION

תירבא.

The Gemara concludes: This is indeed a **conclusive refutation** of Rava's statement.

RESOLUTION

ואי בעית אימא, כיון דאיפלג – איפלג.

And if you wish, say instead that this is not a refutation: Since he has already deviated from the norm by living so long, he has deviated, and we assume he will continue to live; but for an ordinary person who just reached eighty, we would indeed worry.

OBJECTION

רמי ליה אבאי לרבא, תנן: המביא גט, והניחו זמן או חולה – נותן לה בחזקת שהוא קיים.

Abaye raised a contradiction before Rabba: We learned in our Mishnah: An agent who brings a bill of divorce, and left him when he was elderly or sick, gives it to her based on the presumption that he is still alive.

OBJECTION

ורמינהו: "הרי זה גיטך" – שעה אחת קודם למיתתו, אסורה לאכול בתרומה מיד!

And he raised a contradiction from a Baraisa: If a husband says to his wife, "This is your bill of divorce to take effect one hour prior to my death,' she is immediately forbidden to eat terumah, due to the concern that he might die in the next hour. This shows we do fear immediate death!

RESOLUTION

אמר ליה: תרומה אגייטין קא רמית?! תרומה אפשר, גט לא אפשר.

Rabba said to him: Are you raising a contradiction from the laws of terumah to the laws of gittin?! Regarding terumah, it is possible for her to refrain from eating it and eat non-sacred food instead; but regarding a get, it is not possible to be stringent, for if we worry about death, no husband could ever send a get through an agent.

OBJECTION

ורמי תרומה אתרומה; תנו: בת ישראל הנשואה לכהן, והלה בעלה למדינת הים – אוכלת בתרומה בחזקת שהוא קיים.

And the Gemara raises a contradiction from one law of terumah to another law of terumah: We learned in our Mishnah: The daughter of an Israelite married to a Kohen, and her husband went to a country overseas, may eat terumah based on the presumption that he is still alive.

OBJECTION

ורמינהו: "הרי זה גיטך" – שעה אחת קודם מיתתו, אסורה לאכול בתרומה מיד!

And the Gemara raised a contradiction from the Baraisa: If he says, "This is your bill of divorce to take effect one hour prior to my death,' she is immediately forbidden to eat terumah!

ANSWER

אמר רב אדא בריה דרב יצחק: שאני התם, שהרי אסרה עליו שעה אחת קודם מיתתו.

Rav Adda the son of Rav Yitzchak said: It is different there, because he has definitely forbidden her to himself and thus disqualified her from terumah one hour prior to his death, meaning she will certainly be forbidden at some point, which creates an immediate state of doubt.

OBJECTION

מתקיף לה רב פפא: ממאי דאיהו מייית ברישא? דלמא איהי מיייתא ברישא!

Rav Pappa objects to this: From where do we know that he will die first? Perhaps she will die first, in which case the get will never take effect and she was never forbidden!

RESOLUTION

אלא אמר אביי, לא קשיא: הא רבי מאיר – דלא חייש למיתה, הא רבי יהודה – דחייש למיתה.

Rather, Abaye said: **This is not difficult: This** Mishnah, which permits her to eat terumah, is in accordance with **Rabbi Meir, who is not concerned about sudden death; and that** Baraisa, which forbids her, is in accordance with **Rabbi Yehuda, who is concerned about sudden death.**

PROOF

דַּתְנָן: הַלּוֹקֵחַ יַיִן מִבֵּין הַכּוֹתִים, אָמַר: שְׁנֵי לֹגִין שְׂאֵנִי עֲתִיד לְהַפְרִישׁ – הֲרִי הֵן תְּרוּמָה; עֲשֶׂהָ –
מַעֲשֵׂר רִאשׁוֹן; תַּשְׁעָה – מַעֲשֵׂר שֵׁנִי;

As we learned in a Mishnah: **One who purchases wine from among the Samaritans** on Friday afternoon and cannot separate tithes before Shabbos, **says: Two log which I am destined to separate in the future shall be terumah; ten log shall be first tithe; and nine log shall be second tithe;**

PROOF

וּמִיֵּחַ לְוְשׁוּתָהּ מִיָּד – דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה וְרַבִּי יוֹסֵי וְרַבִּי שִׁמּוֹן שִׁמְעוֹן אוֹסְרִין.

and he may **deconsecrate** the second tithe and **drink immediately**, relying on the future separation — these are **the words of Rabbi Meir. But Rabbi Yehuda and Rabbi Yose and Rabbi Shimon forbid** this, as they worry the skin might burst and he will never separate them.

STATEMENT

רַבָּא אָמַר:

Rava said a different resolution to the contradiction:

SUMMARY

On Daf 28a, the Gemara first defines a chafisa as a small flask and a deluskema as an elderly person's purse, concluding the discussion on finding lost gittin. The main focus then shifts to the halachos of chazakah, establishing that we presume a person is still alive unless we have reason to believe otherwise, which allows a shliach to deliver a get from an elderly or sick husband, a Kohen's wife to eat terumah, and Kohanim to offer a sent korban. Although Rava attempts to exclude a gose and those past eighty from this chazakah, the Gemara refutes his view regarding the elderly from a baraita, though it suggests a distinction for those who have reached an exceptionally advanced age. Finally, the Gemara addresses the apparent contradiction between the lenient chazakah of our Mishnah and the stringency of a get given 'one hour before death' — which immediately restricts the wife from eating terumah—resolving that while we generally rely on chazakah to keep life running smoothly, a husband's explicit condition of 'one hour before death' creates an active, looming state of doubt that cannot be ignored.

My dear talmid, look at the beautiful foundation of our daily lives that Chazal reveal to us on this daf. The Mishnah teaches that when an agent is sent with a get, or when a woman's Kohen husband travels overseas, we act on the chazakah, the established presumption, that the husband is still alive. Even though people fall ill, grow old, and eventually pass from this world, the Torah does not want us living in a state of constant, paralyzing worry about what might have happened in the last hour. We are commanded to rely on the status quo of life until proven otherwise.

There is a profound yesod here for our own avodah. The yetzer hara loves to breed anxiety by whispering doubts about the future or making us fear the worst about things we cannot see. We worry about our parnassah, our children, our health, and our spiritual standing, constantly anticipating ruin. But the Torah's path is one of menuchas hanefesh, peace of mind. Hashem created the world to run on a system of stability. If things were well a moment ago, we must have emunah and bitachon that they remain well now.

This principle of chazakah is not just a legal mechanism for gittin or terumah; it is a blueprint for how Hashem wants us to navigate His world. We cannot live our lives constantly anticipating the worst-case scenario. We must do our part, set our course, and then trust in the Aibershter that the reality we left behind is still standing strong under His watchful eye.

Today, when an anxious thought or a 'what if' scenario enters your mind about something beyond your immediate control, consciously stop and rely on the chazakah. Tell yourself: 'Hashem is running the world, and until I hear otherwise, I will assume everything is exactly as it should be,' and let go of the worry.