

מסכת גיטין • דף ל' ע"א

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THE SUGYA

In this daf, we continue our sugya regarding the appointment of a second agent for delivering a get, clarifying whether this must be done in the presence of the first agent. We then delve into a fascinating discussion of conditions in a get, learning about a husband who was delayed by a river crossing and another who tried to appease his wife, which brings us to the crucial halachic question of whether an ones (unavoidable circumstance) is a valid defense in gittin.

We then move on to a new Mishnah that discusses the chazakah (presumption) of life. The Mishnah teaches that if a person lends money to a Kohen, a Levi, or a poor person with the agreement that he will write off their debt by keeping the terumos and ma'asros he separates from his produce, he may continue to do so under the presumption that they are still alive and have not changed their status.

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

QUESTION

כי משוּוּ בֵּית דִּין שְׁלִיחַ; בְּפָנָיו, אוּ שְׁלֹא בְּפָנָיו?

The Gemara asks: **When the court appoints** a second **agent** to deliver the get, must they do so **in his presence**, or may they do so **not in his presence**?

RESOLUTION

הֲדַר פְּשָׁטָה: בֵּין בְּפָנָיו בֵּין שְׁלֹא בְּפָנָיו.

The Gemara **then resolved it**: The second agent may be appointed **either in his presence or not in his presence**.

PROOF

שְׁלַחוּ מִתָּם: בֵּין בְּפָנָיו בֵּין שְׁלֹא בְּפָנָיו.

Similarly, **they sent from there** in Eretz Yisrael this ruling: The court may appoint another agent **either in his presence or not in his presence**.

STATEMENT

הָהוּא דָּאָמַר: אִי לָא אָתִינָא עַד תְּלָתִין יוֹמִין – לִיהוִי גִיטָא.

The Gemara relates: There was **a certain man who said** to the agents with whom he deposited a get: **If I do not arrive from now until thirty days have passed, let this be a bill of divorce**.

STATEMENT

אָתָּא וּפְסָקִיָּה מִפְּרָא.

He came at the end of the thirtieth day, **but he was prevented** from crossing **by the ferry** being on the other side of the river.

STATEMENT

אמר להו: "חזו דאתאי", "חזו דאתאי".

He said to them on the other side: "See that I have arrived! See that I have arrived!"

RULING

אמר שמואל: לא שמייה מתא.

Shmuel said: That is not called an arrival, and since he did not cross in time, the get is valid.

STATEMENT

ההוא דאמר להו: אי לא [מ]פייסנא לה עד תלתין יומין – ליהוי גיטא.

There was another certain man who said to them: If I do not appease her, my wife, within thirty days, let this be a bill of divorce.

STATEMENT

אזל פייסה, ולא איפייסא.

He went and tried to appease her, but she was not appeased.

RULING

אמר רב יוסף: מי ירב לה תרקבא דדינרי ולא איפייסא!

Rav Yosef said: Did he give her a tarkab, a large vessel, full of dinars and she was still not appeased?! Since he did not offer her enough to appease her, he did not fulfill his condition, and the get is valid.

RULING

איכא דאמרי, אמר רב יוסף: מידי תרקבא דדינרי בעי למיתב לה?! הא פייסה, ולא איפייסא.

There are those who say a different version, that Rav Yosef said: Did he need to give her a tarkab of dinars?! Behold, he tried to appease her, but she was not appeased. Since he did his best and was prevented by her stubbornness, it is an unavoidable accident, and the get is void.

EXPLANATION

הא – כמאן דאמר יש אוֹנֵס בְּגִיטִין, הא – כמאן דאמר אין אוֹנֵס בְּגִיטִין.

The Gemara explains: This second version is according to the one who says there is a plea of unavoidable accident in bills of divorce; and this first version is according to the one who says there is no plea of unavoidable accident in bills of divorce.

מִשְׁנָה MISHNAH

MISHNAH

מתני' המלוה מעות את הפלו ואת הלוי ואת העני, להיות מפריש עליהן מה לקוח;

MISHNAH: One who lends money to a Kohen, or to a Levi, or to a poor person, with the understanding that he will separate terumah and tithes on their behalf from their portion of the produce and keep it as repayment of the loan,

MISHNAH

מִפְּרִישׁ עֲלֵיהֶן בְּחֻזְמַת שֶׁהֵן חַיִּימִין, וְאִינוּ חוֹשִׁשׁ שְׂמָא מֵת הִכָּהֵן אוֹ הַלֵּוִי, אוֹ הָעָשִׁיר הָעָנִי.

he may separate the gifts on their behalf with the presumption that they are still alive, and he need not fear lest the Kohen or the Levi died, or the poor person became wealthy and is no longer eligible for the poor man's tithe.

MISHNAH

מֵתוֹ – צָרִיךְ לִיטוֹל רְשׁוֹת מִן הַיּוֹרְשִׁים;

If they died, he must obtain permission from the heirs to continue this arrangement of paying the debt with tithes;

MISHNAH

אִם הִלּוּן בְּפָנֵי בֵּית דִּין – אִינוּ צָרִיךְ לִיטוֹל רְשׁוֹת מִן הַיּוֹרְשִׁין.

but if he lent them the money in the presence of a court, he does not need to obtain permission from the heirs.

גְּמָרָא GEMARA

QUESTION

גְּמ' וְאֵף עַל גַּב דְּלָא אָתוּ לִידֵּיהּ!?

GEMARA: The Gemara asks: **And even though** the tithes **did not come into their hands**, can they transfer ownership of them back to the creditor?

ANSWER

אָמַר רַב: בְּמִפְּרִי כַּהֲוֵנָה וּלְוִיָּהּ.

Rav said: This refers to acquaintances of the priesthood and Levites, who have a constant relationship with this lender, giving him a presumptive right of ownership over the gifts.

ANSWER

וּשְׁמוּאֵל אָמַר: בְּמִזְכָּה לָהֶם עַל יְדֵי אֲחֵרִים.

And Shmuel said: This refers to one who grants ownership to them through the agency of others, who acquire the tithes on behalf of the Kohen or Levi.

ANSWER

עוֹלָא אָמַר: הָא מְנִי – רַבִּי יוֹסִי הִיא, דְּאָמַר: עָשׂוּ אֶת שְׂאִינוּ זֻכָּה כְּזֻכָּה.

Ulla said: Whose opinion is this Mishnah? It is Rabbi Yosei, who said: The Sages made one who does not legally acquire like one who acquires by Rabbinic decree.

EXPLANATION

כוֹלְהוּ כָּרַב לָא אָמְרִי – בְּמִפְּרִי לָא קִתְּנִי.

The Gemara explains: **All of them did not say like Rav, because the Mishnah does not teach** that it is dealing specifically with acquaintances.

EXPLANATION

כְּשִׁמוּאֵל לֹא קֵאָמְרִי – בְּמִזְכָּה לֹא קֵתְנִי.

They did not say like Shmuel, because the Mishnah does not teach that it is dealing with one who grants ownership through others.

EXPLANATION

כְּעוּלָא נָמִי לֹא אָמְרִי – פִּיחִידָאָה לֹא מוֹקְמִינָן.

They also did not say like Ulla, because we do not establish an anonymous Mishnah according to an individual opinion like Rabbi Yosei.

BRAISA

תָּנוּ רַבָּנֵינוּ: הַמִּלְוֶה מַעוֹת אֶת הַפֶּהֱן וְאֶת הַלֵּוִי וְאֶת הָעֶנִי, לְהִיּוֹת מִפְּרִישׁ עֲלֵיהֶן מִחֻלְקָן, מִפְּרִישׁ עֲלֵיהֶן בְּחֻקַּת שְׁהֵן חַיִּימִין;

The Rabbis taught in a Baraisa: One who lends money to a Kohen, or to a Levi, or to a poor person, with the understanding that he will separate tithes on their behalf from their portion, may separate on their behalf with the presumption that they are still alive;

BRAISA

וּפּוֹסֵק עִמָּהֶן כְּשַׁעַר הַזּוּל;

and he may contract with them according to the low market rate;

BRAISA

וְאִין בּוֹ מְשׁוּם רַבִּית;

and there is no concern of interest in this;

BRAISA

וְאִין שְׁבִיעִית מְשַׁמְטָתוֹ;

and the Sabbatical Year does not cancel this debt;

BRAISA

וְאִם פֶּאֶל לְחֻזֹּר – אֵינּוּ חוֹזֵר.

and if he wishes to retract, he cannot retract.

BRAISA

נִתְּנִיאֲשׁוּ הַבָּעָלִים – אֵין מִפְּרִישׁ עֲלֵיהֶם, לְפִי שֶׁאֵין מִפְּרִישִׁין עַל הָאֲבוּד.

If the owners despaired of finding their lost produce, one may not separate tithes on their behalf, because we do not separate tithes on that which is lost.

QUESTION

אמר מר: פוסק עמהם כשער הזול – פשיטא!

The Master said above: He may contract with them according to the low market rate. The Gemara asks: Is this not obvious? Any buyer can purchase at the market rate!

ANSWER

הא קא משמע לן, אר על פי שלא פסק – כמי שפסק דמי.

The Gemara answers: This comes to teach us: Even though he did not explicitly contract at that rate, it is considered as if he had contracted at the low rate.

QUESTION

ואין בו משום רבית – מאי טעמא?

The Baraisa stated: And there is no concern of interest in this. The Gemara asks: What is the reason?

ANSWER

פיון דכי לית ליה – לא יהיב ליה, כי אית ליה נמי – אין בו משום רבית.

The Gemara answers: Since when he has no produce, he does not give him anything, when he does have produce and gives it, there is also no concern of interest, as it is not a standard loan.

EXPLANATION

ואין שביעית משמטתו – דלא קרינא ביה "לא יגוש".

The Baraisa stated: And the Sabbatical Year does not cancel it. The Gemara explains: Because we do not apply to it the verse: "He shall not press his debtor," since he cannot demand payment in cash.

STATEMENT

ואם בא לחזור, אינו חוזר – אמר רב פפא: לא שנו אלא בעל הבית בכהן; אבל כהן בבעל הבית, אם בא לחזור – חוזר.

The Baraisa stated: And if he wishes to retract, he cannot retract. Rav Pappa said: They only taught this regarding the homeowner retracting from the Kohen; but the Kohen retracting from the homeowner, if he wishes to retract, he may retract.

PROOF

דתנן: נתן לו מעות ולא משה הימנו פירות – יכול לחזור בו.

As we learned in a Mishnah: If one gave money to a seller but did not pull the produce from him, he is able to retract. Since the Kohen only received money and did not pull the produce, he can retract.

QUESTION

נתיאשו הבעלים אין מפריש עליהן, לפי שאין מפרישין על האבוד – פשיטא!

The Baraisa stated: If the owners despaired, one may not separate on their behalf, because we do not separate on that which is lost. The Gemara asks: Is this not obvious?

ANSWER

לֹא צָרִיכָא, דְּאִקּוּן; מַחוּ דְּתִימָא אֶקְנֵתָא מִלְּתָא הִיא, קָא מִשְׁמַע לָן.

The Gemara answers: **No, it is necessary** for a case **where they were flooded** by a river. **Lest you say that a flood is** not a permanent loss because the produce might be recovered, **it comes to teach us** that it is considered lost.

BRAISA

תִּנִּינָא, רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר: הַמְלִיָּה מַעוֹת אֶת הַכֹּהֵן וְאֶת הַלֵּוִי בְּבֵית דִּין, וְנָמְתוּ – מִפְּרִישׁ עָלֵיהֶן בְּחֻזְקַת אוֹתוֹ הַשֵּׁבֶט.

It was taught in a Baraisa: Rabbi Eliezer ben Yaakov says: One who lends money to a Kohen or a Levi in court, and they died, he may separate on their behalf with the presumption of giving to that same tribe.

BRAISA

וְאֶת הָעֲנִי בְּבֵית דִּין, וְנָמְת – מִפְּרִישׁ עָלָיו בְּחֻזְקַת עֲנִי יִשְׂרָאֵל.

And if he lent to a poor person in court, and he died, he may separate on his behalf with the presumption of giving to the poor of Israel.

BRAISA

רַבִּי אַחֵי אוֹמֵר: בְּחֻזְקַת עֲנִי עוֹלָם.

Rabbi Achai says: With the presumption of giving to the poor of the world.

QUESTION

מַאי בִּינְיָהוּ?

The Gemara asks: **What is the difference between them?**

SUMMARY

The Gemara first resolves that a second agent may be appointed either in or out of the first agent's presence. It then analyzes cases of conditional divorces, exploring whether a husband's failure to meet a condition due to an ones—such as being stuck at a river ferry or failing to appease his wife—invalidates the get, which hinges on whether ones is recognized in gittin.

Finally, the Gemara introduces the Mishnah regarding lending to Kohanim, Levi'im, or poor people on the account of their future tithes, and begins a deep analysis of how these recipients can halachically acquire and transfer ownership of the tithes before the produce has even physically reached their hands, presenting the various approaches of Rav, Shmuel, and Ulla.

In our sugya, we learn about a beautiful arrangement: a person lends money to a Kohen, a Levi, or a poor person, and then slowly pays himself back by keeping the tithes he would have had to give them anyway. The Mishnah teaches that you can go on separating these tithes under the halachic presumption (chazakah) that these people are still alive and still in the same situation. You do not have to live in constant, paralyzing worry that their status has changed. Halacha gives us the strength to rely on a healthy, established reality so we can function and do mitzvos with peace of mind.

This contains a profound lesson for our daily avodah. The yetzer hara loves to breed doubt, anxiety, and second-guessing in a Yid's heart. It whispers: "Maybe your tefillah wasn't sincere enough?" "Maybe the good deed you did yesterday was done with the wrong intentions?" "Maybe you aren't really holding where you think you are?" This constant questioning drains our energy and robs us of our simchas hachaim. But the Torah tells us to rely on our chazakah. If you are striving to do ratzon Hashem, trust that your foundation is solid and that your spiritual standing is alive and well.

We must apply this same trust to our relationships with others. If someone has shown themselves to be a good friend, a loving spouse, or a reliable person, do not let small doubts or momentary silences make you suspect that everything has changed. Operate on the presumption of their goodness. By living with this healthy trust, we free our minds from unnecessary worry and create a vessel to receive Hashem's blessings with joy.

Today, when a doubt or worry creeps into your mind about your own spiritual standing or a relationship with a friend, consciously choose to rely on the positive chazakah, remind yourself of the established good and move forward with confidence.