מַסֶּכֶת גִּיטִּין · דַּף י״ג ע״ב

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📖 **THE SUGYA**

In this daf, we continue our deep dive into the mechanics of transferring money, specifically focusing on the differences between a loan and a deposit. The Gemara explores the opinions of Rav Pappa and Rav Zevid regarding whether the mishna's case of "piled money" refers to a healthy person or a shechiv mera (a person on his deathbed), bringing in a fascinating discussion about the unique halachic leniencies granted to a dying man when he gives instructions for a get.

We then transition to a fundamental sugya in Choshen Mishpat: the concept of ma'amad shelshatan (a transfer in the presence of all three parties). The Gemara analyzes the source and mechanism of this powerful form of kinyan, questioning whether it applies only to a physical deposit or even to an abstract loan, and how such an acquisition can halachically take effect.

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

ANSWER

קָסָבַר רַב פָּפָּא, כִּי אָמַר רַב – לָא שְׁנָא בְּמִלְוֶה, וְלָא שְׁנָא בְּפִקָּדוֹן.

The Gemara answers: **Rav Pappa holds** that **when Rav said** his law of a transfer in the presence of all three parties, he meant that there is **no difference in** the case of **a loan, and** there is **no difference in** the case of **a deposit**. Since it works even for a loan where there is no physical object, it works for a deposit even if the money is not piled up. Therefore, Rav Pappa had to explain that our Mishnah refers to piled-up money to avoid the concern of a buried hundred dinars.

QUESTION

רַב זְבִיד מַאי טַעְמָא לָא אָמַר כְּרַב פָּפָּא?

The Gemara asks: **What is the reason** that **Rav Zevid did not say** and explain the Mishnah **like Rav Pappa**, that it refers to a dying man?

ANSWER

לָא מִיתּוֹקְמָא מַתְנִיתִין בִּשְׁכִיב מְרַע.

The Gemara answers: Rav Zevid holds that **the Mishnah cannot be established** as referring **to a dying man**.

PROOF

מִמַּאי? מִדְּקָתָנֵי: ״הָאוֹמֵר תְּנוּ גֵּט זֶה לְאִשְׁתִּי וּשְׁטַר שִׁחְרוּר זֶה לְעַבְדִּי״, וּמֵת – לֹא יִתְּנוּ לְאַחַר מִיתָה.

From where do we see this? **From that which** the Mishnah **teaches: One who says, "Give this bill of divorce to my wife, or this bill of manumission to my slave," and** then **he dies, they should not give** it to them **after** his **death**.

INFERENCE

טַעְמָא דְּמֵת, הָא מֵחַיִּים – נוֹתְנִין;

We can infer: **The reason** they do not give it is specifically **that he died, but** if he were still **during** his **lifetime, they would give** it.

INFERENCE

טַעְמָא דְּאָמַר "תְּנוּ", הָא לֹא אָמַר "תְּנוּ", אֵין נוֹתְנִין;

And we can further infer: **The reason** they give it during his lifetime is specifically **that he said, "Give," but** if **he did not say, "Give,"** but only said "Write," **they would not give** it.

STATEMENT

וּשְׁכִיב מְרַע – אַף עַל גַּב דְּלָא אָמַר "תְּנוּ", נוֹתְנִין.

But in the case of **a dying man, even though he did not say, "Give,"** but only said "Write," **they do give** it, because we assume his intention was to give it so she would not fall to yibum.

BRAISA

דִּתְנַן, בָּרִאשׁוֹנָה הָיוּ אוֹמְרִים: הַיּוֹצֵא בְּקוֹלָר, וְאָמַר "כִּתְבוּ גֵּט לְאִשְׁתִּי" – הֲרֵי אֵלּוּ יִכְתְּבוּ וְיִתְּנוּ.

As we learned in a Mishnah: At first, they would say: One who is taken out in chains to be executed, **and said, "Write a bill of divorce for my wife," these** people **should write and give** it to her, even though he did not explicitly say "Give."

BRAISA

חָזְרוּ לוֹמַר, אַף הַמְפָרֵשׁ וְהַיּוֹצֵא בְּשְׁיָרָא.

They then retracted to say: Even one who sets sail on a ship, **and one who goes out in a caravan** to a desert, who are also in danger, have the same law.

BRAISA

רַבִּי שִׁמְעוֹן שֵׁזוּרִי אוֹמֵר: אַף הַמְסוּכָּן.

Rabbi Shimon Shezuri says: Even one who is dangerously ill, which is a dying man, has this law that we write and give even if he only said "Write." Thus, our Mishnah, which requires him to say "Give," cannot be referring to a dying man.

OBJECTION

מַתְקֵיף לַהּ רַב אָשֵׁי: וּמַאן נֵימָא לַן דְּמַתְנִיתִין רַבִּי שִׁמְעוֹן שֵׁזוּרִי הִיא? דִּלְמָא רַבָּנַן הִיא!

Rav Ashi challenges this: And who says to us that our Mishnah is in accordance with **Rabbi Shimon Shezuri? Perhaps it is** in accordance with **the Rabbis**, who argue with Rabbi Shimon Shezuri and hold that a dangerously ill person is not included in this rule, and therefore must say "Give"! If so, our Mishnah could indeed be speaking of a dying man.

STATEMENT

גּוּפָא – אָמַר רַב הוּנָא אָמַר רַב: "מָנֶה לִי בְּיָדְךָ, תְּנֵהוּ לוֹ לִפְלוֹנִי", בְּמַעֲמַד שְׁלָשְׁתָּן – קָנָה.

The Gemara returns to analyze **the text itself: Rav Huna said** that **Rav said:** If one says to another, **"I have a maneh in your possession; give it to so-and-so,"** if this was said **in the presence of all three of them,** the third party **has acquired** the money.

STATEMENT

אָמַר רָבָא: מִסְתַּבְּרָא מִילְּתֵיהּ דְּרַב בְּפִקָּדוֹן, אֲבָל בְּמִלְוָה – לֹא.

Rava said: The words of Rav make sense when he is speaking **of a deposit**, where the actual money belongs to the depositor, **but in** the case of **a loan,** where the money has been spent and is just a personal debt, **no,** the transfer does not work.

STATEMENT

וְהָאֱלֹהִים! אָמַר רַב: אֲפִילּוּ בְּמִלְוָה.

Rava then retracted and swore: **But by God! Rav said** this law **even in** the case of **a loan**.

STATEMENT

אִתְּמַר נָמֵי, אָמַר שְׁמוּאֵל מִשְּׁמֵיהּ דְּלֵוִי: "מִלְוָה לִי בְּיָדְךָ, תְּנֵהוּ לוֹ לִפְלוֹנִי", בְּמַעֲמַד שְׁלָשְׁתָּן – קָנָה.

It was also stated by other Amoraim: **Shmuel said in the name of Levi:** If one says, **"I have a loan in your possession; give it to so-and-so,"** if this was said **in the presence of all three of them,** the third party **has acquired** it.

EXPLANATION

וְטַעְמָא מַאי? אָמַר אַמֵּימָר: נַעֲשָׂה כְּאוֹמֵר לוֹ בִּשְׁעַת מַתַּן מָעוֹת: שַׁעְבַּדְנָא לָךְ לְדִידָךְ וּלְכֹל דְּאָתוּ מֵחֲמָתָךְ.

The Gemara asks: **And what is the reason** for this? How does he acquire it without a formal kinyan? **Ameimar said: It is made as if** the borrower **said to** the lender **at the time of the giving of the money: "I obligate myself to you and to anyone who comes from your power."** Thus, the borrower agreed to this transfer from the very beginning.

OBJECTION

אֲמַר לֵיהּ רַב אָשֵׁי לְאַמֵּימָר: אֶלָּא מֵעַתָּה, הִקְנָה לַנּוֹלָדִים – דְּלָא הֲווֹ בִּשְׁעַת מַתַּן מָעוֹת, הָכִי נָמֵי דְּלָא קָנוּ?!

Rav Ashi said to Ameimar: If that is so, then if the lender **transferred** the loan in the presence of three **to those who were born** after the loan was made, **who were not** yet in existence **at the time of the giving of the money, would they indeed not acquire** it?

OBJECTION

דַּאֲפִילּוּ לְרַבִּי מֵאִיר, דְּאָמַר אָדָם מַקְנֶה דָּבָר שֶׁלֹּא בָּא לָעוֹלָם, הָנֵי מִילֵּי לְדָבָר שֶׁיֶּשְׁנוֹ בְּעוֹלָם, אֲבָל לְדָבָר שֶׁאֵינוֹ בָּעוֹלָם – לָא!

For even according to Rabbi Meir, who says that **a person can transfer ownership of something that has not yet come into the world, that applies only** when transferring a non-existent object **to a person who is in the world, but** transferring something **to a person who is not** yet **in the world,** even Rabbi Meir agrees that he **cannot!** Yet we know that a transfer in the presence of three works for anyone.

RESOLUTION

אֶלָּא אָמַר רַב אָשֵׁי:

Rather, Rav Ashi said a different reason for this law:

SUMMARY

The Gemara begins by contrasting the approaches of Rav Pappa and Rav Zevid regarding the mishna's context, analyzing whether a shechiv mera must explicitly say "give" when instructing the writing of a get or a shtar shichrur. We then learn the

famous ruling of Rav in the name of Shmuel (and Levi) that ma'amad shelshatan is effective for both deposits and loans. To explain how this kinyan works, Ameimar suggests that the borrower is considered to have bound himself from the very beginning of the loan to anyone authorized by the lender. However, Rav Ashi challenges this, noting that if this were the case, the transfer would fail if the recipient was not yet born at the time of the original loan, leading the Gemara to seek a different explanation for this unique halachic mechanism.

לְמַעֲשֶׂה WHAT TO TAKE HOME

The Gemara on our daf discusses the powerful concept of "Ma'amad Shloshtan"—where a transfer of a debt or deposit becomes instantly binding simply because all three parties are standing together in one place. When the lender, the borrower, and the new recipient gather, their shared presence creates a legal and spiritual reality that bypasses the usual complex transactions. There is a profound koach, a unique strength, when people come together face-to-face to settle matters.

In our daily lives, we often try to resolve misunderstandings, obligations, or delicate family and business matters through messengers, emails, or quick text messages. We avoid the face-to-face encounter because it feels uncomfortable or requires more effort. But the Torah teaches us that nothing compares to the power of "Ma'amad Shloshtan"—being physically present together. When you sit down in the same room with someone, the atmosphere changes, suspicion melts away, and a true, lasting connection or resolution can actually take hold.

Today, if you have a difficult issue to resolve, a debt to settle, or a misunderstanding to clear up with a friend, family member, or business associate, do not rely on a text or email. Pick up the phone to schedule an in-person meeting, or make the call directly, so you can speak face-to-face and let the power of personal presence bring peace and clarity.