

18.08.02; 78a (משנה ב) → 79b (בקופה שאין לה שוליים)

1. וְנִצָּאָה מִבֵּיתוֹ וְהִלְכָה וְהִתְנָה לְאִישׁ אַחֵר: דברים כד:ב

- I גו-2: proximity in רה"ר – if he threw the גט (or קידושין or a debt) to the other party
- a If: it landed closer to her – she is divorced (betrothed/paid up), if closer to him, not divorced (מקודשת/paid up)
- b If: exactly in the middle, she is divorced/not divorced (betrothed/not betrothed); in case of debt, split funds
- II Clarification of proximity (קרוב לו/קרוב לה)
- a "קרוב" is ד' אמות דב
- i Therefore (ר' שמואל ב"ר יצחק): "exactly in the middle" is if they're both within the same ד"א
- 1 Challenge: let's see who got there first (and established "ownership" over the ד"א)
- (a) And: we can't argue that they came simultaneously – אי אפשר לצמצם
- ii Rather (ר' כהנא): there are exactly 8 אמות and the גט lies across the midway point
- 1 Challenge: if so, it's still connected to him (clearly no גט at all)
- iii Rather (רבה ור' יוסף): there are two sets of עדים, 1 testifying לו קרוב, the other – קרוב לה
- b ד' יוחנן whichever is closest – even 100 אמות away
- i Therefore: the middle is (per שמואל בר אבא ר"י's report in ר"י's name) – if both are neither can equally control it
- 1 Confirmation: from ר' יוחנן ר' when it was explained to him in the name of ר' (from בבבלי)
- ii Confirmation (ברייתא בשם ר"א): even if it's closer to her, but only he could protect it from a dog – אינה מגורשת
- c שמואל directed יהודה רב that the הלכה is that she be able to lean over and pick it up
- i Practicum: but he shouldn't allow it until it is in her hand
- ii Case: she didn't yet pick it up and he died and רבנן required חליצה (מספק)
- III גיטין "limitation" of the rule of proximity – only applies to ר"י יוחנן
- a Challenge (ר' אבא לר' אסי): our משנה extends the rule to קידושין
- i Defense (ר' אסי): per v. 1, the two laws are parallel
- b Challenge: our משנה extends it as well to repayment of a debt
- i Defense: case might be where the creditor told the lender to "throw it to me and you are exempt"
- 1 Block: if so, it is obviously valid if it reaches the proximate area of the creditor
- 2 Rather: the creditor told the debtor to throw it "per the laws of גט"
- (a) Justification: we might think that the creditor is teasing the debtor – קמ"ל
- IV ר' חסדא's ruling: if she holds the גט but he holds a string that controls it and could still bring it back to him – invalid
- a Reason: this isn't "excision" (כריתות)
- b Related ruling (רבה יהודה): if her hands are sloped down and he throws it into her hands – not divorced
- i Challenge: when it falls, it falls within her ד"א
- ii Answer: if it doesn't fall
- 1 If so: that should solve ר"א's question as to whether ד"א apply in the air (they don't)
- 2 Rejection: circumstance is that she is standing over a river – the גט was directly slated to be destroyed
- V משנה ג: proximate domain regarding a roof
- a If: she was on the roof and he threw it to her, the minute it enters the roof's air space, she is divorced
- i Note (שמואל): roof must have parapet, so the ד"א are "guarded" or (אבנימי): if it falls within ג'ט of roof
- b If: he is on the roof and throws it down to her, the minute it leaves the roof's air space, even if erased or burnt – מגורשת
- i Note (שמואל and ר"א and יוחנן): lower walls must raise above higher walls so that the ד"א are "guarded"
- 1 Challenge (ר' אבא לעולא): per רבי (in re: הוצאת בשבת) who holds שמי שהונחה (caught in air::on ground)
- (a) Response: even רבנן would agree; only disagree re: הוצאת שבת, but here the only concern is שמירה (✓)
- ii ר' נחמן's limitations on "erased" and "burnt" before it gets to her hand
- 1 Erased: only if erased on way down; else, it was never going to land "whole"
- 2 Burnt: only if fire "followed" גט – else, it was always slated for burning
- VI ר' חסדא's declaration – רשויות are distinct for גיטין (as well as שבת and other areas of הלכה)
- a דבא: his source is our משנה – must be her roof and his courtyard (and סיפא is flipped)
- VII ר' רבא's rule – there are 3 variations in רשויות between שבת and גיטין (1 is קלוטה – here, the concern is שמירה)
- a #2: ר' חסדא's rule about a tall, narrow רה"י doesn't apply to גיטין – no שמירה
- b #3: שמואל's ruling about separation of רשויות from roof to roof only applies to שבת – depends on קפידא (none here)
- c Addendum (אבני): if her courtyard is inside his with lower walls, once he throws it over his – מגורשת (inner uses outer)
- i But: if her basket is inside his – it's never valid, as it never comes to rest
- 1 If: it did, could be ok if it has no bottom to avoid problem of מוכר ברשות מוכר