

18.07.05; 75b (משנה ר) → 77a (סיום הפרק)

I גיטין conditional – משנה ו'

- a *if*: he made the גט conditional on her serving his father or nursing his baby (means – 2 years [ר"י – 18 months]) – valid
- i *then*: even if they die (i.e. the baby dies before 2 years of nursing are complete) גט is valid
- ii *challenge*: ברייתא ruling that even if she only served/nursed for 1 day – the גט is valid
- iii *answer1*: ברייתא follows רשב"ג (who is lenient about conditions as per ruling about cloak) – רבנן is משנה
- iv *Answer2* (רבא): in case of משנה, he didn't set a time; in ברייתא, he stated 1 day
- 1 *Block*: רב אשי – anytime he doesn't set a time, we assume it to be 1 day
 - 2 *challengee*: according to רב אשי, רב משנה's ruling that a סתם obligates 1.5/2 years – should be one day
 - 3 *Answer*: it is one day – but must be during the first 1.5 or 2 years
 - 4 *Challenge*: in 2nd clause, he explicates 2 yrs.; according to רב אשי, how is that different from 1st clause? – **block**
- v ברייתא presents רשב"ג responding to ר"מ or רבנן about the existence of כפול throughout תנ"ך
- 1 *unclarity*: may be challenging ר"מ on grounds of שני כתובין; may be challenging רבנן seeing those as source
 - 2 *challenge to ברייתא*: רבנן say that if she didn't cause the failure of the תנאי, the גט is valid (*contra* רבנן of ברייתא)
 - 3 *answer*: רבנן of that 2nd ברייתא are רשב"ג who states (below, [b ii]) that if she doesn't cause failure – גט is valid
- b *however, if*: he made the גט conditional on her serving his father or nursing his baby for 2 years (stated explicitly)
- i *then*: if baby dies during the 2 years, or father refuses her service (even if she doesn't cause it) גט is invalid
- ii *dissent*: רשב"ג validates גט if his refusal isn't on her account as per his rule: any obstacle not of her doing – הרי זה גט
- iii *Note*: if he makes two unrelated conditions in front of separate sets of witnesses – they are options but the witnesses can't mix and match; if the two conditions are related (e.g. greater amount) the 2nd one cancels the 1st

II תנאי גיטין: boundaries of travel for משנה ז'

- a *if*: he gave a גט on condition that he doesn't return within 30 days
- i *if*: he was going from יהודה to גליל and reached אנטפרס (נתניה), that is considered arrival – גט annulled
- 1 *challenge*: אנטפרס is in יהודה
 - 2 *answer*: he made 2 conditions; if he goes to גליל, גט is immediate; if he leaves and is gone for 30 days – גט is valid; but he left as far as אנטפרס but returned within 30 → גט is null
- ii *if*: he was going from יהודה to גליל and reached עותנאי, that is considered arrival – גט annulled
- iii *if*: he was going to מדה"י and got as far as עכו and returned, that is considered arrival – גט annulled
- 1 *challenge*: עכו is considered part of א"י
 - 2 *answer*: he made two conditions (as above) – getting to עכו is considered "leaving" enough to annul
- b *if*: he gave a גט, conditioned on not seeing her for 30 days & he went and came but never alone with her – גט is valid
- i *challenge*: he saw her –
- 1 *answer1* (רב הונא): means תשמיש (euphemism)
 - 2 *Answer2* (ר' יוחנן): means "seeing" – but גט is only valid after 30 days of absence and we're not concerned that they "made up" – because he stated *ab initio* that she is believed to say that he never arrived
 - 3 *Note*: some read this as a comment on משנה ח' (below); in which case, the need for his נאמנת עלי surely applies to ברייתא (but if we read it as comment on משנה, in case of ברייתא we won't need it, since he comes and goes)

III משנה ח': time-lapse גיטין in circumstances where he dies during interval

- a *if*: he made the גט conditional on not returning within 12 months (w/o retroactivity) and died in the interim – no גט
- i *note*: רבותינו allow her to marry, following יוסי עליו – ר' יוסי מוכיח עליו – זמנו של שטר מוכיח עליו (akin to retroactive)
- b *but if*: he made it retroactive and died in the interim – valid
- i *question* (also to רבותינו in 1st clause): permitted immediately (he won't be arriving) or after 12 mos. (הגט is fulfilled)?
- ii *Note*: if he gives גט at night, saying it takes effect "when the sun comes out" and dies at night – גט לאחר מיתה → פסול
- iii *But*: if he says "on condition that the sun comes out" and dies at night – valid (על מנת) (מעכשיו: על מנת)
- iv *Dispute* (רבותינו/רבנן): if he says "if it comes out" – זמן השטר rely on רבנן; זמן השטר don't rely on רבנן

IV משנה ט': commissioned גיטין written earlier than the directive indicates

- a *if*: he says "If I don't return in 12 months, write and give..." and they write it before 12 months lapse – invalid
- b *if*: he says: "write it and give if I don't return within 12 months" and they write it before – invalid
- i *dissent*: ר' יוסי permits (wording implies that he doesn't care when it's written) – כזה גט
- c *If*: they wrote it and gave it properly (after 12 months) and he died
- i *If*: they gave it before he died, it's valid
- ii *But if*: he died first, invalid
- iii *Note*: if he makes a time-lapse condition "after this שמיטה" → 1 year; "after this year" → 1 month; "after this month" → week; "after שבת" → יום א, ב, ג, ד, ה, ו. יום are considered "before שבת")
- iv *Note*: רבי ruled that "after the רגל" is 30 days (not accepted)