

OVERVIEW of the Daf

1) "Take this" is like "Acquire" – הולך כזכי (cont.)

The Gemara concludes its rejection of the assertion that Tannaim in a Baraisa dispute the issue of הולך כזכי.

2) R' Shimon Hanasi

The Gemara inquires whether "Nasi" was part of R' Shimon Hanasi's name or was it his title.

An unsuccessful attempt is made to resolve this inquiry and the matter is left unresolved.

R' Yosef's ruling in favor of R' Shimon Hanasi's opinion (money sent to a recipient who is dead and the sender dies should be returned to the heirs of the sender) is challenged.

As a result of this challenge the Gemara changes the statement of R' Shimon Hanasi from the Baraisa.

הדרן עלך המביא גט

3) MISHNAH:

The Mishnah presents the halachos related to an agent who makes only part of the declaration that the גט was written and signed in his presence.

4) Clarifying the Mishnah

The Gemara explains what this Mishnah teaches that was not known from the first Mishnah of the massechta.

R' Ashi explains that the Mishnah's case of one who can only testify about the writing of half the גט refers to the latter half of the גט.

R' Chisda teaches that if the agent only testifies about one signature the גט is invalid even if two witnesses confirm the second signature. The reason is that a גט must be confirmed either through the standard practice of confirmation or by the method instituted by Chazal for gittin.

Rava challenges this assertion and suggests an alternative explanation.

R' Ashi rejects this interpretation and offers another explanation.

R' Chisda's ruling is unsuccessfully challenged.

5) Combinations

R' Chisda rules that a partition cannot be made by combining an embankment and a wall.

Mereimar disagrees and the Gemara rules in favor of Mereimar's ruling.

Ilfa asks whether hands can be purified in halves.

The Gemara begins to examine the exact case where Ilfa's inquiry is relevant. ■

Distinctive INSIGHT

The ten tefachim wall for a private domain

גידוד חמשה ומחיצה חמשה אין מצטרפין

The previous discussion in the Gemara cited an opinion of Rav Chisda who said that both signatures on a גט must be verified with the same process. Either both must be substantiated by means of the messenger's declaration (בפני נכתב ובפני נחתם), or both must be verified by signature recognition (קיום). In a parallel situation, the Gemara brings another statement of Rav Chisda, this one regarding the halachos of Shabbos, in reference to the definition of the different domains for carrying.

A private domain (רשות היחיד) is an enclosure or area of four by four tefachim with a wall ten tefachim tall. Rav Chisda taught that if an area has an embankment of five tefachim depth, and, in addition, a barrier five tefachim tall is built around its top, these two heights do not combine to form a full ten tefachim wall. Rashi understands that the case is where five tefachim is excavated, and at the rim we have a wall making up another five tefachim. Rav Chisda teaches that either the entire height of ten tefachim must be excavated, or the entire height must be a structure. The two methods of construction do not combine.

The חידושי רבי נחום explains the rationale behind Rashi's explanation. The depth or height of a private domain is not just a means to define a wall. If this was the case, we would combine the excavated depth together with the built fence. Rather, the concept of a private domain is to distinguish and separate the floor of the private domain from the public domain around it, and to see it as a distinct area. This is why combining the two heights around it is inadequate, until the floor itself is separated from the area around it, as well as being cordoned off.

שיעורי רבי דוד פוברסקי explains further. Although the wall of ten tefachim clearly distinguishes the area within the private domain from the area around it, we specifically need that the floor of the domain stand apart and be separate from the public domain which is adjacent to it.

Tosafos notes a different case which must be contrasted to ours. In the Gemara (Shabbos 99a) Rav Yochanan teaches that a pit and the rim around it combine to arrive at a height of ten tefachim to create a private domain. This statement is substantiated by a Mishnah and a Baraisa. Why, then, in our case do we not combine the excavated height and the built height? Ramban answers the dirt dug from a pit is normally placed at its rim. It is only natural, therefore, to see the entire system of the pit and its rim as a unit. גרש ירחים explains that the dirt from the pit is placed at its rim. The fence in our Gemara is removed from the edge of the excavation so that it should not fall. The fence does not serve as a natural extension of the excavation. ■

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HALACHAH Highlight

Washing one's hands in a bathroom

ואלא דקא משי פלגא פלגא דידיה

Rather it refers to where one washed half his hand and then the other half

Even though the Gemara rules that washing one half of one's hand and then the other half is not effective to make one's hands tahor, nevertheless, it will be an effective washing if the first half of one's hands are still wet (טופח על מנת להטפיה) when he washes the second half of his hand. This principle can be utilized to address a common issue. When traveling by train or by plane the only "convenient" place to wash is in the bathroom. The problem is that the bathroom itself makes the hands tamei. How then can one effectively wash to make his hands tahor if they immediately become tamei by virtue of the fact that they become tamei in the bathroom? Rav Chaim Soloveichik¹ suggested that our Gemara holds the key to resolving this dilemma. The rationale behind the Gemara's allowance to wash one's hand in two stages is that as long as the hand is still wet the washing process continues and thus one can finish washing the other part of the hand. Accordingly, one can wash his hands in the bathroom and exit the bathroom area while his hands are still wet. Since wet hands indicate that he is still washing his hands it emerges that the final stage of his hand washing is taking place outside of the bathroom and thus his hands are tahor.

Chazon Ish² rejected this ruling and asserted that there is a difference between the case in the Gemara and washing one's hands in a bathroom. The case of the Gemara deals with one who is in the midst of washing hands and he divides that process

REVIEW and Remember

1. Explain דברי שכיב מרע ככתובין וכבסורין דמי.

2. Why is the first half of the גט more important than the second half of the גט?

3. Why is it not allowed for the agent (who declared that one signature was made in his presence) and another witness to testify about the second signature?

4. Does washing each half of one's hand separately make them tahor?

into two stages. In contrast, the person who is washing his hands in the bathroom becomes obligated to wash his hands anew as long as he remains in the bathroom. He concludes that it is difficult to be lenient about this matter.

Minchas Yitzchok³ cites the Gaon of Tarna who suggested an alternative reason for leniency. In the time of Chazal the waste, generally, remained in the bathroom itself and thus entrance into the bathroom triggered an obligation to wash. Bathrooms no longer possess that characteristic as the waste is immediately washed away, thus the room does not acquire the status of a bathroom. Therefore, when there is no alternative one can be lenient and wash in a bathroom. ■

1. מובא דעתו בספר מאורות הדף היומי למסכת גיטין וכן מביא החזו"א דלקמן אבל לא הזכיר שמו.
2. חזו"א או"ח סי' כ"ד ס"ק כ"ו.
3. שו"ת מנחת יצחק ח"א סי' ס'. ■

STORIES Off the Daf

The Invalid Witness

"אני הוא עד שני פסול..."

On today's daf we find that even if the husband's messenger is a witness to the גט and he combines with the second witness to bear testimony about their signatures, the testimony is invalid. Tosafos explains that the messenger appears to be nogeah b'eidus, to have a conflict of interest.

A certain couple was always fighting. They were having a very difficult time for quite a while until the wife finally left home and moved back to her father's house. When the husband discovered that she had abandoned him, he was very upset.

He felt that the failure of their marriage was entirely her fault. In order to show her his displeasure he absolutely refused to give her a divorce. He was adamant. Nothing anyone could say to him made the slightest difference. He preferred to remain unmarried himself as a way of expressing his disgust for his wife.

Understandably, the young woman and her father were very distraught, but what could they do? The father, quite a wealthy man, cooked up a plan. He approached a good friend of his son-in-law and asked him to explain the situation to him. The father-in-law intimated that if the son-in-law granted his estranged wife a divorce, the young man who convinced him would be well paid for his intervention. Everything went precisely as planned. The son-in-law agreed to give a גט and his

friend even served as one of the witnesses.

After the divorce, the Rav of Gateshead, Rav Betzalel Rakover, zt"l, had halachic reservations. Didn't the young man who had convinced the son-in-law to give the divorce have a vested interest that the woman should receive it? Of course. If so, how could he serve as a valid witness on the divorce? It is certainly forbidden for a witness to take money for the divorce since he is nogeah b'eidus?

He decided to consult with Rav Elyashiv, at"l, regarding this problem. The great posek answered, "...This is not relevant here since, nowadays, women receive a separate document from beis din allowing them to remarry and it is clearly only after this that the woman's father will pay the young man who enabled his daughter to remarry. So he is actually paying for the