

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses the validity of delivering a גט that was temporarily lost.

2) **Delivering a lost גט**

A Mishnah from Bava Metzia is cited that seems to contradict our Mishnah by implying that a גט that was lost for a long period of time may still be delivered.

Rabbah resolves the contradiction.

The Gemara further qualifies Rabbah's explanation.

Two related incidents are presented.

R' Zeira notes a contradiction between our Mishnah and a Baraisa and then proceeds to resolve the contradiction.

According to some opinions R' Zeira's resolution is consistent with Rabbah and according to others it is not.

The Gemara explains why Rabbah and R' Zeira noted different contradictions.

R' Yirmiyah and R' Ashi offer their own resolutions to the contradiction between our Mishnah and the Mishnah in Bava Metzia and the Baraisa.

A related incident is recorded.

3) **Defining "לאחר-יד"–immediately**

A Baraisa is cited that cites different opinions regarding the definition of "immediately".

The citation of the Baraisa is interrupted to define the reference to an identifying mark on a גט. ■

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 לעלוי נשמת
 אסתר מניה בת אברהם אבא

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REVIEW and Remember

- Under what conditions is a found גט valid?

- What halacha changes when there are two people who share a name in the same town?

- Why didn't Rabbah present the same question as R' Zeira?

- What are the different definitions of the term לאחר-יד?

Distinctive INSIGHT

Returning a found גט

אמר רבא לא קשיא- כאן במקום שהשיירות מצויות, כאן במקום שאין השיירות מצויות

The Mishnah teaches that if a messenger bringing a גט to a woman loses the document, if he cannot find it immediately he may not deliver it even when he does find it later. We suspect that the document he finds may be that of a different couple with the same names. The Mishnah in Bava Metzia (18a) teaches that if someone finds a גט, he should not return it to the husband nor to the wife, unless the husband admits that he dropped it and he now commands that it be given. Our Gemara points out that this second Mishnah seems to suggest that a גט found even after an extended duration may be returned and used, thereby assuming that it is the same one that this husband had written. How can we resolve this with our Mishnah?

Rabbah answers that if the area is one frequented by caravans (שיירות מצויות), we must assume the גט found might have dropped from a passer-by. This is the law in our Mishnah in Gittin. If, however, the area is not frequented by caravans, it may be returned to be used by the husband.

Based upon an actual case, the Gemara proves that even when there are caravans passing by, Rabbah only suspects that this גט fell from someone else if it has already been determined that there are two men with the same name in this city (e.g. יוסף בן שמעון). Otherwise, there is no need to suspect that the גט found is not the one which was lost. This leads Tosafos to an obvious question: In order to resolve the contradiction between our Mishnah and that of Bava Metzia, why did Rabbah have to resort to saying that the case in Bava Metzia was where there were no caravans? Why not let the scenario match that of our Mishnah, but that our Mishnah is dealing where two men have the name (e.g. יוסף בן שמעון), while in the case of Bava Metzia no other man with the husband's name is found in the vicinity?

Tosafos explains that the order of events resulted in Rabbah's response. Our Mishnah taught that a גט cannot be returned if time has passed since it was lost. The event recorded in the Gemara occurred, and the court of Rav Huna ruled that the גט may be returned, even though many people

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HALACHAH Highlight

Visual recognition – טביעת עין

אי משום טביעות עינא ודוקא צורבא מדרבנן

Or was it returned because of my visual recognition and it was only because I am a rabbinical scholar

Ritva¹ cites his rebbi as ruling that the trustworthiness of a rabbinical scholar (צורבא מדרבנן) to use visual recognition (טביעת עין) is limited to a case where the rabbinical scholar is seeking to recover his own object. A rabbinical scholar is not believed through his visual recognition about another person's object since regarding another's object he is simply a witness, and a single witness is not believed to testify about a lost object. Ran², however, rules that a single witness is believed to testify about another's lost object. His rationale is that since the witness does not stand to gain through his testimony there is no suspicion that he would lie. Chemdas Shlomo³ elaborates on the position of Ran. Ran maintains that a single witness is believed in monetary matters only when it does not involve collecting money from someone who is in possession of that money (מוחזק). Since someone who finds a lost object is not legally in possession of that object the testimony of a single witness is accepted.

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were present (שיירות מצויות) because there were no men with the same name of the husband. Finally, the contrast was made between our Mishnah and the Mishnah in Bava Metzia, and Rabbah further explained that even if there are two men with the name יוסף בן שמעון, the גט may still be returned, if there are no caravans passing through. ■

Rav Elchonon Wasserman⁴ questions the position of Ran from our Gemara which allows a גט to be returned based on the testimony of a single witness similar to the case of a lost object. Granted a single witness may be acceptable in monetary matters, like returning a lost object, but what is the source that allows a גט to be returned on the testimony of a single witness when a woman's marital status is a matter of עריות and two witnesses should be required? He suggests that returning a גט that was lost is not considered to be a matter of עריות; rather it is merely to identify the owner of the גט. Since all that is necessary is to identify the owner of the document a single witness is also believed. The effect of this decision on the woman's marital status is an indirect consequence of identifying the owner of the גט and thus does not require two witnesses as do other matters of עריות. ■

1. ריטב"א כ"ז. ד"ה מצאו.
2. ר"ן חולין צ"ו. ד"ה ודוקא.
3. חמדת שלמה אה"ע סי' כ"ג אות נ"ז.

STORIES Off the Daf

Absolute Integrity

"ודוקא צורבא דרבנן אבל אינש בעלמא לא..."

On today's daf we see that a talmid chacham can identify an object to be his even though there are no obvious identifiable markings, but a "commoner" may not. Tosafos explains that we only allow a talmid chacham to identify such an object as his because he will not declare it his unless he is absolutely certain that it belongs to him. An ignoramus does not have this level of integrity.

True talmidei chachamim are always careful never to lie in any manner.

A group of donors whom in the past had helped the yeshiva in Radin extensively once came to visit the town. It is not surprising that this distinguished group was ushered into the august presence of the elderly Chofetz Chaim, zt"l, for a private audience.

One man who had done great favors for the yeshiva in the past said to the Chofetz Chaim, "Surely your honor remembers me. I came before you when I did a certain thing for the yeshiva at your behest."

The Chofetz Chaim's response was not designed to flatter the man: "I am already an old man and my memory is not what it used to be. I recall nothing of your earlier visit."

One of the members of the Chofetz Chaim's household preferred the Rav to act as though he remembered

this man's earlier deeds and said, "Surely you remember when this gentleman made such efforts to the lasting benefit of the yeshiva..."

The Chofetz Chaim, would have none of this of this, however. He glared at the member of his household and repeated his earlier statement, "I remember nothing at all."

After the group left, the meddling family member explained that he had tried to retract the Chofetz Chaim's earlier disclaimer since if he had succeeded, this donor would have given more money to the yeshiva.

The Chofetz Chaim's response was lightning-quick. "For the good of the yeshiva' is not one of the things for which it is halachically permitted to lie!"¹ ■

הצדיק רבי שלמה עמוד י"ח