

OVERVIEW of the Daf

1) Defining immediately (cont.)

The rulings of different Amoraim are cited regarding the definition of immediately.

The Gemara explains why these Amoraim didn't simply state that they were following the known opinions cited in the Beraisa.

2) Clarifying the Mishnah

The terms **דלוסקמא** and **חפיסה** are defined.

3) MISHNAH: The Mishnah teaches that an agent delivering a **גט** does not have to be concerned that the husband died and the Mishnah proceeds to expand this halacha to other cases as well.

4) The assumption the husband is alive

Rava asserts that if the husband was eighty or a goses the agent cannot assume the husband is alive at the time of the delivery of the **גט**.

Abaye successfully challenges Rava's assertion.

Alternatively, the Gemara offers a resolution to Rava's position.

Abaye contrasts our Mishnah with another Mishnah about whether we are concerned with the possibility of death.

Rabbah deflects the question forcing Abaye to reformulate the contradiction.

R' Ada the son of R' Yitzchok resolves the contradiction.

R' Pappa challenges the contradiction.

Abaye offers another resolution by distinguishing between the positions of R' Meir and R' Yehudah.

The respective opinions of R' Meir and R' Yehudah are cited.

Rava suggests a resolution that does not necessitate distinguishing between conflicting opinions.

This resolution is unsuccessfully challenged.

5) Sending a korban from outside of Eretz Yisroel

The Gemara wonders how a Korban Chatas could be sent from outside of Eretz Yisroel when the korban requires the owner to lean on the head of the korban.

Two explanations are recorded.

The Gemara explains why three cases are necessary to teach the principle that a person is assumed to be alive.

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Distinctive INSIGHT

If the messenger left the husband old and sick

המביא גט והניחו זקן או חולה נותן לה בחזקת שהוא קיים

The Mishnah teaches that if someone is sent by a husband who is either old or sick to deliver a **גט** to the woman, the messenger may complete his mission, and he may continue to assume that the husband is still alive. Chasam Sofer points out that the Mishnah only issues its ruling where the husband was old *or* sick, but not both, where he was old *and* sick. This seems to be indicated in Rashi, as well, as he comments on the word "וחולה" with the clarification "או חולה", emphasizing that it is either old or sick, but not both. Rashi emphasizes that the husband can only be assumed to still be alive if the messenger left him as old or sick, but not both. Chasam Sofer adds that the age at which the person is termed "זקן" is sixty years old (based upon Tosafos, Moed Kattan 28a, ד"ה מת).

Disagrees and says that the messenger may continue and deliver the **גט** even if the husband was both old and sick. Although the Mishnah states that the messenger set out when the husband was old or sick, the phrasing is not precise. The comments of Rabbi Akiva Eiger to Shulchan Aruch (Even Hoezer 141:10) leave this particular detail unresolved (צריך עיון).

Shiltei Giborim explains that when the Mishnah rules that the messenger may continue to assume that the husband is alive although he left him in a state of illness, this is only when the illness was natural, such as he was suffering from a bad cold or virus. However, if the husband was suffering from internal injuries due to having been wounded by another man, in this case we do not automatically assume that he will remain stable and survive indefinitely. In this case, we must take into consideration the possibility that the husband might not be alive. ■

REVIEW and Remember

1. At what age do we become concerned that someone will die?
2. What is the dispute between R' Meir and R' Yehudah concerning one who purchased wine from a **כותאי**?
3. What are the halachos that are R' Elazar ben Parta presented to the sages that were accepted?
4. When does the principle of **צטיח לפי תומו** not apply for a non-Jew?

HALACHAH Highlight

Davening for a patient in a different location

שרוב חולים לחיים וכו' שרוב גוססין למיתה

The majority of patients live ... the majority of goses patients die

Maharil¹ writes that one should not daven for someone who is ill if the patient is in a different location out of concern that the patient may have died or recovered. Nachalas Shiva² rejects this position and writes that it is evident from our Gemara that there are no grounds for this concern. Although there is a concern that someone may die (שמא ימות) there is no concern that someone already died (שמא מת). Even in a case where the patient was a גוסס and the majority of patients who reach the stage of גוסס die, nevertheless, it is permitted to daven on their behalf. The reason is that since Hashem's name is not invoked there is no violation of a prohibition.

Rav Chanoch Segal of Vienna³ wrote to the author of Nachalas Shiva asking him to retract his ruling. His reason was that in Germany they carefully followed the rulings of Maharil, in addition to other customs they scrupulously followed and if Nachalas Shiva issues a ruling against Maharil, those who hear the ruling will certainly rise to defend the honor of Maharil. Furthermore, there is a strong halachic basis for the ruling. It is known that the principle of רוב – majority, e.g. the majority of גוסס patients die, is a stronger principle than חזקה – presumption, e.g. it can be assumed that a patient remains in his present condition until one hears differently. Therefore, if the patient was a גוסס the principle of רוב indicates that the patient has died and it is inappropriate to daven for the recovery of someone who is dead. If the patient was not a גוסס than

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6) **MISHNAH:** The Mishnah presents additional cases where a person is assumed to be alive, and contrasts them with cases where one must be strict that the person may or may not be alive. An example of the last case is presented.

7) Someone taken out to be executed

R' Yosef asserts that a person taken out to be executed may or may not be dead if he was taken out by a Jewish court but if he was taken out by a non-Jewish court he is assumed to be dead.

R' Yosef's qualification is unsuccessfully challenged.

The Gemara begins to cite a second version of R' Yosef's qualification. ■

the principle of רוב indicates that the patient recovered and there is no reason to daven for someone who is healthy.

Nachalas Shiva responded that the issue of davening for the recovery of someone who is ill is a legal issue that is not subject to custom, thus the first concern is not relevant. Additionally, since patients who recover do not recover instantly it is logical to assume that although the patient is on the road to recovery he still requires the tefilos of others. Even if the patient was a גוסס one should daven for his recovery since there are a minority of patients who recover even though they were גוססים. Therefore, one should be strict and daven that this patient should be amongst that minority who will recover. ■

1. לקוטי מהרי"ל ריש הלכות שמחות.
2. נחלת שבעה תשובות סי' ל"ט.
3. מובא דבריו בנחלת שבעה סי' ע"ז.
4. נחלת שבעה תשובות סי' ע"ח. ■

STORIES Off the Daf

The Deathbed Riddle

"שרוב גוססין למיתה..."

When the Rav who served in Prague before the Nodah B'Yehudah, ז"ל, was clearly at the very end of his life, as he lay on his deathbed, the distinguished members of his community approached his bed and asked him a burning question. They, like all of Prague's Jewish community, needed to know one thing: "Who is worthy to be appointed the next Rav of our illustrious city?"

The Rav's answer was enigmatic in the extreme. "דלמא ר' מאיר היא"

perhaps it is Rav Meir," he whispered.

He never spoke again and shortly thereafter passed away.

After much puzzling regarding what the Rav could have meant, the communal leaders had a brilliant idea; they would test suitable candidates by telling them this story and asking them to explain the Rav's cryptic reply. The man who could understand his meaning would be the new Rav of Prague.

As they went from city to city telling this riddle to any suitable candidate, all were completely flummoxed. Finally they came to the town of Yampol where the Nodah B'Yehudah then served as Rav. Immediately after hearing their puzzle he replied, "Know that in Gittin 28 we find

that most גוססים, most people in death throes, will die. But Rav Meir doesn't agree with the majority since he always takes account of the minority that will live. Your Rav was quoting the language of the Gemara: דלמא ר' מאיר היא – perhaps it is Rav Meir. Although most גוססים will die, perhaps in this case it will be as Rav Meir holds and I will not die, and you will not need another Rav for the city."

Everyone was astounded by this simple yet brilliant insight, and the Nodah B'Yehudah was appointed Rav of the illustrious city of Prague! ■

משרתיו אש לוחט, חלק אי עמוד קע"ט