

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses cases where the husband throws the **ט** to his wife from the ground to the roof or from the roof to the ground.

2) Clarifying the Mishnah

Different explanations are presented why the **ט** is valid as soon as it reaches the airspace of the roof.

Different explanations are recorded why the **ט** is valid as soon as the **ט** leaves the airspace of the roof.

R' Abba asserts that the Mishnah follows Rebbi who says that something that is contained is considered as if it has come to rest.

Ulla rejects this parallel.

A second version of this discussion, with different names, is recorded.

R' Nachman in the name of Rabbah bar Avuha qualifies the ruling that states that the **ט** is valid even if it is erased before it lands in her courtyard.

R' Nachman in the name of Rabbah bar Avuha qualifies the ruling that states that the **ט** is valid even if it is burned.

3) Using the husband's airspace

R' Chisda states that if the husband designated one piece of property for his wife to use to acquire her **ט** she may not use another piece of property for that purpose.

Rava explained how R' Chisda derived this halacha from our Mishnah.

Rami bar Chama rejected the assertion that the Mishnah is the source for this halacha.

Rava asserts that there are three laws that are unique to divorce documents and he proceeds to enumerate each of those laws.

4) A woman's airspace

Abaye issues a ruling related to a woman acquiring a **ט**

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REVIEW and Remember

1. Explain קלוטה כמי שהונחה דמיא.
2. What are the three unique characteristics of divorce documents?
3. What is an old **ט**?
4. What is the consequence of divorcing a woman with an invalid **ט**?

Distinctive INSIGHT

*A **ט** floating in the airspace of a yard, headed for a fire*

לא שנו אלא שקדם **ט** לדליקה, אבל קדמה דליקה ל**ט**, לא, מאי טעמא מעיקרא לשריפה קאזיל

The halacha is that a yard can serve to acquire an object for the owner of the yard, even if the object is still in the air before it hits the ground. The Gemara in Bava Metzia (12a) discusses a scenario where an object is thrown into the air of someone's yard whereby it will not land on the ground. For example, it is thrown through a window on one side of the yard, and the object flies straight through the air and out a window on the other side of the yard. Rava poses the question whether the airspace of the yard acts to acquire the object even in this situation, or whether we say that the airspace of a yard acquires an object only when it will eventually land on the ground itself.

The Rishonim note that in our Gemara, Rav Nachman explains the Mishnah in a manner which is similar to the case of the inquiry of Rava in Bava Metzia. A man tossed a **ט** into the woman's yard, where a fire was burning. The **ט** floated in the air of the yard, as it headed into the fire where it was burned and destroyed. The halacha is that the **ט** is not valid in this case, as the woman never acquired it. We see conclusively that the airspace of a yard does not have the ability to acquire if the object will never land on the ground. Why does Rava not resolve his question from our Mishnah and the accompanying explanation of Rav Nachman?

Ramban explains and answers this question based upon another Gemara in Bava Metzia (102a). If a box owned by Reuven is placed in the yard of Shimon, and an object is tossed into the yard and into the box of Reuven, Shimon does not acquire the object as it flies through his airspace, even though the item is on its way to hitting the ground. The reason is that we know that the object is flying through the airspace of the box of Reuven, and not the airspace of the yard of Shimon. Ramban notes that in our case as well, the **ט** is not at all in the airspace of the yard of the woman, but it is rather in the airspace of the fire. In fact, Ramban notes that if a utensil is considered an interruption, a fire is certainly a factor to say that the **ט** is not flying through the yard. The case of Rava, however, is where the object is clearly in the airspace of the yard, and there is nothing interceding between it and the ground, just that it will not hit the ground. ■

Today's Daf Digest is dedicated

לזכר נשמת
 הרב הקדוש רבי אלימלך בן הרב הקדוש רבי אליעזר ליפמאן זצלה"ה
 מליזענסק

HALACHAH Highlight

Fulfilling the mitzvah of tefillin once it is in the airspace of one's head

כיון שהגיע לאויר הרי זו מגורשת

Once it reaches the airspace of the roof she is divorced

Teshuvos Halachos Ketanos¹ addressed the following incident. There was once a man who entered into a conversation as he was holding his tefillin shel rosh over his head ready to put it onto its place. The question is whether we can apply the principle of our Gemara that an object that will eventually come to rest is considered as if it is already at rest and thus his conversation did not constitute an interruption between the beracha and the fulfillment of the mitzvah since the tefillin were above the place that they would eventually come to rest or perhaps the principle cannot be applied in this case and he did, in fact, interrupt between the beracha and the mitzvah. Halachos Ketanos ruled that this principle cannot be applied in our case and the conversation was an interruption between the beracha and the mitzvah. The reason is that the principle is limited to something that is in the air and will inevitably come to rest on its own but it cannot be applied to an object that a person holds in his hands since he may decide not to put it down in its place.

Beivur Halacha² cites the explanation of Artzos Hachaim why the principle cannot be applied to the case of tefillin. He explains that the mitzvah of tefillin is fulfilled only when a person fastens the tefillin to his head but if they are merely resting on his head, even if they are in place, the mitzvah is not fulfilled, thus the principle that an object that will come to rest is considered as if it is already at rest does not facilitate fulfillment of the mitzvah of tefillin.

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when it enters her airspace and contrasts this halacha with a case of two boxes.

Abaye explains why in the case of boxes the גט is valid once it lands in her inner box.

5) **MISHNAH:** Beis Shammai and Beis Hillel dispute the validity of an old גט and the Mishnah defines when a גט is considered old.

6) Clarifying the dispute

The Gemara identifies the point of dispute between Beis Shammai and Beis Hillel.

A disagreement is recorded pertaining to the use, בדיעבד, of an old גט.

7) **MISHNAH:** The Mishnah begins to discuss errors related to writing the גט and the consequences that result from the use of a גט that was invalidated in such a way. ■

Teshuvos Beis Shearim³ suggests a different distinction. The principle that an object that will come to rest is considered as if it is already at rest applies to issues related to domains since in that case one can assert that there is a relationship between the airspace and the land that is beneath it. For example, when a person purchases a parcel of land he becomes the owner of the airspace above his land, thus we can apply this principle. In contrast, regarding the mitzvah of tefillin there is no relationship between the airspace above a person's head and his head. Therefore, this principle cannot be applied to achieve fulfillment of the mitzvah of tefillin. ■

1. שו"ת הלכות קטנות ח"ב סי' מ"ב.
2. ביאור הלכה סי' כ"ה ד"ה ואם הפסיק.
3. שו"ת בית שערים או"ח סי' כ"ד. ■

STORIES Off the Daf

An Expired Divorce

"אם נתגרשה תינשא לכתחילה..."

A certain childless man grew very ill. He worried for his wife and ordered that a divorce be written and given to her so she would be free from yibum. When he gave it to her he stipulated that it would be a divorce from that instant if he died from his present affliction.

Even after she received the document she remained with her beloved husband until the very end. He was very frail and

trembling. Eventually he even lost his mind. Since he was so debilitated, he required people to attend him. Although attendants were often present, no witnesses were checking to make sure they were not alone together. After his death, she wished to remarry but the Rav of the town pointed out a problem. Since she may have been alone with her husband during his last days, the גט may be a גט ישן which would not release her from yibum.

He decided to consult with the Rashbah, זת"ל, and received the following response: "She does not need chalitzah... First of all, if one divorces with a גט ישן it is a valid divorce after the fact. This is clear

from Gittin 79. There we find a dispute whether Beis Hillel permits a woman to marry לכתחלה if she received a גט ישן. Since the prohibition of a גט ישן is Rabbinic, we can rely on the lenient opinion.

"In any event, the Yerushalmi states that a גט ישן only applies if their seclusion was witnessed by two observers. Even if there had been two witnesses that knew they were together alone, as long as the couple themselves weren't aware that their seclusion was witnessed we need not suspect that reestablished their relationship."¹

1. שו"ת הרשב"א, חלק א', אלף רמ"ג