

הרי זה גיטיך אם מתי מחולי זה לאחר מיתה –

This is your *Get*: if I die; from this sickness; after I die

OVERVIEW

The *גמרא* cites a *משנה* which states three cases where a *גט* is ineffective; where the husband either said, this is your *גט*: if I die, or [if I die] from this sickness, or (it should become effective) after my death. *תוספות* discusses the structure and the need for this *משנה*.

¹ *משנה* discusses the structure of the *תוספות*:

לאחר מיתה הוי טעמא² דכולהו -

The reason why all these three *גיטין* are invalid is because the husband made them take effect **after death, and there is no *מיתה* *גט* לאחר *מיתה*.**

תוספות finds a similar situation:

כמו אתם³ ולא אפוטרופסין⁴ ולא שותפין⁵ ולא אריסין⁶ -

Just like the *בריייתא* which states that the word *אתם* (regarding the separating of *תרומה*) excludes; **but not guardians, but not partners, but not sharecroppers -**

ולא כל התורם את שאינו שלו⁷ (גיטין דף נב,א) -

but not one who separates *תרומה* for crops which are not his; in all these cases the *תרומה* is invalid, there too the reason the *תרומה* is invalid -

דכולהו הוו משום תורם את שאינו שלו -

In all those cases is because they are all considered as one who is crops which are not his –

¹ Seemingly once the *משנה* taught the first two cases of *אם מתי* and *מחולי זה* (where it is possible to interpret his intention that it should be *מעכשיו* (חל מעכשיו) that it is not a *גט* (presumably because *מיתה* (אין *גט* לאחר *מיתה*), then certainly *מתי* (where he stated explicitly that it should be effective only (לאחר *מיתה*) it is surely not a *גט*; why mention the last case of *מתי*).

² *לאחר מיתה* is not merely a third case, but rather it explains why it is not a *גט* in the previous two cases.

³ The *תורה* writes (in *במדבר* [קרח] יח, כח) in regards to the separation of *תרומת* [מעשר] by the *לויים* that *אתם* (כן תרימו גם אתם) that *אתם* (you, who are the owners) is understood to exclude, from separating *תרומה*, anyone who is not the owner;

⁴ An *אפוטרופוס* is one who is appointed as a guardian to manage the estates of minors. However he does not own any of their assets and cannot be *תורם* for them.

⁵ A partner cannot be *תורם* the share of his (other) partner, only his own share.

⁶ A sharecropper does not own the crops; he merely receives his share after they are harvested. He cannot be *תורם* on behalf of the landowner.

⁷ There is the same issue in the cited *בריייתא*. Once we know that *אפוטרופסין שותפין וכו'* cannot be *תורם* (even though they have somewhat of an interest in the crops), then certainly a *תורם שאינו שלו* (who has no interest at all in the crops) cannot make it *תרומה*; why mention the case of *התורם שאינו שלו*. See *ד"ה אתם* there רש"י.

