

13.13.6

113b (נשתטית) → 114b (סיום הפרק)

1. כי יקח איש אשה ובעלה והיה אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר כרייתת ונתן בגדה ושלחה מביתו: דברים פרק כד פסוק א
 2. כל הולך על גחון וכל הולך על ארבע עד כל מרבה רגלים לכל השרץ השרץ על הארץ לא תאכלום כי שקץ הם: ויקרא פרק יא פסוק מב
 3. על בן אמתתי לבני ישראל כל נפש מקם לא תאכל דם והגר הגר בתוככם לא יאכל דם: ויקרא פרק יז פסוק יב
 4. ויאמר ה' אל משה אמר אל ההניגים בני אהרן ואמרת אליהם לנפש לא יטמא בעמיו: ויקרא פרק כא פסוק א

- I Analysis of משנה א – status of שוטה as undivorceable:
- If she doesn't know how to care for her גט and doesn't understand "leaving" – no גירושין מה"ת (v. 1)
 - If she does know how to guard her גט and herself – may be divorced
 - If she does know how to "leave"/guard גט but can't protect herself – מדרבנן cannot be divorced:
 - Reason: so that she shouldn't be taken advantage of
 - Support (that that is the case in our משנה): she "can't leave" (מדרבנן), he "can't ever divorce" (מה"ת)
- II Analysis of משנה ב: ריב"ג's challenge:
- Question: did he question inability of חרש to divorce or ability of חרשה to be divorced?
 - Answer1: since their response explained requirement of man's דעת → he questioned man's inability
 - Challenge: from his quote of ריב"ג's testimony and their response → he questioned woman's ability
 - Answer2: his own approach is consistent – both must be *compos mentis* to divorce; he challenged their distinction
- III Analysis of testimony of ריב"ג (משנה ב')
- Application (רבא): since we don't need her דעת, if he shows the גט to witnesses and tells her it's a פקדון, כשר, even though his latter statement may be understood as canceling the גט – he was just embarrassed to tell her (if he really wanted to change the meaning of the שטר, he would've told the witnesses)
- IV Tangential discussion re: responsibility for religious behavior of קטן (חרש)
- Story: keys to שבת ביה"מ lost on שבת, רה"ר ר' פדת instructed to have קטנים search; if they find them, they'll deliver
 - Possible support: ruling that we may not tell a קטן to uproot or carry, but we may allow him
 - Block (אב"י): perhaps this is carrying in a (דרבנן) or uprooting from a potted plant (דרבנן)
 - Challenge: we allow non-Jew to extinguish a fire, but not a קטן
 - Answer: קטן here is acting on his father's directive
 - Challenge: (parallel) is non-Jew acting on Jew's directive? (also prohibited)
 - Defense: non-Jew (adult) is acting of his own volition, unlike minor
 - Possible support: ruling that a בן חבר may eat at his grandfather's (עם הארץ) house
 - Block: דמאי – leniency
 - Possible support: ruling that a כהן may eat at his grandfather's (עם הארץ) house – no concern for תרומה טמאה
 - Block: תרומה דרבנן
 - Possible support: Jewish child may nurse from תמאה טמאה, עכו"ם, בהמה טמאה – no concern for שיקן טמא
 - block: case of health concerns (גדול isn't allowed w/o diagnosis; קטן is always in danger vis-à-vis חלב)
 - tangent: בהמה טהורה בי"ט testified that they would nurse from אבא שאול
 - Reason: nursing is (דרבנן) מפרק כלאחר יד – only גוזר on שבת (סקילה), not י"ט (מלקות)
 - Challenge: vv. 2-4 are understood to expand to איסור
 - Answer(s): prohibition is to provide קטן with חפצא (food, טומאה), not to passively allow them to violate
 - Justification: כרת → דם; amount of חיוב for שקצים is כול שהוא; כל טומאה only applies to הניגים
 - Challenge: משנה ד, case 1 – man must divorce חרש (may not maintain her באיסור)
 - Answer: due to her איסור
 - Challenge: משנה ד, case 2 – man must divorce חרשה (may not maintain her באיסור)
 - Answer: due to his איסור
 - Challenge: משנה ד, case 3 – man must divorce his wife (חרשה) – both of them are קטנים
 - Answer: precaution against allowing a שווק (the יבמה, who is a פקחת)