

18.01.06; 9a (משנה ג) → 10b (והיו עדי עד כותים והכשיר)

- I גט: if someone brings a גט from מדה"י and cannot say בפ"נ ובפ"נ – we can validate the שטר with standard קיום
- a explanation: he became mute after handing it over, before making the declaration
- II ד' משנה: one of the ways in which גט is parallel to שחרור עבדים – in both cases, we require בפ"נ ובפ"נ
- a other two ways: (note: all 4 of these will be explained within this chapter)
- i all שטרות with a כותי witness are **invalid** – *except* for ושחרור גט
- ii all שטרות produced in non-Jewish courts – even with non-Jewish witnesses – are **valid**, *except* for ושחרור גט
- b ר"מ has a fourth way: if someone appoints agents to give a גט or שחרור, he may retract either שליחות
- c analysis: we understand the enumeration according to רבנן – it excludes ר"מ's "4<sup>th</sup>"
- i however: what does ר"מ exclude with his enumeration ("four")?
- ii Answer: the rule of aiding ignorant witnesses sign their names – only applies to גט, not שחרור
- 1 Background: in such a case, we tear out the shape of their name and they fill with ink; in case of שחרור and other שטרות, if they don't know how to write their names, they don't sign
- 2 Aside: if they are illiterate, we read the text in front of them (in all שטרות)
- d Challenge: are there no other unique commonalities to גט ושחרור?
- i Example: if a מרע שכיב directs a גט or שחרור be written and dies, we don't write it
- 1 Defense: that is true about all שטרות (because שטר לאחר מיתה)
- ii Example: requirement of לשמה
- 1 Note: according to רבה, that's included in unique commonality #1 – מוליק ומביא
- 2 However: according to רבא, why isn't it mentioned?
- 3 Additionally: both agree that a גט and שחרור, if written on מחובר, are invalid
- 4 Answer: these פסולים דאורייתא (מחובר, לשמה) - list includes requirements/פסולים which are דרבנן
- (a) Block: non-Jewish courts are a פסול דאורייתא and it's listed
- (b) Answer: according to ר"א (who places all of the validation of the גט on מסירה) – not מה"ת
- (c) Challenge: in ר"ש, סיפא ר"ש (who is associated with ר"א's opinion) validates even גיטי נשים
- (i) Implication: the one who invalidates גט is *contra* ר"א (e.g. ר"מ)
- (d) Answer: both ת"ק and ר"ש accept ר"א; their disagreement is whether we should allow the גט if the names of the non-Jewish witnesses are clearly non-Jewish, so that no one will mistakenly think that the witnesses are generating הגט נשות
- 5 Challenge: retracting (גט, שחרור) is מה"ת and is listed
- (a) Rather: we only list unique features which don't apply to קידושין; retracting in case of קידושין is irrelevant, since there is always a demand for mutual consent in קידושין, unlike גט and שחרור
- III הו משנה: any שטר which has a single כותי witness is invalid – *except* for ושחרור עבדים
- a story: they once brought a גט אשה and ר"ג with 2 עדים כותיים and he declared it valid
- b note: משנה apparently is at odds with ר"א and ת"ק, ר"א and רשב"ג (in re: מצה made by כותי)
- i ת"ק – may be used for פסח (→ should validate עדים כותים – even 2 – on any שטר)
- ii ר"א – may not be eaten on פסח (→ shouldn't accept even one anywhere, including ושחרור גט)
- iii רשב"ג – the כותים are stricter than we – but only regarding those מצוות which they accepted upon themselves (if they accepted proper laws of testimony – should always be valid; otherwise, never)
- c suggestion: its רשב"ג and they only accepted laws of testimony for ושחרור גט
- i rejection: than he should allow even 2 for ושחרור גט
- 1 and: we know (from ר"א) that we only validate 1 כותי witness
- (a) question: isn't this obvious from the wording of the משנה?
- (b) Answer: perhaps we even allow 2; we mention 1 to show that even 1 is invalid in other שטרות
- (c) Challenge: but ר"ג permitted 2 (at the end of the משנה)
- (i) Answer1: perhaps the reading is עדו (עדין) – only permitted 1 and the story supports ת"ק
- (ii) Answer2: ר"ג disagrees with ת"ק and allows 2, as per the story
- d answer: it must be ר"א (who considers the כותים suspect regarding all practices)
- i case: the ישראל signed after the כותי and he wouldn't have done so unless the כותי was a proper עד
- ii challenge: why not permit this for all שטרות?
- iii Answer: we're concerned that the ישראלי signed below, leaving space for a more honored עד to sign over him
- 1 Conclusion: evidently, in case of ושחרור גט, no witness signs without the other witness present (otherwise, we should be concerned that even in this גט, with the ישראל's signature above the ישראל, the ישראל signed first without knowing the כותי)
- (a) Reason: precaution against case of כולכם (where the husband insisted on them signing together)