

18.02.06

20a (גופא שלחו מתם) → 21a (שכן אב מקבל גט לבתו קטנה בעל כורחה) → 21a (גופא שלחו מתם)

1. כי יקח איש אשה ובעלה והיה אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר פרישת ונתן בידה ושלחה מביתו: דברים כד, א
 2. ויעשו את ציץ גזר הקדש זהב טהור ויקתבו עליו מכתב פתוחי חותם קדש לה: שמות לט, ל
 3. ואקח את ספר המקנה את החתום המצוה והחקים ואת הגלוי: ירמיהו לב, יא

- I Revisiting the ruling validating writing on הנאה איסורי
- a *Support*: from our משנה – valid if written on an olive leaf (worth nothing)
- i *Rejection*: it can be joined with other olive leaves for some use (to lie on e.g.) – but not הנאה איסורי
- b *Support*: הלכה לוי ensured teaching this ruling in such a way that it would be accepted → it is the proper הלכה
- II Engraving and embossing a גט
- a v. 1 (וכתב) implies – not engraving
- i *Challenge*: if a slave has a writ of emancipation which is engraved on a board – valid (but not on jewelry)
- 1 *Answer*: engraving is valid, not embossing (which is excluded by וכתב)
- 2 *Challenge*: גיץ is described (v. 2) as being "embossed" as are gold coins (which are embossed)
- (a) *Answer*: akin to coins in that it is raised; unlike coins in that it is embossed
- 3 *Tangential question*: does a minting stamp carve out space or force the images together
- (a) *Answer (רבינא)*: it makes a depression
- (b) *Challenge*: גיץ is described as being made like gold coins
- (i) *Answer*: unlike coins – the pressure was applied from back side on גיץ (pushing letters out)
- b *Related question*: if he engraved a גט on a strip of gold and gave it to her as both גט and her כתובה –
- i *Answer*: she has received both
- 1 *Challenge*: if he gives גט on a valuable material & stipulates that the remainder is her כתובה – she has been paid
- (a) *Implication*: if there was no remainder for the כתובה – it wouldn't be considered כתובה-payment
- (b) *Defense*: even if there is no remainder (apart from the גט), it is good – ruling teaches that even if there is a remainder, he has to stipulate it explicitly; else it isn't a payment, since it is simply the margins of the גט
- c *ruling*: if he stipulated that the parchment remains his – invalid; if he gave it to her ע"מ that she returns נייר - valid
- i *question*: what if he stipulated that between the lines is his – תיקו
- 1 *challenge*: why not infer from v. 1 (ספר) that it must be 1 single text, not one interrupted (by his ownership)?
- (a) *Answer*: could be a case where the lines connect, serpentine-like, and his portion wouldn't interrupt
- d *Question*: if a slave was known to be his and a גט was written on his hand, but she presents him – is it a גט?
- i *Lemma1*: do we say that the husband gave the slave to his wife (as a גט) OR
- ii *Lemma2*: do we say that the slave left of his own accord?
- 1 *Challenge (רביא)*: the text can be forged (on his hand) → גט is invalid in any case
- 2 *Note*: that challenge applies to the case in our משנה as well
- (a) *Provisional answer*: גט follows משנה – ר"א – that the עדי מסירה are the generators of גירושין
- (i) *However*: רמי בר חמא, who asked the question, (and follows ר"מ) must interpret the case as a tattoo
- (ii) *Further note*: רביא could also interpret the משנה as a tattooed גט
- iii *Final ruling*: since we say that there can be no חזקה on animals (since they wander on their own) we don't accept גט
- e *Parallel question*: if a writing-pad, known to be hers, has a גט written on it but he produces it
- i *Lemma1*: did she give it to him to write the גט OR
- ii *Lemma2*: does a woman even know how to generate a proper קנין (in which case it is still hers and no גט)
- iii *Attempted proof #1*: elder would lend money to all and write the שטר הלוואה himself – lack of המקנה (v. 3)
- 1 *Rather*: it seems that he was מקנה the document to them as borrowers
- 2 *Rejection*: an elder is different; he certainly knows how to effect a קנין
- iv *Attempted proof #2*: an ערב, who signed below the witnesses can be collected from (only בני חורין – no ערבות to עדים)
- 1 *Rejection*: perhaps men know how to generate a קנין (of his own potential obligation to pay)
- v *Proof*: a woman may write her own גט (and a husband – the receipt for the כתובה) since שטרות follow the חתימות
- f *דבא*: if he gives a גט to his slave and then writes a שטר מתנה, gifting the slave to her – she gains both

- i *challenge*: we assume that she gains the גט due to חצר קנין חצר – but the slave is a moving חצר (חצר מתהלכת)
 - 1 *answer*: he could be standing (*rejection*: anything that can move, isn't considered a חצר even if standing)
 - 2 *solution*: he was tied down (no possibility of movement)
- g **זבא**: if he gifts her a yard and puts the גט into it – she gains both
 - i *justification*: "slave", א"א חצר no חצר as precaution of חצר that she gets after; חצר, א"א disallow "slave" as a precaution against a case where he isn't tied down
- h **אבני** (challenge) – חצר is an extension of her hand, and she only accepts it with consent; but a גט may be given against her will – how does חצר work for קנין הגט?
 - i *Block*: same is true about שליחות לקבלה
 - ii *Defense* (אבני): שליחות isn't an extension of יד – it comes from the פסוק (v. 1 – ושלחה)
 - iii *Alternatively*: שליחות לקבלה does have a coercive component – when the father accepts her גט on her behalf