

18.02.07

21a (על העלה של זית) → 22b (התם עצה טובה קמ"ל)

1. פי קח איש אשה ובעלה והיה אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר קריתת ונתן בגדה ושלחה מביתו: דברים כד, א
 2. ויצאה מביתו והלכה והיתה לאיש אחר: דברים כד, ב
 3. ... לקוח את הספרים האלה את ספר המקנה הזה ואת החתום ואת ספר הגלוי הזה ונתתם בכלי חרש למען יעמדו ימים רבים: ירמיהו לב, יד

- I Analysis of last clause of משנה – using an olive leaf etc. as a גט
- a Understood why we give the slave (can't cut off his hand) – but why not cut off the cow's horn and give it to her?
- i Answer: v.1 – וכתב...ונתן → it must be written in such a way that only "giving" is missing to complete it
- II Analysis of ריה"ג's dissent (no living things or foodstuffs)
- a Reason: text (v. 1) requires ספר – just as a parchment is neither alive nor food stuff, similarly a גט
- i Counter: רבנן – ספר means "narrating the process" (since it doesn't say בספר)
- ii Question: how do רבנן interpret וכתב (which ריה"ג used to expand to nearly all canvases)?
- 1 Answer: she can only be divorced through writing, not כסף (א"ס infer from קידושין via והיתה – v. 2)
- 2 Counter (ריה"ג): that's inferred from ספר כריתות – only a ספר can generate excision of the relationship
- 3 Response (רבנן): כריתות is used to teach that the excision must be complete (not a life-long condition e.g.)
- 4 Counter (ריה"ג): infers that from the use of כריתות as opposed to כרת
- 5 Response (רבנן): כרת and כריתות are essentially the same, nothing to infer from the alternate use
- III 'משנה ד': invalid materials for the "canvas" of the גט
- a מחובר (something still attached to the ground) is invalid
- i if: he wrote it on מחובר, then detached it and had the עדים sign and gave it to her – valid
- 1 challenge: first it said that one may not write on מחובר – then it permits it
- (a) answer1: if he left מקום התורף (the names, places, date and phrase אדם (הרי את מותרת לכל אדם), then detached it and filled in the תורף, valid
- (i) however: לכתחילה we don't allow it as a precaution against writing the תורף
- (ii) Follows: ר"א – עדי מסירה כרתי – ר"א
- (b) Answer2: it states חתמו in the משנה → follows ר"מ (עדי חתימה כרתי) ר"מ
- (i) However: לכתחילה we don't allow it as a precaution against signing במחובר
- ii dissent: יהודה ר' invalidates unless both the writing and signing happen after it's detached from the ground
- b בתירה and the parchment:
- i May not use erased papyrus, nor דיפתרא (kind of pelt) since it can be forged
- 1 דיפתרא is most intensely worked of deficient skins (more than מצה, and חיפה)
- ii Dissent: חכמים permit
- 1 Identity: ר"א (עדי מסירה) ר"א
- 2 ר"א (the אמורא): he only permits if signed immediately; otherwise, may have been a תנאי that the עדים forgot
- 3 ר"א: יוחנן: he even permits after a long time; if there had been a condition, they would have remembered
- 4 ר"א: he only extends this permission to גיטין, but regular שטרות are governed by v. 3
- 5 ר"א: יוחנן: he extends this to all שטרות – v. 3 is simply good advice
- IV Series of question related to מחובר
- a If you wrote it on the pot of potted plant – valid; on a leaf of plant in a pot (with a hole in the bottom → מחובר)
- i אבוי – valid - if you give her the pot
- ii רבא – invalid, as a precaution against cutting the leaf (which is מחובר) after writing the גט
- b if the pot is owned by 1 and the seeds by another:
- i if the pot-owner sold out to the seed-owner, once the seed-owner pulls the pot, it's his
- ii if the seed-owner sold out to the pot-owner, it isn't his until he makes a חזקה on the seeds
- iii if they belong to one and he sells to another, making a חזקה on the seeds gives him the pot as well -
- 1 based on the principle that נכסים שיש להם אחריות can be acquired with אחריות להם נכסים שאין להם אחריות vis כ"ח
- 2 however, if he holds the pot, he hasn't even acquired it without making a חזקה on the seeds
- c if the hole of the pot is in א"י (and the plant hasn't taken root) and the branch goes out to חו"ל –
- i אבוי – follows the hole (א"י); רבא – follows the branch (חו"ל)
- ii note: dispute יהודה/ר"מ about ownership of "in-between" vegetables is about potential for control
- iii note: dispute רשב"ג/חכמים about mixed חולין/טבל is about roots that are split between חו"ל/א"י
- 1 explanation: divided as to how to view roots – earth separates them but they mix in the air above it