

18.02.09

23b (משנה ז) → 24a (סיום הפרק)

- I גט שליחה to bring a גט inclusion of all (competent) women to be משנה ז
- a even those 5 women who aren't believed to testify about the death of a husband (יבמות טו:ד) are valid שליחות
- i his mother (חמותה)
 - ii his sister (בת חמותה)
 - iii her co-wife (צרתה)
 - iv her sister-in-law (יבמתה)
 - v her step-daughter (בת בעלה)
 - 1 note: they aren't believed to testify about his death since they may be intending to disrupt her life, having her marry illicitly and then lose both "husbands" when the "dead" man appears
 - 2 reason: here, the text supports their testimony
 - vi challenge: ruling that the same 5 women are not trusted to bring her גט
 - 1 answer1 (רב יוסף): accepted within א"י, where we aren't relying on their declaration
 - (a) Challenge (אביי): opposite is reasonable:
 - (i) In א"י if the husband comes and challenges, we believe him
 1. reason: they might be trying to disrupt her life;
 - (ii) In חו"ל in any case the husband won't be believed if he challenges the validity of the גט
 1. therefore: they must be telling the truth
 - 2 Answer2 (אביי): as per above – they are believed if they bring it from חו"ל and declare בפ"נ בפ"נ
 - 3 Support from ר"ע ברייתא proves that the wife is believed:
 - (a) If: these 5 women, who aren't believed to testify to his death, have credibility to bring the גט
 - (b) Then: certainly, the wife, who is believed to testify regarding the husband's death – is believed
 - (c) And: just as they must state בפ"נ בפ"נ, so must she
 - (i) → the referent is bringing from חו"ל (contra ר' יוסף)
 - (ii) Support: from our משנה, where the wife is said to be able to bring it, but must declare בפ"נ בפ"נ
- b The wife herself may bring the גט, but she must declare בפ"נ בפ"נ
- i Challenge: once she has the גט in her hand, she's divorced
 - 1 Answer1: he said to her "you are not divorced until you appear in front of בית דין פלוני"
 - (a) Block: once she appears there, she should be divorced
 - 2 Answer2: he stipulated that when she gets there, she should put it on the ground and acquire it from there
 - (a) Block: that's a case of "טלי מע"ג קרקע" which is always invalid
 - 3 Answer3: he made her a שליח להולכה until she gets there, then she appoints herself as a שליח לקבלה
 - (a) Block: the שליחות never returns to its dispatcher
 - 4 Answer4: he made her a שליח להולכה until she gets there, then she is to appoint a שליח לקבלה
 - (a) Block: there is a dispute if a woman may appoint a שליח to receive a גט from her husband's שליח
 - (i) Defense: the reason for dissent there is due to a slight in his honor; here, he is directing this move
 - (ii) Note: this is only a valid defense if we accept that the opposition to allowing her to appoint a שליח to receive the גט from his שליח is an issue of honor; but if it is a precaution against her gaining a גט after he throws the גט in there (which is invalid) - still unworkable
 - 5 Answer5: he appointed her as שליח להולכה until she gets there, then she is to appoint another שליח להולכה and receive it from him
 - 6 Alternately: he appointed her שליח להולכה, directing her to come to בי"ד, declare בפ"נ בפ"נ and appoint בי"ד as agents to give her the גט