

18.03.05; 29a (משנה ה') → 30a (אין אונס בגיטין)

Note: ת"ק maintains that a שליח may appoint another שליח; רשב"ג disagrees; ת"ק concedes the point if the husband said "you take it to her"

- I 'משנה ה': extending שליחות when there is no requirement of **בפ"נ ובפ"נ** (א"י brought within גט)
- a if a שליח gets sick, he may appoint another שליח
- i רב כהנא: this is only if he is sick
- 1 attribution and circumstance: (see note)
- (a) if the husband said "take it": ת"ק should allow it whether or not he's sick; רשב"ג should disallow it in any case
- (b) if the husband said "you take it": both ת"ק and רשב"ג should disallow it
- (i) answer1: he just said "take it" and even ת"ק only permits it if the שליח gets sick
- (ii) answer2: he said "you take it" but we make a dispensation if the שליח got sick
- (iii) answer3: it follows רשב"ג and he makes a dispensation if the שליח got sick
- ii challenge: ruling that if a man tells 2 or 3 to write and deliver a גט, they alone may do so – not a שליח
- 1 answer1 (אב"י): that's due to the shame of the בעל (that he doesn't know how to write it) – irrelevant in our case
- 2 Answer2 (רבא): he only gave them instructions (מילי) which cannot be passed along to another agent
- 3 Split the difference: if he instructed that a שטר מתנה be written; it still fails as מילי but carries no stigma
- 4 Note: this is a dispute שמואל רב – whether a שטר מתנה should be treated like a גט (position of שמואל) or not (רב)
- b however: if the husband requested that he take back an object from her, he may not extend the שליחות
- 1 reason: the husband doesn't necessarily want that object in another's hands
- 2 analysis:
- (a) ג"ל: this is where רבי taught that a renter may not lease out and a borrower may not lend the item
- (b) ג"י: that's obvious – rather, in some cases, the גט will be invalid
- (c) note: all agree that if she gives the שליח the object and then he gives the גט – it's valid
- (i) however: they disagree in case where the husband told him to take the object, then give the גט
1. ג"י: invalid even with the original שליח, certainly with the 2nd שליח
2. ג"ל: still a valid גט even with 2nd שליח – certainly with original one
- II 'משנה ו': extending שליחות of a גט where there is a requirement of **בפ"נ בפ"נ** (if brought from מדה"י)
- a if someone brings a גט from מדה"י and gets sick, he appoints another שליח at the ב"ד and states **בפ"נ בפ"נ**
- i when he brings the גט, the final שליח doesn't say **בפ"נ בפ"נ**, rather "I'm a שליח ב"ד"
- b question asked of ר' אבימי to ask his father, אבהו:
- i version #1: ask if the 2nd שליח can extend it further
- 1 answer: that's obvious, from use of "final" in משנה – rather: ask if he needs to do so in a ב"ד
- 2 answer: that's also obvious, since the final שליח must state אני שליח ב"ד
- ii version #2 (רנב"י): ask if the 2nd must extend his שליחות in ב"ד
- 1 answer: ask, rather, if he can extend it at all; response: that's clear from use of שליח אחרון
- 2 response: also clear from משנה that any extension must be made in ב"ד
- c ruling of רבה: a שליח in א"י may extend the שליחות by multiple steps (שליחים multiple)
- i רב אשי: if the original שליח dies, the שליחות is nullified
- 1 בנו של ר' אשי: father was mistaken – it all extends from the husband; as long as he's alive, the שליחות is valid
- ii Stories:
- 1 Husband sent agent who didn't know the wife; he told him to give it to ר' מנימי who knows her
- (a) ר' מנימי wasn't there; a ב"ד was convened that asked him to transfer it to him, but ר' ספרא stopped them
- (i) argument: he wasn't a שליח גירושין
- (ii) version #1: ר' ספרא noted that ר' "smashed" 3 great scholars
1. רב אשי: shouldn't have been a "smash", since we don't know that the husband excluded the agent
- (iii) version #2: רבא was surprised that the rabbis didn't have a retort to ר' ספרא
1. רב אשי: indeed, he was right – the husband had said "and not you"
- 2 husband told שליח not to give the גט until after 30 days; the שליח was unable to wait due to אונס & came to רבא
- (a) ruling: he may empower us to give it after 30 (akin to חולה – he's אונס)
- (i) challenge: but he's not a שליח גירושין –
- (ii) response: since he would have been in time, he's considered one now
1. concern: perhaps they made up in the meantime...deflected when we found that she was an ארוסה
- d ruling: ב"ד may appoint a later שליח in absence of first one
- e Case: husband gave גט conditioned on not appeasing her within 30 days; he tried but was unsuccessful
- i רב יוסף (#1): he didn't try hard enough – could have given her a bucket of gold (only if we say בגיטין)
- ii רב יוסף (#2): he didn't need to give her a bucket of gold – אין אונס בגיטין