

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 ובפ"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' אבהו, ר' אבימי to ask his father, ר' 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