

18.06.01

62b (משנה א') → 63b (כולן לשון קבלה הן)

Note: a husband may appoint a שליח to deliver the גט – known as “שליח הולכה”; a wife may appoint a שליח to receive the גט (“שליח קבלה”) – once the שליח קבלה accepts the גט, she is divorced

- I שליח קבלה vs. שליח הולכה: definitions of משנה א'
- a ramifications: a שליח הולכה can be retracted, since the גירושין haven't taken effect until she receives it; שליח קבלה may not be retracted as the גירושין take effect immediately
- b language: if the husband said התקבל, it's only valid when it reaches her, but that is still a meaningful formula
- i note: if she had made a שליח קבלה, the husband's uttering “הולך” wouldn't necessarily make it complete –
- 1 depends on: whether we equate הולך to זכי
 - 2 attempted proof: from סיפא – if she sent שליח קבלה and the husband reversed him to שליח הולכה – retractable
 - (a) implication: if he did not reverse it – not retractable, whether he said התקבל or הולך → הולך זוכי דמיו
 - (b) rejection: perhaps in that case he said הילך (not “take it over” rather – “here it is”, confirming קבלה)
- c validity of crossgender שליחות: a man can certainly be שליח להולכה as can a woman be שליח לקבלה
- i question: is the inverse valid?
- ii Answer: in both cases, it is:
- 1 man: can be שליח קבלה from our case (one שליח turned from 1 to the other)
 - 2 woman: can be שליח להולכה as per משניות earlier about the women (even the wife) who may bring the גט
- d discussion re: הילך – does the husband intend it as per the woman's original instructions or the שליח's report?
- i Proof: רב – if she said הבא שליח, husband said התקבל, husband said שאמרה גט – הילך כמה שאמרה גט – no גט at all
- 1 Implication: he relies on שליח's report
 - 2 Challenge (רב אשי): שליח uprooted שליחות (by saying that he is not a שליח להולכה at all) → no גט at all
 - 3 However: had the situation been reversed, גט would have been good immediately (follows her instruction) or when she got it (as per שליח's report)
 - 4 Challenge (to רב's ruling): our משנה, husband states זה לאשתי גט – only if he retracts is it invalid, even though he cannot make a שליח לקבלה
 - (a) Reason: everyone knows that he can't make a שליח לקבלה and his intent was “whatever works” –
 - (i) Therefore: should be the same in רב's case – and should be valid when she receives it
 - (b) Defense: there, all know it doesn't work – here, he erred (based on misreport of שליח)
 - 5 Challenge (to רב's ruling): if a קטנה says התקבל, it is valid when it gets to her
 - (a) Reason: she cannot appoint a שליח → he becomes husband's שליח להולכה
 - (b) Defense: all know לקטן אין שליחות; husband intended him to be שליח הולכה; here, husband erred
 - 6 Challenge: if שליח reverses her orders (either direction) & husband says התקבל or הולך – valid when she gets it
 - (a) Assumption: even if שליח reported קבלה and husband said הולך → he relies on שליח's words, not wife's
 - (b) Defense: in our case, he said “do as she directed”, but he didn't say that here
- ii Clarification: ברייתא in which נתן ר' נתן, ר' ת"ק, ר' רבי disagree about a שליח who accurately portrays himself as שליח קבלה and husband says הולך or התקבל
- 1 ת"ק (who is רבי) – in either case, גט is valid immediately, unless husband explicitly rejects שליחות לקבלה
 - 2 ר"נ – only valid immediately if husband says התקבל; if he says הולך, only valid when she gets it
 - (a) question: does ר' נתן consider זכי=הילך (he doesn't reckon זכי=הולך)?
 - (b) Answer: if he says הולך – not valid yet; but הילך is; must be ר"נ (who says לאו זוכי → הילך זוכי)
- iii Regarding הולך זוכי רב was uncertain → with ממון, we rule לקולא; vis-à-vis איסור א"א severe (and if she sent a שליח (חולצת ולא מתייבמת) and husband said הולך and husband died before she got it – ruled as ספק
- e Wife appointing שליח to receive גט from husband's שליח
- i רב: she may not
- 1 because of חצרה הבאה לאחר מכאן (in which case, if she appointed first, it would be acceptable) OR בזיון דבעל
 - 2 ביון דבעל
- ii ר' חנינא: she may
- 1 story: man sent גט, wife told שליח to hold it as שליח קבלה
 - (a) ruling: even according to ר' חנינא, we can't validate it – ruled as ספק
- f incomplete שליחות
- i if שליח didn't write correct name, or גט was lost etc. – he may write again (doesn't need new dispatch from בעל)
 - ii if he directed it to be given to a שליח, may they write another? תיקו
- II רשב"ג (in משנה א') – even if she says “take my גט” (or “carry it for me” or “it should be in your hands”) he may not retract
- a reason: this is שליחות לקבלה and גט is effective as soon as שליח receives it