

18.06.02; 63b (משנה ב) → 65a (עד שיהא בן עשרים)

- I **ב**: requirement of 2 sets of עדים for שליח קבלה (1 witnessing designation, 1 set witnessing his receipt and tearing of גט)
- a *note*: both "sets" can be one pair, or 1 from each and a common second witness
- II related discussion: a dispute between the husband and his agent
- a husband: gave the גט as a פקדון (not to be given)
- b שליח: it was given as a גט (to be delivered)
- i רב הונא: husband is believed (גט, if given, is invalid)
- 1 *argument*: had he wanted to divorce her, he could have given it directly to her
- ii רב חסדא: agent is believed (valid)
- 1 *argument*: husband entrusted to שליח
- iii *challenge* (to ר' הונא): agent is believed over the בעל דין
- 1 *answer*: only in reference to financial matters (גיטין/שטירות mentioned – גיטין/שטיר ממון)
- iv *challenge* (to ר' חסדא): from our משנה – need for 2nd set of עדים proves that we don't believe agent
- 1 he's only believed when he's holding the גט – which isn't the case here
- 2 *challenge*: why the need for the 2nd set (קבל)?
- (a) *Answer*: follows ר"א who requires עדי מסירה as the essential עדות
- (b) *Note*: "tearing" in משנה – refers to time of Hadrianic persecutions when holding a גט was dangerous
- v *Note*: רב הונא would agree that if she claimed that husband gave גט to שליח in her presence as גט – שליח is believed
- 1 *Reason*: she could claim that it was given directly to her (מיגו)
- c *If*: husband states that he gave it to שליח for גירושין, שליח concurs and wife claims she got it and lost it
- i *Ruling* (ר' יוחנן): it is דבר שבערה and we require 2 witnesses (that she received it)
- 1 *Challenge*: why not believe the שליח?
- (a) *Answer*: it's not in his possession
- 2 *Challenge*: why not believe the husband?
- (a) *Explanation*: if a husband claims that he divorced his wife – he is believed
- (b) *Answer*: he never claimed that he divorced her – rather, that he gave the גט to the שליח
- 3 *Challenge*: why not assume that the שליח performed his שליחות (חזקה שליח עושה שליחות)
- (a) *Support*: if a man sends a שליח to give קידושין to "someone" – he may not marry anyone (anyone might be an ערוה by dint of kinship with his "wife")
- (b) *Answer*: we only apply that חזקה strictly (לחומרא)
- 4 *Challenge*: why not believe her as per חזקה ה'ר' המנונא that a woman cannot say גירשתני to her husband if false
- (a) *Answer*: that חזקה only applies if she has no corroborating evidence; here, there's a גט "out there"
- III **ב**: status of נערה וקטנה vis-à-vis גט
- a נערה – she or her father may accept her גט (תורה enabled her with a יד)
- i *dissent*: ר' יהודה only allows father – her יד only works when not in conflict with father's
- b קטנה – if she cannot hold on to her גט, she cannot be divorced
- i *definition*: if she can distinguish between her גט and other things (else, she is a שוטה and cannot be divorced)
- c stage-development of קטן vis-à-vis קנינים
- i רב יהודה (quoting ר' אמאי): if he distinguishes between a rock and a nut – he can acquire for himself but not for others; if he can return an item to its owner after a while – he can acquire on behalf of others
- ii שמואל (after he heard ר"י's report): both are the same
- 1 *meaning* (ר' חסדא): in both cases, he can only acquire for himself
- 2 *Challenge* (ר' חנינא ור' דאן): אמה עבריה may acquire the שיתוף מבי on behalf of all the residents
- (a) *Explanation*: there can never be an אמה עבריה who is an adult – she would already be free
- 3 *Response*: (silence, but he should have answered): דרבנן are שתופי מבואות
- (a) *Comeback*: רבנן formulated their rules as per the תורה
- (i) *Defense*: that only holds when it's a law based in תורה
- 4 *Challenge*: מע"ש אמה עבריה may act as an agent to redeem גט
- (a) *Answer*: must be תרומה דרבנן (e.g. a potted plant with a sealed bottom)
- iii **א**'s 3 stages:
- 1 can distinguish between a rock and a nut – can acquire for himself but not others (קידושי מייאון)
- 2 פטוטרות - transactions are valid (girl can accept a גט given to her father)
- 3 עונת נדרים (1 year before majority) – נדרים והקדשות are valid, girl may perform חליצה
- (a) *However*: selling father's estate – only at 20 years old