

18.06.04

66a (משנה ז') → 67b (סיום הפרק)

- I גט appointing 2 or 3 - or more - agents to execute a גט
- a if: the husband tells 2 people "give a גט" or to 3 "write and give a גט" – they're commissioned to write and give the גט
- b if, however: he said "give" to 3, he has made them a ב"ד and they are charged with directing others to write and give
- i dissent: ר' יוסי says that they must write it themselves (contra ר"מ and the report from ר"ע while in prison)
- c If: he told 10 people "write and give", any one of them writes and any 2 sign as witnesses
- i In that case: 1 writes on behalf of all of them
- 1 Parallel: if he told 1 of them to take it to her, 1 takes it on behalf of all of them
- d If, however: he told 10 people "כולכם" - any one of them writes and all must sign as witnesses
- i In that case: 1 writes in the presence of all of them
- 1 Parallel: if he told all of them to take it to her, 1 brings it with all of them
- 2 Question: if he counted them out, is that כולכם or not?
- (a) Dispute: resolved - if he counted all of them, or counted some of them
- (i) However: arguments can take resolution in either direction
- ii Therefore: if one of them died in the interim – the גט is invalid
- 1 Ordinance: רב יהודה ordered that husband charge "all of you or any 2 of you" for writing, signing & delivery
- 2 Objection: (רבא) – he may leave out some of his statement – rather "כולכם" was utterly disallowed
- e Question asked of שמואל: if the husband commissioned 2 to write and give and they had the סופר write and they signed
- i Answer: ספק (if she subsequently married, she must leave the 2nd husband)
- ii Inquiry: what is the ספק
- 1 Perhaps: whether לשליח מימסרן לשליח (verbal charges can be dispatched further) –
- (a) Rejection: שמואל explicitly stated (in accord with ר' יוסי) מימסרן לשליח (ר' יוסי) מימסרן לשליח (ר' יוסי) מימסרן לשליח
- 2 rather: he is unsure whether the charge to "write" means "writing the גט" or "signing the גט"
- (a) question: why not infer from our משנה, where כתבו implies that they must write the גט itself
- (b) response: this itself was his doubt – whether כתובו in our משנה means "writing" or "signing"
- (i) challenge: from last clause (ר' יוסי's response) – there's no ב"ד that doesn't know how to sign
- (ii) defense: perhaps a new court doesn't yet know how to sign
- iii challenge: if כתובו means "sign", how can the סופר write the גט – that means the agents forwarded the agency
- 1 explanation: שמואל maintains that לשליח מימסרן לשליח (in accord with ר' יוסי)
- 2 answer: ר' יוסי agrees that if the dispatcher said "pass this on" (אמרו), it's valid
- (a) Explanation: in this case, the writing of the גט should be considered as אמרו
- (b) Challenge: ר' יוסי does not agree that אמרו can be passed on
- (i) Proof: our later משנה, which refers to סופר ועד, is interpreted as meaning חתם סופר ועד
1. observation: משנה is credited to ר' יוסי, due to his position on מילי
- a. explanation: since he doesn't allow מילי → husband surely charged the סופר directly
- b. however: if he allows מילי in case of אמרו, may have happened here, against intent of בעל
- i. explanation: agent may have been ashamed (that he couldn't sign) and signed סופר
- ii. defense: since רבנן advised against this, it's not likely and no גזירה
2. attempt 2: perhaps he'll tell 2 and 1 won't know how to sign and he'll have סופר sign
- a. answer: since רבנן advised against this, not likely
- i. challenge: not all agree that רבנן advised against this practice
- ii. rather: ר' יוסי invalidated 2 cases – telling 3 "תנו" and also אמרו; אמרו rules like him in case of telling 3 "תנו", but disagrees re: אמרו
- iii. Therefore: if כתובו means "sign", writing becomes אמרו and is valid
- f Tangent: ruling in accord with ר' יוסי in case of מילי (against ר"מ)
- i Reason: ר' יוסי is the preeminent תנא of 4th generation
- 1 Praise: description of cognitive abilities of many of the 4th generation תנאים
- g Revisiting: ruling about charging someone to get סופר to write and 2 specific men to sign
- i it shouldn't be done - but it is valid post-facto
- 1 Reason: she may hire someone to get these witnesses and סופר (they'll think husband mandated it)
- (a) Note: this doesn't apply to witnesses themselves (no concern that they are "hired"), only with wife (or other דבר) misleading them as in this case
- ii Amoraic dispute: as to whether charging 2 to get סופר to write and them to sign is advisable (all agree it's כשר)