

18.07.02; 71b (משנה ב) → 73a (אונסא דלא שכיח הוא)

- I 'משנה ב': if the husband responded כתובו and they commissioned a סופר to write and עדים to sign – even if he took it back and handed it to her – it's invalid, unless he directly orders the סופר to write it and the עדים to sign
- a challenge: 1<sup>st</sup> clause implies מילי מימסרן (had he said תנו it would've been valid); סיפא implies לשליח מימסרן
- i answer1: indeed – ר' יוסי is סיפא and ר"מ ר' ישא is מילי מימסרן
- ii answer2 (אב"י): all ר"מ – סיפא, he hadn't said תנו (rejection: should read "until he says")
- iii Answer3: he hadn't said to 3 (rejection: should read "until he tells 3")
- iv Answer4: all ר' יוסי – he didn't tell them לסופר etc.
- 1 rejection: should say "until he says אמרו";
- 2 in addition, ר' יוסי doesn't allow for מילי מימסרן לשליח even in a case of אמרו as per above)
- v answer5 (רב אשי): entire משנה is ר' יוסי – teaches extent of position:
- 1 Not only: when he doesn't say תנו, or he directs less than 3 people or doesn't say אמרו
- 2 But even: if he said תנו, to 3 people and added אמרו – still invalid
- 3 Support: ברייתא (expanding on our משנה) – the סופר must "hear his voice"
- (a) "hear": excludes אומר אמרו (he must hear the husband directly)
- (b) "voice": exludes רב's ruling (above) about the mute writing a directive to divorce
- II 'משנה ג': גט לאחר מיתה: under what conditions it may work
- a if he states, when giving a גט: this is your גט if I die, ...from this disease, ....after my death – invalid
- i ר' הונא – but she may only do חליצה (no ייבום)
- 1 challenge: if the גט is invalid, she should also be able to do ייבום
- 2 answer: the גט is invalid such that she may not marry another, but she still may not perform ייבום
- 3 challenge: since 2<sup>nd</sup> clause states חולצת → 1<sup>st</sup> clause is even ייבום
- 4 answer: 1<sup>st</sup> clause follows ר' יוסי (the date on the גט establishes its timing → while alive → valid)
- (a) challenge: if so, it should be a perfectly valid גט (no need for חליצה)
- (b) suggested answer: ר' הונא is unsure if ר' יוסי
- (i) block: story with רב הונא which concludes with his accepting ר' יוסי
- (c) suggested answer: perhaps he is in doubt if ר' יוסי's ruling was intended to apply to an oral command
- (i) block: ר' יוסי is credited with ruling that an oral command follows the date of the command
- (d) Suggested answer: ר' הונא was unsure if ר' יוסי
- (i) Block: רבא had a ruling which seems to only fit ר' יוסי's approach – and was בע"פ
1. answer1: ר' הונא wasn't as sure as רבא
2. answer2: perhaps that case can be interpreted as following רבנן contra ר' יוסי
- ii ר' הונא: comment on גט לאחר מיתה – זה גיטך לאחר מיתה – according to ר' יוסי, she is still חולצת
- 1 challenge: this is obvious, since in the 2<sup>nd</sup> clause she is חולצת according to רבנן, she is חולצת here ר' יוסי
- (a) answer: קמ"ל – גט מהיום ולאחר מיתה ר' יוסי agrees with רבי that this חולצת and ר' יוסי
- (i) Note: ר' יוסי and רבי rejects the גט that each of them validates as a solitary opinion
- b however: if he makes it retroactive at the time of death to the present – it's valid
- c mix: if he states both – מהיום ולאחר מיתה etc. – ספק (if he dies in the interim, חולצת but no ייבום)
- i note: if he made retroactive גט, got better and then died – estimate if he died from that disease, גט; if not – no גט
- ii ruling: מתנה: גט – ר' הונא (vis-à-vis the directives of a מרע שכיב מרע)
- 1 Application: just as the gift is retracted if he gets better, similarly with a גט; just as the גט is valid without his explicit directive to give; similarly the gift is valid without a קנין
- 2 Challenge: our משנה – if it's like שכ"מ, מתנת שכ"מ, it should be retracted automatically when he gets up from his bed
- (a) Answer: he went from one disease to the other (and he "walked in the שוק" with his walking stick)
- (i) Implication: if he was able to walk without a stick (i.e. fully healed) – גט automatically retracts
- (ii) Application: if a שכ"מ goes from disease to disease, his gift is retracted
- iii Dissent: רבה and רבא don't accept ר' הונא's ruling – precaution against giving the impression that גט לאחר מיתה יש
- 1 Challenge: how can רבנן uproot a גט which is valid מה"ת
- 2 Answer: קידושי ביאה (both in אפקעינהו כסף as well as קידושי כסף)
- d Unforeseeable אונס –
- i If: he says "this is your גט if I die from this disease" and is bitten by a snake or the house falls in – no גט
- ii But: if "this is you גט if I don't arise from this disease" and is bitten/house falls in – valid
- 1 Ruling: ultimately rejected, since the house falling (e.g.) is אונס לא שכיח and he didn't have that in mind
- 2 Story: students of רבא trying to use an אונס לא שכיח to recover lost merchandise – רבא chastised them