19.02.03

43a (איתמר רב אמר שליח נעשה עד) $\rightarrow 44a$ (אידיה אדידיה למירמא מינה למירמא נפקא (למאי

ר. **וְיָצְאָה** מִבֵּיתוֹ וְהָלְכָה **וְהָיְתָה** לְאִישׁ אַחֵר: *דברים כד, ב*

- עד operating as an עד
 - a שליח נעשה עד:רב
 - b אין שליח נעשה עד: דבי רב שילא
 - i (rejected) suggestion: because dispatcher didn't tell שליח to be his witness
 - 1 rejection: as long as they see it, they are witnesses (except for עדי הודאה)
 - ii rather:
 - 1 בי since he knows the issue so well (he is the שליח), we accept his testimony
 - 2 רב שילא: since שלוחו של אדם כמותו he can't testify regarding himself
 - iii challenge (to ב"ש): dispute ב"ש/ב"ה if 3 are sent for קידושין, whether 2 can testify (ב"ש, whether 2 can testify (ב"ש)
 - 1 implication: if only two are sent, there is no אדות (since one must be a שליח and אין שליח נעשה עד)
 - 2 defense: he reads dispute as does שליח ועד א' ר' נתן are valid according to ב"ש
 - (a) challenge: does רב rule like ב"ש?
 - (b) Answer: he inverts the ruling שליח ועד are stringent and ב"ה allow שליח ועד
 - (c) Note: there is a version of the dispute אין שליח נעשה עד holds אין שליח נעשה עד holds אין שליח נעשה עד
 - (i) Final ruling: שליח נעשה עד
 - (ii) *Application (עדי קידושין: (ר' נחמן)* also in re: עדי קידושין and ממונות and גירושין; also in re: ממונות
 - a. *if*: we only knew the rule in re: סד"א, קידושין since that forbids her
 - i. however: in re: שליח desires her (and is lying)
 - b. and if: we only knew the rule in re: סד"א, גירושין since 2 cannot marry her
 - i. however: in re: ממונות, they may have colluded and will split the proceeds קמ"ל
 - 2. note: עדים must hold if someone lends money in front of עדים, he needn't pay back in front of עדים
 - a. and: since they'd be believed to say they returned the money to their dispatcher (לווה)
 - i. therefore: they're believed to say that they paid the מיגו)
 - b. practical ruling: now that שבועת היסת (for full denial of debt)
 - i. the witnesses: swear that they paid the מלווה
 - ii. *the מלווה* swears that he didn't receive the money
 - iii. and: the לווה has to pay the
- II Analysis of final clause of the משנה father accepting קידושין on behalf of hig daughter who is a נערה
 - a Associated ruling: מים dispute between נערה a ז'') if a מערה a also accept her ערה only father) מייין גט may also accept her נערה
 - i ר"ל: same dispute holds in re
 - i רייוחנן: even ברבנן agree that only father can accept
 - 1 איי יוסי בר חנינא 'ר'': 'י'ס' reason (for קידושין, she is leaving father's domain, requires his דעת
 - (a) Challenge: מאמר takes her out of father's domain, and נערה may accept מאמר alone
 - 2 Rather: קידושין requires her consent, therefore we require father's דעת
 - (a) Challenge: מאמר and she can perform מאמר alone
 - (b) Answer: follows מאמר, who doesn't require her consent for מאמר
 - (i) Dispute: ביאה וnfers מאמר from ביאה no need for consent ביאה וnfers מאמר no need for consent קידושין האמר from קידושין
 - (ii) note: supported by end of statement of מה שאין כן בקידושין מאמר
 - 1. י"ד reads that משנה as authored by ר' יהודה (as per ג'יטין ו:ב as per context (גיטין ו:ב as per context)
 - a. explanation: מאמר is unique (for דיהודה) since there is already a זיקה
 - i. note: this argument could be used to explain ר' יוחנן above ([1 a], [2 a])
 - iii challenge (to ל"ל): from our משנה only father can accept קידושין
 - 1 answer: our משנה is authored by ר' יהודה
 - (a) challenge: פרט (need to specify each woman) מרט (need to specify each woman)
 - (i) answer: our משנה is משה is יהודה, who agrees with ר' יהודה in re: inability of נערה to accept her own קידושין
 - iv final ruling:יר אסי: was told by ר' זירא that all of יר יוחנן's students ruled like him די אסי: protests (v. 1) were ignored
 - l final note: reporter was ר' אבין (sans patronym)