

A

בס"ד

Intro

Today we will Be"H learn מסכת גיטין אס דף ס"ג. Some of the topics we will learn about today include:

הולך כמו שאמרה

If a woman sent a messenger to retrieve her א, and he misrepresented to the husband whether he was sent as a שליח לקבלה or to be a שליח להולכה, the **G**emara debates whether

אדיבורא דידיה קא סמיך

The husband hands over the גט based on the שליח's report, or

אדיבור אדידה

Based on what his wife actually said.

The Gemara suggests several ways of interpreting the שליחות, including:

שליח להולכה לא הוינא

If the messenger claimed he was appointed as a שליח שליח, he has essentially declared his unwillingness to serve the more burdensome role of the שליח להולכה, who must bring the גע to the wife;

אין שליח לקבלה

If a husband says התקבל, he is aware that he does not have the power to appoint a שליח קבלה, and we assume that he intended to appoint a שליח להולכה.

The Gemara discusses the meaning of the term הולך

And debates whether

הולך כזכי

The husband is agreeable that the שליח acquire the גט for his wife.

שליח לקבל משליח בעלה

The Gemara brings a מחלוקת whether a woman can appoint a שליח לקבלה to accept her גט from her husband's שליח להולכה. This is either an issue of

בזיון דבעל

Disrespecting her husband, or

חצר הבא מאחר ליכן

A similarity to a woman attempting to acquire a us by buying the courtyard where her husband already placed the us:

לא חזרה שליחות אצל הבעל

A שליח must be capable of returning and reporting on the successful completion of his task. Therefore, a שליח להולכה cannot also switch roles and become the שליח לקבלה.

עשו עדים שליחותו

The Gemara brings various scenarios where the שליח accomplished his task in an unsatisfactory manner, and discusses whether he has the ability to write another ט.גט











So let's review...

The Gemara earlier explained the difference between a שליח להולכה who was appointed by a husband to deliver a גט to his wife, and

אם רצה לחזור יחזור

The husband CAN retract, because the us is only effective when she receives it;

And a שליח לקבלה who is appointed by the wife to accept the גט from her husband, and אם רצה לחזור לא יחזור

And the husband can no longer retract, because as soon as the שלים accepts the עול it is effective.

The Gemara now discusses a case where the שליח misrepresented his appointment:

התקבל לי גיטי

If a woman appointed a שליח לקבלה; and the שליח told the husband

ואשתך אמרה

הבא לי גיטי

She merely asked me to bring the גט;

והוא אמר

הילך כמה שאמרה

And the husband responded that he is giving him the גט according to her words; the Gemara is uncertain whether he is a שליח להולכה or a שליח לקבלה:

Either he is a שליח לקבלה, and

כיון שהגיע גט לידו מגורשת

She is divorced immediately upon his receiving the $v\lambda$, because

אדיבורא דידה הוא דקא סמיך

The husband refers to what she actually said, and she said התקבל;

Or,

He is a שליח להולכה, and

כיון שהגיע גט לידה מגורשת

She is only divorced when she receives the גט, because אדיבורא דידיה הוא דקא סמיך

The husband refers to what the שליח said, and appointed him a שליח להולכה. $\$





Dedicated By:





2 However, in the reverse case,

הבא לי גיטי

ואשתך אמרה

התקבל לי גיטי

If a woman asked someone to bring her א and he presented himself to her husband as a שליח לקבלה; שליח לקבלה

הילך כמה שאמרה

And the husband responded that he is giving him the us according to her words;

אפילו הגיע גט לידה

אינה מגורשת

The divorce is not valid at all. Because, ממה נפשך; if we hold

אדיבורא דידיה קא סמיך

He relies on the שליח, it follows that he did NOT appoint him as שליח להולכה, but rather gave him the גט assuming he was a שליח לקבלה; and since the wife did NOT appoint him as a שליח לקבלה, he is not a שליח tall;

And if we hold

אדיבורא דידה קא סמיך

He relies on her words. However, that is valid only when she appointed him a שליח לקבלה, but in this case where she asked him to be a שליח להולכה;

עקריה שליח לשליחותיה לגמרי

We assume the שליח renounced his agency, because by claiming to be a שליח לקבלה he is essentially saying שליח לקבלה הוינא

להולכה לא הוינא

I only want to be a שליח לקבלה, and not a שליח להולכה, because, as רש"י explains

דלא ניחא ליה בטירחא דהולכה

He does not want the burden of returning to the woman with the υλ.

Therefore, even if in the end he did deliver the אנט to her it's not valid, because never made him a שליח להולכה.

And we cannot compare it to the case in the Mishnah at the beginning of the Perek,

האומר

התקבל גט זה לאשתי

אם רצה לחזור יחזור

Even if the husband used the expression התקבל, and the שליח was in fact NOT appointed by the wife as a שליח the אין, the גו is still valid, because

אדם יודע

שאין שליחות לקבלה

וגמר ונתן לשם הולכה

Since the husband is aware that he cannot appoint a שלים שלים, the term התקבל really means התקבל והולך, to take the גם and deliver it as a שליח להולכה, and so the גע IS valid; however, in our case

הכא טעי

He may erroneously rely on the words of the שליח that he's a שליח לקבלה, and he did not mean to make him a שליח משליח, and the שליח is therefore not valid at all.

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The Gemara goes on to discuss the Machlokes whether הולך כזכי דמי

Or

הולך לאו כזכי דמי And also that all agree that הילך כזכי דמי

This was explained in the previous Daf.

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The Gemara turns to another aspect of שליחות:

אמר רב

אין האשה עושה שליח לקבל לה גיטה

מיד שליח בעלה

A woman cannot appoint a שליח לקבלה to accept a גט from her husband's שליח להולכה. שליח.

This Gemara offers two possible reasons:

1.

משום בזיון דבעל

Perhaps the husband considers it disrespectful for her not to accept the υλ personally, and so he does not authorize the υλ in this circumstance.

Rashi points out

כי עבדא שליח לקבל מיד הבעל

אין כאן חשש בזיון דהא ידע ולא קפיד

The above is not an issue when she sends a שליח לקבלה to accept if from the husband, because by giving it to him the husband clearly demonstrates that he is NOT offended.

Another aspect of שליחות

A) THE

אין האשה עושה שליח לקבל לה גיטה מיד שליח בעלה

Two possible reasons:



משום בזיון דבעל

Perhaps the husband considers it disrespectful for her not to accept the בע personally and so he does not authorize the גע in this circumstance



כי עבדא שליח לקבל מיד הבעל אין כאן חשש בזיון דהא ידע ולא קפיד



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משום חצרה הבא לאחר מיכן

The Pasuk says נתקן בידה, that the א must be put directly into her domain. However, if she acquires a courtyard AFTER he puts the א there, the א is not valid, because at the time when he placed it there it was not her domain. Her appointing a שליח לקבלה א AFTER he appoints a שליח is somewhat similar to that case, and so the חכמים disqualified this arrangement.

According to this explanation, קדמה איהי ושויה שליח מעיקרא If she appointed her agent first, the גט IS valid. However, according to the first explanation, it is NOT.

On the other hand,
ר' חנינא אמר
ר' חנינא אמר
אשה עושה שליח לקבל לה גיטה
מיד שליח בעלה
מיד allows this arrangement.

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משום חצרה הבא לאחר מיכן

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> יאר ציייי אשה שליח אשה עושה שליח לקבל לה גיטה מיד שליח בעלה

The Gemara cites a slightly different case, where a messenger attempted to deliver a v1 and the woman told him

ליהוי בידך

I am now appointing you a שליח קבלה; thus, it should take effect while still in his hands.

The Gemara suggests that this case is also comparable to a חצר הבא לאחר מיכן.

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A messenger attempted to deliver a surface and the woman told him

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1 am now appointing you a אנית קבאדה? thus, it should take effect while still in his hands

The Gemara suggests this case is also comparable to

חצר הבא לאחר מיכן







However, the Gemara responds that it is invalid according to all opinions, because

לא חזרה שליחות אצל הבעל

A שליח must be able to successfully report on his assignment. Therefore, when he switched roles, becoming a שליח לקבלה, he invalidated his original שליח.

The Gemara concludes

מספקא לן לדידן

הוי דבר שבערוה

וחולצת

There is no clear ruling; therefore, as it is a matter pertaining to marriage, we must be stringent, and in a case of יבום,

is required חליצה

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because

לא חזרה שליחות אצל הבעל

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The Gemara concludes
מספקא לן לדידן

מוי דבר שבערוה
הוי דבר שבערוה

9 The Gemara next discusses עשו עדים שליחותן

If witnesses ostensibly complete their task, but their actions did NOT result in divorce, whether they need an additional appointment to try again.

The Gemara explains that

קרו לה נפאתה

אזול סהדי כתוב תפאתה

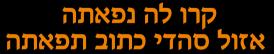
If the agents wrote a name incorrectly on a גט, מי קאמר להו כתבו חספא?

They did not write a valid גט at all. Therefore, they have not yet fulfilled their שליחות, and can write another גט;

The Gemara next discusses

עשו עדים שליחותן

If witnesses ostensibly complete their task but their actions did NOT result in divorce whether they need an additional appointment to try again



If the agents wrote a name incorrectly on a **LU**

מי קאמר להו כתבו חספא?

They did not write a valid גע at all

They have not yet fulfilled their שליחות and can write another גע







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Furthermore,

אי כתוב סהדי גיטא מעליא ואבד

Even if they wrote a valid on that was then lost, they can write another one, because

מי קאמר להו

כתבו ואנחוה בכיסייכו

The agency was to write AND deliver the גט. Therefore, כותבין ונותנין אפילו מאה פעמים

Their agency extends until the us is successfully delivered.

10

אי כתוב סהדי גיטא מעליא ואבד

They wrote a valid sa that was then lost

מי קאמר להו כתבו ואנחוה <u>בכיסייכו?</u>

The agency was to write AND deliver the בט

כותבין ונותנין אפילו מאה פעמים

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The Gemara wonders

כתבו ונתנו לשליח מהו

If he instructed them to write a va, and then to give it to someone else to deliver,

סלוקי סליק להו

Did he intentionally exclude them from serving as agents to deliver the גא, and therefore, as "עשי explains, עשו כל שליחותם ונסתלקו

Their task is complete, and if the גט is lost they CANNOT write another one; or לטירחא דידהו חייש

They CAN write another va, and he was merely saving them the trouble of delivering it personally?

Furthermore,

כתבו ונתנו לשליח ויוליך לה מהו

Would the unnecessary phrase "and he should deliver it" imply that they may write further Gittin until the שליח successfully delivers it?

The Gemara answers

תיקו

Leaving these questions unresolved.

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כתבו ונתנו לשליח מהו?

he instructed them to write a גע, and then to give it to someone else to deliver

לטירחא דידהו

חייש

He was merely saving them the trouble of delivering it personally



סלוקי סליק להו

Did he intentionally exclude them from serving as agents to deliver the va

Furthermore



כתבו ונתנו לשליח ויוליך לה מהו?

Would the unnecessary phrase "and he should deliver it" imply that they may write further Gittin until the שלית successfully delivers it?









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The Mishnah earlier concludes

רשב"ג אומר אף האומרת טול לי גיטי אם רצה לחזור לא יחזור

By saying טול לי גיטי, take my גט, she is appointing him as a שליח לקבלה to accept it in her place.

The Gemara adds

טול לי

ושא לי

ויהא לי בידך

כולן לשון קבלה הן

These are all expressions of accepting a גט on her behalf.





