

OVERVIEW of the Daf

1) Women who are not trusted to report that a woman's husband died (cont.)

R' Ashi cites another proof to Abaye's explanation of the Mishnah regarding the trustworthiness of women to deliver a גט who are not trusted to testify that a woman's husband died.

R' Yosef explains how he responds to the last proof.

2) A woman delivering her own גט

The Gemara questions how a woman could deliver her own גט when seemingly she becomes divorced as soon as she receives the גט.

After a number of failed attempts to resolve this matter the Gemara offers two explanations for the circumstances of this case.

הדרן עלך המביא גט

3) **MISHNAH:** The Mishnah rules that a גט that was not written for the sake of a woman is invalid. Four applications of this ruling are presented.

4) **Clarifying the first two cases of the Mishnah**

It is noted that the first two examples in the Mishnah seem to repeat the same halacha.

R' Pappa offers an explanation for the first two cases of the Mishnah.

R' Ashi cites further evidence for this explanation.

D'vei R' Yishmael explains the progression of the four cases of the Mishnah.

The rationales for the rulings of the Mishnah are explained.

5) **A document that contains a name shared by two people**

The Mishnah's third case implies that a גט written for a woman may be used even though there is another woman with that same name. We infer from this that two people in a town who share a name can produce loan documents against others.

Abaye rejects the initial inference and offers an alternative explanation of the Mishnah.

6) **Disqualification from a kohen**

Rav rules that all the invalid gittin mentioned in the Mishnah will disqualify a woman from being able to marry a Kohen except the first case (a גט written for practice that does not resemble a valid גט at all).

Shmuel disagrees and maintains that even the first case will disqualify and the Gemara demonstrates that Shmuel is following a consistent position regarding this matter.

Tangentially the Gemara notes that there is a dispute between Shmuel and others regarding the effect of an invalid chalitzah. ■

Distinctive INSIGHT

Precise clarifications how to comply with לשמה

יתר מיכן כתב לגרש את אשתו ונמלך, מצאו בן עירו ואמר לו שמי כשמך וכי' ■

A גט must be written לשמה. The extent of the application of this requirement is presented in the Mishnah and explained in the Gemara. The first thing the Mishnah teaches is that if the scribe wrote a document as a practice exercise, without any intent for its being used to effect a divorce, it is not valid, even if the names match those of this particular husband and wife. Furthermore, even if a document was written for the purpose of Reuven divorcing Sarah, but this intended couple reverse their plans, and another couple with the same names want to use this גט, it is still not valid. The reason is that although it was written for divorce, it was not written for this couple who now wish to use it.

Tosafos notes that the Mishnah uses the expression יתר מכך, which suggests that the second case, that a גט written for one couple cannot be used for a different couple, is a greater insight than the first case. It also suggests that if the Mishnah would have taught only the second case, we would have certainly understood the halacha in the example of the first case. Tosafos points out, however, that there still is a particular insight in the first case which could not be determined from the second case. The second case, where a scribe wrote the document for the purpose of divorce, but he did so expressly for Sarah #1. This document cannot be used for Sarah #2. Perhaps this is worse, says Tosafos, than where the document was written for no woman, as in the first case where the scribe wrote for practice. Accordingly, the insight from the first case must be stated, that even in such a case the גט is not valid.

In fact, Tosafos contrasts this case to a similar situation found in Eiruvin 13a, where certain verses must be written for a sotah woman, and these verses are then erased into water which she drinks. Tosafos understands that this parchment must be prepared specifically for this woman (לשמה), but yet it is permitted to take these verses from a sefer Torah and use them for this procedure.

We see, says Tosafos, that it seems that having no one in mind is better than writing for the wrong person. Tosafos answers that, indeed, there are logical arguments both ways how to better fulfill לשמה. Perhaps we are in greater compliance with the condition of לשמה when a scribe writes for the purpose of divorce, albeit for Sarah #1 and not for Sarah #2, as opposed to the more deficient situation when a scribe writes with no woman at all in mind, as when he practices his writing. This is why the חידוש of the סיפא completely satisfies the case of the רישא, and this is why the Mishnah introduces the second case with the words יתר על כן. ■

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HALACHAH Highlight

Marrying a second spouse with the same name as the first

היו לו שתי נשים ושמותיהן שוות

If a man had two wives who shared the same name

Rabbeinu Yehudah HaChassid¹ in his spiritual will (צוואה) wrote that if a man's wife dies he should not marry a second wife with the same name nor should a widow marry another husband that shares the same name as her first husband. The reason is the concern that the surviving spouse will think about the deceased spouse, and this creates a danger for the newly married couple. If this is violated, he writes that one of them will die quickly. Teshuvav B'tzeil Hachochmah² was asked how this restriction fits with our Mishnah that explicitly permits a man to marry two women who share the same name without concern that the husband/wife will think about the other spouse. B'tzeil Hachochmah responded that the question does not even begin. Obviously, a man may not think about another woman when he is with his wife, even if the other woman is his second wife. Nevertheless, we are suspicious and do not enact restrictions against this since we assume that he will not have thoughts about his other wife when she will be permitted to him some time later. This is the same rationale that permits a husband and wife to be in seclusion when she is a niddah. The restriction of Rabbeinu Yehudah HaChassid applies specifically to a circumstance where the first wife will not return, since she is deceased, and in this case there is a concern that the husband will not be able to control his thoughts about his deceased wife.

Teshuvav L'horos Nosson³ addressed a number of applications of this proscription. One point is that in his opinion the re-

REVIEW and Remember

1. What are the conditions necessary for a woman to deliver her own גט?
2. What is an example of a גט that was not written for a woman?
3. Explain the progression of the different examples of a גט that is invalid because it was not written לשמה?
4. Explain Shmuel's dictum: כל מקום ששנו חכמים גט פסול פסול ופוסל

striction applies only when the first spouse died, but if the first marriage ended in divorce the restriction does not apply. Another point he raises is that the restriction applies only when the first and second spouse have the exact same name. If, however, they share a common name but one has, for example, a middle name, the restriction does not apply. Furthermore, if the couple does not refer to themselves by their first names and use some sort of title the restriction is not in force. Lastly, he writes that there is no prohibition to marry a second spouse that shares the same name as the first. It is merely considered proper conduct to avoid the practice. ■

1. צוואת ר' יהודה החסיד סי' א'
2. שו"ת בצל החכמה ח"ג סי' ק"כ
3. שו"ת להורות נתן ח"ב סי' פ"ח

STORIES Off the Daf

Messenger to messenger

אשה עושה שליח לקבל גיטה מיד שליח בעלה

There was a certain married man who would travel distant places in pursuit of business opportunities. Once, when he was far from home, a wonderful opportunity arose. He sent a letter to his wife telling her of this new development. Unfortunately, since the venture would entail being away from home upwards of year, she was unwilling to permit such an extended separation and asked him to either abandon his plan or give her a divorce. The husband agreed to divorce her. The document was properly written and signed and a messenger was appointed; the man then departed to seek his fortune. There was only

one problem: the messenger decided that he could not make the long journey all the way to the woman's town. Since he would not travel the entire distance to the woman, she could appoint a messenger to receive the divorce from his hand.

The woman was in a quandary—the emissary's suggestion involved a מחלוקת brought in Gittin 24. Although many authorities rule according to Rabbi Chanina who permits this, others argue. Another option was to send it through the non-Jewish post which was reliable and could ensure that it would arrive safely—however, this is also a matter of dispute. Although the custom in Germany and France follows the opinions of Rabbeinu Tam and the Rosh who permit this, the Ba'al Halachos Gedolos argues—and many authorities rely on his view. Which option would serve the purpose better considering the

circumstance?

The Rivash, zt"l, ruled regarding this case that it is preferable for the wife to send a messenger to receive the divorce from the husband's representative. "It is preferable to rely on those who rule according to Rabbi Chanina. If the letter that the husband gave the messenger charges him 'to give this divorce to my wife or her messenger,' which is the standard wording for such an authorization, this is certainly better than handing it over to the non-Jewish postal service.

"Even according to the other opinion, this may be good. One of the reasons the opinion that doesn't allow the wife's messenger to receive the divorce from the husband's messenger is that the husband considers this a disgrace. In our case, where the husband himself permitted this, there is no disgrace at all!" ■