

A גט
Intro

Today we will Be"H learn דף לד of גיטין.
Some of the topics we will learn about today include:

גלוי דעתא בגיטא

It is a מחלוקת whether an expression of intent voids a גט, or if the husband must void the גט explicitly.

אין אונס בגיטין

One cannot claim that a stipulation in a גט was satisfied if he was unable to fulfill its terms due to circumstances beyond his control.

משנה שמו ושמה

If someone is known by different names in various places, he only needs to write the name by which he is known in the place where the גט is written.

However, רבן גמליאל instituted that all of his names should be written. But only if

אתזחק בתרי שמי

It is well known that he is called by other names elsewhere.

Additionally, these names must specifically be written as מרים וכל שום שיש לה

The primary name must be written first, and only then adding any additional names.

A

גלוי דעתא בגיטא

אין אונס בגיטין

משנה
שמו ושמה

אתזחק
בתרי שמי

1 So let's review...
The Gemara continues its discussion of the various halachos pertaining to ביטול, voiding a גט.
The Gemara discusses a fellow named גידול בר רעילאי who sent a שליח to give his wife a גט. The שליח reported back that the woman had requested that he return with the גט the next day. Whereupon,
פתח ואמר הטוב והמטיב
The husband expressed his approval that the גט was NOT yet delivered.

In this case, רבא says

בטל גיטא

The גט is thereby voided, because

גלוי דעתא בגיטא

מילתא היא

An expression of intent suffices to void a גט;

However, אביי rules

לא בטיל גיטא

The גט is NOT voided, because

גלוי דעתא בגיטא לאו מלתא היא

He must explicitly state that the גט is voided.

1

גידול בר רעילאי
sent a שליח to give his wife a גט.
The שליח reported back that the woman requested that he return with the גט the next day.

פתח ואמר הטוב והמטיב
The husband expressed his approval that the גט was not yet delivered.

אביי	רבא
לא בטיל גיטא	בטל גיטא
גלוי דעתא בגיטא לאו מלתא היא	גלוי דעתא בגיטא מילתא היא
He must explicitly state that the גט is voided.	An expression of intent suffices to void a גט

2 The Gemara records an incident where the husband, after reluctantly authorizing the writing of a Gett, told his שלוחים;
הכי אמר לכו רב ששת
לבטל גיטא
רב ששת has voided the גט, something רב ששת does not have the ability to do.

When רב ששת heard of this exchange, he indeed declared the גט void.

This was either because

גלוי דעתא מילתא היא

The husband had thereby expressed his intent to void the גט, and this itself voided the גט;

Alternately,

גלוי דעתא לאו מילתא היא

איהו בטליה

He had previously voided the גט himself, and he only told the שלוחים that רב ששת had voided it,

משום דפנוי (dafnoi)

To avoid being beaten by the enforcers of the בית דין for voiding the גט;

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2

After reluctantly authorizing the writing of a גט the husband told his שלוחים

הכי אמר לכו רב ששת לבטל גיטא

Rav Sheshes has voided the גט something רב ששת does not have the ability to do

When רב ששת heard of this exchange he indeed declared the גט void

גלוי דעתא בגיטא לאו מלתא היא	גלוי דעתא בגיטא מילתא היא
However – איהו בטליה He had voided the גט himself, and only said that רב ששת voided it, משום דפנוי - to avoid being beaten by בית דין for voiding it	The husband had thereby expressed his intent to void the גט, and this itself voided the גט

3 The Gemara records a second incident:
 There was a fellow who continuously voided the גט that גיטין בית דין forced him to write. Therefore, his שלוחים were instructed
 אותיבו קרי באודנייכו
 וכתובו ליה
 Place material in your ears so that you will not hear the husband voiding the גט. In this manner, it will not be considered voiding the גט in front of the שליח.
 However, the Gemara asks
 הא חזו ליה
 דקא רהיט בתרייהו
 They see the husband pursuing them! This should constitute דעתא גלוי that he wants to void the גט.
 We must therefore conclude like אביי that
 גלוי דעתא לאו מילתא היא
 An expression of intent does NOT void the גט.

רבא answers that in this case his intent is not absolutely clear, and can be interpreted as

דאמר להו
 אשור הבו ליה הייא

כי היכא דמשלם צערא דההוא גבר

It is possible that he is pursuing them to urge them to give the Gett quickly so that בית דין will stop troubling him.

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4 The Gemara references a third incident:
 A fellow gave his wife a גט with the following stipulation:
 אי לא אתינא עד תלתין יומין
 ליהוי גיטא
 The גט should take effect if I do not return within thirty days. He returned at the end of this period, but was unable to cross the river into town. He therefore shouted
 חזו דאתאי
 See that I have come!
 Nevertheless, שמואל ruled
 לא שמיא מתיא
 Since he did not physically return to the town within the stipulated time, the גט takes effect.

3 A husband continuously voided the גיטין that בית דין forced him to write.

His שלוחים were therefore instructed
 אותיבו קרי באודנייכו וכתובו ליה
 Place material in your ears so that
 you will not hear the husband
 voiding the גט

*They see that he is pursuing them!
 This should constitute דעתא גלוי
 that he wants to void the גט.*

הא חזו ליה
 דקא רהיט
 בתרייהו

answers:

This can be interpreted as

דאמר להו
 אשור הבו ליה הייא
 כי היכא דמשלם צערא
 דההוא גבר

*He is pursuing them to urge them to give the Gett quickly
 so that בית דין will stop troubling him*

We must conclude
 like אביי that
 גלוי דעתא
 לאו מילתא היא

4 A man gave his wife a גט and said:
 אי לא אתינא עד תלתין יומין
 ליהוי גיטא

*The גט should take effect
 if I do not return within thirty days*

But was then unable to cross the river in time!

He therefore shouted

"חזו דאתאי"

See that I have come!

כי

לא שמיא מתיא

*Since he did not physically return
 the גט takes effect.*

5 The Gemara explains his ruling:
According to אביי, גט לאו מילתא היא
Therefore, since he did not explicitly void the גט, it remains valid.

However, רבא responds that an expression of intent DOES void a גט. However, אטו התם לבטולי גיטא בעי
In this case, however, he was not trying to void the גט!
Rather, לקיומי תנאי קא בעי ואין אונס בגיטין
He was arguing that he HAD fulfilled the terms of the גט, since he was prevented from returning by unavoidable circumstances. However, שמואל ruled that such circumstances do NOT constitute a valid claim, and his stipulation remains unfulfilled.

The Gemara concludes הלכתא כנחמני
The Halachah follows אביי, and גט לאו מילתא היא
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5

רבא

גט לאו מילתא היא

However, he was not trying to void the גט - but rather לקיומי תנאי קא בעי ואין אונס בגיטין
He was arguing that he had fulfilled the terms of the גט
However, שמואל ruled that such circumstances do not constitute a valid claim

אביי

לאו מילתא היא

Therefore since he did not explicitly void the גט it remains valid

כאכתא כנחמני

6 Zug di Mishnah
בראשונה היה משנה שמו ושמה
שם עירו ושם עירה
In the past, the names of the couple and their respective hometowns were written in the גט the way they were known in the place where the גט was written. However, התקין ר"ג הזקן שיהא כותב איש פלוני וכל שום שיש לו אשה פלונית כל שום שיש לה
כל instituted that the גט should also include all other names that they were known by, מפני תיקון העולם
Those who only knew him by his secondary name might not recognize the גט, and will suspect that her future children are illegitimate.

6

In the past, the names of the couple and their hometowns were written in the גט the way they were known in the place where the גט was written.

התקין ר"ג הזקן שיהא כותב איש פלוני - וכל שום שיש לו אשה פלונית - כל שום שיש לה
The גט should also include all other names that they were known by
מפני תיקון העולם

בראשונה היה משנה שמו ושמה

7 The Gemara qualifies this Halachah:
אמר רב אשי והוא דאתחזק בתרי שמי
This is only if it was known that he is called by another name elsewhere; however, לא אתחזק כאן אין צריך לכתוב
If it was not known, the גט is valid even if we later discover that he is also called by other names.

7

אמר רב אשי

לא אתחזק כאן אין צריך לכתוב

והוא דאתחזק בתרי שמי

8 The Gemara cites a ברייתא in support of אשי:
 היו לו שתי נשים
 א' ביהודה וא' בגליל
 If someone had a wife in Judea and a wife in the Galilee,
 וגרש את אשתו שביהודה
 בשמו שביהודה
 ואת אשתו שבגליל
 בשמו שבגליל
 And he divorced them, using the name by which he was
 known in each region,
 אינה מגורשת
 The גיטין are not valid; rather,
 עד שיגרש את אשתו שביהודה
 בשמו שביהודה ושם דגליל עמו
 ואת אשתו שבגליל
 בשמו שבגליל ושם דיהודה עמו
 He must use both names on both גיטין.



9 However, the ברייתא differentiates
 יצא למקום אחר
 וגרש באחד מהן
 מגורשת
 In a THIRD area, he MAY use a single name on the גט,
 because
 הא דאתחזק
 הא דלא אתחזק
 The people in that city do not know that he is known by
 two names. However, in יהודה and גליל it WAS אתחזק, and so
 he is required to use both names.

9

However, the ברייתא differentiates...
 יצא למקום אחר - וגרש באחד מהן
 מגורשת
 Because
 הא דאתחזק - הא דלא אתחזק
 The people in that city do not know that
 he is known by two names

10 The Gemara explains how to write two names in a גט:
 קרו לה מרים
 ופורתא שרה
 If a woman was mostly called מרים, and only occasionally
 referred to as שרה, the Gett should be written
 מרים
 וכל שום שיש לה
 ולא שרה
 וכל שום שיש לה
 The גט must refer to her as מרים, her primary name, and
 only afterwards add her other names.

10

קרו לה "מרים" - ופורתא "שרה"
 If a woman was mostly called מרים,
 and only occasionally referred to as שרה,
 the Gett should be written...
 מרים - וכל שום שיש לה
 ולא שרה - וכל שום שיש לה
 The גט must refer to her as מרים, her primary name
 and only afterwards add her other name