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Gittin Daf 34

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **A Show of Intent**

Giddul bar Re’ilai sent a *get* to his wife. The agent went and found her sitting and weaving. He said to her, “Here is your *get*.” She said to him, “Go away now and come again tomorrow.” The agent returned to Giddul and told him what happened. Giddul exclaimed, “Blessed be He Who is good and does good!”

Abaye said: Blessed be He Who is good and does good, but the *get* itself is not cancelled. Rava, however, said: Blessed be He Who is good and does good, and the *get* is cancelled.

The *Gemora* explains the point at issue between them. It is the revealing of intention in respect of a *get*. Abaye holds that the revealing of intention (*without verbalizing it*) in respect of a *get* makes no difference (*and therefore, the get is still valid*). Rava maintains that it does make a difference.

Rava said: I derive my view from the fact that Rav Sheishes once compelled a man to give a *get*, and afterwards, the man said to the witnesses, “I heard Rav Sheishes say to you, ‘Let the *get* be cancelled.’” Rav Sheishes forced him to give another *get*. [*Evidently, a show of intent to cancel, even without verbalizing it, is sufficient.*]

Abaye would respond to this by saying that Rav Sheishes did not have the authority to cancel someone else’s *get*! In fact, the man himself cancelled it, and the reason why he attributed it to Rav Sheishes was because of his (*Rav Sheishes*) enforcers (*who would beat him for cancelling the get*).

Abaye said: I derive my view from the fact that Rav Yehudah once forced the son-in-law of Rabbi Yirmiyah Bira’ah to give a *get* to his wife, but later, the husband cancelled it, whereupon Rav Yehudah forced him again. The husband cancelled it again and Rav Yehudah again forced him to give it. Rav Yehudah said to the witnesses, “Stuff gourds into your ears (*so that you won’t be able to hear the husband cancelling it*) and write it. Now if you assume that the revealing of intention makes a difference by a *get*, do they not see him running after them (*with the obvious desire to cancel the get*)?”

Rava would respond to this by saying that they may think the reason why he was running after them was to tell them to make sure to give it to her so that he could put an end to his troubles. [*This case is not one where the husband displayed a definite show of intent.*]

Abaye provides further support: A man said to his wife that if he does not return within thirty days the *get* should be valid. He arrived at the end of the thirty days, but the river prevented him from arriving back (*on time, as the ferry was not present at the time*). He was saying “You see that I am coming! You see that I am coming!” Shmuel said that this is not called that he reached the city (*and therefore the get takes effect*). [*Although it is clear that the husband wishes to cancel the get, it is still valid, for he did not expressly state that he is cancelling the get.*]

Rava would respond to this by saying the husband’s intent was not to cancel the *get*, but rather, it was to fulfill his condition. Since the condition was not fulfilled, the *get* remains valid.

A man said on writing a *get* for his betrothed (as a way of ensuring her that he would consummate the marriage in a timely fashion): "If I do not marry her (*nisuin*) within thirty days, this *get* shall be valid." When the thirtieth day came, he said, "I am busy preparing for the wedding (and there are uncontrollable circumstances that are preventing me from marrying her right now)."

The *Gemora* analyzes the case: What should we be concerned about? If one would say that the *get* should not be valid because the man was uncontrollably prevented from marrying, we have learned that such a claim is not valid in regard to a *get*. If one would say that the *get* should be voided because he revealed his intention of cancelling it, on this point there is a difference of opinion between Abaye and Rava!

The *Gemora* relates a similar case: A man said on writing a *get* for his betrothed: "If I do not marry you by the first day of Adar, this *get* shall be valid." When the first of Adar came, he said, "I meant the first of Sivan."

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The *Gemora* rules that the *halachah* follows Nachman, and the *halachah* follows Nachman, and the *halachah* follows Nachmeini (referring to Abaye; Abaye was raised as an orphan by Rabbah bar Nachmeini; Rabbah taught him Torah and called him after his father). (34a1 – 34b1)

### **Mishnah**

Initially, a person used to change his name and her name (they wrote the names in the *get* according to the way they

were called in the place where the *get* was written, even though different names were used in their place of residence), the name of his city and the name of her city, and Rabban Gamliel the Elder enacted for the benefit of the public that he should write, "This man So-and-so and every name that he has," "This woman So-and-so and every name that she has." (34b1)

### **Two Names**

Rav Yehudah said in the name of Shmuel: The Jews from abroad sent to Rabban Gamliel the following inquiry: If a man comes here from *Eretz Yisroel* whose true name is Yosef, but who is known here as Yochanan, or whose name is Yochanan, but who is known here as Yosef, how can he divorce his wife? Rabban Gamliel thereupon stood up and decreed that they should write in the *get*, "This man So-and-so or by whatever names he is known," "This woman So-and-so or by whatever names she is known," in order to benefit the public.

Rav Ashi said: This is necessary only if the man is known (in the place and the time that it is written) to have two names. Rabbi Abba said to Rav Ashi: Rabbi Mari and Rabbi Elozar agree with you in this.

The *Gemora* provides support for Rav Ashi from the following *Baraisa*: If a man has two wives, one in Judea and the other in Galilee, and he has two names, by one of which he is known in Judea and by the other in Galilee, and if he divorces his wife in Judea under the name which he bears in Judea, or he divorces his wife in Galilee under the name which he bears in Galilee, she is not divorced unless he divorces his wife in Judea under the name he bears in Judea with the addition of the name he bears in Galilee, and his wife in Galilee under the name he bears in Galilee with the addition of the name he bears in Judea. If, however, he goes away to another place, and divorces one of the wives under one of the names only, she is divorced.

The *Gemora* asks: But did you not just say that he must write his name with the addition of the name he bears in Galilee?

The *Gemora* answers: This proves that the rule applies only where he is known to have more than one name. The first part of the *Baraisa* is dealing with such a case, but the second part is dealing with a case where it is not known that he has two names.

The *Gemora* rules: There was a woman who was known to most people in her city as Miriam, but to a few, she was known as Sarah. The Nehardeans ruled that in a *get*, she should be referred to as “Miriam or by whatever names she is known,” and not “Sarah or by whatever names he is known.” (34b1 – 34b2)

### **Mishnah**

A widow may not collect her *kesuvah* payment from the (*inherited*) property of the orphans without taking an oath first (*that she did not receive any payment from the husband*). There came a time that they refrained from imposing an oath on her (*as the Gemora will explain, and hence, they were not able to collect their kesuvah*). Rabban Gamliel the Elder decreed that she should make a *neder* (*a vow*) on whatever the orphans want (*a certain object will be prohibited to her if she did receive payment*), and then, she may collect her *kesuvah*. The witnesses sign the *get* to benefit the public. Hillel instituted the *pruzbul* (*after shemita all debts are cancelled unless the lender wrote a pruzbul; a document which transfers all of one's personal loans to the Beis Din, and their debts are not cancelled after shemita*) to benefit the public. (34b2 – 34b3)

### **A Widow Collecting**

The *Gemora* asks: Why does the *Mishnah* make special mention of a widow? This *halachah* is true of everyone, for we learned that the sages proclaimed that if someone tries to collect from the property of orphans they must take an oath!?

The *Gemora* answers: It is a novelty to teach this law with respect of a widow. For we might have thought that the widow should be allowed to collect without taking an oath in order to make her more attractive to marry. The *Mishnah* teaches us that this is not the case. (34b3 – 35a1)

### **INSIGHTS TO THE DAF**

#### ***An Idolatrous Name***

Rav Yehudah said in the name of Shmuel: The Jews from abroad sent to Rabban Gamliel the following inquiry: If a man comes here from *Eretz Yisroel* whose true name is Yosef, but who is known here as Yochanan, or whose name is Yochanan, but who is known here as Yosef, how can he divorce his wife? Rabban Gamliel thereupon stood up and decreed that they should write in the *get*, “This man So-and-so or by whatever names he is known,” “This woman So-and-so or by whatever names she is known,” in order to benefit the public.

They asked Rabbeinu Tam regarding a Jew who worships idols and he divorced his wife with a *get* which had only his Jewish name written on it, and not his idolatrous name. What is the status of such a *get*?

He answered: Heaven forbid to even mention an idolatrous name on a *get* which is written according to the law of Moshe and all of Israel!

The Ra”dach in his response explains that his idolatrous name is not regarded as his name at all, and if that would be the only name written on the *get*, it would be as if the *get* would be written without the name of the divorcing husband.

However, Reb Yosef Engel notes that from the language of Rabbeinu Tam, it would seem that there is a different explanation. It is on account of the sanctity of the *get* that his idolatrous name cannot be written.



And the Rad"vaz in his response writes like that as well. He says that any holy scroll, such as a *Sefer Torah*, *Tefillin*, or *Mezuzah*, where there lies an obligation that it should be written *lishmah*, and also a *get* has sanctity, for it is also has a requirement to be written *lishmah*.

He concludes that the *matzah* which is being baked to be eaten on *Pesach* night also possesses sanctity, for it is required to be baked *lishmah*.

It is possible that this could explain the custom of many righteous people to kiss the *matzah* before they eat it on the night of the *seder*.

#### DAILY MASHAL

##### **Words of the Heart**

Giddul bar Re'ilai sent a *get* to his wife. The agent went and found her sitting and weaving. He said to her, "Here is your *get*." She said to him, "Go away now and come again tomorrow." The agent returned to Giddul and told him what happened. Giddul exclaimed, "Blessed be He Who is good and does good!"

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The Tosfos R"i explains that the dispute is based upon the following: Do we consider his show of intention as merely "words of the heart" (*thoughts*), and therefore, it would not be regarded as words? Or perhaps, his display of intent is more than merely a thought, but rather, it is regarded as if he spoke it out!

Accordingly, he adds that if it would be clear beyond a shadow of a doubt as to what his intent was, even Abaye would concede that the *get* is void, for throughout *halachah*, we always say that when someone's thoughts are clear to everyone, it is not regarded as thoughts, but rather as words. Our *Gemora* is discussing a case where it is not so clear as to what he was thinking, and therefore, Abaye and Rava disagree.

The Chasam Sofer understood the *Gemora* differently. He explains that even in our *Gemora*, it is definitely clear as to what the husband is thinking. He wants to cancel the *get*. Nonetheless, Abaye holds that it still remains only a thought, and to rescind his verbal instruction from before, it is necessary to verbalize it. Thoughts, even thoughts that are clear to everyone, are not sufficient to cancel his previous order.

#### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: Why did Rabban Gamliel decree that a *get* may only be revoked in the presence of the wife or the agent?

A: *Machlokes*: R' Yochanan – to avoid *mamzeirim*. Rish Lakish – to prevent *agunos*.

Q: If the husband voided the *get* in violation of Rabban Gamliel's decree, is the *get* voided?

A: *Machlokes* between Rabban Shimon ben Gamliel and Rebbe.

Q: If the husband said to ten people, "Write a *get* for my wife," can he retract his instruction to each of them separately?

A: *Machlokes* between Rabban Shimon ben Gamliel and Rebbe.