



## This Get is Not Transferable

As mentioned last week, a critical requirement of a *get* is that it is written *lishmah* – with the intention that it is used for the divorce of this husband and wife. The first *Mishnah* in the third *perek* lists several cases that do not meet this requirement. One of these is if a man wrote a *get* to divorce his wife, then changed his mind. The *Mishnah* explains that if he finds another person from his town whose name matches his own and whose wife's name matches his wife's name, that friend cannot use the *get* to divorce his wife. The *Bartenura* explains that the *get* was valid at the time of writing, since it was intended to be used for the divorce of the two individuals that it was written for. Nevertheless, the *Mishnah* is teaching us that it cannot be used for another divorce, since that divorce was not considered at the time of writing.

The *Tifferet Yisrael* anticipates the following question. Irrespective of the laws of *lishmah*, the second man should not be able to use the *get*. Since the names of the husbands and wives match in that town, the *get* is not unique enough that we can know to whom the *get* belongs. The *Tifferet Yisrael* explains that while ideally the *get* should be unique, if the *get* is delivered, it is nevertheless valid. This is because we rule like *R' Elazar* that the witness that effect the divorce are those that are present when the *get* is delivered (*edei mesira*) and not those that are written in the *get* (*edei chatima*).

Indeed the *Gemara* (24b) explains that our *Mishnah* is according to the opinion of *R' Elazar*. The *Tosfot* explains that according to *R' Meir* who maintains that the witnesses on the *get* effect the divorce, it would need to be clear from the *get* on which the witnesses sign, that the *get* was written for this particular divorce. The names would need to be unique and they would need to add either the names of the grandparents or other distinctive features. *Rashi* however explains that according to *R' Meir*, who does not require *edei mesira*, the concern is that the woman who was not divorced will find the *get* and use it to claim she

was divorced. In other words, rather than being an essential requirement for the validity of the *get*, *Rashi* understands that the issue for *R' Meir* is an external one.

Considering the above, granted that the second man cannot use the *get*, if the first man changed his mind again, can he use the *get*? The *Tosfot R' Akiva Eiger* comments that there is no problem and he can. The *Chatam Sofer* (24a, s.v. *kol*) however cites the *Tosfot* (32b, s.v. *hatam*) that explains that everyone agrees that if the husband annuls a *get* prior to delivery, then the *get* cannot be used again. In our case, since the husband changed his mind and gave it to another, it should be no different to him annulling the *get* and therefore not able to be used by the husband again. Why then did the *Mishnah* rule that the friend may not use the *get*, but did not include the fact that the husband also may not? The *Chatam Sofer* explains that when the husband cancels a *get* it is considered as if the husband annulled his instruction to write the *get lishmah* and it is as if the *get* was written *stam* – without any specific intent. At this stage the *Mishnah* was only teaching that a *get* was not transferrable and was not yet up to teaching that a *stam get* is invalid.

The *Chidushei HaRim* however explains that the husband changing his mind is not considered as if he annulled the *get*. The *Chidushei HaRim* explains that that is why the *Mishnah* includes specifically this case where the husband changed his mind. Based on what we learnt, even if the husband did not change his mind (and was ultimately going to give his wife a *get*) the friend would not be able to use the *get*. The *Mishnah* includes this case where he changed his mind so that if he gives the *get* to his friend it is considered as if the *get* completely belongs to his friend (another core requirement), to teach that due to the lack of *lishmah* it is nevertheless invalid.

## Revision Questions

גיטין ב' ג' – ד' א'

- Is there something special about the ink that must be used to write a *get*? (ב' ג')
- Is a *get* valid if it was written on the horn of a cow while it is still attached to the cow? (ג' ב')
- Explain the debate regarding a *get* that was written on something that was attached to the ground and signed after it was detached. (ב' ד')
- Are there limitations on who can write a *get*? (ב' ה')
- Are there limitations on who can be a messenger to bring a *get*? (ב' ה')
- Complete the following phrase and explain: (ב' ו')  
"כל \_\_\_\_\_ בדעת כשר"
- Which five women are not valid witnesses to the death of another woman's husband? (ב' ז')
- Are these women valid as messengers to bring a *get*? (ב' ז')
- If a woman brings her own *get* does she need to say "befanai nechata'v u'befanai nechta'm"? (ב' ז')
- Can a *get* that was written for another couple that had the same names be used? (א' ג')
- Explain the debate regarding how much of a *get* can be pre-written? (ב' ג')
- If a *get* was lost, why can it not be used once it is found? In which case can it be used? (ג' ג')
- Can a *get* be given if it was sent from the husband who was ill? (ג' ג')
- What are the three cases presented in which we are concerned that the husband has died and who presented these cases? (ד' ג')
- If a messenger bringing a *get* within Israel falls ill, can he hand the *get* on to another *shaliach*? (ה' ג')
- Regarding the previous case, what happens if the *shaliach* was bringing a *get* from outside Israel? (ו' ג')
- If someone loans money to a *kohen* on the condition that he may separate *trumah* for him and then sells it to another *kohen* and then the *kohen* travels overseas, can he continue to fulfill this condition? (ז' ג')
- What is the law if the *kohen* dies prior to the person separating *trumah*? (ז' ג')
- If someone set aside fruit in case later he wished to use them as *trumah* for other produce, then later discover that they were lost, for what period of time prior to discovering this must he assume they were lost? (ח' ג')
- According to *R' Yehuda* if someone tries a similar scheme with wine, how often and when must he check the quality of the wine? (ח' ג')
- If a husband sent a *get* with a *shaliach*, until when can he cancel the *get* and what is required to cancel it? (ט' א')

## Melbourne, Australia

### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

## Efrat, Israel

*Shiur in English*

### Sunday -Thursday

Rabbi Mordechai Scharf  
9:00am  
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Reemon Neighbourhood

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## SHIUR ON KOL HALOSHON

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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 September י"ד תשרי	24 September ט"ו תשרי	25 September ט"ז תשרי	26 September י"ז תשרי	27 September י"ח תשרי	28 September י"ט תשרי	29 September כ' תשרי
Gittin 4:2-3	Gittin 4:4-5	Gittin 4:6-7	Gittin 4:8-9	Gittin 5:1-2	Gittin 5:3-4	Gittin 5:5-6

