

מסכת גיטין • דף כ"ד ע"ב

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

In this daf, we are zocheh to delve deeper into the essential halachah of lishmah—that a get must be written specifically for the sake of the husband and wife who are actually divorcing. The Aibershter commanded us in the Torah, "And he shall write for her," which our Sages teach is a binyan av for all divorce proceedings. We will explore how this rule applies to scribes who are merely practicing their writing, and to a husband who has two wives with the identical name.

We will also learn how the Gemara uses these halachos to understand the concept of bereichah (retroactive clarification) in a get. The sugya then transitions into a fascinating discussion regarding two people in the same town who share the exact same name, and how this affects the validity of legal documents like gittin and promissory notes.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

MISHNAH מִשְׁנָה

MISHNAH

יתר מיכן – היו לו שתי נשים ושמותיהן שוות, כתב לגרש את הגדולה – לא יגרש בו את הקטנה.

The Mishnah teaches: **More than this**, i.e., teaching an even greater novelty: If he had two wives and their names were identical, and he wrote a get to divorce the older one, he may not divorce the younger one with it, even though the names written in the get match her name.

MISHNAH

יתר מיכן – אמר ללכת: "כתוב, לאיזו שארצה אגרש" – פסול לגרש בו.

More than this: If he said to the scribe: "Write a get, and whichever of my two wives that I will want, I will divorce with it," this get is unfit to divorce either wife with it, because at the time of the writing, it was not designated for a specific woman.

GEMARA גְּמָרָא

GEMARA

גמ' כתב לגרש את אשתו ונמלה וכו':

GEMARA: The Mishnah taught in the second clause: If one wrote a get to divorce his wife and then reconsidered, and another resident of his town with identical names found it, it is unfit to use.

QUESTION

ואלא רישא במאי?

The Gemara asks: **But then**, if the second clause is where a valid get was written for a specific person who then reconsidered, **the first clause**, where a man finds a get that a scribe had written, **with what case are we dealing**? Isn't that also a case of a get written for someone else? Why did the Tanna need to teach both cases?

ANSWER

אמר רב פפא: בסופרין העשויין להתלמד עסקינן.

Rav Pappa said: We are dealing with scribes who are practicing to learn how to write a get; the get in the first case was written merely as an exercise, and not for the sake of any actual divorce.

PROOF

אמר רב אשי: דיקא נמי, דקתני "סופרין מקריין", ולא קתני "סופרין קוראין";

Rav Ashi said: The language of the Mishnah is also precise, as it teaches: "Scribes dictating" to their students, and it does not teach: "Scribes reading" on their own; this proves they were practicing.

RESOLUTION

שמע מינה.

The Gemara concludes: Indeed, **learn from this** that this is the correct explanation.

QUESTION

מאי "יתר מיכן"?

The Gemara asks: **What** is the added novelty indicated by the term "**More than this**" which introduces each subsequent clause?

ANSWER

תנא דבי רבי ישמעאל: לא זה – שנכתב שלא לשום גירושין; אלא אף זה – שנכתב לשום גירושין, פסול.

The Gemara answers: The school of Rabbi Yishmael taught a Braisa that explains the progression: **Not** only **this** first get, which was written not for the sake of divorce at all, but as a mere practice exercise, is unfit; **but even this** second get, which was written for the sake of divorce but the husband then reconsidered, is **unfit** for another man to use.

EXPLANATION

ולא זה – שנכתב שלא לשום גירושין דידיה; אלא אף זה – שנכתב לשום גירושין דידיה, פסול.

And not only **this** second get, which was not written for the sake of his own divorce but for someone else's, is unfit; **but even this** third get, which was written for the sake of his own divorce, but was written for his other wife, is **unfit** to divorce this wife with.

EXPLANATION

ולא זה – שלא נכתב לשום גירושין הא; אלא אף זה – שנכתב לשום גירושין הא, פסול.

And not only **this** third get, which was not written for the sake of this wife's divorce, but for his other wife, is unfit; **but even this** fourth get, which was written for the sake of this wife's divorce, but where he told the scribe to write it for whichever wife he chooses later, is **unfit**.

QUESTION

מאי טעמא?

The Gemara asks: **What is the reason** that a get must be written specifically for the woman being divorced?

ANSWER

אי כתב "ונתן ספר כריתות בידה", הוה אמינא למעוטי האיך קמא, דלא עביד לשום כריתות; אכל כתב לגרש את אשתו ונמלה, דעביד לשום כריתות – אימא פנשר; כתב רחמנא: "וכתב".

The Gemara explains: If the Torah had written only: "and he gives a scroll of severance in her hand," I would say that this comes to **exclude that first** case of the practicing scribes, which was not made for the sake of severance at all; but where he wrote to divorce his wife and then reconsidered, which was made for the sake of severance, I would say it is valid for another man of the same name to use. Therefore, the Merciful One writes: "And he writes," to teach that the husband himself must have it written for his own divorce.

EXPLANATION

אי כתב רחמנא "וכתב", הוה אמינא למעוטי האי, דלא איהו קא כתיב לה; אכל יש לו שתי נשים, דאיהו קא כתיב לה – אימא פנשר; כתב רחמנא: "לה" – לשמה.

If the Merciful One had written only "And he writes," I would say it comes to **exclude this** second case, where he, the second husband, **did not write it** for his own divorce; but where he has two wives with the same name, where he himself is writing it for his own divorce, I would say it is valid to divorce either one. Therefore, the Merciful One writes: "for her"—meaning it must be written **for her sake** specifically.

QUESTION

וסיפא למה לי?

The Gemara asks: **And why do I need the last clause** of the Mishnah, where he tells the scribe to write it for whichever wife he later chooses?

ANSWER

הא קא משמע לן – דאין ברירה.

The Gemara answers: **This comes to teach us that there is no retroactive clarification**; we do not say that once he chooses a wife, the get is retroactively clarified to have been written for her sake.

INFERENCE

כתב לגרש את הגדולה – לא יגרש בו את הקטנה: קטנה הוא דלא מצי מגרש ביה, הא גדולה – מצי מגרש ביה.

The Mishnah taught: If he wrote to divorce the older one, he may not divorce the younger one with it. The Gemara infers: It is **the younger one** that he cannot divorce with it, but the older one he can divorce with it, since it was written for her.

STATEMENT

אמר רבא: זאת אומרת, שני יוסף בן שמעון הדרין בעיר אחת – מוציאין שטר חוב על אחרים.

Rava said: That is to say, we can infer from here that if there are two people named Yosef ben Shimon who dwell in one city, they can present a promissory note against others to collect a debt, and the debtor cannot claim that the note belongs to the other Yosef ben Shimon.

OBJECTION

אמר ליה אביי: אלא מעתה, רישא דקתני: שמי כשמה – פסול לגרש בו; שני הוא דלא מצי מגרש ביה, הא ראשון מצי מגרש ביה?!

Abaye said to him: If that is so, then according to your reasoning, from the first clause which teaches: If a man says to another, "My name is like your name," it is unfit to divorce with it, we should infer: It is the second man who cannot divorce with it, but the first man can divorce with it!

OBJECTION

והא אמרינן: "ולא אחר יכול להוציא עליהן שטר חוב"!

But didn't we say in a Mishnah in Bava Batra: If there are two people with identical names in a town, neither of them can present a promissory note against others, because the debtor can claim he owes the other one? Here too, the other wife might use this get to collect her ketubah!

RESOLUTION

אלא מאי אית לך למימר? בעדי מסירה, ורבי אלקעזר היא; הקא נמי – בעדי מסירה, ורבי אלקעזר היא.

Rather, what have you to say to explain how the first husband can divorce his wife? You must say that the Mishnah refers to a case with witnesses of transmission, and it is in accordance with Rabbi Elazar who holds that the witnesses of transmission effect the divorce; here too, in our clause, it is a case with witnesses of transmission, and it is in accordance with Rabbi Elazar, so no proof can be brought regarding promissory notes.

RULING

אמר רב: כולן פוסלין בכהונה, חוץ מן הראשון.

Rav said: All of the unfit gittin mentioned in the Mishnah disqualify the woman from marrying into the priesthood because they resemble a get, except for the first case of the practicing scribes, which is not a get at all.

RULING

ושמואל אומר: אף ראשון נמי פוסל.

And Shmuel said: Even the first case also disqualifies her from marrying a kohen.

EXPLANATION

ואזדא שמואל לטעמיה, דאמר שמואל: כל מקום ששנו חכמים "גט פסול" – פסול ופוסל.

And Shmuel goes according to his standard reasoning, as Shmuel said: Wherever the Sages taught that a get is "an unfit get," it is unfit to permit her to remarry, and yet it disqualifies her from marrying a kohen.

EXPLANATION

"תליצה פסולה" – פסולה, ופוסלתה מן האחין.

And similarly, "an unfit chalitzah" is unfit to permit her to marry a stranger, and yet it disqualifies her from marrying the other brothers.

STATEMENT

בְּמַעֲרָבָא אָמְרִי מְשִׁמְיָה דְּרַבִּי אֶלְעָזָר: שְׂמָא לִּילְיָהּ – פְּסוּלוֹת וּפּוֹסְלוֹת.

In the West, Eretz Yisrael, they say in the name of Rabbi Elazar: Chalitzah performed with the left foot, or performed at night, are unfit and yet they disqualify her from the brothers.

SUMMARY

The Gemara begins by clarifying that the first clause of our Mishnah refers to scribes who are practicing their writing, and it uses a baraita from the school of Rabbi Yishmael to show how each case in the Mishnah teaches a greater novelty regarding the requirement of lishmah. We learn from the pesukim that a get is invalid if it was not written for the sake of a divorce, if it was not written for this specific husband, or if it was not written for this specific wife from the very beginning, as we do not say there is retroactive clarification. Finally, the Gemara deduces from the Mishnah's ruling about two wives with identical names that a person who shares a name with another townsman may still collect on a promissory note, leading to an insightful discussion between Rava and Abaye.

לְמַעֲשֶׂה

WHAT TO TAKE HOME

My dear talmid, look at how much care the Torah demands when a man writes a get. The Gemara teaches us that even if a man has two wives with the exact same name, he cannot write a get for the older one and then decide to use it for the younger one. It is not enough that the name on the paper matches; the Torah says "ve-chasav lah"—it must be written specifically for her, with her in mind from the very first stroke of the quill. There is no such thing as a generic, one-size-fits-all act of connection or separation in the eyes of the Aibershter.

This is a profound lesson for our daily avodah. How often do we perform our mitzvot, our tefillos, or even our acts of chesed in a generic, robotic way? We go through the motions, thinking that as long as the "text" of our action looks correct, it is enough. But Hashem wants your heart. He wants your specific intention. When you daven for a fellow Yid, or when you sit down to learn, do not let it be a copy-paste action. Put your mind and your neshama into that specific moment, for that specific purpose.

Today, before you perform a mitzvah or say a berachah, pause for three seconds to think about what you are doing and Who you are doing it for, ensuring your action is done with real, specific intention.