

מסכת גיטין • דף ל"ד ע"א

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

In this daf, we continue our learning of the sugya regarding the power of the Beis Din to uphold its decrees, specifically contrasting monetary matters with the strict prohibitions of marriage and divorce. We delve into the halachos of an apotropos (steward) appointed for orphans, and whether the orphans can protest their division of property once they grow up. This leads us into a deep discussion on the power of the court's authority versus the severe nature of a married woman's status.

We then move into a fascinating discussion regarding a husband's disclosure of intent (giluy da'as) to cancel a get without explicitly doing so. Through the story of Giddul bar Re'ilai, who rejoiced when his get was not delivered, the Gemara explores the machlokes between Abaye and Rava. We analyze whether such a demonstration of joy or other non-explicit actions are enough to render a get void, bringing proofs from various cases where Chazal had to compel a husband to write a get.

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

STATEMENT

תומין שפאו לחלוק בנכסי אביהן, בית דין מעמידין להן אפוטרופוס, ובזררים להן חלק יפה.

In the case of orphans who came to divide the property of their father, the court appoints a steward for them, and they select for them a fine portion.

STATEMENT

הגדילו – יכולין למחות.

When they have grown up, they can protest the division and demand a redistribution.

STATEMENT

ורב נחמן דידיה אמר: הגדילו – אין יכולין למחות; דאם כן, מה פס בית דין יפה?

And Rav Nachman himself said: When they have grown up, they cannot protest; for if so, what advantage does the court have?

ANSWER

התם ממונא, הכא איסורא.

The Gemara answers: **There**, in the case of the orphans, it is a matter of **monetary law**, where the court has the power to expropriate, but **here**, in the case of a get, it is a matter of **prohibition**, and we cannot permit a married woman to marry based on court authority.

STATEMENT

גידול בר רעילאי שדר לה גיטא לדביתהו; אזל שליחא, אשכחה דההו יתבה ונוולא, אמר לה: הא גיטין. אמרה ליה: זיל השתא מיהא, ותא למחר. אזל לגביה ואמר ליה. פתח ואמר: "ברוך הטוב והמטיב".

The Gemara relates: Giddul bar Re'ilai sent a get to his wife; the agent went, and found her when she was sitting and weaving. He said to her: Here is your get. She said to him: Go away for now at least, and come tomorrow. He went to Giddul and told him what happened. Giddul opened his mouth and said: "Blessed is He Who is good and does good", because he was happy the get was not delivered.

STATEMENT

אביי אמר: "ברוך הטוב והמטיב", ולא בטל גיטא.

Abaye said: He said "Blessed is He Who is good and does good," but the get is not voided by this statement.

STATEMENT

רבא אמר: "ברוך הטוב והמטיב", ובטל גיטא.

Rava said: He said "Blessed is He Who is good and does good," and the get is voided.

EXPLANATION

במאי קמיפלגי? בגלוי דעתא בגיטא קמיפלגי – דאביי סבר: גלוי דעתא בגיטא לא מלתא היא, ורבא סבר: גלוי דעתא בגיטא מילתא היא.

In what do they differ? In the disclosure of intent in a get they differ – as Abaye holds: Disclosure of intent in a get is not a significant matter to void it, and Rava holds: Disclosure of intent in a get is a significant matter and does void it.

PROOF

אמר רבא: מנא אמינא לה? דרב ששת אשקליה גיטא לההוא גברא בעל כרחיה, ואמר להו לסהדי: הכי אמר לכו רב ששת – לבטל גיטא. ואצרכיה רב ששת גיטא אחרینא.

Rava said: From where do I say this? As Rav Sheshet extracted a get from a certain man against his will, and the man said to the witnesses: This is what Rav Sheshet said to you – to void the get. And Rav Sheshet required him to write another get, because his disclosure of intent voided the first one.

REFUTATION

ואביי – אטו רב ששת מבטל גיטא דאינשי הוה?! איהו בטלה; והאי דקאמר להו הכי, משום דפנוי[י].

And Abaye would respond: Is that to say Rav Sheshet voids the gets of other people?! Rather, he, the husband, explicitly voided it; and this that he said to them thus, attributing the cancellation to Rav Sheshet, was because of the lashes he feared he would receive from the court officers if he openly defied Rav Sheshet.

PROOF

ואמר אביי: מנא אמינא לה? דרב יהודה אשקליה גיטא לחתניה דרבי ירמיה ביראה, ובטליה; תנא אשקליה, ובטליה; הדר תנא ואשקליה על כרחיה, ואמר להו לסהדי: אותיבו קרי באוניכו וכתובו ליה.

And Abaye said: From where do I say this? As Rav Yehuda extracted a get from the son-in-law of Rabbi Yirmeya Bira'ah, and he voided it; he again extracted it, and he voided it; he returned again and extracted it against his will, and said to the witnesses: Place pieces of gourd in your ears and write it for him so you do not hear him void it.

PROOF

ואי סלקא דעתך גלוי דעתא בגיטא היא, הא חזו ליה דקא רהיט בתרייהו!

And if it enters your mind that disclosure of intent in a get is a significant matter, surely they see him running after them, which clearly discloses his intent to stop them!

REFUTATION

ורבא – האי דקא רהיט בתרייהו, דאמר להו: אשור הבו לה חייא, כי היכא דמשלם צערא דההוא גברא.

And Rava would respond: This that he was running after them is not a clear disclosure of intent to void it, for perhaps he was running to say to them: Make haste, give it to her quickly, so that the pain of that man, meaning my own pain of being in this stressful situation, will end.

PROOF

ואמר אביי: מנא אמינא לה? דההוא דאמר להו: אי לא אתינא עד תלתין יומין, ליהוי גיטא. אתא, ופסקיה מבפרא; אמר להו: "חזו דאתאי, חזו דאתאי"; ואמר שמואל: לא שמייה מתא.

And Abaye said: From where do I say this? As there was a certain man who said to them: If I do not arrive within thirty days, let this be a get. He arrived, but the ferry stopped him on the other side of the river; he said to them: "See that I have arrived, see that I have arrived!" And Shmuel said: It is not called an arrival, and the get is valid, despite his clear disclosure of intent that he wanted to prevent the divorce.

REFUTATION

ורבא – אטו התם לבטולי גיטא פעי? התם לקיומי תנאיה קא בעי, והא לא איקיים תנאיה.

And Rava would respond: Is that to say there he wants to void the get? There, he wants to fulfill his condition of arriving, and his condition was not fulfilled. Therefore, the get takes effect by default, not because we ignore his intent.

STATEMENT

ההוא דאמר להו: אי לא נסיבנא עד תלתין יומין – ליהוי גיטא. כי מטו תלתין יומין, אמר להו: הא טרחנא.

There was a certain man who said to them: If I do not marry her within thirty days, let this be a get. When thirty days arrived, he said to them: Behold, I have exerted myself to marry her but was prevented by circumstances beyond my control.

QUESTION

למאי ניחוש לה? אי משום אונסא – אין אונס בגיטין. אי משום גלוי דעתא בגיטא – פלוגתא דאביי ורבא הוא.

The Gemara asks: For what must we be concerned for it? If because of unavoidable accident, there is no claim of unavoidable accident in gets. If because of disclosure of intent in a get, it is the dispute of Abaye and Rava.

STATEMENT

הָהוּא דֹאָמַר לָהֶם: אִי לֹא נִסִּיבָנָא לְרִישׁ יֶרֶחָא דְאָדָר, לִיְהוּי גִיטָא. כִּי מָטָא רִישׁ יֶרֶחָא דְאָדָר, אָמַר
לָהֶם: אָנָּה לְרִישׁ יֶרֶחָא דְנִיסָן אָמַרִי.

There was a certain man who said to them: If I do not marry her by the New Moon of Adar, let this be a get. When the New Moon of Adar arrived, he said to them: I meant the New Moon of Nissan.

QUESTION

לְמַאי נִיחֻוּשׁ לָהּ? אִי מְשׁוּם אוֹנֶס – אִין אוֹנֶס בְּגִיטִין. אִי מְשׁוּם גְּלוּיֵי דַעְתָּא – פְּלוּגְתָּא דְאַפִּי וְרָבָא.

For what must we be concerned for it? If because of unavoidable accident, there is no claim of unavoidable accident in gets. If because of disclosure of intent, it is the dispute of Abaye and Rava.

RULING

וְהַלְכָתָא כְּנַחְמָן; וְהַלְכָתָא כְּנַחְמָן;

And the halachah is like Nachman; and the halachah is like Nachman.

SUMMARY

The daf establishes that while Beis Din has the power to finalize property divisions for orphans to maintain the court's authority in monetary matters, we do not apply this same leniency to validate a questionable get, as we must be extremely stringent with the prohibitions of a married woman. The Gemara then focuses on the machlokes between Abaye and Rava regarding giluy da'as (disclosure of intent) in canceling a get. Abaye holds that a husband's indirect actions or expressions of relief do not void the get, bringing proofs from cases where husbands were prevented from speaking or where an unavoidable delay (oness) kept a husband from arriving on time. Rava argues that such clear demonstrations of intent do indeed void the get, explaining each of Abaye's proofs in a way that preserves his own halachic view.

My dear talmid, look at the beautiful and deep machlokes between Abaye and Rava on our daf. A husband sends a get to his wife, but when he hears there is a delay and she did not receive it yet, he bursts out with a heartfelt bracha: "Baruch HaTov VeHaMeitiv!" He is overjoyed that the divorce did not go through. Rava says this "gilluy da'as", this clear disclosure of his inner will, is so powerful that it completely voids the divorce, even though he never explicitly said the words "I cancel it." Abaye, however, holds that unless he says the formal words of cancellation, his feelings do not change the halachic reality.

This machlokes touches on a profound truth about our own avodah. How often do we find ourselves going through the motions of life, doing what we think we have to do, while our hearts are actually pulling in the opposite direction? We might be heading down a certain path, but deep down, we are praying for a delay, hoping for an obstacle, wishing that Hashem would stop us. Rava is teaching us that your true, inner desire, your "gilluy da'as", carries immense weight. Hashem looks at what your neshama actually wants, even when your external actions are still moving forward.

If you find yourself in a situation where you are about to make a mistake, or you are stuck in a habit that you feel powerless to stop, do not despair. Even if you feel you cannot halt your actions right now, let your heart cry out. Let your inner will be clear to Hashem. That silent, honest whisper of "I wish I wasn't doing this" is not meaningless. It is a powerful disclosure of your true self, and in the eyes of Heaven, that inner truth has the power to change your entire reality.

Today, take one minute before you do a mitzvah or when you find yourself facing a nisayon, and explicitly reveal your inner will to Hashem. Say quietly: "Ribono shel Olam, I truly want to do Your will and be close to You."