

## המשליש גט לאשתו – One who places in escrow a גט for his wife

### OVERVIEW

The גמרא cited two ברייתות one regarding גט לאשתו which supports the view of רב that the three month waiting period begins משעת נתינה, and the other ברייתא of משעת כתיבה שמואל that they begin המשליש גט לאשתו. There is a disagreement between רש"י and תוספות regarding the case of המשליש גט (where she is not required to wait) as to the whereabouts of the husband.

פירש בקונטרס<sup>1</sup> והוא הלך לדרכו<sup>2</sup> –

רב explained, and the husband went on his way (he was not with his wife) -

ובחנם פירש כן אלא מיירי אפילו הוא בעיר –

And it was unnecessary for רש"י to explain it thus, but rather the ברייתא is discussing a case even where the husband is in the same city as his wife –

תוספות responds to an anticipated difficulty:<sup>3</sup>

ונקט הך ברייתא המשליש לרבותא דאף על פי שהוא בעיר<sup>4</sup> –

And this ברייתא mentions המשליש (and not השולח, which would indicate that he is elsewhere), to teach us a novelty that even though the husband is in the same city, nevertheless -

מותרת לינשא מיד<sup>5</sup> ואין חוששים לגט ישן<sup>6</sup> –

She is permitted to marry immediately for we are not concerned for a גט ישן -

ולעיל נקט השולח לרבותא דאף על פי שאינו בעיר צריכה להמתין<sup>7</sup> שלשה חדשים:

And previously the other ברייתא mentioned השולח to teach us the novelty that even though the husband is not in the same city (so there is certainly no חשש of גט ישן); nevertheless, she is obligated to wait three months (because 'יאמרו ב' נשים וכו' as the גמרא stated previously).

<sup>1</sup> ד"ה המשליש.

<sup>2</sup> Presumably (according to תוספות understanding of רש"י) this explains why we are not concerned for a גט ישן (see (רש"י ד"ה גט ר"ן for an alternate explanation).

<sup>3</sup> The two ברייתות argue whether the three months begin משעת כתיבה or משעת נתינה; why is it however that one ברייתא states השולח (which indicates the בעל was not בעיר) and the other ברייתא states המשליש which (in contrast to השולח) indicates that the בעל is בעיר.

<sup>4</sup> However according to רש"י that the ברייתא of המשליש is when he is not בעיר, why mention המשליש (which indicates that he may be בעיר), it should have said השולח which indicates he is not בעיר. See 'Thinking it over'.

<sup>5</sup> This ברייתא agrees with שמואל.

<sup>6</sup> Both ברייתות (המשליש and השולח) agree that there is no חשש for a גט ישן. See previous השולח footnote # 4.

<sup>7</sup> This ברייתא agrees with רב.

## **SUMMARY**

We are never concerned that perhaps it is a גט ישן,

## **THINKING IT OVER**

According to תוספות that the חידוש of המשליש is that even though he is in the city we are not חושש for a גט ישן,<sup>8</sup> why did the ברייתא need to teach it by המשליש, it could have taught us the same חידוש in a case where the husband wrote the גט and held it for three months before being מגרש with it (without a משליש)?<sup>9</sup>

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<sup>8</sup> See footnote # 4.

<sup>9</sup> See תפא"י.