צריכי למיקרייה – They are required to read it

Overview

The גמרא cited a ruling in the name of רב דימי that the עדי מסירה must read the גט. Our תוספות discusses when the גט should be read.

קודם נתינה איירי מדמשני בסמוך[1] לא צריכא דלבתר דקריוה עיילוה כולי[2] –

We are discussing before the giving of the גט (that is when it needs to be read according to רב דימי), **since** the גמרא **shortly answers, 'it was only necessary** in a case **where after they read it they placed it** in the folds of his garment**, etc.**

ואי לא קרייה נראה דלא הוי גט[3] מדלא משני הכא במאי עסקינן דלא קרייה[4] –

However, if they did not read the גט before it was given to the wife, **it is the view** of תוספות **that it is not a גט, since** the גמרא **did not answer, 'we are discussing here** a case **where they did not read it' -**

משמע דאי לא קרייה אינה מגורשת –

This indicates that if they did not read it she is not divorced.

תוספות asks:

ואם תאמר דתנן לקמן בהזורק (דף פ,א) כתב גט לאיש ושובר לאשה וטעה ונתן כולי –

And if you will say; for we learnt in a משנה later in הזורק פרק**, '**the סופר **wrote a גט for the husband** (to give it to the wife) **and a receipt for the woman** (to give it to her husband when he pays the כתובה), **and** the סופר **erred and he gave etc.** (the גט to the woman and the שובר to the husband) -

ולאחר זמן גט יוצא מתחת ידי האיש ושובר מיד האשה[5] תצא מזה ומזה –

And after a while they realized **that the man is in possession of the גט and the**

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[1] The גמרא shortly challenges the ruling of רב דימי from the ברייתא of שטר פסים הוא. If ר"ד is correct that the עדים are required to read the גט (before it is given), how can the husband claim afterwards that it was a שטר פסים, since the עדי מסירה had already read a proper גט. See following footnote # 2.

[2] The גמרא answered (see previous footnote # 1) that indeed רב דימי is correct, and the ברייתא is discussing a case where after the ע"מ read the גט they placed it by the husband and afterwards he gave it to his wife, etc. This indicates that the גמרא assumes that ר"ד requires that the reading take place before the giving of the גט, because if there is a requirement that it be read after the נתינה, then there can be no issue of עיילוה לביה ידיה and חלופי חלפיה, etc.

[3] This means she is not permitted to remarry (until the גט is read).

[4] תוספות maintains that the ruling of ר"ד is even בדיעבד it is not a גט. For if it is a גט בדיעבד (if the ע"מ did not read it), the גמרא could have answered that the ברייתא of שטר פסים is in a case where somehow they did not read it (and therefore he can claim שטר פסים הוא). Since the גמרא did not offer this answer, this proves that it must be read.

[5] The man who (mistakenly) was given the שובר gave it to the אשה (thinking that it was a גט), and the woman who (mistakenly) received the גט gave it to her husband (thinking that it is a שובר). In reality however the woman never received a גט from her husband (he only gave her a שובר, which is meaningless). She is still considered married to her original husband.

woman is in possession of the שובר, the rule is that the woman **must leave both** her new husband and old husband.[6] This concludes that משנה -

ודייק עלה בהאשה רבה[7] (יבמות דף צא,ב) מאי הוה לה למעבד –

And the גמרא **in האשה רבה** פרק **infers from** the previously mentioned משנה of יבמות, where it is a case of '**what could she have done'** so why is it תצא מזה ומזה; seemingly proving that we do not say מאי הוה לה למיעבד -

ומשני איבעי לה לאקרויי גיטא –

And the גמרא there answered **she should have read the גט** before she remarried; therefore it is not a case of מאי הוה לה למעבד. This concludes the גמרא. Now תוספות continues with his question –

והשתא אי לא קרייה אפילו לא הוחלפה להם אינה מגורשת[8] –

But now that we say that the גט must be read for it to be valid, so **if they did not read the גט** (as is evidenced by the answer איבעי לה לאקרויי גיטא)**,** then **even if** the גט and the שובר **were not mixed up** (but rather she received the גט from her husband), nevertheless **she is not מגורשת** since the גט was not read![9]

תוספות answers:

ויש לומר דנהי דאסורה לינשא בדלא קרייה מכל מקום אם נשאת לא תצא –

And one can say; granted that she is initially **forbidden to remarry if** the גט **was not read** by the ע"מ, **nevertheless if she remarried** (without the גט being read), **she** is **not** required **to leave** her new husband (provided it is a valid גט) –

תוספות offers an alternate solution:[10]

אי נמי התם בעייליה לבי ידיה וקנסינן לה דאיבעי למיהדר מיד לאקרויי או לאחר נתינה –

Or you may **also** say; **there** (by the גט ושובר) we are discussing a case where after the עדים read it,[11] the סופר **put** the גט ושובר **in their** (opposite) **respective hands, so we punish her** that תצא מזה ומזה, **for she should have read it again immediately** (to make sure that the proper document was given to each party, **or** she should have read it at least **after it was given** to her (since there were two documents). That is

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[6] If she married someone else after receiving her meaningless שובר, she cannot continue to be with her new 'husband' or with her initial husband, since she was מזנה (albeit בשוגג) while she was an אשת איש, which makes her אסורה לבעל ולבועל.

[7] The גמרא there discusses whether under certain circumstances we are lenient with the woman and let her return to her original husband, if she was not at all at fault, for we say מאי הוה לה למיעבד; what could she have done!

[8] This seemingly proves that even if the גט is not read it is a valid גירושין (as long as she received a valid גט).

[9] See 'Thinking it over' # 1.

[10] It seems that this alternate answer of תוספות (disagrees with the previous answer and) maintains that if the גט was never read then even if she remarried the rule is (תצא (מזה ומזה.

[11] Therefore (as far as the ruling of ר"ד is concerned) it is a valid גט.

why we punish her that תצא מזה ומזה -

מאחר שבאה לידי קלקול[12] –

Since it resulted in a calamity.

ומיהו אינה אסורה לינשא אי לא קראה שנית כדאמר הכא לאו כל הימנו לאוסרה[13] –

However, she is not forbidden to remarry if she did not read it a second time, as the גמרא **states here** (regarding the שטר פסים)**, 'he does not have the authority to prohibit her** from remarrying -

אף על גב דעל כרחיך לא קראה בתר הכי[14] –

Even though that perforce she did not read it again **afterwards.**

והיה רגיל רבינו יצחק לקרות קודם הנתינה ולאחר הנתינה –

And the ר"י was accustomed to read the גט **before it was given and after it was given -**

ומיהו פשיטא דאי לא קראה קודם הנתינה וקראה לאחר הנתינה[15] דבר פשוט הוא דמגורשת:

Nevertheless, it is obvious that if the גט **was not read before it was given, but it was read after it was given; it is a simple matter that she is divorced.**

Summary

The גט should be read by the ע"מ before the נתינה (and preferably after the נתינה), otherwise she may not remarry (unless it is read after the נתינה). [If the גט was not read at all there is a dispute whether אם נשאת תצא or not.]

Thinking it over

תוספות asks if the גט is not valid without קריאה then in the case of גט ושובר it should be invalid even if they were not mixed up.[16] However, if they were not mixed up, then it is not פסול, for we can read it now as תוספות concludes[17] shortly![18]

2. Is it preferable to read the גט before the נתינה or after the נתינה?[19]

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[12] She remarried while she was still an אשת איש.

[13] It is preferable that she read it a second time (if after it was read it was given to the husband) for this will preclude her from תצא מזה ומזה (in case no גט was given to her), nevertheless if she did not read it again (especially if it was lost or destroyed), she may remarry, as long as it was read once (before the נתינה).

[14] If it was read after the נתינה he cannot claim שטר פסים הוא.

[15] See 'Thinking it over' # 1 & 2 (and נח"מ).

[16] See footnote # 9.

[17] See footnote # 15.

[18] See מהר"ם שי"ף.

[19] See בל"י אות תנט.