

אִימָא שְׁנַחְתָּם שְׁלֹא לְשֵׁם אִשָּׁה –

Say; that it was signed not for the sake of a woman

Overview

לשמה challenged ר"נ who stated that according to ר"מ a גט need not be written פסול. The but we learnt¹ in a משנה that any גט which was not written אשה is פסול. The Our answered, according to ר"מ, the משנה should read שנתתם (not שנכתב). תוספות discusses the need for this answer and the validity of this answer.

תוספות anticipates a difficulty:

אף על גב דסיפא קתני יתר על כן² כולי ומוקי לה בגמרא כרבי אלעזר³ -

Even though in the סיפא of this משנה, it is taught, ‘even more so, etc.’, and the רישא there establishes that ruling according to ר"א, so we can also establish this רישא like ר"א.⁴ why do we need to change the משנה and answer שנחתם?!

תוספות responds:

מכל מקום מה שיכול לדחוק ולהעמיד כרבי מאיר מעמיד -

Nonetheless as much as it is possible to conform the משנה like ר"מ (even in an unseemly manner), we conform it according to ר"מ -

משום דקיימא לן דסתם מתניתין רבי מאיר היא⁵ -

Because we have established that an anonymous משנה is the view of ר"מ

תוספות asks:

וְאִם תֹּאמַר וְהִכִּי קָאָמַר שְׁנַחֲתָם וְהָא קִתְּנִי כִּיצַד⁶ שָׁמַע קוֹל סוֹפְרִים מִקְרִין⁷ -

And if you will say; but how can we answer that the משנה reads שנתתם instead of

¹ 8.72.

² The משנה there stated that not only if it was completely שלא לשמה is it פסול, but even in a case where he had two wives with the same names, and he wrote it לשמה to divorce the older wife, he cannot use this גט to divorce the younger wife instead. The גמרא (on כד, ב) there inferred that he can still divorce the older wife with this גט (even though it is not evident from the גט, which wife he is divorcing [see ד"ה בעדי תוס']), and subsequently established this ruling (that he can be מגרש the older wife) according to ר"א (who maintains כרתי), but not according to ר"ב.

³ עדים maintains ר"א and the 'וכתב לה' in the תורה refers to the writing of the גט. There is no requirement for עדים to sign the גט. However ר"מ maintains that עדי חתימה כרתי for the 'וכתב לה' refers to חתימת העדים.

⁴ There is no question on ו"נ; indeed ר"א (the משה of that תנא) requires לשמה, while ר"מ does not require כתיבה לשמה. In fact the last איבער אימא offer this answer exactly!

⁵ The aforementioned משנה is a סתם משנה (no name of a תנא is mentioned), so even though we cannot establish the entire משנה like ר"מ, we try to establish at least part of the משנה (the רישא) according to ר"מ.

⁶ The משנה is asking how can it be that a גט was written *שלא לשום אשה*; who would write such a גט?!

⁷ The husband heard them saying, ‘write this ω for this man and wife’, and it was his and his wife’s name, so he wanted to use it to divorce his wife.

שנכתב, but the משנה continues, 'how is it so (that it was אשה), he heard the sound of the scribes calling out', etc.

ובגמרא⁸ מפרש בסופרים העשויין להתלמד –

And in the גמרא it is explained that the משנה when it stated מקרין it means, scribes who are learning how to write גיטין; when they write a practice גט, it is פסול even if they write the correct names. Obviously we are talking about the writing of the גט, not the signing (which is not done by scribes but by witnesses), so how can we answer שנחתם, when we are discussing הגט??!

answers: תוספות

ויש לומר דדרך סופרים לכתוב ולחתום⁹ גט כדי להתלמד:

And one can say that it is the custom of these apprentice סופרים to both write and sign a גט in order to learn how to do it properly.

Summary

We try to establish a סתם משנה like ר"מ. Apprentice סופרים practice writing and signing a גט.

Thinking it over

writes that the apprentice סופרים sign the גט.¹⁰ In that case where someone signs a document without being told to by the בעל השטר, the פסול is not because it is not לשמה, but it is not considered signing a document; it is completely fraudulent, however from the משנה it seems that the פסול is on account of לשמה!¹¹

⁸ כד, ב.

⁹ See 'Thinking it over'.

¹⁰ See footnote # 9.

¹¹ See גחלת משה and זיו הים.