לאיזו שארצה אגרש בו פסול –

I will divorce with it whichever one I want, it is invalid

Overview

The משנה states if a person (who has two wives with the same name) says to a scribe 'write a גט for me, and I will use it to divorce whichever one of my wives that I will decide'; the גט is פסול. Our תוספות broadens this ruling.

בגמרא מפרש[1] משום דאין ברירה[2] -

The גמרא explains the reason for this ruling **because there is no** concept of **ברירה -**

ואומר רבינו יצחק דאפילו מאן דסבר בעלמא[3] יש ברירה הכא מודה -

And the ר"י states that even according to the one who maintains elsewhere that **יש ברירה,** nevertheless **here he will admit** that אין ברירה by a גט. תוספות explains -

משום דוכתב לה לשמה משמע[4] שיהא מבורר בשעת כתיבה -

Because the פסוק of **וכתב לה,** from which we derive that a גט needs to be written **לשמה, indicates that it needs to be specified at the time of writing,** who is being divorced -

וכן משמע בגמרא[5] דקאמר אי איתמר בהא בהא קאמר רבי יוחנן דאין ברירה -

And so it seems from the גמרא where it states, 'if it would be taught (that ר"י maintains אין ברירה) **in this** case (of גט), we could think that only **in this** case **does אין ברירה maintain ר"י,** but not in other cases (inheritance), for this case is different -

משום דבעינן לה לשמה -

Because we require לה לשמה', therefore ברירה is ineffective (however in other cases he could maintain יש ברירה). This concludes the citation from the גמרא -

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[1] כה,א.

[2] ברירה (or choice) refers to a situation where presently the factors are not delineated as of now (like in this case where at the time the גט is being written it is not clear which wife he will divorce); however at a later date, a choice (ברירה) will be made (he will divorce wife # 1). The question is do we say that this choice is effective retroactively (so we consider that at the time of the writing of the גט it is לשמה; it is for the woman he ultimately chose); יש ברירה, or do we say that the later choice cannot be effective retroactively; אין ברירה, so the גט (in this case) is ineffective since it was not written לשמה specifically for this wife.

[3] See later on דף כה the various שיטות in varying cases regarding ברירה.

[4] The word לה in וכתב לה is to be understood to mean לשמה; meaning that when he writes the גט (the וכתב) it needs to be לשמה – לה.

[5] כה,א. ר"י ruled there that even in the last case of האומר ללבלר וכו' (which we are discussing here) the woman is not considered divorced at all (regarding marrying a כהן, etc.) since אין ברירה. ר"י also ruled that brothers who divided an estate are considered not like heirs but rather that they bartered with each other and must return the properties to each other on יובל and make a new division since אין ברירה. The cited גמרא is explaining why the need to state the rule of אין ברירה regarding an inheritance, once we have the rule of אין ברירה regarding a גט

משמע[6] אף על גב דבעלמא יש בירה הכא פסול משום דכתיב וכתב לה:

Indicating that **even if** we maintains **generally יש בירה,** nevertheless **here** by גט **it would be פסול** (in a בירה case) **since** the תורה **wrote 'וכתב לה'.**

Summary

Even those who maintain יש בירה will agree that by גט it is אין בירה since the תורה writes וכתב לה.

Thinking it over

זעירי and רב אסי argue on ר"י (who maintains אין בירה) and maintain[7] that in the last case (of האומר ללבלר) she is פסול לכהונה, indicating they hold יש בירה (regarding פסול כהונה), but nevertheless the גט is פסול and she is still married; proving that even though זעירי ורב אסי maintains אין בירה, but regarding the כשרות of a גט we say אין בירה. Why did not תוספות use[8] this proof?![9]

[6] The reason this is merely a 'משמע', and not a solid proof, because in actuality ר"י maintains אין בירה by ירושה as well; the גמרא is merely making a צריכותא that ר"י needed to say both laws so we should not be mistaken, but that does not necessarily prove that one who actually maintains יש בירה would be מודה that by גט it is אין בירה. See 'Thinking it over'.

[7] כה,א.

[8] See footnote # 6; this seems to be a stronger proof!

[9] See זיו הים and תוספות הרא"ש.