

Except for women's divorce documents

חוץ מגיטי נשים –

OVERVIEW

The משנה cites the view of ר' אלעזר that one may not write the טופס of נשים before the husband asks the סופר to write a גט.

ואין לומר¹ בשחרורי עבדים² נמי פסיל -

And one cannot say that by the emancipation of slaves, ר"א also disqualifies writing the טופס by itself -

דאם כן בפרק קמא (לעיל ט, א) גבי שלשה דברים³ ששוו גיטי נשים לשחרורי עבדים -

For if indeed that would be so (that both by גטי נשים and שחרורי עבדים one cannot write the טופס), so in the first פרק in the ברייתא regarding the three things in which גטי נשים are the same as שחרורי עבדים -

ליתני וכדברי רבי אלעזר בארבע⁴ כדקתני וכדברי רבי מאיר⁵ בארבע:

Let it list, 'and according to ר"א they are similar in four ways', as the ברייתא stated, 'and according to ר"מ they are similar in four ways'. Since the ברייתא did not say anything according to ר"א, this proves that שחרורי עבדים are not similar to גטי נשים regarding writing of the טופס.

SUMMARY

One may write the טופס of שחרורי עבדים even according to ר"א.

THINKING IT OVER

Why indeed is there this difference between גטי נשים and שחרורי עבדים regarding the טופס, since the requirement of לשמה is the same by both?⁶

¹ Presumably the reason ר"א does not permit writing of the טופס by גיטי נשים, because we require that the (entire) גט be written לשמה. This requirement of לשמה applies to שטר שחרור of עבדים כנענים as well, so seemingly ר"א will also disqualify writing the טופס of שחרורי עבדים. Our תוספות negates this. See 'Thinking it over'.

² In order for an עבד כנעני to be freed (and be permitted to marry a בת ישראל), it is necessary to write for him a שטר שחרור, stating that he is free and no longer an עבד.

³ The three things are, 1) that they both require saying נחתם ובפני נכתב if they are brought in חו"ל, 2) that an עד עדי is כשר, 3) there is a פסול of ערכאות, עיי"ש.

⁴ It should say that according to ר"א there is a fourth way in which they are similar, namely that one cannot write the טופס.

⁵ According to ר"מ both a גט אשה and a שטר שחרור are a חוב for the recipient therefore one cannot be זוכה it for them.

⁶ See יהושע פני.