

## משום בזיון דבעל – Because of the embarrassment of the husband

### OVERVIEW

The ברייתא taught that if the husband told three people, 'write a גט and give it to my wife', the rule is that they should write it and give it to her; indicating that they cannot appoint a שליח on their behalf. We see from here that one cannot appoint a שליח in his place. אב"י explained that the reason they cannot appoint a שליח to write the גט because this will cause embarrassment to the husband that he does not know how to write a גט. He wants to limit the embarrassment to these three people, but not to anyone else. תוספות clarifies some difficulty with this interpretation.

פירש בקונטרס<sup>1</sup> שעליו לכתוב את הגט ואינו רוצה שידעו רבים שאינו יודע לכותבו - **explained the embarrassment, that it is the husband's obligation to write the גט, so he does not want that more people should know that he does not know how to write the גט.**

תוספות responds to an anticipated difficulty:

והא דקאמר יכתבו ויתנו<sup>2</sup> אגב יכתבו נקט יתנו<sup>3</sup> - **And this which the ברייתא states יכתבו ויתנו, it does not mean that they cannot make a שליח for נתינה; rather the ברייתא added יתנו since it said יכתבו.**

תוספות offers an alternate solution:

אי נמי על ידי שיאמרו לאחר שיתן ירגיש בדבר שהבעל לא כתבו<sup>4</sup> ומקפיד גם על הנתינה<sup>5</sup> - **Or you may also say; by appointing someone else to give the גט, this שליח will sense that the husband did not write it, so therefore the husband is also particular regarding the נתינה.**

תוספות challenges the whole concept of הבעל בזיון:

**ואם תאמר מאי בזיון איכא והא תנן (לעיל דף כב, ב) האשה כותבת את גיטה -**

<sup>1</sup> בד"ה בזיון.

<sup>2</sup> The inference from the ברייתא was that since it says יכתבו ויתנו, this implies that they cannot make a שליח for either the כתיבה or the נתינה. We explained why the כתיבה should not be given over to others because of הבעל בזיון, but why do they have to give the גט, why can't they appoint another שליח; there is (seemingly) no הבעל בזיון in this.

<sup>3</sup> The ברייתא begins by saying he told them ויתנו וכתבו, so in the conclusion he also mentions יתנו, but in truth the inference that they cannot appoint a שליח is only for the כתיבה, but not for the נתינה. They may appoint a שליח for the נתינה.

<sup>4</sup> The שליח wonders why they are giving him the גט, to deliver; why not the husband. He will then surmise that the husband did not write it, so there is בזיון דבעל (even) by the נתינה. See (however) 'Thinking it over'.

<sup>5</sup> According to this answer (as opposed to the previous answer) they cannot make a שליח even for the נתינה.

**And if you will say, what embarrassment is there for the husband, since we the גט taught, 'the wife may write her גט' -**

**אלמא אין על הבעל לכתוב<sup>7</sup> -**

**It is therefore evident that it is not incumbent on the husband to write!**

answers: תוספות

**ויש לומר דלעולם על הבעל לכתוב<sup>8</sup> -**

**And one can say that really it is incumbent on the husband to write the גט -**

**אלא הא קא משמע לן דאפילו אשה כותבת כשר דידעת<sup>9</sup> לאקנויי:**

**Rather that משנה of האשה כותבת וכו' is teaching us that even when the wife writes the גט it is כשר, for she knows how to transfer the ownership of the גט to her husband.**

## **SUMMARY**

We can either assume that there is no בזיון הבעל by יתנו (only by יכתבו), but we can also assume that even by יתנו there is בזיון הבעל. The משנה of גיטה את האשה, merely teaches us that she knows how to be מקנה, but not that she should write the גט.

## **THINKING IT OVER**

writes in the א"נ<sup>10</sup>, that even by נתינה there is בזיון הבעל (and therefore they must deliver the גט themselves). Why therefore does it state in the משנה that he may appoint another שליח; there will be בזיון הבעל there as well?!<sup>11</sup>

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<sup>6</sup> גט. in the question assumed (perhaps) that האשה כותבת את גיטה means that she is obligated to write the גט.

<sup>7</sup> If it would be incumbent on the husband to write the גט, and he does not write it, but rather asks others to write it for him, this implies that he does not know how to write a גט and that is בזיון דבעל. However, since it is not incumbent upon the בעל to write the גט, so when he asks others to write it, there is no shame.

<sup>8</sup> This does not mean that he must write it; obviously he can appoint a שליח to write it for him; however it is preferable for the בעל to write it, and if he doesn't, there is בזיון הבעל.

<sup>9</sup> The גט must belong to the husband and then he gives it to his wife, The משנה teaches that we assume that a woman knows how to transfer ownership, therefore she can write the גט and transfer it to her husband so that it belongs to him.

<sup>10</sup> See footnote # 4.

<sup>11</sup> See בחלת משה and מהר"ם שי"ף.