

– ושמעה וידעה ולא מינסבא ותקנת עגונות הוא דאיכא –

And she will hear and know about the ביטול and she will not remarry, so there is the benefit of preventing עגונות.

OVERVIEW

The term עגונה generally applies to a woman that was married; however the husband's whereabouts are unknown. There is a possibility that he died. She cannot remarry for her husband may still be alive. However she has no married life, since she is not together with her husband.

anticipates the following difficulty: תוספות

אף על גב דבדין לא מינסבא -

Even though that in this case **it is lawfully justified that she not remarry;** since he was מבטל the גט she is still married to her original husband. How can this be called תקנת עגונות¹?

responds, that even in this situation – תוספות

חשיב עיגון -

It is considered an עיגון. She was expecting to be divorced and be able to remarry. Maintaining her old status as a married woman to a man who chose to divorce her is a form of עיגון.

bring a support that this type of restriction is considered עיגון תוספות

דהכי נמי אמרינן בפרק כל הגט (לעיל כו, ב) -

For we also same the same idea in הגט; פרק כל הגט; that even if lawfully she cannot remarry, nevertheless she is considered an עגונה. The גמרא there is discussing that we do allow the סופרים to write גיטין² because of עגונות. For -

ובדין הוא אפילו טופס לא לכתוב -

The lawful way would be that the סופר should not write even the text of the גט³

אלא דזימנין דבעי למיזל למדינת הים ולא אשכח ספרא -

But the reason the חכמים permitted the סופרים to write the טופס is because that

¹ Nothing changed in her status from before the גט was written and subsequently נתבטל by the בעל. She is the same איש as before. In a usual case of עגינה, we are concerned that perhaps the husband is dead and ע"פ דין, she is permitted to remarry. Here there is no such concern.

² The טופס of the גט is the universal text of the גט without the particulars; i.e. the names etc.

³ If we allow him to write the טופס he may mistakenly write the תורה as well. Then it would be מדאורייתא.

sometimes the husband may need to go overseas and he will not find a סופר who can write a גט for him immediately, since he will have to write the טופס as well –

שביק לה ואזיל ומיעגנה ויתב -

He will therefore leave his wife without a גט and will go overseas and she will remain (sitting) as an עגונה. We see that even though she lawfully cannot remarry nevertheless she is considered an עגונה. Notwithstanding that there is no concern that the husband died, nevertheless she is an עגונה, since she is not together with a husband.

SUMMARY

The term עגונה is sometimes used to define the status of a woman who is definitely married, but not living together with her husband.

THINKING IT OVER

Can we distinguish between the situation here and the situation in הגט כל ה? Is it possible to argue that here she is less likely to be considered an עגונה than the case there?⁴

⁴ See תפארת יעקב.