

# Mishnah in Depth Week 4: 5:3-6:7

Source Sheet by Leora Balinsky

## Mishnah Gittin 5:5

(5) **Rabbi Yohanan ben Gudgeda testified** before the Sages **about** the case of **a deaf-mute woman who was married off by her father** when she was a minor, so that her marriage took effect by Torah law. He said **that she can be released from her marriage through a bill of divorce**, whether as a minor or after she reaches adulthood. Although as a deaf-mute woman she is not legally competent to give her consent, the divorce is effective because divorce does not require the woman's consent.

**And** similarly, he testified **about** the case of the **minor daughter of a non-priest who** was orphaned from her father and then **married off to a priest** by her mother or brother, so that her marriage took effect by rabbinic law. He said **that** nevertheless **she may partake of teruma**, although by Torah law it is prohibited for one who is not in a priestly household to partake of *teruma*. **And** furthermore **if** this girl **dies**, then **her husband inherits her** estate. It is not said that because the validity of the marriage is by

משנה גיטין ה:ה

(ה) העיד רבי יוחנן בן גודגדה על החרשת שהשיאה אביה, שהיא יוצאה בגט.

ועל קטנה בת ישראל שנשאת לכהן, שאוכלת בתרומה, ואם מתה, בעלה יורשה.

ועל המריש הגזול שבנאו בבירה, שיטל את דמיו, מפני

## תְּקִנַּת הַשְּׁבִיִּים.

rabbinic law and not Torah law he is not entitled to inherit from her.

**And** Rabbi Yoḥanan ben Gudgeda further testified **about a stolen beam that was already built into a large building [bira]**, that the victim of the robbery **receives only the value** of the beam but not the beam itself, **due to an ordinance instituted for the penitent**. By Torah law, a robber is obligated to return any stolen item in his possession, provided that its form has not been altered. If one stole a beam and incorporated it into a building, then by Torah law he would have to destroy the building and return the beam. In order to encourage repentance, the Sages were lenient and allowed a robber to return the value of the beam.

**And** lastly, Rabbi Yoḥanan ben Gudgeda testified **about a sin-offering that was obtained through robbery but that was not publicly known** to have been obtained in that manner. He said **that it effects atonement** for the robber who sacrifices it, **for the benefit of the altar**, as will be explained in the Gemara.

וְעַל חֲטָאת הַגְּזוּלָה שְׁלֵא נִוְדְעָה  
לְרַבִּים, שֶׁהִיא מְכַפֶּרֶת, מִפְּנֵי  
תְּקִיּוֹן הַמִּזְבֵּחַ:

Mishnah Gittin 5:8

**These are the matters** that the

משנה גיטין ה':ח'

(ח) וְאֵלוּ דְבָרִים אָמְרוּ מִפְּנֵי

Sages instituted on account of the ways of peace, i.e., to foster peace and prevent strife and controversy: At public readings of the Torah, a priest reads first, and after him a Levite, and after him an Israelite. The Sages instituted this order on account of the ways of peace, so that people should not quarrel about who is the most distinguished member of the community. Similarly, the Sages enacted that a joining of courtyards is placed in an old house where it had regularly been placed on account of the ways of peace, as will be explained in the Gemara.

The Sages enacted that the pit that is nearest to the irrigation channel that supplies water to several pits or fields is filled first on account of the ways of peace. They established a fixed order for the irrigation of fields, so that people would not quarrel over who is given precedence. Animals, birds, or fish that were caught in traps are not acquired by the one who set the traps until he actually takes possession of them. Nevertheless, if another person comes and takes them, it is considered robbery on account of the ways of peace. Rabbi Yosei says: This is full-fledged robbery.

Similarly, a lost item found by a

דְּרָכֵי שְׁלוֹם. כִּהֵן קוֹרֵא רֵאשׁוֹן,  
וְאַחֲרָיו לְוִי וְאַחֲרָיו יִשְׂרָאֵל,  
מִפְּנֵי דְרָכֵי שְׁלוֹם.

מְעַרְבִין בְּבֵית יֶשֶׁן, מִפְּנֵי דְרָכֵי  
שְׁלוֹם. בּוֹר שֶׁהוּא קְרוֹב לְאֵמָה,  
מִתְמַלֵּא רֵאשׁוֹן, מִפְּנֵי דְרָכֵי  
שְׁלוֹם.

מְצוּדוֹת חֵיה וְעוֹפוֹת וְדָגִים יֵשׁ  
בָּהֶם מְשׁוּם גֵּזֶל, מִפְּנֵי דְרָכֵי  
שְׁלוֹם.  
רַבִּי יוֹסֵי אוֹמֵר, גֵּזֶל גְּמוּר.

מְצִיאַת חֵרֶשׁ שׁוֹטָה וְקָטָן, יֵשׁ  
בָּהֶן מְשׁוּם גֵּזֶל, מִפְּנֵי דְרָכֵי  
שְׁלוֹם.

**deaf-mute, an imbecile, or a minor** is not acquired by him, since he lacks the legal competence to effect acquisition. Nevertheless, taking such an item from him **is considered robbery on account of the ways of peace.**

**Rabbi Yosei says:** This is **full-fledged robbery.**

If a **poor person glean**s olives **at the top of an olive tree** and olives fall to the ground under the tree, then taking those olives **that are beneath it** is considered **robbery on account of the ways of peace.** **Rabbi Yosei says:** This is **full-fledged robbery.**

**One does not protest against poor gentiles** who come to take **gleanings, forgotten sheaves, and the produce in the corner of the field, which is given to the poor [pe'a],** although they are meant exclusively for the Jewish poor, **on account of the ways of peace.**

#### Mishnah Gittin 5:9

(9) **A woman may lend utensils to her friend who is suspect with regard to eating produce that grew in the Sabbatical Year** after the time that such produce must be removed from the house and may no longer be eaten. The utensils that she may lend her include: **A winnow, a**

רבי יוסי אומר, גזל גמור.

עני המנקה בראש הזית, מה שתחתיו גזל, מפני דרכי שלום. רבי יוסי אומר, גזל גמור.

אין ממחין ביד עניי גוים בלקט שכחה ופאה, מפני דרכי שלום:

משנה גיטין ה:ט'

(ט) משאלת אשה לחברתה החשודה על השביעית, נפה וכברה ורחים ותנור, אבל לא תבר ולא תטחן עמה.

**sieve, a mill, and an oven.** Lending her such utensils is not considered aiding in the commission of a transgression. **But she may not select** the grain from the chaff **or grind** wheat **with her**, i.e., she may not actively assist her in the performance of a sin.

**The wife of a *haver***, one who is devoted to the meticulous observance of mitzvot, especially the *halakhot* of ritual purity, *teruma*, and tithes, **may lend the wife of an *am ha'aretz***, one who is not scrupulous in these areas, **a winnow and a sieve, and she may even select, grind, and sift with her.** **But once** the wife of the *am ha'aretz* **pours water** into the flour, thereby rendering it susceptible to ritual impurity, the wife of the *haver* **may not touch anything with her, because one may not assist those who commit transgressions.** **And all of the allowances mentioned in the mishna were stated only on account of the ways of peace.**

**And one may assist gentiles who work the land during the Sabbatical Year, but one may not assist Jews who do this.** Similarly, **one may extend greetings to gentiles on account of the ways of peace.**

אֶשֶׁת חֵבֶר מְשַׁאֵלֶת לְאִשְׁתַּ עֵם  
הָאָרֶץ, נֹפֶה וְכִבְרָה, וּבֹרֶרֶת  
וְטוֹחֶנֶת וּמְרַקֶּדֶת עִמָּהּ, אֲבָל  
מְשַׁתְּטִיל הַמַּיִם, לֹא תִגַּע עִמָּהּ,  
לְפִי שֶׁאֵין מְחַזְּקִין יְדֵי עוֹבְרֵי  
עֲבֵרָה. וְכֵן לֹא אָמְרוּ אֶלָּא מִפְּנֵי  
דְרָכֵי שְׁלוֹם.

וּמְחַזְּקִין יְדֵי גוֹיִם בְּשַׁבְּעִית,  
אֲבָל לֹא יְדֵי יִשְׂרָאֵל, וְשׂוֹאֲלִין  
בְּשִׁלּוֹמָן, מִפְּנֵי דְרָכֵי שְׁלוֹם:

Mishnah Horayot 3:8

(8) **A priest precedes a Levite. A Levite precedes an Israelite. An Israelite precedes a son born from an incestuous or adulterous relationship [*mamzer*], and a *mamzer* precedes a Gibeonite, and a Gibeonite precedes a convert, and a convert precedes an emancipated slave. When do these *halakhot* of precedence take effect? In circumstances **when they are all equal** in terms of wisdom. **But if there were a *mamzer* who is a Torah scholar and a High Priest who is an ignoramus, a *mamzer* who is a Torah scholar precedes a High Priest who is an ignoramus,** as Torah wisdom surpasses all else.**

Mishneh Torah, Kings and Wars 10:12

... our Sages commanded us to (even) visit the gentiles when ill, to bury their dead in addition to the Jewish dead, and support their poor in addition to the Jewish poor for the sake of peace. Behold, Psalms 145:9 states: 'God is good to all and His mercies extend over all His works' and Proverbs 3:17 states: 'The Torah's ways are pleasant ways and all its paths are peace.'

משנה הוריות ג'ח'

(ח) כִּהֵן קוֹדֵם לְלוֹי, לְלוֹי לְיִשְׂרָאֵל, לְיִשְׂרָאֵל לְמַמְזֵר, וּמַמְזֵר לְנִתְיָן, וְנִתְיָן לְגֵר, וְגֵר לְעֶבֶד מְשֻׁחָרֵר. אִימְתִי, בְּזִמְן שֶׁכֵּלֵן שׁוּיִן. אָבֵל אִם הָיָה מַמְזֵר תִּלְמִיד חָכֵם וְכִהֵן גְּדוּל עִם הָאָרֶץ, מַמְזֵר תִּלְמִיד חָכֵם קוֹדֵם לְכִהֵן גְּדוּל עִם הָאָרֶץ:

משנה תורה, הלכות מלכים

ומלחמות יי"ב

אָפְלוּ הָעַכוּ"ם צְוּוּ חֲכָמִים לְבַקֵּר חוֹלֵיהֶם וּלְקַבֵּר מֵתֵיהֶם עִם מֵתֵי יִשְׂרָאֵל וּלְפָרֵנס עֲנִיֵיהֶם בְּכָלֵל עֲנִיֵי יִשְׂרָאֵל מִפְּנֵי דְרָכֵי שְׁלוֹם. הָרִי נֹאמֵר (תהילים קמה, ט) "טוֹב ה' לְכָל וְרַחֲמָיו עַל כָּל מַעֲשָׂיו". וְנֹאמֵר (משלי ג, יז) "דְרָכֶיהָ דְרָכֵי נֵעַם וְכָל

**Rav Aaron Lichtenstein זצ"ל, "The Human and Social Factor in Halacha"**

At the plane of substantive content, we may regard the quest for harmony as the underpinning of a number of halakhot, if not of whole halakhic areas, *mi-de-oraita*. From a certain perspective, the mandate of *bet din* is not only juristic but social, and its primary function in that connection is the preservation of comity. Or, to take an individual example, the laws of *harhakat shekhenim* are intended not only to avert inflicting damage, but positively, to promote interpersonal civility.<sup>12</sup> And, of course, the point is fully explicit as regards *takkanot de-rabbanan*, with respect to which the link is variously formulated. It may be viewed, as in the Yerushalmi's explanation of *eruvei hatserot*, as an impetus to promote camaraderie, in positive terms. It may be the source of ordinances, instituted *mi-penei darkhei shalom*, intended to forestall possible friction. And, more sharply, it may underlie halakhot legislated *mishum eva*, with an eye to averting potential enmity, not only between Jew and Gentile but within the Jewish community proper, whether the resentment of a mate or the vindictiveness of a parent. The primary chord, the need to preserve and enhance interpersonal and communal harmony, is uniformly clear, however.

**Mishnah Gittin 6:1**

(1) With regard to **one who says** to another: **Receive this bill of divorce for my wife, or: Deliver this bill of divorce to my wife** as my agent, **if** the husband **seeks to retract** his designation and cancel the agency, **he can retract** it until the document reaches his wife's possession. However, in the case of **a woman who said** to an agent: **Receive my bill of divorce for me**, and the

**משנה גיטין ויא'**

(א) האומר התקבל גט זה לאשתי או הולך גט זה לאשתי, אם רצה לחזור, יחזור. האשה שאמרה, התקבל לי גטי, אם רצה לחזור, לא יחזור. לפיכך, אם אמר לו הבעל, אי אפשי שתקבל לה אלא הולך ותן לה, אם רצה לחזור, יחזור.

husband handed the bill of divorce to her agent, **if** the husband **seeks to retract** his decision to divorce his wife upon receipt of the bill of divorce by the agent, **he cannot retract** it. Once the bill of divorce is transferred to her agent, its legal status is like that of a bill of divorce that was handed directly to her, and the divorce takes effect immediately. **Therefore**, if the husband **said to** the agent whom the woman designated to receive the bill of divorce: **I do not want [ee ifshi] for you to receive** the bill of divorce **for her; rather, deliver it and give it to her**, then **if** the husband **seeks to retract** his designation and cancel the agency, **he can retract** it until it reaches his wife's possession. Since the husband does not agree to have the divorce take effect upon receipt by his wife's agent, he changes the designation of the agent and designates him as his own agent for delivery. Therefore, the divorce takes effect only when the bill of divorce reaches his wife's possession.

**Rabban Shimon ben Gamliel says:** **Even** a woman **who** did not instruct the agent: Receive my bill of divorce for me but **says: Take my bill of divorce for me**, thereby designates the agent as an agent of receipt on her behalf. Therefore, **if** after handing the bill of divorce to the

רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאל אוֹמֵר,  
אִם הָאִשָּׁה אָמְרָת טַל לִי גִטִּי, אִם  
רָצָה לְחַזֵּר, לֹא יִחְזֹר:



agent the husband **seeks to retract** his decision and cancel the agency, **he cannot retract** it.

#### Mishnah Gittin 6:2

(2) **A woman who said** to an agent: **Receive my bill of divorce for me, requires two sets of witnesses** to confirm that she was divorced when the agent received the bill of divorce. She requires **two witnesses who say: In our presence she said** to the agent: Receive my bill of divorce on my behalf, **and two who say: In our presence** the agent **received** the bill of divorce **and tore** it. This testimony is effective **even** if two people **are the first** pair of witnesses **and** the same two **are the latter** pair of witnesses, **or** if there is **one** witness **from the first** pair of witnesses **and one** witness **from the latter** pair, **and one** additional witness **joins with them** as the second witness in both testimonies. With regard to **a betrothed young woman, she and her father** are each eligible to **receive her bill of divorce**, and the divorce takes effect at the moment that either of them receives the bill of divorce. **Rabbi Yehuda said: Two hands do not** have the right to **acquire** an item on behalf of one person **as one. Rather,**

#### משנה גיטין ו'ב'

(ב) האשה שאמרה, התקבל לי גטי, צריכה שתי כתי עדים, שנים שאומרים בפנינו אמרה ושנים שאומרים בפנינו קבל וקרע, אפלו הן הראשונים והן האחרונים, או אחד מן הראשונים ואחד מן האחרונים ואחד מצטרף עמהן.

נערה המארסה, היא ואביה מקבלין את גטה.  
אמר רבי יהודה, אין שתי ידיים זוכות כאחת, אלא אביה מקבל את גטה בלבד.  
וכל שאינה יכולה לשמר את גטה, אינה יכולה להתגרש:

**her father alone receives her bill of divorce on her behalf. And there is another principle: Any female who is unable to safeguard her bill of divorce is unable to be divorced.**

Mishnah Gittin 6:3

(3) In the case of a **minor girl who said** to an agent: **Receive my bill of divorce for me, it is not a valid bill of divorce until the bill of divorce reaches her possession. Therefore, if the husband seeks to retract** his decision before his wife receives the bill of divorce, **he can retract it, as a minor does not designate an agent.** Consequently, the agent is not an agent for receipt, and the divorce does not take effect when the husband hands the document to the agent. The agent is an agent for delivery, and the divorce takes effect when the bill of divorce enters the wife's possession. **And if her father said to the agent: Go out and receive my daughter's bill of divorce on her behalf, then if the husband seeks to retract** his decision, **he cannot retract it.** As a father can receive the bill of divorce on behalf of his minor daughter, he can designate an agent for receipt, and the divorce takes effect when the husband hands the document to

משנה גיטין ו'ג'

(ג) קִטְנָה שְׁאֵמְרָה הִתְקַבֵּל לִי גָטִי, אֵינוֹ גָט עַד שֶׁיִּגִיעַ גָּט לְיָדָהּ.

לְפִיכֶן אִם רָצָה הַבַּעַל לְחַזֵּר, יִחְזֹר, שְׂאִין קָטָן עוֹשֶׂה שְׁלִיחַ. אָבֵל אִם אָמַר לוֹ אָבִיהָ, צֵא וְהִתְקַבֵּל לְבֵתִי גָטָה, אִם רָצָה לְהִחְזִיר, לֹא יִחְזִיר.

הָאוֹמֵר תֵּן גָּט זֶה לְאִשְׁתִּי בְּמָקוֹם פְּלוֹנִי, וְנִתְּנוּ לָהּ בְּמָקוֹם אַחֵר, פָּסוּל.

הֵרִי הִיא בְּמָקוֹם פְּלוֹנִי, וְנִתְּנוּ לָהּ בְּמָקוֹם אַחֵר, כָּשֵׁר.

הָאִשָּׁה שְׁאֵמְרָה הִתְקַבֵּל לִי גָטִי בְּמָקוֹם פְּלוֹנִי, וְקָבְלוּ לָהּ בְּמָקוֹם אַחֵר, פָּסוּל. רַבִּי אֱלִיעֶזֶר מְכַשֵּׁר.

הָבֵא לִי גָטִי מִמָּקוֹם פְּלוֹנִי

the agent. With regard to **one who says** to an agent: **Give this bill of divorce to my wife in such and such a place**, if the agent deviated **and gave it to her in another place** the divorce is **invalid**. However, if he said to the agent: Give this bill of divorce to my wife, **she is in such and such a place**, without explicitly instructing the agent to give her the document there, **and he gave it to her in another place** the divorce is **valid**. With regard to **the woman who** when designating her agent for receipt **said** to her agent: **Receive my bill of divorce for me in such and such a place, and he received it for her in another place**, the divorce is **invalid**; and **Rabbi Elazar deems** it **valid**. If she said to him: **Bring me my bill of divorce from such and such a place, and he brought it for her from another place**, it is **valid**. Because he is an agent for delivery, the woman is not particular where he receives the bill of divorce, as the divorce takes effect only when the bill of divorce reaches her possession.

#### Mishnah Gittin 6:4

(4) An Israelite woman married to a priest partakes of *teruma*. If she says to an agent: **Bring me my bill of**

וְהָבִיאוּ לָהּ מִמְּקוֹם אֲחֵר, כָּשֶׁר:

משנה גיטין ו'ד'

(ד) הָבֵא לִי גֵטִי, אוֹכֶלֶת  
בְּתֵרוּמָה עַד שֶׁיִּגִיעַ גֵּט לְיָדָהּ.

**divorce**, designating him as an agent for delivery, **she** continues to **partake of *teruma* until the bill of divorce reaches her possession.**

However, if she says: **Receive my bill of divorce for me**, thereby designating him as an agent for receipt, it is **immediately prohibited** for her to **partake of *teruma***. Since the divorce takes effect when the husband hands the bill of divorce to the agent, the concern is that the agent encountered the husband nearby. If the woman said to the agent: **Receive my bill of divorce for me in such and such a place**, then even if he received it elsewhere, **she** continues to **partake of *teruma* until the bill of divorce reaches that place. Rabbi Elazar prohibits** her from partaking of *teruma* **immediately.**

#### Mishnah Gittin 6:5

(5) With regard to a husband **who** says to two people: **Write a bill of divorce and give it to my wife**, or: **Divorce her**, or: **Write a letter and give it to her**, they should write the document **and give** it to her. In each of those cases his intent is clear. He is instructing them to effect her divorce. However, one who said:

הַתְּקַבֵּל לִי גִטִי, אֲסוּרָה לֶאֱכֹל  
בְּתְרוּמָה מִיָּד.  
הַתְּקַבֵּל לִי גִטִי בְּמָקוֹם פְּלוֹנִי,  
אוֹכֶלֶת בְּתְרוּמָה עַד שֶׁיִּגִיעַ גִּט  
לְאוֹתוֹ מְקוֹם.  
רַבִּי אֱלִיעֶזֶר אוֹסֵר מִיָּד:

#### משנה גיטין ו'ה'

(ה) הָאוֹמֵר, כְּתֹבוּ גִט וְתָנוּ  
לְאִשְׁתִּי, גִּרְשׁוּהָ, כְּתֹבוּ אֶנְקֶרֶת  
וְתָנוּ לָהּ, הָרִי אֵלַי יְכַתְּבוּ וְיִתְּנוּ.  
פְּטְרוּהָ, פְּרִנְסוּהָ, עֲשׂוּ לָהּ  
כְּנֻמוֹס, עֲשׂוּ לָהּ כְּרֵאוּי, לֹא אָמַר  
כָּלוּם.

**Release her, or: Sustain her, or: Treat her according to the law [nimus], or: Treat her appropriately, said nothing,** as none of these expressions clearly expresses his desire to divorce his wife. **At first** the Sages **would say:** In the case of **one who is taken out in a neck chain [kolar]** to be executed **and who said: Write a bill of divorce for my wife, these people should write** the document **and give** it to his wife even though there was no explicit instruction to give it to her. **They then said:** Even with regard **to one who sets sail and one who departs in a caravan** to a far-off place and says: Write a bill of divorce to my wife, his intention is to write the bill of divorce and give it to his wife. **Rabbi Shimon Shezuri says:** Even if **one who is dangerously ill** gives that instruction, they write the bill of divorce and give it to his wife.

**Mishnah Gittin 6:6**

(6) With regard to **one who was thrown into a pit** and thought that he would die there, **and he said** that **anyone who hears his voice should write a bill of divorce for his wife,** and he specified his name, her name, and all relevant details,

בְּרֵאשׁוֹנָה הָיוּ אוֹמְרִים, הַיּוֹצֵא  
בְּקוֹלָר וְאָמַר, כְּתָבוּ גֵט לְאִשְׁתִּי,  
הָרִי אֵלָיו יְכַתְּבוּ וַיִּתְּנוּ.  
חֲזְרוּ לוֹמְרֵי, אִף הַמְּפָרֵשׁ וְהַיּוֹצֵא  
בְּשִׁירָא.

רַבִּי שְׁמַעוֹן שְׁזוּרִי אוֹמֵר, אִף  
הַמְּסַכֵּן:

**משנה גיטין ו'ו'**

(ו) מִי שֶׁהָיָה מְשַׁלֵּךְ לְבוֹר וְאָמַר,  
כָּל הַשּׁוֹמֵעַ אֶת קוֹלוֹ יְכַתֵּב גֵּט  
לְאִשְׁתּוֹ, הָרִי אֵלָיו יְכַתְּבוּ וַיִּתְּנוּ.

הַבְּרִיא שְׁאָמַר, כְּתָבוּ גֵט

**those** who hear him **should write** this bill of divorce **and give** it to his wife, even though they do not see the man and do not know him. **A healthy man who said: Write a bill of divorce for my wife**, but did not say to give it to her, presumably **sought to mock her**. Since he told them to write the bill of divorce and not to give it, it is not a valid bill of divorce. The mishna relates: There was **an incident involving a healthy man who said: Write a bill of divorce for my wife, and then ascended to the roof and fell, and died. Rabban Shimon ben Gamliel said: If he fell at his own initiative, taking his own life, it is a valid bill of divorce**, as it is clear that he anticipated his death and instructed those listening to write the bill of divorce with the intent of giving it to her. However, **if the wind forced him to fall, it is not a valid bill of divorce**, as there was no clear intent to give her the bill of divorce.

Gittin 66a:13-14

**GEMARA:** The Gemara asks: Was **an incident cited to contradict** the *halakha* stated in the mishna? The *halakha* is that in a case where a healthy man said: Write a bill of divorce for my wife, the bill of

לְאִשְׁתִּי, רָצָה לְשַׁחֵק בָּהּ.

מַעֲשֵׂה בְּבָרִיא אֶחָד שֶׁאָמַר,  
כָּתְבוּ גֵט לְאִשְׁתִּי, וְעָלָה לְרֹאשׁ  
הַגֶּגֶן וְנָפַל וּמָת.

אָמַר רַבִּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל,  
אָמְרוּ חֲכָמִים, אִם מַעֲצָמוּ נָפַל,  
הֵרִי זֶה גֵט. אִם הָרוּחַ דָּחָאֲתוּ,  
אֵינּוּ גֵט:

גיטין ס"ו א: י"ג-י"ד

גַּמִּי מַעֲשֵׂה לְסִתּוֹר?!  
חֲסוּרֵי מִיחֻסָּרָא, וְהֵכִי קִתְּנִי: אִם  
הוֹכִיחַ סוּפוֹ עַל תְּחִילָתוֹ – הֵרִי  
זֶה גֵט;  
וּמַעֲשֵׂה נְמִי בְּבָרִיא שֶׁאָמַר:

divorce is not valid. From the incident it is clear that under certain circumstances when a healthy man said: Write a bill of divorce for my wife, the bill of divorce is valid. The Gemara answers: The mishna is **incomplete and this is what it is teaching**: In the case of a healthy man who said: Write a bill of divorce for my wife, but he did not say to give it to her, presumably sought to mock her. However, **if his ultimate actions prove** the nature of **his initial** intent, that he seeks to give the bill of divorce because he is about to die, **it is** a valid **bill of divorce**. **And** there was **an incident involving a healthy man who said: Write a bill of divorce for my wife, and he then ascended to the roof and fell and died. Rabban Shimon ben Gamliel said: If he fell at his own initiative, it is** a valid **bill of divorce**. However, **if the wind forced him** to fall, **it is not** a valid **bill of divorce**.

#### Mishnah Gittin 6:7

(7) If a man **said to two people: Give a bill of divorce to my wife, or if a man said to three people: Write a bill of divorce and give it to my wife, these people should write** the document themselves **and give** it to

”כְּתָבוּ גֵט לְאִשְׁתִּי”, וְעָלָה לְרֹאשׁ הַגֶּגֶג וְנָפַל וּמָת, וְאָמַר רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל: אִם מְעַצְמוּ נָפַל – הֲרִי זֶה גֵט, אִם הָרוּחַ דָּחָתוּ – אֵינוֹ גֵט.

#### משנה גיטין ו'ז'

(ז) אָמַר לְשְׁנַיִם, תָּנוּ גֵט לְאִשְׁתִּי, אוֹ לְשִׁלְשָׁה, כְּתָבוּ גֵט וּתְנוּ לְאִשְׁתִּי, הֲרִי אֵלוֹ יְכָתְבוּ וְיִתְנוּ. אָמַר לְשִׁלְשָׁה, תָּנוּ גֵט לְאִשְׁתִּי, הֲרִי אֵלוֹ יֵאמְרוּ לְאַחֲרֵים

her. If he said to three people: Give a bill of divorce to my wife, these people should tell others, and those others will write the document, because he designated the three people as a court. This is the statement of Rabbi Meir. And it is that *halakha* that Rabbi Ḥanina of Ono brought up from prison in the name of Rabbi Akiva, who was incarcerated there: I received a tradition from my teachers that in a case where a man says to three people: Give a bill of divorce to my wife, that these people should tell others and those others will write the document, because he designated the three people as a court. Rabbi Yosei said: We said [*nomeinu*] to the agent, Rabbi Ḥanina of Ono: We too received a tradition. However, it is a different one, that even if a man said to the High Court [Sanhedrin] in Jerusalem: Give a bill of divorce to my wife, that the members of the court should learn to write, and should write the document themselves, and give it to his wife. If a man said to ten people: Write and give a bill of divorce to my wife, one of the ten writes the bill of divorce and two sign it. If he said: All of you write the document, one of them writes the bill of divorce and all of them sign it. Therefore,

וְיִכְתְּבוּ, מִפְּנֵי שֶׁעָשָׂאן בֵּית דִּין,  
דְּבַר רַבִּי מֵאִיר.  
וְזוֹ הַלְכָה הָעֵלָה רַבִּי חֲנִינָא אִישׁ  
אוֹנוֹ מִבֵּית הָאֲסוּרִין, מִקְּבֵל אֲנִי  
בְּאוֹמַר לְשִׁלְשָׁה, תָּנּוּ גַט לְאִשְׁתִּי,  
שְׂיֵאמְרוּ לְאַחֲרַיִם וְיִכְתְּבוּ, מִפְּנֵי  
שֶׁעָשָׂאן בֵּית דִּין. אָמַר רַבִּי יוֹסֵי,  
נוֹמִינּוּ לְשִׁלְיַח, אֵף אֲנּוּ מִקְּבֵלִין,  
שֶׁאֲפִלוּ אָמַר לְבֵית דִּין הַגְּדוֹל  
שְׂבִירוֹשְׁלַיִם, תָּנּוּ גַט לְאִשְׁתִּי,  
שְׂיִלְמְדוּ וְיִכְתְּבוּ וְיִתְּנוּ.

אָמַר לְעֶשְׂרָה, כְּתָבוּ גַט לְאִשְׁתִּי,  
אֶחָד כּוֹתֵב וּשְׁנַיִם חוֹתְמִין.  
כֻּלְכֶם כְּתָבוּ, אֶחָד כּוֹתֵב וְכֻלָּם  
חוֹתְמִין.  
לְפִיכָךְ, אִם מֵת אֶחָד מֵהֶן, הָרִי  
זֶה גַט בָּטֹל:



**if one of them died, then this is a  
bill of divorce that is null and void,**  
as he directed all of them to  
participate in the process.

*Source Sheet created on Sefaria by Leora Balinsky*