

TIME 4 MISHNA

key terms

גיטין

Rules:

- אין חבין לאדם אלא בפניו** - One cannot do something disadvantageous to somebody without their consent
- זכין לאדם שלא בפניו** - One can do something beneficial for somebody else without his consent
- חזקת קיום** - One is assumed to still be alive until proven otherwise
- הפקר בית דין הפקר** - The **חכמים** have the ability take away somebody's ownership of something to allow somebody else to acquire it
- אין ברירה** - The present status of something cannot be defined later, retroactively

Concepts and terms:

- קיום שטרות** - When witnesses testify that they recognise the handwriting of the signatures in a document, in order to establish its validity
- שטר שחרור** - The document given to a non-Jewish slave in order to free him
- כותים** - A nation who converted but whose conversion was doubtful
- עדי מסירה כרתי** - The witnesses of the giving over of the **גט** are the main witnesses who are necessary for effecting the divorce or freedom
- שכיב מרע** - Someone who is on their deathbed
- תורף** - The most significant part of the **גט** which contains the details specific to this divorce
- טופס** - The general and generic part of the **גט**
- בדיעבד** - Once something has already been done (although it ideally shouldn't have been done)
- פרוזבול** - A document which prevents one's loans being cancelled by **שמיטה**
- אפותיקי** - An item which is designated to be the only form of returning a loan
- אילונית** - A woman who is incapable of having children
- ממזר** - Somebody born from illegal relations
- ביכורים** - The first fruit which ripen that must be brought to the **בית המקדש** and are given to **כהנים**
- נכסים משעבדים** - Property which is sold by one who owes money and upon which the person who is owed the money has a hold to collect this

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אפוטרופוס - The person responsible for financial matters of orphans until they grow up

היזק שאינו ניכר - Damage which doesn't physically change the item

סיקריקון - One who steals property from people by threatening to kill them

עירובי חצירות - When members of a courtyard each place food in one of the houses so that it's as if they all have a share in that house, in order that they be permitted to carry there on **שבת**

ביעור - The point during **שמיטה** by which one must get rid of produce which has grown that year

עם הארץ - One who isn't trusted regarding tithing and **טומאה** laws

שליח להולכה - A messenger to deliver a **גט** on the man's behalf

שליח לקבלה - A messenger to receive a **גט** on the woman's behalf

נערה - A woman who is aged 12-12½ years old

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- **The messenger delivering a גט validating it:**

- If a man outside of ארץ ישראל appoints a messenger to deliver a גט to his wife in ארץ ישראל, the messenger must testify in בית דין that the גט was written and signed in front of him, because (a) those outside of ארץ ישראל weren't always particular to write the גט for the sake of that particular divorce ('לשמה'), and (b) so that if the husband will in the future claim that the גט is forged and it will be difficult to find witnesses to do 'קיום שטרות' – when witnesses testify that they recognise the handwriting of the signatures in a document, in order to establish its validity – they will be able to rely on the testimony of this messenger.

רבן גמליאל: This applies even to one who brings a גט from a border city outside of ארץ ישראל.

ר' אליעזר: This applies even to one who brings a גט from כפר לודים to לוד, even though the border went inwards and כפר לודים was surrounded on 3 sides by לוד and the reasons don't apply.

חכמים: The same applies to one who brings a גט from ארץ ישראל to abroad.

→ One who brings a גט from one country to another outside of ארץ ישראל needs to testify that it was written and signed in front of him too.

→ **רבן שמעון בן גמליאל:** This applies also to one who brings a גט from within the same city, in a case where the two parts of the city are ruled by different people who are particular about people travelling to the other part.

→ **חכמים:** רקם is the first city outside of ארץ ישראל on its east border, אשקלון on its south border and עכו on its north border.

ר' מאיר: One who brings a גט from עכו doesn't need to make this statement, since the reasons don't apply.

→ If the messenger is deaf and dumb so isn't able to make the statement, 2 witnesses are required for קיום שטרות like usual, before the woman can remarry.

→ These laws also apply to one who writes a 'שטר שחרור' – document given to a non-Jewish slave in order to free him, since (a) it also needs to be written לשמה and (b) the master might claim forgery later.

- **חכמים:** A document upon which a 'כותי' – member of a particular nation who converted but whose conversion was doubtful – signed is invalid, unless it's the first signature on a גט or שטר שחרור, since the two witnesses need to sign in front of each other so the Jew who signed after him is evidence that he knows that this particular כותי can be trusted.

רבן גמליאל: Even if both witnesses who signed on the גט are כותים, it's valid since they are trusted regarding these 2 types of documents.

- **חכמים:** Although documents of loans and sales drawn up by non-Jewish courts can be relied upon, a גט or שטר שחרור whose witnesses are non-Jewish is invalid since the document is not only for proof but is used to effect the actual divorce or freedom.

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ר' שמעון: It's valid, since 'עדי מסירה כרתי' – the witnesses of the giving over of the גט are the main witnesses who are necessary for effecting the divorce or freedom.

- If it was drawn up privately and its witnesses are non-Jewish, it's invalid so that people won't come to rely on them like Jewish witnesses.

- **ר' מאיר**: One cannot give a גט or שטר שחרור to somebody to receive it on behalf of his wife or slave, such that it take effect as soon as he receives it, since 'אין חבין לאדם אלא בפניו' – one cannot do something disadvantageous to somebody without their consent.

חכמים: He can do so with a שטר שחרור, since 'זכין לאדם שלא בפניו' – one can do something beneficial for somebody else without his consent, and freedom is considered to be an advantage.

- If a man appoints a messenger to deliver a גט to his wife but he dies before the messenger fulfils his job, he shouldn't give her the גט since she can no longer be divorced.

→ If a 'שכיב מרע' – one who is on their deathbed – instructs that one of his items be given to a particular person and he then dies, the person does receive it since the חכמים were concerned that if this were not the case then the שכיב מרע would be distressed and die sooner.

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- If the messenger testifies that **both witnesses signed in front of him but only the 'תורף'** – most significant part of the **גט** which contains the details specific to this divorce – was written in front of him but not the **'טופס'** – general and generic part of the **גט**, **it's valid**.
- **חכמים**: If the messenger brings a **different witness** who testifies that he saw it be written or signed, **it's invalid** since **שטרות קיום** requires 2 witnesses on the signatures unless it's all done by the messenger himself.
ר' יהודה: **Even a different single witness is sufficient**.
- **How a גט needs to be written:**
 - **חכמים**: If the **witnesses sign on the גט the night after it's written**, **it's invalid** since the date written in it is too early and if she committed adultery between when it was written and signed then she won't be found guilty.
ר' שמעון: **It's valid**, since the reason for the date being written in the **גט** is so that the husband isn't able to take the produce of her fields once they are divorced, and as soon as the **גט** is written he loses this right, even before carrying out the divorce.
 - **Permanent ink must be used** to write the **גט**.
 - A **גט can be written** on anything which **doesn't require a change before being given to the woman**, e.g. if it's written on an animal's horn then the entire animal must be given to her as opposed to taking off its horn and giving her just the horn.
ר' יוסי הגלילי: It **can't be written on an animal or food**, since the **תורה** calls the **גט** a "scroll".
 - **חכמים**: If **only the טופס was written in a state in which the גט requires a change**, e.g. on something which is attached to the ground, **it's valid 'בדיעבד'** – once it's been done, even if it requires a change before the **תורף** and signatures are written.
ר' יהודה: **It's invalid מדרבנן**.
 - **Transfer of ownership isn't considered to be a change to the גט itself**, so a woman may write a **גט** and then give it to her husband who would then divorce her with it.
 - **ר' יהודה בן בתירא**: A **גט cannot be written on parchment which has been erased or isn't fully processed**, since it can be altered and forged.
חכמים: **It's valid**, since **'עדי מסירה כרתי'**.
 - Even a **deaf and dumb person, fool or child can write a גט**, as long as a normal adult is standing next to them and telling them what intentions they must have.
 - They **cannot deliver a גט** on behalf of the husband, since they lack a sufficient level of understanding to act on behalf of somebody else.
 - If he was in this state upon being appointed as a messenger, **he can't deliver it based on this appointment** even if he **becomes a normal adult**.
 - A **non-Jew can't be a messenger**, since the concept of a **גט** doesn't apply to him.

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- A woman's mother-in-law, sister-in-law, woman who is also married to her husband, husband's brother's wife and step-daughter aren't trusted if they testify that her husband died, since they are suspected of wanting her to remarry and then be divorced from both husbands when her real husband appears. However, they are trusted if they bring her גט and testify that it was written and signed in front of them, since (a) even if the husband later comes and claims forgery he won't be believed and she'll be able to continue living with her new husband, and (b) the גט is proof for her words.
- If a man appoints his wife to deliver a גט to a בית דין who should appoint a messenger to give her the גט in order to carry out the divorce, she needs to testify in בית דין that it was written and signed in front of her since she's functioning as his messenger.

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- A גט is only valid if the scribe has the details of the particular divorce (i.e. who is being divorced) in mind whilst writing it.
 - **חכמים**: The **טופס** of both a גט and other documents doesn't need to be written לשמה, so that scribes can prepare documents in advance, but מדרבנן the **טופס** of other documents must be written לשמה just like the **טופס** of a גט.
 - ר' יהודה**: מדרבנן, the **טופס** and **תורף** of a גט and other documents must be written לשמה, so that one doesn't come to writing the **תורף** of a גט not לשמה, which is a requirement מדאורייתא.
 - ר' אלעזר**: The **טופס** and **תורף** of a גט must be written לשמה.
- **Laws concerning the delivery of a גט:**
 - If a messenger delivering a גט loses it but finds it before enough time has passed for somebody else to have passed by it, it's still valid.
 - If it's inside his own pouch or case, it's valid even if he finds it later.
 - A messenger delivering a גט can deliver it even if he left the man when he was old and ill, since there is a 'חזקת קיום' – an assumption that somebody is still alive until proven otherwise.
 - A **בת ישראל** who is married to a **כהן** may eat **תרומה** even whilst her husband is abroad, based on his **חזקת קיום**.
 - A **קרוב חטאת** can be offered for somebody who sent it from abroad.
 - **ר' אלעזר בן פרטא**: One who is (1) inside a city which is under siege, (2) on a ship which is in the midst of a storm, or (3) being taken to be judged regarding a capital case still has a **חזקת קיום**.
 - However, if (1) the enemy had entered the city, (2) the ship had capsized or (3) he is being taken to be killed by a non-Jewish court, then it's considered a doubt whether he is alive or dead, so whether he is a **כהן** married to a **בת ישראל** or a **ישראל** married to a **בת כהן**, his wife may not eat **תרומה**.
 - If somebody always gives his **תרומה** to the same **כהן**, such that all other **כהנים** have given up hope of receiving the **תרומה** from him, they have relinquished their rights to this person's **תרומה** and so he can lend money to the **כהן** who he gives **תרומה** to and stipulate that he return the loan by allowing him to keep the **תרומה**. He can separate the **תרומה** and keep it and sell it, assuming that this **כהן** is still alive because of his **חזקת קיום**.
 - If this **כהן** dies, he needs to take permission from the inheritors to continue this arrangement instead of them giving money.

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- If he had **lent the money in front of בית דין**, it's considered to be like a condition of the loan and he **doesn't need the inheritors' permission**. This is to encourage people to lend money to **כהנים** and poor people (since the same applies to **מעשר עני** which is given to a poor person).
- If somebody **sets aside a pile of produce to separate tithes from it on behalf of other produce**, he **can declare part of it to be tithes** and assume that it still exists.
 - **ר' אלעזר בן שמוע**: If he **finds that that produce is no longer there**, he needs to be concerned that **any tithes he separated from there in the past 24 hours weren't valid**.
 - **ר' יהודה**: If he set aside wine, he **needs to check that the wine hasn't turned into vinegar** (which cannot be used for separating tithes on behalf of other wine) at the **3 points in the year** that wine commonly turns into vinegar.
- If the **messenger becomes ill**, he **can appoint another messenger to deliver the גט**, although in general he shouldn't do so in case the husband will retract from his appointment of the first messenger when hearing that he appointed somebody else.
 - If **the husband told the messenger to deliver it only if the woman gives his a particular item** belonging to the husband, he **can't appoint another messenger** in case he doesn't relay the instructions clearly and the divorce will be unknowingly invalid.
 - If **the messenger came from outside of ארץ ישראל**, he can set up a **בית דין** and testify that the **גט** was written and signed in front of him and then **בית דין can appoint another messenger** to deliver the **גט**.

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- **Things which were decreed 'מפני תיקון העולם' – because of a large concern:**
 - After sending a messenger to deliver a גט to one's wife, he **can cancel the appointing and thereby invalidate the divorce** by: (1) telling the messenger or by sending a messenger to **tell the messenger** before he has given the גט that he is cancelling his appointing; (2) **telling his wife** or by sending a messenger to tell his wife that he is cancelling the appointing of the messenger to give her the גט.
 - **רבן גמליאל הזקן** decreed that one **cannot cancel it by stating this in front of בית דין**, in case the woman will remarry another man under the assumption that she is divorced.
 - **רבן גמליאל הזקן** decreed that **all of the names which the man and woman have in different places must be written in the גט**, so that people in a different location won't doubt the validity of the divorce.
 - A widow may not collect money for her **כתבה from her husband's inheritors** unless she swears that she hasn't yet received it, but **רבן גמליאל הזקן** decreed that **she should make a נדר to prohibit herself from benefitting from something if she is lying**, and this way she'll be able to receive her כתבה since the בית דין won't suspect her of lying, unlike if she would swear.
 - Although **עדי מסירה כרת**, **witnesses must still sign on the גט** itself in case the witnesses of the delivery of the גט die or can't be found.
 - הלל instituted a 'פרוזבול' – a **document which prevents one's loans being cancelled by שמיטה** – so that people will be willing to lend money near to the end of שמיטה.

Decrees concerning slaves:

- **חכמים**: If a **slave is captured** and the master gives up hope of getting him back, and somebody else ransoms him, **he becomes a free man unless this person ransomed him in order that he be his own slave**.
- **רבן שמעון בן גמליאל**: He goes back to being a slave of his original master, so that a slave doesn't give himself over to capturers in order to reach his freedom.
- **חכמים**: If one borrows money and **makes his slave an 'אפותיקי'** – an item which is designated to be the only form of returning a loan – but then frees him, **the lender must free him and the slave must pay him his value**.
- **רבן שמעון בן גמליאל**: **The original owner must pay** the slave's value, since it's all due to him.
- **בית הלל** originally said that if **a slave is owned by two people and one of them frees him**, he serves his remaining master and is considered to be fully his every other day, but later on they agreed with **בית שמאי** that **the remaining master must free him and the slave owes him half of his value**, so that he be able to get married (to a Jew).

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- If somebody **sells his non-Jewish slave** (who is obligated to keep all **מצוות** that a woman must keep) to a **non-Jew** or to **somebody outside of ארץ ישראל**, **he must buy him back and he goes free**, as a punishment for putting him in a situation where he is unable to keep all or some of the **מצוות**.
- People **shouldn't ransom captives for extremely high prices**, in order not to encourage more capturing in the future.
 - **חכמים**: People **shouldn't try to help captives to escape**, so that other captives aren't treated more harshly in the future.
 - רבן שמעון בן גמליאל**: This is true only **if there are currently other captives** who won't escape, but they don't need to be concerned regarding future captives.
 - People **shouldn't buy ספרי תורה or תפילין from non-Jews for higher than their value**, in order not to encourage them to steal these things.
- One who **divorces his wife because of a rumour that she committed adultery** is told that he **will not be allowed to remarry her**, so that if it's discovered that the rumour was false he can't claim that the divorce was only with that intention in mind so was invalid.
- **ר' יהודה**: If one **divorces his wife since she made a נדר** which **the public knew about**, he **may not remarry her** as a punishment for her making a נדר which can't be annulled.
 - ר' מאיר**: If it was a נדר which **requires a חכם תלמיד to annul** as opposed to the husband himself, he is told that he **will not be allowed to remarry her**, so that if he later claims that had he known that a נדר can be annulled by a **חכם תלמיד** he wouldn't have divorced her so the divorce was invalid. He hasn't got this claim if it's a נדר which he himself could have annulled.
 - ר' אלעזר**: This isn't a claim, since a man doesn't want his wife to be ashamed by going to **בית דין** to annul her נדר. Rather, if it's a נדר which **can be annulled by the husband** then he could claim that had he known that he himself was able to annul the נדר then he wouldn't have divorced her. However, even if she made a נדר which he couldn't annul and would have no claim later on, he is still told that he **won't be able to remarry her**, in order not to differentiate between the cases.
- **ר' יהודה**: If one **divorces his wife, claiming that she's an 'אילונית'** – woman who is incapable of having children, he is told that he **won't be able to remarry her**, so that if she remarries another man and has children he won't be able to claim that his divorce was invalid and that her children are **'ממזרים'** – somebody born from illegal relations.
 - חכמים**: He **may remarry her**, since the divorce is fully valid and no condition was made.
 - **ר' יהודה**: If after having children with her new husband, she now claims her **כתבה** from her original husband, **she is told not to claim her כתבה** since then the husband could say that had he known he's need to pay her **כתבה** he wouldn't have divorced her so the divorce was invalid and her children are **ממזרים**.

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- If somebody **sells himself and his children** as slaves to non-Jews 3 times, people **shouldn't pay to free him, but should free his children after he dies** so that they don't follow the ways of their non-Jewish master.
- Since produce grown in a field in **ארץ ישראל** which is owned by a non-Jew is still obligated in tithes, people would willingly sell their fields to non-Jews, so the **חכמים** said that if one **sells his field to a non-Jew and after the fruit ripen a Jew buys it** from him, the buyer is exempt from bringing 'ביכורים' – the first fruit which ripen that must be brought to the **בית המקדש** and are given to **כהנים** – so that people see that selling fields in **ארץ ישראל** to non-Jews reduces their sanctity. However, this caused people to stop buying fields back from non-Jews, thinking that the sanctity isn't recovered once bought back by a Jew. Therefore, the **חכמים** removed their decree and **the buyer is obligated to bring ביכורים**.

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Collecting different types of land:

- 1) If a person who is **responsible for damage** caused to somebody else compensates him with land, he must pay with his **highest-quality land**, so that people are discouraged from causing damage to others.
- 2) A **borrower** who pays back with land must pay using **medium-quality land**, so that people are encouraged to lend money.
- 3) **חכמים**: A **woman's כתבה** can be paid using the **lowest-quality land**, since women don't need to be encouraged to get married since they anyway want to.
ר' מאיר: A **כתבה** needs to be paid using **medium-quality land**.
 - One **cannot collect** from '**נכסים משעבדים**' – **property which is sold by one who owes money** and upon which the person who is owed the money has a hold to collect this – as long as he has other property which he hasn't sold, even if it's worse quality.
 - If **the person who owes money dies**, the orphans who inherit him can pay from the **lowest-quality land**.
 - If שמעון steals ראובן's field and sells it to לוי, ראובן can take back the field and לוי can collect the amount that he **paid for the field** and **invested in improving it** from **נכסים משעבדים** which שמעון sold, but he can collect compensation for **produce which he took off** the field and the **amount that the land went up in value** above that which he invested in it only from **property which שמעון hasn't sold**. This is because these things have no limit to their value and those who buy the **נכסים משעבדים** can't be expected to take this into account when buying the field.
 - For this reason, when a man dies, his **wife and daughters are supported** from **his inheritance** but not from **נכסים משעבדים** which have been sold.
- If **somebody finds a lost item** and the owner claims that it was attached to another item and that the finder has taken it for himself, he **doesn't need to swear** that he didn't take it, in order not to discourage people from returning lost items.
- An '**אפוטרופוס**' – person responsible for financial matters of orphans until they grow up – **must tithe the produce** of the orphans' fields and he can do so even though it doesn't belong to him, because '**הפקר בית דין הפקר**' – the **חכמים** have the ability take away somebody's ownership of something to allow somebody else to acquire it.
- **חכמים**: **When the orphans grow up**, the **אפוטרופוס must swear** that he hasn't taken anything for himself, since this won't put him off accepting the job. But if **בית דין appoint him** then he doesn't need to swear at the end, so that he isn't discouraged from accepting the job.
אבא שאול: The opposite is true, since one who is **appointed by בית דין** gains a good reputation of being trustworthy so won't be put off, unlike one who is just **doing a favour for the father**.
- If one causes somebody's item to go down in value due to '**היזק שאינו ניכר**' – **damage which doesn't physically change the item**, for example he transfers טומאה to his תרומה, he is **חייב מדרבנן to pay** if done intentionally.

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→ **כהנים** who **invalidate somebody's קרבן** by having wrong intentions during the service are **obligated to compensate** the person bringing the **קרבן**.

• **ר' יוחנן בן גדגדה:**

1. A **deaf and dumb girl can be divorced** even if her marriage is **מדאורייתא** due to her father marrying her off before the age of **בת מצוה**, since a woman's consent isn't required for divorce.

2. A **בת ישראל** under the age of **בת מצוה** who is **married to a כהן** may eat **תרומה מדרבנן** and there isn't a concern that she'll come to eat **מדאורייתא**.
→ **Her husband inherits her** even if she dies before reaching **בת מצוה**.

3. One who **steals a beam of wood and builds it into a building** isn't required to give **back the beam**, rather its value, so that he not be discouraged from doing **תשובה**.

4. If a **קרבן חטאת** is **discovered to have been a stolen animal**, it's **valid** so that **כהנים** don't withhold themselves from offering **קרבנות** out of fear of their being invalid and therefore forbidden to offer.

→ If it's **known to the public** that it was stolen, this is more severe so **it's invalid**.

• If one gives over his property to a '**סיקריקון**' – one who **steals property from people by threatening to kill them**, the **transfer of ownership is considered to be invalid** unless it's during a time when it was legal to kill and oppress Jews, in which case the owner would give up hope of getting back the field and he would lose his ownership.

→ The original law was that if somebody **pays the original owner for the property**, the original owner **can claim that he never intended to sell it** and was just scared of the **סיקריקון**, as long as the buyer first bought it from the **סיקריקון**.

Later, the law became that **the sale is valid**, but the buyer must pay the original owner $\frac{1}{4}$ of the property's value, since the **סיקריקון** would sell it cheaply since he didn't pay anything to attain it. Additionally, if the **original owner is able to and wishes to buy it**, he is given **priority**.

רבי: If the original owner doesn't buy it **within 12 months**, anybody can buy it, as long as they **give the original owner $\frac{1}{4}$ of its value**.

- If a field is designated for the owner's wife and somebody **pays the owner for it and then his wife**, she can claim that she agreed only in order to **please her husband but didn't intend to sell it**.

• A **deaf and dumb person** and a **child** can make a **transfer of ownership of movable items by signalling**, via the mechanism of **הפקר בית דין הפקר**.

לaws which were established because of **דרכי שלום**:

• A **כהן** is **called up first** to for **קריאת התורה**, even if there is somebody greater present.

• If members of a courtyard had **a fixed house for 'עירובי חצירות'** – when members of a courtyard each place food in one of the houses so that it's as if they all have a share in that house, in order that they be permitted to carry there on **שבת** – then it should continue being put in the same house.

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- Those whose pits are nearest to the source of a stream of water have priority for **filling up their pits with water**.
- **חכמים**: It's **forbidden to take** (1) an **animal found in somebody's trap**, even though the owner of the trap hasn't yet acquired it, (2) **that which a deaf and dumb person, fool or child finds**, and (3) the **olives which fall to the bottom of a tree** as a poor person cuts them off at the top of the tree.
ר' יוסי: It's considered to already have been acquired, so **it's outright theft**.
- One **shouldn't prevent non-Jewish poor people** from taking his tithes from his field.
- One **may lend** a **person who isn't trusted to observe the שמיטה laws** utensils which are generally used for processing food, even after the **'ביעור'** – the point during **שמיטה** by which one must get rid of produce which has grown that year – as long as they have another use.
- A woman **may lend** her neighbour who is an **'עם הארץ'** – one who isn't trusted regarding tithing and **טומאה** laws – utensils used for food, but **may not help her make her dough once it has become wet**, so as not to assist her making **טמא** dough and thus having to burn the **'חלה'** – portion of dough which is given to a **כהן**.
- One can **encourage a non-Jew in their work** in their fields during **שמיטה**, and one can **greet them with Hashem's name**.

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- **A messenger to carry out a divorce:**

- A man can appoint a 'שליח להולכה' – messenger to deliver a גט – and he is able to retract from the divorce until the גט reaches his wife.
- A woman can appoint a 'שליח לקבלה' – messenger to receive a גט on the woman's behalf, and if the husband gives the גט to him without specifying that he wants him to only be a שליח להולכה then the divorce takes effect as soon as he receives it.
- If a woman appoints a שליח לקבלה, she requires 2 witnesses for the appointment and for the giving over of the גט to the messenger.
- **חכמים:** A 'נערה' – woman who is aged 12-12½ years old – can receive her גט and so can her father on her behalf, since she is still under his authority.
- **ר' יהודה:** Only her father can receive her גט, since she is under one authority.
- A girl who is too young to understand the significance of a גט and isn't capable to look after it cannot be divorced.
- A girl under the age of בת מצוה isn't able to appoint a שליח, so she is only ever divorced once the גט reaches her herself.
 - Her father can appoint a שליח לקבלה.
- If one appoints a messenger to deliver a גט to his wife in a certain location, the divorce is invalid if he gives it to her in a different location, unless it's clear that he was just giving the messenger directions for where he'll find her.
 - **חכמים:** If a woman appoints a שליח לקבלה to receive the גט in a certain location, it's invalid if he receives it elsewhere.
 - **ר' אליעזר:** It's valid, since a woman's consent isn't required for a divorce so it's assumed to be just for the sake of directions.
 - If a woman appoints a messenger to bring her the גט from a certain location, it's always valid since the divorce anyway only takes effect once it reaches her.
- If a woman appoints a messenger to bring her the גט, she may continue eating תרומה until she herself receives the גט, unlike if she appoints a שליח לקבלה.
 - **חכמים:** If she appoints him to receive it in a certain location, she may continue eating תרומה for the amount of time that it takes to reach that location.
 - **ר' אליעזר:** She's forbidden immediately, since the divorce is valid even if she receives it elsewhere.
- If one talks to 2 people regarding divorcing his wife and instructs them to write a גט or אגרת and give it to his wife, or to carry out 'גירושין', they should write, sign and deliver a גט to his wife since these words all refer to divorce, even though they can be interpreted literally to mean otherwise.
- If somebody is being led to be killed or is setting out on a long and possibly dangerous journey and he appoints people to write a גט, it's assumed that he appoints them to deliver it too.
 - **ר' שמעון שזורי:** This also applies to an ill person.

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- This also applies to one who fell into a pit and calls out that he is declaring whoever hears him to write a גט for his wife.
- **חכמים**: If a **healthy person tells people to write a גט** for his wife and they do so and also deliver it, **the divorce is invalid** since they weren't appointed to deliver it.
רבן שמעון בן גמליאל: If he commits suicide soon after, it's valid since his intention was evidently for it to be delivered too.
- If one instructs 2 people **to give a גט** to his wife, **they can write it too** since this is necessary for them to fulfil the task so is included in their appointment.
 - **ר' מאיר** and **ר' חנינא איש אונו**: If one **instructs 3 people to give a גט** to his wife, **they can even instruct other people** to write and deliver it since he has appointed them to be like a **בית דין** to organise a גט being delivered to his wife.
 - ר' יוסי**: **They themselves must carry out the divorce.**
- If one **instructs 10 people to write a גט** for his wife, not all of them must sign unless he specifies in his instructions that they should all be involved in its writing.

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- If one appoints or cancels the appointment of a messenger whilst **not in a normal mental state**, it's meaningless.
 - If one becomes dumb and people ask him if he wants them to write a **גט** for him to divorce his wife and he **nods his head**, they **should check that his gestures are meaningful**, by asking him 3 questions with a positive answer and 3 with a negative one.
- 1) If one gives his wife a **גט** and states that he's divorcing her **if he dies**, it's understood that he wishes to divorce her when he dies so **it's invalid**.
 - 2) If he says it should be a divorce **from today if he dies**, he wants it to take effect retroactively from now if he dies before his wife so **it is valid**.
 - From then until he dies, they **may not have relations together** since if he dies first then it will emerge that they had relations after the divorce, and if there are witnesses then it could also be considered new **קידושין**.
 - Therefore, they **shouldn't be alone with each other**, and being in the presence of her personal slave isn't sufficient since this won't prevent them from having relations.
 - 3) If he says it should be a divorce **today and after he dies**, **it's considered a doubtful גט**, since it's unclear if he changed his mind in the middle for it to take effect only after he dies, or if he wants it to take effect retroactively.
 - Therefore, if he **dies without children**, **his wife should perform חליצה**.
 - 4) **ר' יהודה**: If he says it should be a divorce **when he is alive and after his death**, he means for the divorce to take effect retroactively from a moment before his death, so **she's considered fully married until then**.
 - ר' יוסי**: **She remains in a state of being possibly divorced**, since **'אין ברירה'** – the present status of something cannot be defined later, retroactively – so if another man has relations with her then he will **חייב** to bring a **אשם תלוי** even if this emerges not to be the moment before the husband's death.
- **Conditions attached to the divorce:**
 - If one divorces his wife with a condition using the words **"על מנת"** (on condition), the divorce **takes effect immediately** if the condition ends up being fulfilled.
 - On the other hand, if he uses the word **"אם"** (if), the divorce **takes effect once the condition is fulfilled** unless specified otherwise, so if he dies beforehand then it's invalid.
 - **חכמים**: If one tells people that **if he doesn't return within 12 months, they should write and deliver a גט to his wife, it's invalid if they write it within the 12 months**.
 - ר' יוסי**: If he **first tells them to write and deliver a גט** and then says that it should be done if he doesn't return within 12 months, **it's valid**.

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- If one makes the divorce conditional upon her giving him 200 זוז **within 30 days**, she **needs to give it to him within the 30 days for it to be valid**, and the time limit isn't viewed as just a way of urging her to fulfil the condition quickly.
- **חכמים**: If the condition is that she give him his coat and **she loses his coat**, **the divorce will be invalid** since she is unable to fulfil the condition.
רבן שמעון בן גמליאל: **She can fulfil it by giving its value.**
- **חכמים**: If the condition is for her **to nurse their child**, she needs to do so within the child's **first 2 years** since otherwise it's not normal and wasn't included in the condition.
ר' יהודה: She needs to do it within his **first 18 months**.
 - If **the child dies**, **the divorce is valid** since the condition was only made for as long as there is a purpose in it.
 - **חכמים**: If the condition is that she **nurse their child for 2 years** or **serve his father for 2 years**, he is clearly more particular about the condition being fulfilled and if his **child or father dies**, or his **father doesn't want** her to serve him, **the divorce is invalid**.
רבן שמעון בן גמליאל: **It's valid** since the condition no longer has purpose and she isn't the cause of this.
- If the condition is that he **not see her for a period of 30 days**, **it's valid even if this occurs a while later** and we aren't concerned that he nullified it, as long as he wasn't alone with her since he gave her the **ט**.

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- **Giving over the גט to one's wife:**

- If one throws the גט to his wife **in her own property**, she is divorced as soon as it is **within her property** since she can acquire things via her property.
 - She can also receive it **in her basket** inside her husband's property, since that place in his property is considered to be lent to her to place her basket there.
 - If he throws it somewhere which **isn't owned by either of them**, it's a valid divorce if it lands **within 4 אמות** of her, where the רבנן are lenient and consider this a way of acquiring something.
 - The same applies to one who throws something to a woman in order to perform **קידושין**, whose laws are equated with laws of divorce.
 - The same applies to a **lender** who tells the person who owes him money to return the money to him in a way which would be valid according to the laws of divorce.
 - If he throws the money to the lender and it **lands in between them** and the lender hasn't got more control over it than the borrower, **it's considered that he has returned half of it** if something happens to it before the lender takes it.
- It **must be clear to the woman** either when she receives the גט or whilst she is still holding onto it that she is being divorced.
- **בית שמאי**: One **can divorce** his wife with a **גט which had been written on an earlier date**, as long as it was signed on the same day it was written.
- **בית הלל**: If **they were alone together** since the time that it was written, then **he cannot divorce her with it** since it might lead to a situation where she gives birth after the גט was written and later on it will appear that this person had been born after his parents had already been divorced.

- **Invalid divorces:**

- During a time period where there is fear of the ruler of that place, **the date written in the גט should be written according the reign of that ruler**.
- If the **date, location or names are written incorrectly** in the גט, it's **invalid** and if she **remarries another man based on this divorce**, the following consequences apply:
 - she **must be divorced with a גט** from both men, as a punishment for her not confirming properly that her גט is valid
 - she **doesn't receive the כתובה** money
 - even the second man who wasn't Halachically married to her **doesn't need to compensate her** for what he used of her **נכסי מלוג** and their decrease in value, or for what she borrowed in order to support herself.
 - a child born from the second man before she is divorced **from her first husband is a נמוזר מדאורייתא**, and a child born **from the second man** after she is divorced or one born from the first husband once he returns **is a נמוזר מדרבנן**

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- if either man is a כהן, they may not become טמא to bury her
- they don't have a husband's rights to what she finds or earns, or to annul her vows, since these are in return for his obligations towards his wife
- she is invalidated from marrying a כהן and eating תרומה and מעשר ראשון
- her sons don't receive 'כתבת בנין דכרין' – a condition written in the כתבה that her כתבה money and property which her husband inherits from her shall be inherited when he dies only by his sons which he had with her
- if they die before divorcing her, she requires חליצה.
 - If ראוּבן marries his brother שמעון's relative, e.g. daughter called רחל, as well as another woman called חנה, and he dies without children, שמעון is exempt from doing יבום or חליצה with either of them, since he's forbidden to marry one of them. If חנה marries another man and then רחל is discovered to be an אילונית, which means that her original marriage was invalid due to being a 'מקח טעות' – acquisition made based on misinformation, then it emerges that חנה was forbidden to marry anybody before doing חליצה with שמעון, and these consequences would apply.
 - The same applies if none of ראוּבן's wives were related to שמעון and he performed יבום with רחל, thus exempting חנה too, and after חנה remarries רחל is discovered to be an אילונית.
 - If a scribe mistakenly gives the גט to the woman and the receipt for the כתבה to the man and the man and woman give each other their documents, she hasn't received a גט from her husband so isn't divorced, and if she remarries then these consequences would apply.

ר' אליעזר: If they discover that the husband is in possession of the גט and the woman in possession of the receipt only after she had remarried, they don't need to assume that they never gave each other the correct document.
 - If a woman remarries another man after receiving a 'גט קרח' – a גט מקושר (גט of a כהן which must be folded and sewn and signed on each fold) which doesn't have witnesses on each fold so is invalid due to the concern that the husband instructed 5 people to be involved in the writing of the גט – then these consequences would apply.
 - **בן ננס:** A גט קרח can be validated by anyone signing on the remaining folds, even an invalid witness, since it's only invalid because of its appearance.
 - **ר' עקיבא:** One who is generally a valid witness must sign, so that people don't come to rely on the invalid witnesses for other cases.

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- בית שמאי**: If one writes a גט but changes his mind and doesn't divorce his wife, she is forbidden **מדרבנן** to marry a כהן since this is considered 'ריח הגט' – (literally) 'the smell of a גט'.

בית הלל: She is permitted, even if he gives it to her with a condition attached and the condition isn't fulfilled.
- בית שמאי**: If one divorces his wife and is then seen by 2 witnesses to be alone with her, she doesn't require another גט.

בית הלל: She requires another גט, because 'הן הן עדי ייחוד הן הן עדי ביאה' – witnesses who see them being alone together is as good as witnesses of the actual relations – since it's so likely that they had relations and so that it's not forbidden relations it's assumed that he is doing it in order to perform קידושין with her.

→ If she had only received קידושין from the man who divorced her, they aren't assumed to have had relations so she doesn't require another גט.

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- **ד' אליעזר**: One who divorces his wife and tells her that he is **permitting her to marry anybody except for a particular man, it's a valid divorce**.
חכמים: **It's invalid**, since the תורה requires that her first marriage to be "cut off" totally.
 - He can take it and then **give it back to her** for it to be valid.
 - If **this condition was written inside the גט, it's invalid** and another document must be used, since the entire גט was written with this condition in mind.
 - If the particular person who he stated that he isn't permitting her to marry is somebody who **isn't able to perform קידושין with her regardless of the continuation of this marriage**, e.g. her father, **it's valid**.
 - If it's somebody who is **forbidden to marry her** regardless of this marriage, but the קידושין would be valid, e.g. a נמזר, then **it's invalid** since it's this marriage which is stopping that קידושין being valid.
- **The writing and signing of the גט:**
 - **חכמים**: The תורה of the גט only needs to state that **she is permitted to marry anyone else**.
ד' יהודה: It needs to state that (1) **he is divorcing her** (2) **using this גט**.
 - **A גט שחרור needs to state that the slave is a free man**.
 - If **the husband writes and only he signs his גט, it's invalid מדרבנן** in case people come to validate a גט which is written and signed only by the scribe, but if she remarries based on it then we do consider her to be divorced from her original husband.
 - The same applies if **the date isn't written** on the גט, or **less than 2 valid witnesses signed on it**.
 - **ד' אליעזר**: Even if **no witnesses signed on it, it's valid** since עדי מסירה כרתי.
 - If **2 identical גיטין** are sent via two men with the same messenger and they get mixed up, **they must both be given to each wife**.
 - If the **signatures are at the bottom of a document with 5 גיטין, only the bottom גט is valid**, unless there is only **1 טופס** for all the גיטין, in which case the signatures validate all of the גיטין.
 - If 2 גיטין are written side by side under which there is **a pair of Hebrew signatures and then a pair of Greek signatures, only the גט written on the right side of the page** (where the Hebrew signatures begin and thus are for the sake of that גט) **is valid**, since the Greek witnesses may have copied the Hebrew witnesses and written from right to left, which would be an invalid signature.
 - If the order of signatures is **Hebrew, Greek, Hebrew, Greek, both גיטין are invalid** since this concern exists from the second signature onwards.
 - If the גט is written in **2 columns and the signatures are at the bottom of the 2nd column, it's valid** if it's clear that it wasn't cut from 2 separate גיטין.
 - If the **signatures are not at the bottom of the גט, it's invalid מדרבנן**.

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- If 2 גיטין are attached at their top, such that the top גט is always going to be upside down, and witnesses sign in the middle, both גיטין are invalid since the signatures are above both of them.
 - If they are attached at their bottom, then only the top גט is valid since the signatures are below it in the same direction.
 - If the top of one גט is attached to the bottom of another גט, and the witnesses sign in the middle, only the top גט is valid.
- The גט and the signatures can be written in any language, even if they are different to each other, as long as the witnesses understand what is written in the גט.
- If the scribe and another witness sign, it's valid and we aren't concerned that the husband appointed 2 witnesses and one of them told the scribe to sign instead of him, in which case the husband could cancel his appointing them messengers and it would be invalid, since one who is appointed to sign a גט cannot pass it on to somebody else.
- The signature should ideally include (1) the witness's name and (2) father's name and (3) state that he is a witness.
 - If 2 out of 3 of these are stated, it's valid.
- If בית דין force a man to divorce his wife, it's valid since every Jew deep down wishes to do the right thing.
 - This doesn't apply if non-Jews force him, unless they were appointed by בית דין.
- If 2 witnesses testify that they saw wedding celebrations of a particular woman, she is assumed to have received קידושין and she may not remarry before receiving a גט.
 - If 2 witnesses testify that she was divorced, her status is assumed to be that of a divorcee, since her status of being married was given in the same way.
- בית שמאי: One may only divorce his wife if 2 witnesses testify that she committed adultery.
- בית הלל: He may divorce her for any sign of her not taking a lot of care of him or the household needs.
- ר' עקיבא: He doesn't need any excuse to divorce her.