

TIME 4 MISHNA



Summaries

גיטיין

TIME 4 MISHNA

summaries גיטיין

time4mishna@gmail.com

א-1 • How a גט and שטר שחרור – document freeing a slave – differ from other documents:

1) A שליח – messenger – delivering a גט or שטר שחרור to a man's wife/slave:

- **חכמים**: If he's delivering it from a **distant** country, no one will recognise the witnesses' signatures so if the husband later claims it's forged, 'קיום הגט' – establishing the גט as valid – won't be possible, so the messenger must do that at the time of delivery by saying that it was **written and signed in front of him**.

רבן גמליאל: He must do so even from a **bordering** country.

ר' אליעזר: Even from a country which borders another by **3 sides and interacts** with those living there, because 'לא פלוג' – we don't make exceptions to the law.

רבן שמעון בן גמליאל: Even from an area in the same country which has a **different ruler** who doesn't allow interaction with those in the other ruler's territory.

→ **ר' יהודה**: The border cities of **עכו** and **אשקלון**, **רקם** are considered outside of **ארץ ישראל**.

ר' מאיר: **עכו** is considered part of **ארץ ישראל** for this law.

→ If he **becomes dumb** so can't say it was written and signed in front of him, then **2 witnesses** are required for **הגט**.

2) If one of the 2 witnesses who signed on it is a **כותי** – part of a group who weren't trusted about keeping certain laws – it's still **valid** if his signature is the first one since both witnesses must **sign in front of each other** so the second person knew it who the other witness was and still signed, suggesting that this **כותי** is reliable.

3) If its **witnesses aren't Jewish** in a non-Jewish court, it's **invalid** since these are 'שטרות ראיה' – documents which do the transfer of ownership, unlike 'שטרות קנין' – documents which are for evidence of the transfer.

ר' שמעון: It's **valid**, since the 'עדי מסירה' – the witnesses of the גט's delivery – are the main witnesses, not the 'עדי חתימה' – the witnesses who sign on it. However, they're invalid if processed out of a court because they won't be aware of the existence of **עדי מסירה**.

4) **ר' מאיר**: If one tells someone to acquire it **on his wife/slave's behalf**, it's only valid once she/he receives it, since it can't be done without their knowledge as it's a 'חוב' – something disadvantageous for them - because they're no longer supported by him or able to eat **תרומה** if he was a **כהן**.

חכמים: It's a 'זכות' – something advantageous – to be freed, since even when he was owned his owner didn't have to support him and could have prohibited him from eating **תרומה** by selling him to a **ישראל**.

- If one tells a messenger to acquire it but **dies** before the messenger does so, it's invalid. However, if someone on his deathbed instructs that money be given to a person then it's valid even if he dies first, in order not to make him nervous which could hasten his death.

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

א • The messenger's statement in place of קיום הגט:

- If he didn't see the writing of the 'תורף' – main, detailed part of the גט - and both witnesses signing, it's **invalid**, since witness of the writing is in place of the 2nd witness which is usually required for קיום הגט.

ר' יהודה: Even if he just saw the writing and someone else saw the signing and vice versa, it's valid, since no one will make the mistake to assume that all cases of קיום הגט require just 1 witness, since usually there's no witnesses on the writing.

ב - ה • The writing of a גט:

- **חכמים**: If the **date on it is earlier** than the date on which she was divorced, it's **invalid** because it protects her if she committed adultery between the 2 dates by saying that she was already divorced.

ר' שמעון: It's **valid**, since the reason for the date in a גט is because only produce of her field which he sold while they were married is a valid sale, but as soon as he decides to divorce her – even if the גט has only been written – he can't sell it.

- **Permanent ink** must be used.
- **חכמים**: It can be **written on anything**, as long as it doesn't undergo a change between when it's written and when it's delivered.

ר' יוסי הגלילי: It can't be written on **something alive** or **food**, because the Torah calls a גט a scroll.

→ **חכמים**: לכתחלה – ideally – even the 'טופס' – the general, less significant part of the גט - shouldn't be written on something **attached to the ground**, but בדיעבד – once it's been done – as long as the 'תורף' was written when detached, it's valid since the main witnesses are the **עדי מסירה**.

ר' יהודה: Even בדיעבד none of it can be written while it's attached.

→ **ר' יהודה בן בתירא**: **Erased paper** and **unprocessed parchment** are invalid, since they can be erased and forged easily.

חכמים: They're valid, since the main witnesses are the **עדי מסירה**.

- Even someone **lacking understanding**, e.g. a child, can write the טופס if someone reminds him to write it 'לשמה' – for the sake of that particular man and woman.
- The **wife herself** can write the גט, since it only becomes valid when signed.

ה - ז • Who is valid to deliver a גט:

- Someone **lacking understanding** and a **non-Jew** can't be a **messenger** for a גט, nor a **blind** person if he has to say it was written and signed in front of him.

→ If he lost his ability to understand or became blind after being appointed as a שליח, he is valid if he recovers.

Continued on back page...

TIME 4 MISHNA

גיטין summaries

time4mishna@gmail.com

א - ה • The writing of a גט:

לשמה – for the sake of that particular man and woman:

- It has to be clear at the time of writing which man and woman the גט is for.
- **חכמים**: In order to allow scribes to have לשמה ready, it's מותר for them to write the **not טופס** לשמה, but so that they don't come to write the **not תורף** לשמה, the **תורף** of all documents must be written לשמה.
- **ר' יהודה**: Even the **טופס** of all documents must be written לשמה.
- **ר' אלעזר**: Even the **טופס** of גיטין must be written לשמה, and even the **תורף** of other documents may be written **not לשמה**.
- If one loses it and finds one with identical names, it's **valid** if found immediately or he recognises it or the pouch in which it is placed.

חזקת קיום – presuming someone is alive based on his living status until now:

- A messenger can **deliver the גט** presuming that the husband is still alive.
- The wife of a כהן may **eat תרומה** whilst her husband is away.
- One may **bring a קרבן חטאת** on someone's behalf.
- **ר' אלעזר בן פרטא**: One who is in a **besieged city, stormy sea** or about to be **judged** on a capital crime still has a **חזקת קיום**, but not if the enemy have **entered the city**, the **ship has sunk** or he's been **pronounced guilty**.
- One who stipulates with the **כהן / לוי / poor person** to whom he always gives his gifts that the **repayment of his loan** will be retaining the value of the gifts, may do so assuming they are still entitled to them.
 - If they **died**, they must obtain permission from their inheritors to repay them like this, unless the loan was given in front of **בית דין**.
- One who separates the **gifts from produce** in advance may designate part of it as the gift at a time, when he wishes to eat it, assuming that what he separated is still where he put it.
 - **ר' אלעזר בן שמוע**: If he **loses it**, he needs to worry that it had been lost for **24 hours** so any designation he made since then is invalid.
 - **ר' יהודה**: If he designated barrels of **wine**, he needs to inspect them **3 times a year**, when it's most common for wine to turn to vinegar, since one may not separate vinegar as the gifts from wine.

ה • The delivery of a גט:

- If the **messenger falls ill**, he may send it with another messenger as long as the husband didn't also instruct him to take something from the wife.
 - If the messenger comes **from abroad** so needs to say it was written and signed in front of him, he may do **הגט** in front of a **בית דין** who can then send a messenger just to deliver the גט.

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

- The husband can **cancel the שליחות** – ability for the messenger to deliver the גט – until she receives it, by telling the **messenger** or his **wife**.

נ - ב • Laws which were created 'מפני תיקון העולם' in order to solve a major issue: Divorce:

- 1) **אסור** for the husband to **cancel the שליחות** at a **בית דין**, in case his wife doesn't find out and thinks she's divorced so marries another man.
- 2) One must write on a גט that all **other names** that the husband or wife and their city is known by are included, so that people don't claim the names are wrong.
- 3) If a widow wants to **receive her כתובה** money, she must make a **נדור** – vow – prohibiting the benefit of anything the inheritors of her husband specify, conditional on her having actually received it previously, in order to prevent her from lying since she'll feel guilty every time she benefits from that thing.
- 4) Witnesses **sign on the גט**, even though 'עדי מסירה כרתי' – the witnesses of the delivery are the main, necessary witnesses, as proof for its validity.
- 5) In order that people will be able to borrow money close to the **שמיטה** year, one can write a **פרוזבול** in which he gives over his loans to **בית דין** in the **שמיטה** year, so that they aren't cancelled and he can still collect the loan afterwards.

Servants and captives:

- 6) **חכמים**: A **servant who is captured** and freed becomes a **servant for whoever ransomed him** if specified at the time, since the previous master has given up hope on getting him back.
רבן שמעון בן גמליאל: He's a **servant for his original master**, to prevent servants who dislike their master or being a slave from handing themselves over as captives.
- 7) **חכמים**: If a borrower agreed to pay back his loan by **giving the lender his servant** (an **אפותיקי**) but he sold him, the buyer must free him and the **servant** must pay his value to the lender.
רבן שמעון בן גמליאל: The **borrower** must pay that value, since it's his fault.
- 8) **בית הלל**: A servant who was **freed by 1/2 of his masters** must serve his remaining master **every other day**.
בית שמאי: This means the servant can't marry, since he's only half free so can't marry a free woman, & vice versa, rather the remaining master must **also free him** and the servant must pay half his value to him.
- 9) One who **sells his servant** to a **non-Jew** or someone **outside ישראל** must redeem him as a free man, as he tried to exempt him from keeping (some) mitzvos.
- 10) **אסור** to **ransom a captive** for more than his worth, so as not to encourage the capturers to capture more people.

TIME 4 MISHNA

summaries גיטיין

time4mishna@gmail.com

- **חכמים**: **אָסור** to **help captives escape**, since this would make **future** captives be treated more harshly.
רבן שמעון בן גמליאל: It's only out of concern for other **current** captives – not future ones – so if there is only one captive it would be **מוותר**.

Divorce:

- 1) 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.
- 2) **ר' מאיר**: If he divorced her because **she made a נדר** – vow – which the **public knew about**, he may not remarry her as a punishment for making a נדר which is more serious since it's public knowledge so can't be annulled.
ר' יהודה: If it was a נדר which **requires a תלמיד חכם 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 תלמיד חכם he wouldn't have divorced her so the divorce was invalid.
ר' אלעזר: He is told this even for a נדר which **he could annul**, since he might later claim that had he known that he could annul it he wouldn't have divorced her. Because of this, he is even told this for a נדר which requires a תלמיד חכם's annulling.
- 3) **ר' יהודה**: One who divorces his wife because **she's an אילוניית** – one who can't have children – must say this, in case she has children from another marriage and he claims his divorce was therefore invalid.
→ If she **demands her כתובה** from the first marriage based on the fact that she's not an אילוניית, we tell her to keep quiet since her claim might also invalidate the divorce.
חכמים: If he didn't make a **'תנאי כפול'** – a condition in which both outcomes are mentioned, i.e. if she's an אילוניית it's a divorce, and if she's not an אילוניית it's not a divorce – then the condition is invalid and it's a full-fledged divorce.

Selling to non-Jews:

- 4) One who **sells himself and his children to a non-Jew 3 times** is not redeemed, so that he won't continue doing this for money and rely on getting freed. After he dies, his children are redeemed so that they don't assimilate with the non-Jews.
- 5) One who **buys a field in ישראל ארץ from a non-Jew** who bought it from a Jew is obligated to bring **ביכורים** – the first fruits – to **ירושלים**, even though it will cause **ארץ ישראל** land to be sold to non-Jews, since otherwise people would think that there's no point in redeeming land from non-Jews as it's lost its holiness.

TIME4MISHNA

summaries גיטיין

time4mishna@gmail.com

ז - א

Monetary matters:

- 17) One must pay from his **best** property to recompense for **damage** and not just the best property of the damaged party, to prevent people damaging others' property. A **'בַּעַל חוֹב'** – a **lender** who is owed money – can collect from the borrower's **average** property, to encourage people to lend money.
חכמים: A **כְּתוּבָה** can only be collected from the husband's **worst** quality property.
ר' מאיר: It can be collected from his **average** property, since she's like a **בַּעַל חוֹב**.
 Only **worst** quality property may be collected from **orphan inheritors** of the person who owed you money.
- 18) One may only collect payment from **'נְכָסִים מְשֻׁעָבָדִים'** – property which has been sold by the person who owes him money – if he has no available property of his own.
- 19) One may not collect from **נְכָסִים מְשֻׁעָבָדִים** from one who **stole** and sold his field for compensation of **produce** or any **improvements** in which the buyer invested.
 One's **widow and daughters** can't be supported from **נְכָסִים מְשֻׁעָבָדִים**.
- 20) An **אֶפֶסְרוּפוֹס** – one who looks after the finances of young orphans – may separate **מַעֲשָׂרוֹת** on their behalf so that they can eat their produce.
- 21) **חכמים**: When the orphans grow up, the **אֶפֶסְרוּפוֹס** who was appointed by their **father** must **swear** that he didn't take any of their money, but if he was appointed by **בֵּית דִּין** he doesn't need to swear since this may prevent him accepting the job.
אבא שאול: If he was appointed by **בֵּית דִּין** he needs to swear since he will accept the job because of its benefit that he becomes known as trustworthy, but he doesn't need to swear if he was appointed by the father since there is no such benefit.
- 22) One is **חַיִּב** to pay for **'הִזְקָה שְׂאִינוֹ נִכְר'** – intangible damage, e.g. making someone's food impure – if it was intentional.
 → **פִּיגוּל** who intentionally make **קֶרְבָּנוֹת** into **פִּיגוּל** – invalid due to the intention to eat it after its designated time period – are **חַיִּב** to pay the owners.
- 23) **ר' יוחנן בן גדגדה**: A **deaf mute can be divorced** although she lacks understanding.
 - A child **מְדַרְבָּנָן** to a **כֹּהֵן** may eat **מְדַרְבָּנָן** and is inherited by her husband.
 - One may return the **value of a beam** he stole if he used it as part of a building, because of **'תְּשׁוּבָה הַשְּׂבִימ'** – making it easier for people to do **תְּשׁוּבָה**.
 - A **stolen חֲטָאֵת** is valid if the public didn't know it was stolen, to prevent **כֹּהֲנִים** not bringing up **קֶרְבָּנוֹת** out of worry that they're invalid.
- 24) **הלכה המקורית**: One who pays a **'סִיקְרִיקוֹן'** – life-threatening thief – for a field which he stole and then pays the original **owner**: The sale is **invalid** because the owner didn't intend for the **סִיקְרִיקוֹן** to retain it. However, if one buys it from the **owner** and then the **סִיקְרִיקוֹן**, it is **valid**. But during an era of oppression, people didn't intend to regain their land from the **סִיקְרִיקוֹן** so his sale was **valid**.

Continued on back page...

TIME 4 MISHNA

summaries גיטיין

time4mishna@gmail.com

ז - א • Giving a גט to one's wife via a שליח - messenger:

To deliver or receive it:

- Because being divorced is a 'חוב' – something disadvantageous – she isn't divorced until the גט reaches her or a 'שליח לקבלה' – messenger to receive the גט on her behalf - which she sends, so the husband can change his mind before then.
- The husband can make the שליח לקבלה which she sent into a 'שליח להולכה' – messenger to deliver the גט, which would delay the divorce until it reaches her.
ר' שמעון בן גמליאל: Even if she tells the שליח to "take" the גט, he's a שליח לקבלה.
- If her שליח לקבלה throws away the גט as soon as he receives it so that the government won't know that they're keeping מצוות, she requires witnesses to testify that she appointed the שליח and that he received the גט.
- חכמים: A נערה – girl aged 12-12 and half – who is engaged can be divorced by her or her father's receiving of the גט.
ר' יהודה: She is under her father's authority so only he can receive it.
- A girl who is too young to understand what the גט is cannot get divorced.
- A קטנה – girl under בת מצוה – cannot appoint a שליח, so if she does then even if it's a שליח לקבלה she is only divorced when she receives it.
→ Her father can appoint שליח if she's only engaged.
- חכמים: If a שליח is told to deliver/receive a גט in a specific location, he must. But if the location is only stated for direction, he can do it anywhere.
ר' אליעזר: The שליח can do it anywhere whenever he's appointed by the wife, since she can be forced to get divorced anyway, so her intent was only for direction.
- If the wife of a כהן appoints a שליח להולכה, she may eat תרומה until she receives the גט; if it's a שליח לקבלה, she may not eat תרומה immediately.
→ חכמים: If she tells the שליח that the divorce should only take effect when he reaches a certain location, she may eat תרומה for the time it takes to get there.
→ ר' אליעזר: She may not immediately, since she's divorced as soon as he receives it.

To write (and deliver) it:

- A שליח is only valid if **told explicitly** to write/deliver the גט.
→ If it's common for one to divorce his wife in that situation, e.g. he's in danger of dying or being killed, then even if he just appoints a שליח to write it, he's valid to deliver it too.
ר' שמעון: This applies even to an ill person, since his incomplete instruction is due to fear.
- ר' שמעון בן גמליאל in the name of the חכמים: A שליח was once told to write a גט to the man's wife and he wrote and delivered it, and the

Continued on back page...

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

- א - ה
- One who **loses his mind** may not appoint or cancel a שליח.
 - A **mute who nods his head** in reply to someone asking him whether he should be his שליח has made a valid appointment if he means to say yes.
 - A שליח may not tell anyone to write or sign it **on his behalf**.

ג - ט • **Giving a 'על תנאי' גט – with a condition attached to it:**

- 'אין גט לאחר מיתה' – a גט which becomes valid after the husband has died is invalid – but the condition can be his death if he states that it should be **valid retroactively** from before his death.
 - ר' יוסי: If he says it should be valid **from now and from after his death**, it is a **doubtful גט** so if he dies without children, his wife must do חליצה but not יבום, in case she's divorced so forbidden to her previous husband's brother.
 - ר' יהודה: He intends that it become valid the moment before he dies, so she doesn't even require חליצה.
 - She **may not be alone in a room** with her husband, since they may be divorced, and even her maidservant being in the room isn't sufficient, since that won't prevent them from having relations.
- The divorce is generally **valid from** when she receives the גט, even if the condition is only fulfilled later.
- חכמים: If the condition is for her to give him something of his and she loses it, she **can't** fulfil the condition by giving him **its value**.
- רבן שמעון בן גמליאל: She **can**.

Specific examples:

- That she **serve his father** or **nurse his child**: she must do it for **1 day**.
 - חכמים: She must nurse him **within 2 years** of his life, while it is necessary.
 - ר' יהודה: **Within a year and a half**.
 - If the **father/son dies**, the גט is still valid since the condition is no longer necessary for the husband, unless he specifies an amount of time that she should do it.
 - חכמים: If his **father doesn't want** her to serve him, she is **not divorced**.
 - רבן שמעון בן גמליאל: Since it's not because of her, she's **divorced**.
- That either he **reaches his destination** or he **doesn't return** within 30 days: if he reaches the border of his destination but doesn't enter it, she isn't divorced if he returns within 30 days.
- That he **doesn't see her for a 30 day period**: she is divorced even if this doesn't happen immediately as long as they weren't alone together since then she could've made him change his mind.

Continued on back page...

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

א - ז • **Handing over the גט:**

- 1) If he **throws** it to her while she's in **her property**: She's divorced if it's **near her**.
- 2) In **his property**: If it reaches **her hands/lap** and control.
- 3) In a **public domain**: If it's **within 4 אמות** of her.
 - If it's also within the husband's 4 אמות or in neither of their 4 אמות or control, it's a **doubtful divorce**.
 - The same is true for giving a woman something for **קידושין** – engagement – and for returning a **loan**.
- 4) On the **roof**: If it's **within 3 טפחים** of the roof floor, since it's considered as if it's on the floor ('**לביד**') and therefore in her control.
- 5) In the **courtyard** while he is on the roof: If it **exits the airspace** of the roof.
 - He must **tell her** when he gives her the גט that it's a גט.
- **בית שמאי**: One who has **relations with his wife after writing the גט** may still use it to divorce her.
- **בית הלל**: He **may not**, since it will look like they had relations post-divorce.

ה - ה • **If a woman remarries without receiving a valid גט/חליצה:**

- She must receive a **גט without a כתובה** or other rights of a divorced woman.
- Any children she has if she remains married will be **ממזרים**, who may only marry other ממזרים.
- If either of them are a כהן, they **may not become טמא** in order to bury her.
- They **don't have the rights of a husband**, e.g. keeping what she finds and earns and annulling her נדרים.
- She **may not marry a כהן** or eat **תרומה** or **מעשר**.
- Her children **don't receive a 'כתבת בנים דכרין'** – when the children of that wife inherit her whole כתובה & dowry and don't need to split it with their father's other children.
- If either dies before giving her a גט, his brother must do **חליצה** since **ביום** cannot be done if the husband himself was forbidden to be married to her.

Examples:

- 1) If the date was written according to the years of a king of a different kingdom or since the building or destruction of the **בית המקדש**, or if the name of the husband/wife or their location was **inaccurate**.
- 2) If a woman's husband dies and she remarries without receiving **חליצה** from his brother because her **co-wife was related** to the brother, but it is later found out that her co-wife is an '**אילונית**' – woman who is unable to give birth – and therefore not validly married which means that the other wife did require **חליצה**.

Continued on back page...

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

א - ג • Formula of the גט:

- **ר' אליעזר**: If he tells her the גט does not allow her to marry a **specific person**, it's still **valid**, since even if he were to say you're divorced from me but not allowed for everyone else she may not marry a כהן because it's similar to a valid גט ('ריח הגט').
חכמים: It's **פסול**, since a גט is a "scroll of cutting off" entirely from her husband.
 - He can give it to her again and tell her she's permitted to everyone, unless he wrote the exception in the גט itself.
 - If the exception is someone to whom she is forbidden to marry and **marriage with him would be invalid**, it is a valid גט.
- **חכמים**: All the 'תורף' - generic part of the גט - needs to say is that she is permitted to marry anyone else.
ר' יהודה: It needs to be clear that it's **the גט itself** which implements the divorce.
 - The תורף of a **שטר שחרור** - document freeing a slave - needs to say that he is now a free man or 'for himself'.

ד - ה • Witnesses' signatures on the גט:

- **ממזרים** which are **פסול מדרבנן**, but if she remarries then her children **won't be ממזרים**:
 - 1) If the **husband is a witness**, in case people come to allow a גט on which only the scribe signed.
 - **ר' אלעזר**: Even if no one signed on the גט, it's still valid if there are 'עדי מסירה' - witnesses of the delivery of the גט.
 - 2) If it **doesn't contain the date**, since if she committed adultery she could claim that it occurred after the divorce.
- **2 identical גיטין** from 2 men to their wives which are sent via the same messenger and get mixed up 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.
- If **2 גיטין are written side by side** under which there is a pair of **Hebrew signatures** and **Greek signatures**, only the **first pair is valid** for the גט which is on the side of the witnesses' first names, since the 2nd pair may have copied the first pair and put their first names on the same side so the other side hasn't got a sufficient signature underneath it.
 - If the order of signatures is **Hebrew, Greek, Hebrew, Greek**, both גיטין are **invalid** since already from the 2nd one it's a doubt what his first name is.
- 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.

Continued on back page...

TIME 4 MISHNA

summaries גיטיין

time4mishna@gmail.com

פרק ב continued:

- ז
- Even her **mother & sister-in-law, co-wife, brother-in-law's wife** and **step-daughter** – who dislike her so aren't believed to say her husband died – are valid to deliver her גט when they need to say it was written and signed in front of them, since this establishes it as valid so any forgery claim is ignored, and the גט itself is proof.
 - The husband can appoint the **wife** to deliver her own גט to בית דין who would then give it to her.

פרק ה continued:

Later הלכה: The sale is always valid, but he must pay the difference between how much he received from the סיקריקון and how much it's worth to the original owner.
רבי: If the original owner doesn't buy it back within **12 months**, he no longer has more right than others to buy it.

→ One who buys the field **set aside for a woman's קְתוּבָה** from the **husband** then the **wife**, the sale is **invalid** since she only agreed to it to please her husband. If it's the other way around, it's **valid**.

- 17) A **חרש** – deaf mute – can buy/sell objects by nodding his **head**.
בן בתירא: Even by moving his **lips**.
 A **child's** buying/selling of objects is valid so that they can live.

ה - ט

Because of דְרָכֵי שְׁלוֹם – maintaining peace:

- 18) A פנה gets the **first עליה**, then לוי then ישראל, and can't transfer it to a תלמיד חכם.
 19) The bread which each household in a courtyard must put in 1 house for ' **עירובי** ' **חצירות** goes to the same house to which it has previously always gone.
 20) The **pit nearest the source** of a stream has first priority to be filled.
 21) Animals caught by traps which aren't inside something, the findings of a חרש, שוטה וקטן and the fruit which fall to the floor as a poor person cuts them off a tree are **forbidden to be taken**, because of דְרָכֵי שְׁלוֹם.
ר' יוסי: It is considered real stealing, so that בית דין can force him to give it away.
 22) One may **lend someone suspected** about not keeping שמיטה food utensils, and a חבֵר – one who keeps purity laws – may even work alongside an עם הארץ – one who doesn't know those laws – unless the food is able to become טמא.
 23) One should encourage **non-Jews** during שמיטה and ask of their wellbeing always.

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

פרק ו continued:

- רבן שמעון בן גמליאל in the name of the חכמים: A שְׁלִיחַ was once told to write a גֵּט to the man's wife and he wrote and delivered it, and the husband then fell off a roof and died, and it was valid if it was suicide since his intention was for it to be delivered too.
- ר' מאיר: If one **appoints 3 people** to give a גֵּט to his wife, they may get **someone else** to do it on their behalf, since he made them a בֵּית דִּין.
- ר' יוסי: They must all sign on it **themselves**, since he made them שְׁלִיחִים – messengers.
- If one appoints a group of people to write a גֵּט, only **1** of them needs to write it and **2** to sign it, but if he says all of them should do it then **all** sign it.

פרק ז continued:

- חכמים: If he appoints שְׁלִיחִים to write a גֵּט and deliver it **if he doesn't return within a year** and they write it within the year, it's **invalid** even after the year.
- ר' יוסי: If he says the **instruction before the time**, it's **valid** since it shows that he's not particular about when it's written as long as it's delivered after the year.
- If he **dies** before they give it, it's invalid.

פרק ח continued:

- 1) If his brother does יְבוּם on her co-wife but it is later found out that her co-wife is an אֵילוּנִית, which means she still required חְלִיצָה/יְבוּם before remarrying.
 - 2) If the scribe mistakenly gives the גֵּט to the wife and the 'שׁוֹבֵר' – receipt stating that her כְּתוּבָה has been paid – to the husband and they give them to each other.
 - ר' אליעזר: She may remain with her new husband, since we suspect that her and her husband plotted in order to get money from the כְּתוּבָה from the second man.
- **בית שמאי**: Just writing a גֵּט to divorce one's wife invalidates her from marrying a כֹּהֵן, even if he change his mind and doesn't divorce her.
 - בית הלל**: Even if he gives it to her and the condition is not fulfilled, she is **permitted**.
 - **בית שמאי**: A divorcee who is **alone with her previous husband** is not assumed to have had relations with him which would be a new קִידוּשִׁין – engagement – so she **doesn't require another גֵּט**.
 - בית הלל**: She is assumed to have had relations since they did so whilst they were married, so she **does require another גֵּט**.

TIME 4 MISHNA

summaries גיטין

time4mishna@gmail.com

פרק ט continued:

- The signatures must be at the bottom of the טג, so:
 - 1) If 2 גיטין are written on 1 document, the **top one is upside down** and the signatures are in the middle: they are both **invalid** since the signatures are above them.
 - 2) If the **bottom one is upside down**, whichever טג is written in the **same direction as the signatures is valid**.
 - 3) If it's all written in the **same direction**, the **top טג is valid** since the signatures are at the bottom of it.
- The signatures can be in a **different language** to the טג and to each other, and can be their **nickname**.
- If it omits his or his father's name or the fact that he is a witness, it's **כָּשָׁר**.
- The **scribe** can be 1 of the 2 witnesses.
- If the **בית דין** **pressure someone to give a טג** when it's an obligation, it's **כָּשָׁר**, but not when **non-Jews** pressure him, unless they are doing it on behalf of the **בית דין** when it's an obligation.
- If witnesses claim that they saw **engagement celebrations of a woman**, she is considered engaged out of doubt. If they later report that she got divorced, she's considered divorced as long as there's no reason to believe otherwise.
- **בית שמאי**: One may only divorce his wife if she **committed adultery**.
בית הלל: Even if she **isn't taking care of him** to a sufficient degree.
ר' עקיבא: He may divorce her **without any grounds**.

