

מסכת גיטין • דף כ"ג ע"א

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

In this daf, we are zocheh to delve deeper into the essential halachos of writing a get lishmah—specifically for the sake of the husband and wife. We begin by exploring whether a katan, a cheres, or an imbecile can write a get if a halakhically competent adult is standing over them to supervise and direct their intent. This leads the Gemara into a beautiful, deep discussion regarding whether a non-Jew can write a get under similar supervision, and how we understand the difference between their respective levels of da'as.

We then move into a major yesod in Hilchos Gittin: the classic nachlokes between Rabbi Meir and Rabbi Elazar. We learn how this dispute affects our understanding of the Torah's requirement of "ve-chasav lah"—whether the writing itself must be done lishmah, or if the primary requirement of lishmah rests upon the signatures of the witnesses who sign the get.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

STATEMENT

והוא נשקיה גדול עומד על גביו.

And that is the case only when there was an adult standing over him to supervise the writing.

QUESTION

אמר ליה רב נחמן: אלא מעתה, גוי – וישראל עומד על גביו, הכי נמי דכשר!?

Rav Nachman said to him: If that is so, then in the case of a gentile, and a Jew stands over him and instructs him to write it for her sake, is it also indeed valid?!

OBJECTION

וכי תימא הכי נמי, והתנא: גוי פסול!

And if you would say that it is indeed so, but isn't it taught in a braisa: A gentile is disqualified from writing a get under any circumstances?

ANSWER

גוי, לדעתיה דנפשיה עבד.

The Gemara answers: A gentile acts based on his own mind and will, and we cannot assume he follows the supervisor's instructions; whereas a minor or deaf-mute has no legal mind of his own and will follow the adult's direction.

STATEMENT

הדר אמר רב נחמן: לאו מילתא היא דאמרי; דמדקא פסיל ליה לגוי לענן הכאה, מכלל דלענן פתיכה – פשר.

Rav Nachman later said: That which I said is not a correct matter; for since the Mishnah later disqualifies a gentile regarding the bringing of a get, it is by implication that regarding the writing of a get, he is fit.

QUESTION

וְהִתְנַחֵם: גוֹי פְסוּל!

The Gemara asks: **But isn't it taught in a braisa: A gentile is disqualified** from writing a get?

ANSWER

הֲהִיא רַבִּי אֶלְעָזָר הִיא, דָּאָמַר: עֲדֵי מְסִירָה כְּרַתִּי, וּבְעֵינֵי כְּתִיבָה לְשִׁמָּה; וְהָאִי גוֹי אֲדַעְתִּיהָ דְּנִפְשִׁיהָ קָעָבִיד.

The Gemara answers: That braisa is in accordance with Rabbi Elazar, who says: The witnesses of delivery effect the divorce, and we require the writing of the get to be for her sake; and this gentile certainly acts based on his own mind and cannot write it for her sake.

STATEMENT

אָמַר רַב נַחֲמָן, אָמַר הָיָה רַבִּי מֵאִיר: אֶפִּילוּ מִצָּאָה בְּאַשְׁפָּה, הִתְמוּ, וּנְתַנוּ לָהּ – כָּשֶׁר.

Rav Nachman said: Rabbi Meir would say: Even if he found a get in a garbage dump, and he had it signed by witnesses for her sake, and gave it to her, it is valid, because Rabbi Meir holds that the essential requirement of lishmah is in the signing.

QUESTION

אִיתִיבִיהָ רַבָּא לְרַב נַחֲמָן: "וְכָתַב לָהּ" – לְשִׁמָּה; מַאי, לָאוּ כְּתִיבַת הַגֵּט?!

Rava challenged Rav Nachman: The Torah says, "And he shall write for her"—which means for her sake; what, is it not referring to the writing of the get itself?

ANSWER

לֹא, חֲתִימַת עֲדִים.

Rav Nachman answered: No, it refers to the signing of the witnesses.

QUESTION

אִיתִיבִיהָ רַבָּא: כָּל גֵּט שֶׁנִּכְתַּב שְׁלֹא לְשׁוּם אִשָּׁה – פְּסוּל!

Rava challenged him from a Mishnah: Any get that was written not for the sake of the woman is invalid!

ANSWER

אִמָּא: שֶׁנִּחְתַּם שְׁלֹא לְשׁוּם אִשָּׁה – פְּסוּל.

Rav Nachman replied: Say and emend the text to read: Any get that was signed not for the sake of the woman is invalid.

QUESTION

אִיתִיבִיהָ: כְּשֶׁהוּא כּוֹתֵבוֹ – כְּאִילוּ כּוֹתְבוֹ לְשִׁמָּה.

Rava challenged him from a braisa: When he writes it, it is as if he writes it for her sake.

INFERENCE

מאי, לאו כשהוא כותבו לתורה לשמה – כאילו כותבו לטופס לשמה!?

What, is it not teaching that when he writes the essential part of the get for her sake, it is as if he wrote the standard part for her sake? This proves that the writing must be lishmah!

ANSWER

לא; כשהוא חותמו לשמה – כאילו כותבו לשמה.

Rav Nachman answered: No; it means that when he signs it for her sake, it is as if he wrote it for her sake.

RESOLUTION

ואיבעית אימא: הני מתניתין מני? רבי אלעזר היא, דאמר: עדי מסירה כרתי.

And if you want, say: Whose opinion are these braisos that you challenged me with? It is Rabbi Elazar, who says: The witnesses of delivery effect the divorce, and therefore the writing itself must be lishmah.

STATEMENT

ורב יהודה אמר שמואל: והוא ששיר מקום התורה.

And Rav Yehudah said that Shmuel said: And that is the case that a minor may write it, only when he left over the space of the essential part of the get to be written by an adult.

STATEMENT

וכן אמר רבי חגא משמיה דעולא: והוא ששיר מקום התורה, ורבי אלעזר היא.

And so Rabbi Chagga said in the name of Ulla: And that is the case only when he left over the space of the essential part, and it is in accordance with Rabbi Elazar.

STATEMENT

ורבי זריקא אמר רבי יוחנן: אינה תורה.

And Rabbi Zerika said that Rabbi Yochanan said: It is not Torah.

QUESTION

מאי "אינה תורה"?

The Gemara asks: What is the meaning of "It is not Torah"?

EXPLANATION

אמר רבי אבא: כאן הודיעה שאין כח לשמה; ורבי מאיר היא, דאמר: עדי חתימה כרתי.

Rabbi Abba said: Here he informs you that there is no force to the requirement of lishmah in the writing of the get; and it is in accordance with Rabbi Meir, who says: The signing witnesses effect the divorce.

QUESTION

והאמר רבה בר בר חנה, אמר רבי יוחנן: רבי אלעזר היא!

The Gemara asks: But didn't Rabba bar bar Chana say that Rabbi Yochanan said: It is in accordance with Rabbi Elazar?

ANSWER

אֲמֹרָאִי נִינְהוּ וְאֵלִיבָא דְרַבִּי יוֹחָנָן.

The Gemara answers: They are Amoraim who argue according to the opinion of Rabbi Yochanan.

מִשְׁנָה MISHNAH

MISHNAH

מִתְּנֵי הַכֹּל כְּשֶׁרִין לְהַבִּיא אֶת הַגֹּט, חוּץ מִחֵרֶשׁ, שׁוֹטָה, וְקֵטָן, וְסוֹמֵא, וְגוֹי.

MISHNAH: All are fit to bring a get, except for a deaf-mute, an imbecile, and a minor, and a blind person, and a gentile.

MISHNAH

כִּיבֵּל הַקֵּטָן וְהַגְּדִיל; חֵרֶשׁ וְנִתְפַּקֵּחַ; סוֹמֵא וְנִתְפַּתֵּחַ; שׁוֹטָה וְנִשְׁתַּפָּה; גוֹי וְנִתְגַּיֵּיר – פָּסוּל.

If a minor received the get as an agent and became an adult; or a deaf-mute and became able to hear; or a blind person and became able to see; or an imbecile and became sane; or a gentile and converted—he is unfit to deliver it.

MISHNAH

אֲבָל פֶּקֶחַ וְנִתְחַרֵּשׁ וְחֹזֵר וְנִתְפַּקֵּחַ; פֶּתוּחַ וְנִסְתָּמָא וְחֹזֵר וְנִתְפַּתֵּחַ; שְׂפוי וְנִשְׁתַּטָּה וְחֹזֵר וְנִשְׁתַּפָּה – כָּשֵׁר.

But if he was sane and became a deaf-mute and returned and became sane; or seeing and became blind and returned and became seeing; or sane and became insane and returned and became sane—he is fit.

MISHNAH

זֶה הַכֹּלֵל: כָּל שֶׁתְּחִילָתוֹ וְסוּפוֹ בְּדַעַת – כָּשֵׁר.

This is the general rule: Anyone whose beginning and end of agency were with a sound mind is fit.

גְּמָרָא GEMARA

GEMARA

גְּמ' בְּשִׁלְמָא חֵרֶשׁ, שׁוֹטָה וְקֵטָן – דִּלָּאוּ בְּנִי דִיעָה נִינְהוּ;

GEMARA: It is understandable regarding a deaf-mute, an imbecile, and a minor, for they are not of sound mind and cannot act as agents;

EXPLANATION

גוֹי נָמִי – דִּלָּאוּ בְּרֵיתִיָּא הוּא;

a gentile also is understandable, for he is not subject to the laws of Jewish marriage and divorce, and cannot act as an agent in them;

QUESTION

אָלָא סוֹמֵא, אֲמַאי לָא?

but a blind person, why not?

ANSWER

אמר רב ששס: לפי שאינו יודע ממי נוטלו ולמי נותנו.

Rav Sheshes said: Because he does not know from whom he takes it and to whom he gives it.

OBJECTION

מתקיף לה רב יוסף: היאך סומא מותר באשתו? היאך בני אדם מותרים בנשותיהם בלילה?

Rav Yosef challenged this: How is a blind man permitted to his wife? How are people permitted to their wives at night without seeing them?

ARGUMENT

אלא בטביעות עינא דקלא, הכא נמי בטביעות עינא דקלא!

Rather, it is by voice recognition; here too, let him identify them by voice recognition!

ANSWER

אלא אמר רב יוסף: הכא בחוץ לארץ עסקינו; דבעי למימר: "בפני נכתב ובפני נחתם", ולא מצי למימר.

Rather, Rav Yosef said: Here we are dealing with outside the Land of Israel, where he needs to say: "In my presence it was written and in my presence it was signed," and he is unable to say this because he cannot see the writing.

QUESTION

אמר ליה אבוי: אלא מעתה, פתוח ונסתמא, דמצי אמר, הכי נמי דכשר?!

Abaye said to him: If that is so, then in the case of one who was seeing and became blind, who can say the declaration because he saw the writing before going blind, is he indeed fit?!

OBJECTION

והא קתני: פתוח ונסתמא וחזר ונתפתח, כשר – חזר ונתפתח, איז; לא חזר ונתפתח, לא!

But doesn't the Mishnah teach: Seeing and became blind and returned and became seeing is fit? This implies that if he returned and became seeing, yes, he is fit; but if he did not return and become seeing, no, he is not fit!

ANSWER

הוא הדין דאף על גב דלא חזר ונתפתח;

The Gemara answers: The same law applies that even though he did not return and become seeing, he is fit;

EXPLANATION

ואידי דקתני שפוי ונשתטה וחזר ונשתפה – טעמא דחזר ונשתפה, הא לא חזר ונשתפה – לא; תנא נמי פתוח ונסתמא וחזר ונתפתח.

and since it teaches in the parallel clause: Sane and became insane and returned and became sane—where the reason is that he returned and became sane, but if he did not return and become sane, no, he is unfit; it also taught for symmetry: Seeing and became blind and returned and became seeing.

PROOF

אמר רב אשי: דיקא נמי – דקתני, זה הפלל: כל שתחילתו וסופו בדעת – כשר;

Rav Ashi said: It is also precise from the wording, as it teaches in the general rule: Anyone whose beginning and end of agency were with a sound mind is fit;

INFERENCE

ולא קתני: כל שתחילתו וסופו בכשרות – כשר; שמע מינה.

and it does not teach: Anyone whose beginning and end were in fitness is fit. Learn from this that a blind person who was seeing at the beginning and end is indeed fit.

QUESTION

בעו מיניה מרבי אמי: עבד, מהו שיעשה שליח לקבל גט אשה מיד בעלה?

They asked of Rabbi Ami: A slave, what is the law as to whether he may be made an agent to receive a woman's get from the hand of her husband?

ANSWER

אמר להו: מדקא פסיל ליה לגוי,

He said to them: Since the Mishnah disqualifies a gentile,

SUMMARY

The sugya begins by clarifying that while a katan or cheresh may write a get under the close supervision of an adult who directs them to write it lishmah, a non-Jew is disqualified because he acts on his own independent will and cannot be directed. The Gemara then analyzes the positions of Rabbi Meir and Rabbi Elazar regarding what actually effects the divorce—the signing witnesses (eidei chasimah) or the delivery witnesses (eidei mesirah). According to Rav Nachman's understanding of Rabbi Meir, even a get found in the garbage can be kosher if it is signed lishmah, whereas Rabbi Elazar requires the actual writing of the get (or at least its essential parts, the toref) to be done lishmah. Finally, the Gemara cites Shmuel and Rabbi Yochanan, showing how their rulings on whether a katan can write a get depend on these fundamental views of Rabbi Meir and Rabbi Elazar.

The Gemara teaches us a profound principle about human nature: "A gentile acts based on his own will." Unlike a child or someone who lacks halachic competence, who can be guided by an adult standing over them, a person with their own independent mind and will cannot simply be directed to have the proper intent. They will naturally act on their own thoughts, desires, and motivations.

This is a powerful mirror for our own avodah. How often do we go through our day, performing mitzvos or helping others, while our minds are completely somewhere else? We might be physically doing the right thing, but our inner "will"—our da'as—is wandering, pulled by the yetzer hara or mundane distractions. To truly serve the Aibershter, we cannot just be passive participants. We must actively direct our own minds and wills to the holy task at hand.

Today, before you perform a mitzvah or daven, pause for just five seconds to consciously bring your mind and heart into what you are doing, ensuring that your actions are done with true, focused intention for the sake of Hashem.