

## מסכת גיטין · דף ט"ו ע"א

Elucidated Talmud · Statement and Proof · Navy & Gold Edition

### THE SUGYA

In this daf, we continue our deep dive into the sugya of a dying person's instructions regarding his money, exploring the different shittos of the Tannaim. We will look at how the Sages dealt with the sons of Rokhel, and analyze whether we say it is a mitzva to fulfill the words of the deceased (mitzvah lekayem divrei hamess) when dealing with a healthy person versus a shechiv mera. We will also clarify the identity and halachic standing of Rabbi Shimon HaNasi in this context.

We then move on to a new Mishnah that returns us to the core halachos of Gittin. The Mishnah details various cases where a shliach brings a get from overseas but can only testify to part of its writing or signing. We will begin the Gemara's analysis of why these cases are necessary and how we understand the specific testimony of the shliach regarding which parts of the get he witnessed being written.

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

### STATEMENT

כְּבִינָתִי לְבִתִּי, וְהִיא בְּשָׁנִים עֶשְׂרֵי מָנָה", וּמָתָהּ, וְקִיַּיְמוּ חֲכָמִים אֶת דְּבָרֶיהָ! אָמַר לָהֶם: בְּנֵי רוֹכֵל תִּקְבְּרֵם אַמֶּם.

The baraita related that a woman said, "My brooch is given to my daughter, and it is worth twelve hundred maneh," and she died, and the Sages fulfilled her words. Rabbi Elazar said to them: May their mother bury the sons of Rokhel, cursing them because they were wicked and the Sages only bypassed the laws of inheritance in this case to prevent them from inheriting.

### EXPLANATION

תָּנָא קַמָּא כְּרַבִּי אֶלְעָזָר; וְרַבִּי נָתַן וְרַבִּי יַעֲקֹב נָמִי כְּרַבִּי אֶלְעָזָר – אֵף עַל גַּב דְּמִית, לָא אָמְרִינָן מִצְוָה לְקַיֵּים דְּבָרֵי הַמֵּת;

The Gemara analyzes the opinions in the baraita: **The first tanna holds in accordance with Rabbi Elazar** that there must be an act of acquisition; **and Rabbi Natan and Rabbi Ya'akov also hold in accordance with Rabbi Elazar**, but they add that **even though** the giver **died**, **we do not say** that it is a mitzvah to fulfill the words of the deceased.

### EXPLANATION

וְיִישׁ אֲמָרִים" – כְּרַבְנָן;

And "some say" hold in accordance with the Rabbis that the verbal instruction of a dying person is legally binding.

### EXPLANATION

וְרַבִּי יְהוּדָה הַנָּשִׂיא שְׁאָמַר מְשׁוּם רַבִּי מֵאִיר – כְּרַבִּי אֶלְעָזָר, מֵיחוּ הֵיכָא דְּמִית אָמְרִינָן מִצְוָה לְקַיֵּים דְּבָרֵי הַמֵּת;

And Rabbi Yehuda HaNasi, who spoke in the name of Rabbi Meir, holds in accordance with Rabbi Elazar that a healthy person's speech is not binding, **however, where** the giver **died**, **we do say** that it is a mitzvah to fulfill the words of the

deceased.

#### EXPLANATION

וְחֻכָּמִים אוֹמְרִים: יִחְלֹקוּ – מִסְפָּקָא לָהּ;

And the Sages who say "they should divide" the money, do so because the matter is a doubt to them.

#### EXPLANATION

וְכֵאן אָמְרוּ – שׁוּדָא עֲדִיף; וְרַבִּי שִׁמְעוֹן הַנָּשִׂיא – מַעֲשֶׂה אֲתָא לְאַשְׁמוּעִינָן.

And the Sages who said "here they said" that the agent should do as he pleases, hold that discretion is preferable; and Rabbi Shimon HaNasi came only to let us know an incident, but does not express a new halachic ruling.

#### QUESTION

אֲבַעְיָא לָהּ: רַבִּי שִׁמְעוֹן הַנָּשִׂיא; נָשִׂיא הוּא, אוּ מִשְׁמִיָּה דְנָשִׂיא קֵאָמַר?

A dilemma was raised before them: Regarding this Rabbi Shimon HaNasi; was he himself the Nasi, or did he speak in the name of the Nasi?

#### PROOF

תָּא שְׁמַע, דָּאָמַר רַב יוֹסֵף: הֵלְכָה כְּרַבִּי שִׁמְעוֹן הַנָּשִׂיא.

Come and hear a proof, as Rav Yosef said: The halacha is like Rabbi Shimon HaNasi, which implies he was indeed the Nasi.

#### OBJECTION

וְעַד־יֵין תִּיבְעִי לָךְ: נָשִׂיא הוּא, אוּ דִקְאָמַר מִשְׁמִיָּה דְנָשִׂיא?

The Gemara rejects this: And still the question should be asked by you: Was he the Nasi, or did he speak in the name of the Nasi, and Rav Yosef was merely quoting the language of the baraita?

#### RESOLUTION

תִּיקוּ.

The Gemara concludes: The dilemma shall stand unresolved.

#### STATEMENT

גּוּפָא – אָמַר רַב יוֹסֵף: הֵלְכָה כְּרַבִּי שִׁמְעוֹן הַנָּשִׂיא.

The Gemara returns to the matter itself: Rav Yosef said: The halacha is like Rabbi Shimon HaNasi, that the money is returned to the sender's heirs.

#### QUESTION

וְהָא קִיָּמָא לֵן דְּבָרֵי שְׂכִיב מֵרַע כְּכַתוּבִין וְכַמְסוּרִין דָּמוּ!

The Gemara asks: But don't we establish that the words of a dying man are like written and delivered documents? If so, the recipient's heirs should acquire the money!

#### ANSWER

רַב יוֹסֵף מוֹקִי לָהּ בְּבָרִיא.

The Gemara answers: **Rav Yosef establishes this** case as referring to a **healthy person** who sent the money, not a dying man.

#### QUESTION

וְהָא לְיוֹרְשֵׁי מְשַׁלַּח קְאָמַר, וְקִימָא לֹן: מִצְוָה לְקַיֵּים דְּבָרֵי הַמֵּת!

The Gemara objects: **But** the baraita **says** the money goes to **the heirs of the sender**, implying the sender died, **and we establish** that **it is a mitzvah to fulfill the words of the deceased** even if he was healthy when he gave the instructions!

#### ANSWER

תְּנִי: יַחְזִירוּ לְמִשְׁלָח.

The Gemara answers: Emend the text and **teach: Let them return to the sender** himself, as he is still alive.

#### STATEMENT

הִדְרוּ עָלַי הַמְבִיא קָמָא

May we return to you, "The first 'One who brings'" chapter.

### מִשְׁנָה MISHNAH

#### MISHNAH

הַמְבִיא גֵט מִמַּדְיֵנַת הַיָּם, וְאָמַר: "בְּפָנַי נִכְתַּב אֲבָל לֹא בְּפָנַי נִחְתַּם אֲבָל לֹא בְּפָנַי נִכְתַּב"; "בְּפָנַי נִכְתַּב אֲבָל לֹא בְּפָנַי נִחְתַּם"; "בְּפָנַי נִכְתַּב אֲבָל לֹא בְּפָנַי נִחְתַּם וְכָצִיזוּ וְכָצִיזוּ בְּפָנַי נִחְתַּם כּוּלּוֹ" – פָּסוּל.

MISHNAH: One who brings a bill of divorce from a country overseas, and says: "It was written in my presence but it was not signed in my presence"; or "It was signed in my presence but it was not written in my presence"; or "All of it was written in my presence and half of it was signed in my presence"; or "Half of it was written in my presence and all of it was signed in my presence" – in all these cases, the get is **invalid**.

### גְּמָרָא GEMARA

#### ANSWER

אָלָא אָמַר רַבָּא: אֶפִּילוּ

Rather, Rava said: **Even** in this case, the get is valid.

#### SUMMARY

The Gemara first analyzes the opinions of Rabbi Elazar, Rabbi Natan, Rabbi Ya'akov, and the Sages regarding whether a dying person's speech alone can effect an acquisition, and whether there is a mitzvah to fulfill the words of the deceased.

After resolving a dilemma regarding Rabbi Shimon HaNasi's ruling and clarifying that it refers to a healthy sender who is still alive, the Gemara introduces a Mishnah outlining invalid declarations made by a shliach bringing a get. The Gemara explains that these cases are taught to show that lacking a complete declaration invalidates the get even post-facto (bedi'avad), and begins clarifying the exact nature of the shliach's partial testimony regarding the writing and signing of the get.

In our learning today, we see the great lengths to which Chazal went to ensure that a person's wishes are carried out, establishing the principle of "mitzvah lekeyem divrei hameis"—it is a holy obligation to fulfill the words of the deceased. When someone leaves this world, their physical power to act is gone, and they rely entirely on the living to carry out their will. This teaches us a profound lesson about the weight of our words and the trust others place in us.

This responsibility does not only begin after a person passes away. In our daily lives, we are constantly entrusted with the hopes, requests, and unspoken expectations of those around us—our parents, our spouses, our teachers, and our friends. When someone asks you for help or confides a wish to you, they are placing a piece of their will in your hands. Fulfilling these wishes with care and integrity is not just a favor; it is a sacred trust, an avodah of true chesed.

Today, think of one request or wish that a family member, friend, or teacher asked of you recently, and make a point to fulfill it completely and with a full heart.