

מסכת גיטין · דף ט' ע"ב

Elucidated Talmud · Statement and Proof · Navy & Gold Edition

THE SUGYA

In this daf, we continue our deep dive into the comparison between a get (bill of divorce) and a get shichrur (bill of manumission for a slave). The Gemara analyzes the opinion of Rabbi Meir, who lists four ways in which these two documents are equal, and we seek to understand what the specific numbers mentioned in the Mishnah and Beraisa come to exclude. This leads us into a fascinating discussion regarding the halachos of witnesses who do not know how to sign their names, and whether we may use a stencil to help them sign on a get.

We also explore other potential similarities between a get and a get shichrur, such as the halacha of a shechiv mera (a person on his deathbed) who gives instructions to deliver these documents. The Gemara beautifully clarifies the underlying principles of what makes these two documents unique compared to standard financial documents, and why certain halachos—like writing the document lishmah (for her sake) or the invalidity of writing on something attached to the ground—were not included in the Beraisa's list.

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

MISHNAH

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העוֹלִים בְּעֶרְכָּאוֹת שֶׁל גּוֹיִם, אֲף עַל פִּי שְׁחוֹת־מִיָּהֶן גּוֹיִם – כְּשִׁירִין, חוּץ מִגִּיטֵי נָשִׁים וְשִׁחְרוּרֵי עֲבָדִים.

All legal documents that are produced in gentile courts, even though their signatories are gentiles, are valid, except for bills of divorce and bills of manumission of slaves.

GEMARA

STATEMENT

וּבְדִבְרֵי רַבִּי מֵאִיר – בְּאַרְבָּעָה:

And according to the statement of Rabbi Meir, they are equal in four ways:

STATEMENT

הָאוֹמֵר "תֵּן גִּט זֶה לְאִשְׁתִּי, וְשִׁטְר שְׁחִירוֹר זֶה לְעַבְדִּי", רָצָה לְחֻזֹּר בְּשִׁנְיָהֶם – יַחְזוֹר, דִּבְרֵי רַבִּי מֵאִיר.

namely, the three aforementioned halakhot, and also with regard to a man who says: Give this bill of divorce to my wife, or: Give this bill of manumission to my slave, if he desires to retract his instruction with regard to both of them, he can retract before they reach the recipient. This is the statement of Rabbi Meir.

QUESTION

בשלמא לרבנן, מנינא למעוטי הא דרבי מאיר.

Granted, according to the Rabbis, who say there are only three ways, the number three is stated to exclude this fourth case of Rabbi Meir.

QUESTION

א לא לרבי מאיר, מנינא למעוטי מאי?

However, according to Rabbi Meir, who states the number four, what does the number four serve to exclude?

ANSWER

למעוטי הא דתנא: עדים שאין יודעים לחתום, מקרעין להם נייר חלק, וממלאים את הקרעים דיו.

It serves to exclude that which is taught in a baraita: With regard to witnesses who do not know how to sign, one tears blank paper for them in the shape of their names, and they fill in the gaps with ink.

ANSWER

אמר רבן שמעון בן גמליאל: במה דברים אמורים – בגיטי נשים, אבל שחרורי עבדים ושאר כל השטרות, אם יודעין לקרות ולחתום – חותמין, ואם לאו – אין חותמין.

Rabban Shimon ben Gamliel said: In what case is this statement said? With regard to bills of divorce. However, with regard to bills of manumission and all other documents, if they know how to read and sign, they sign, and if not, they do not sign. Rabbi Meir agrees with Rabban Shimon ben Gamliel that bills of divorce and manumission differ here, and he mentions the number four to exclude this case from their points of equality.

QUESTION

קרייה מאן דבר שמייה?

The Gemara asks: Reading, who mentioned anything about it? Why does Rabban Shimon ben Gamliel mention reading when the first tanna only spoke about signing?

ANSWER

חסורי מחסרא והכי קתני: עדים שאין יודעין לקרות – קורין לפניהם וחותמין, ושאיין יודעין לחתום – מקרעין להם.

The Gemara answers: The baraita is incomplete, and this is what it is teaching: Witnesses who do not know how to read, one reads in their presence and they sign; and those who do not know how to sign, one tears paper for them and they fill it in.

QUESTION

ותו ליכא?! והאיכא: האומר "תנו גט זה לאשתי, ושטר שחרור זה לעבדי", ומת – לא יתנו לאחר מיתה, "תנו מנה לפלוני", ומת – יתנו לאחר מיתה.

The Gemara asks: And is there nothing else in which they are equal? But isn't there the case of one who says: Give this bill of divorce to my wife, or this bill of manumission to my slave, and he dies, they should not give it after his death;

whereas if he says: **Give one hundred dinars to so-and-so, and he dies, they should give it after his death?** This is another point of equality!

ANSWER

כִּי קֵתְנִי, מִילְתָּא דְלִיתִיהּ בְּשִׁטְרוֹת, מִילְתָּא דְאִיתִיהּ בְּשִׁטְרוֹת לֹא קֵתְנִי.

The Gemara answers: **When it teaches** the list, it includes only a **matter that does not apply to typical documents**; but a **matter that does apply to typical documents, it does not teach.**

PROOF

דְּשָׁלַח רַבִּין מִשְׁמִיָּה דְרַבִּי אֲבָהוּ: הָווּ יוֹדְעִין, שֶׁשָּׁלַח רַבִּי אֶלְעָזָר לְגוּלָּה מְשׁוּם רַבִּינוּ: שְׂכִיב מְרַע שְׁאָמַר "כְּתֹב וְתֵנוּ מָנָה לְפָלוֹנִי", וּמַת – אֵין כּוֹתְבִין וְנוֹתְנִין,

As Ravin sent in the name of Rabbi Abbahu: You should know that Rabbi Elazar sent to the Diaspora in the name of our teacher Rabbi Yoḥanan: With regard to a person on his deathbed who says: Write a deed of transfer and give one hundred dinars to so-and-so, and he dies, one does not write and give the document after his death.

EXPLANATION

שְׁמָא לֹא גָמַר לְהַקְנוֹתוֹ אֶלָּא בְּשִׁטָּר, וְאֵין שִׁטָּר לְאַחֵר מִיתָה.

The reason is **perhaps he did not resolve to transfer ownership to him except through the deed**, and there is no writing of a deed after death. Since this applies to other documents too, it is not unique to bills of divorce and manumission.

QUESTION

וְהֵאִיכָא לְשִׁמְחָה?

The Gemara asks: **But isn't there** the requirement that they must be written **for her sake** (lishmah), which applies to both?

EXPLANATION

בְּשָׁלְמָא לְרַבָּה, הֵינֵנוּ מוֹלִיךְ וּמְבִיא.

The Gemara comments: **Granted, according to Rabba, this is** already included in the halakhot of **delivering and bringing**, as he holds lishmah is the reason for the declaration.

OBJECTION

אֶלָּא לְרַבָּא, קָשְׁיָא!

However, according to Rava, who holds the reason is ratification of the signatures, the omission of lishmah is **difficult!**

QUESTION

ותו: בֵּין לְרַבָּה בֵּין לְרַבָּא, הֵאִיכָא מְחוּבָּר!

And furthermore, both according to Rabba and according to Rava, isn't there the invalidation of being written on something **attached** to the ground, which applies to both?

ANSWER

כִּי קֵתְנִי פְסוּלָא דְרַבָּנָן, דְּאוּרִייתָא לֹא קֵתְנִי.

The Gemara answers: **When it teaches** its list, it refers only to **an invalidation by Rabbinic law; but an invalidation by Torah law, it does not teach**. Lishmah and attached to the ground are Torah invalidations.

QUESTION

וְהָא עֲרֵכָאוֹת שֶׁל גּוֹיִם, דְּפָסוּלָא דְאִוְרֵייתָא הוּא, וְקִתְנִי!

The Gemara challenges: **But there is** the case of **gentile courts, which is an invalidation by Torah law, and yet it teaches it!**

ANSWER

בְּעֵדֵי מְסִירָה, וּכְרַבִּי אֶלְעָזָר דָּאָמַר: עֵדֵי מְסִירָה פְּרִתִּי.

The Gemara answers: That is a case **with witnesses of transmission, and in accordance with Rabbi Elazar, who says: Witnesses of transmission effect the divorce**. Therefore, the invalidity of the gentile signatures on the document is only Rabbinic.

OBJECTION

וְהָא מִדְּקִתְנִי סִיפָא, רַבִּי שִׁמְעוֹן אוֹמֵר: אִךְ אֵלּוּ כְּשִׁירִין, וְאָמַר רַבִּי זֵירָא: יָרַד רַבִּי שִׁמְעוֹן לְשִׁטְתּוֹ

שֶׁל רַבִּי אֶלְעָזָר, דָּאָמַר עֵדֵי מְסִירָה פְּרִתִּי; מִכָּלֵל דִּתְנָא קִמָּא סָבַר – לֹא!

The Gemara objects: **But from the fact that it teaches in the latter clause: Rabbi Shimon says: Even these are valid, and Rabbi Zeira said: Rabbi Shimon accepted the opinion of Rabbi Elazar, who said that witnesses of transmission effect the divorce; it follows by implication that the first tanna holds that they do not!** Thus, for the first tanna, it is a Torah invalidity.

SUMMARY

The Gemara on Daf 9b clarifies that the Beraisa's list of similarities between a get and a get shichrur only includes Rabbinic disqualifications, which is why Torah-level invalidations—such as writing a document on something attached to the ground or not writing it lishmah—are excluded. We learn that according to Rabban Shimon ben Gamliel, we do not use stencils for witnesses who cannot sign on standard documents, though there is a lenient view regarding a get. Additionally, the Gemara establishes that a shechiv mera's instruction to write a gift document is invalidated upon his death because he may have only intended to transfer the money through that specific deed, which cannot be written after his petirah.

In today's daf, we learn about the extreme care Chazal took with signatures on a get. The Gemara discusses witnesses who do not know how to sign their own names, and how a stencil was made for them to fill in with ink. Rabban Shimon ben Gamliel limits this, teaching that for other documents, if a witness cannot read and sign on his own, he simply cannot sign. We see here the immense weight of a signature, of a person putting their name down to testify to a reality.

In our daily lives, we are constantly 'signing' our names to things, not just on paper, but with our words, our actions, and our presence. When you speak lashon hara, or when you stand by and listen to it, you are putting your signature on that damaging word. When you show up for another Yid with a warm smile and a helping hand, you are signing your name to a document of chesed. Every action we take is a permanent stamp of who we are.

Before you speak, act, or even post something today, pause for one second and ask yourself: 'Am I willing to sign my name to this in the heavenly court?' Let us make sure every signature we leave behind today is one of kiddush Hashem.