



Parshas Mishpatim 5772

PILGRIMAGE, TESTIMONY, AND WRITS OF DIVORCE

Aliyah l'regel (pilgrimage) is one of the *mitzvos* delineated in this week's *parshah* (*Shemos* 23:17). Visitation to the Temple is required for the year's three pilgrimage festivals. One unique opinion regarding this requirement is the view expressed by *Tosafos* (*Pesachim* 3b, s.v. *mei'eilehah*). The obligation, they maintain, applies only to residents of Eretz Yisrael (henceforth to be rendered "E.Y."); those who live outside the Land are exempt. Apparently, this stance is quite novel, leaving the commentators in a state of some wonderment. "I have no knowledge of the basis for this opinion," states the *Mishneh L'melech* (*Hilchos Korban Pesach*, 1:1).

The *Cheishek Shlomoh* (*Gittin* 4b) suggests that *Tosafos'* source is rooted in a well-known but seemingly unrelated *sugya* (Gemara topic). A full appreciation of his words necessitates a slight detour into the thick of one of the classic and extensive Talmudic disputes.

GITTIN 101 (L'HAVDIL)

Tractate *Gittin* begins with the laws governing the delivery of a *get* (bill of divorce) sent by the husband to the wife through the offices of an agent. The opening *Mishnah* informs us that – depending on the point of origin – the agent who delivers the *get* must render certain testimony regarding the document upon its presentation. The *Mishnah* states (*Gittin* 1:1):

המביא גט מפִדְינָת הַיּוֹם, אַרְיךָ שֶׁיָּאמֵר בְּפָנַי נִכְתֵּב וּבְפָנַי נִחְתַּפֵּם...
והמביא מפִדְינָה לִמְדִינָה בִּמְדִינָת הַיּוֹם, אַרְיךָ שֶׁיָּאמֵר בְּפָנַי נִכְתֵּב וּבְפָנַי
ニִחְתַּפֵּם.

"(An agent) who brings a *get* from a foreign land must attest

(to its veracity by stating the following): '(This *get*) was written and signed in my presence.' ... (Likewise, an agent) who brings a *get* from one district to another district (all outside the borders of E.Y.) must state: '(This *get*) was written and signed in my presence.'"

What exactly is the agent testifying about? The nature of this testimony is precisely the subject of the monumental dispute between Rabbah and Rava (*Gittin* 2b). According to Rabbah, at issue is the foreigners' lack of proficiency in the laws pertaining to the writing of a *get*. As such, there is a concern that certain basic requirements were not properly adhered to in the production of the document, effectively disqualifying the *get*. Thus, the agent who brings a *get* that originated from outside of E.Y. must testify that he personally witnessed the writing and that the essential guidelines were indeed followed.

Rava disagrees. He was not concerned with the foreigners' level of scholarship in comparison to their Israeli counterparts. Rather, he focuses on the possibility of forgery; how can we be sure that the signatures are "legit"? Had the delivery of the *get* been a local affair, there would be no cause for worry. If an irate husband would challenge the *get*'s veracity, the signatures could easily be verified. Since everyone in the region knows everyone else, the signatories' handwriting is presumably familiar to many; someone will surely come forward, recognize the signatures and establish their legitimacy. But when the *get* originates from a far-away location – whose residents are unfamiliar to the locals – how are we to verify the signatures? This, according to Rava, is the gist of the agent's testimony. Upon delivering a *get* from a foreign land, he attests that he personally witnessed the signing and that the signatures that appear on the document were placed there by their actual namesakes.

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ארוחה בן עזרא ע"ה
Mr. Albert Roberts
by the staff of Chevrah Lomdei Mishnah

Kindly take a moment to study MISHNAS CHAYIM in the merit of
יששכר בן ליבע ע"ה, a fellow Jew who passed away with no relatives
to arrange Torah study on behalf of his neshamah.

And so the debate rages for a number of folios, with the advancement of proofs, disproofs, questions, rebuttals, etc. One of the points raised along the way bears great relevance to the issue of pilgrimage raised at the outset.

A TALE OF THREE CASES

The Mishnah began by addressing the scenario of a *get* brought from a foreign land to E.Y., wherein the agent must deliver testimony. The Mishnah (as stated above) cites another instance wherein the agent must provide testimony: "(Likewise, an agent) who brings a *get* from one district to another district (all outside the borders of E.Y.) must state: '(This *get*) was written and signed in my presence.'"

There is an apparently obvious deduction that can be made from this law regarding yet a third case. That is, if the same was to occur *within* E.Y. – i.e., from one Israeli district to another Israeli district – the agent would *not* have to offer testimony. This notion fits well with the opinion of Rabbah, who was primarily concerned with a lack of knowledge. In this instance, where the writing and delivery of the *get* all take place within the boundaries of E.Y. – where the residents are considerably more educated – there is no concern of ignorance of the *halachos*. Thus, the *get* is presumed to be kosher and no further testimony is required.

For Rava, however, the deduced law would seem to present a problem. According to Rava – who required verification of the signatures to head off a potential charge of forgery – there would seem to be a need for the agent's testimony in this third case, as well. Residents of different districts have little contact and thus are unfamiliar with one another's signatures; what difference would it make if these districts occurred in E.Y. or in a foreign land? According to Rava's reasoning, testimony here should be necessary; yet the Mishnah seems to imply that in E.Y., things are different. How would Rava account for this distinction?

The Gemara (4b) answers that even according to Rava, the situation in E.Y. is indeed different; there, even the residents of different districts know each other. The reason for this is none other than the mitzvah of *aliyah l'regel*. Since everyone in the country converges three times a year on

the same place (the Beis Hamikdash), they become familiar with their neighbors and their signatures.

Now, something about the Gemara's answer should make us take note: if the pilgrimage requirement is sufficient to familiarize all of the residents of E.Y. with each other, then – by the same token – why shouldn't it work for Jewish people *all over the world*? In other words, if all Jews – even from foreign lands – are converging on the same place and thus achieving some familiarity with their fellow Jews and their handwriting, the result should be that verification of signatures is never required – even on a *get* that originated from a foreign land!

That is, unless the Jews who reside outside of E.Y. don't come to the Beis Hamikdash in the first place. This is where – asserts the *Cheishek Shlomoh* – the Tosafos found basis for the exemption of foreign residents from the mitzvah of *aliyah l'regel*.

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