

## Some Examples of Tikkun Olam in the Talmud in Mesechet Gittin

Tikkun Layl Shavuoth

May 25, 2023

Rabbi Charles Feinberg

### Mishnah Gittin, 4:1-2

השולח גט לאשתו והגיע בשליח, או ששלח אחריו שליח ואמר לו, גט שנתתי לך בטל הוא, הרי זה בטל. קדם אצל אשתו או ששלח אצלה שליח ואמר לה, גט ששלחתי לך בטל הוא, הרי זה בטל. אם משהגיע גט לידה, שוב אינו יכול לבטלו:

In the case of **one who sends a bill of divorce to his wife with an agent, and he reached the agent, or where he sent another agent after him, and he said to the agent delivering the bill of divorce: The bill of divorce that I gave you, it is void, then this bill of divorce is hereby void.** Similarly, if the husband reached **his wife before** the bill of divorce reached her, **or in a case where he sent an agent to her, and he said, or had the agent say, to his wife: The bill of divorce that I sent to you, it is void, then this bill of divorce is hereby void.** However, if he stated this **once the bill of divorce had entered her possession, he can no longer render it void**, as the divorce had already taken effect.

בראשונה היה עושה בית דין במקום אחר ומבטלו. התקין רבן גמליאל הזקן שלא יהו עושין כן, מפני תקון העולם. בראשונה היה משנה שמו ושמה, שם עירו ושם עירה. והתקין רבן גמליאל הזקן שיהא כותב, איש פלוני וכל שם שיש לו, אשה פלונית וכל שום שיש לה, מפני תקון העולם:

The Mishna relates that **initially**, a husband who wished to render the bill of divorce void **would convene a court elsewhere and render** the bill of divorce **void** in the presence of the court before it reached his wife. **Rabban Gamliel the Elder instituted** an ordinance **that one should not do this, for the betterment of the world.** The Gemara will explain what this means.

**Initially**, the husband **would change his name and her name**, from the names by which they were known where they formerly lived to the names by which they were known where the bill of divorce was written, and write **the name of his city and the name of her city.** One was not required to list all of the names by which the husband and the wife were known, but only the names in the place where the bill of divorce was being written. **Rabban Gamliel the Elder instituted that** the scribe **should write** in the bill of divorce: **The man so-and-so, and any other name that he has**, and: **The woman so-and-so, and any other name that she has.** The reason for this ordinance was **for the betterment of the world**, as perhaps the people of a different city would not recognize the name written in the bill of divorce, and would claim that this bill of divorce does not belong to her.

### Gittin 33a

מפני תיקון העולם מאי מפני תיקון העולם רבי יוחנן אמר מפני תקנת ממזרים ריש לקיש אמר מפני תקנת עגונות

רבי יוחנן אמר מפני תקנת ממזרים סבר לה כרב נחמן דאמר בפני שנים ובי תרי לית להו קלא והיא לא שמעה ולא ידעה ואזלה ומינסבא ואיכא ממזרים

וריש לקיש אמר מפני תקנת עגונות סבר לה כרב ששת דאמר בפני שלשה ובי תלתא אית להו קלא ושמעה וידעה ולא מינסבא ותקנת עגונות הוא דאיכא

תנו רבנן בטלו מבוטל דברי רבי רבן שמעון בן גמליאל אומר אינו יכול לא לבטלו ולא להוסיף על תנאו שאם כן מה כח בית דין יפה

ומי איכא מידי דמדאורייתא בטל גיטא ומשום מה כח בית דין יפה שרינו אשת איש לעלמא אין כל דמקדש אדעתא דרבנן מקדש ואפקעינהו רבנן לקידושין מיניה

אָמַר לִיה רַבִּינָא לָרַב אָשִׁי תִינַח דְּקַדִּישׁ בְּכִסְפָּא קַדִּישׁ בְּבִיאַה מָאִי אִיפָא לְמִימַר שְׁוִיָּה רַבָּנָן לְבַעֲלָתוֹ  
בְּעִילַת זָנוּת

### Gittin 33a

**Because of the betterment of the world:** What is referred to? — R. Yohanan said: To prevent illegitimacy. Resh Lakish said: To prevent wife-desertion. 'R. Yohanan said to prevent illegitimacy,' for he held with R. Nahman who said [that the Get could be cancelled] before [a Beth Din of] two: [the proceedings] of two are not generally known, so she, not having heard and not knowing [that the Get is cancelled] might go and marry again, and bear illegitimate children.

'Resh Lakish said to prevent wife-desertion,' for he again held with R. Shesheth who said [that he has to cancel it] before [a Beth Din of] three. The proceedings of three are generally known, so she hearing and knowing [that the Get was cancelled] would remain unmarried, and we have therefore to save her from being a deserted wife.

Our Rabbis have taught: If [the husband] did cancel [the Get before a Beth Din] it is cancelled. This is the ruling of Rabbi. Rabban Simeon b. Gamaliel, however, says that he can neither cancel it nor add any additional conditions, since if so, what becomes of the authority of the Beth Din? And is it possible then, that where a Get is according to the Written Law cancelled we should, to save the authority of the Beth Din, [declare it valid and] so allow a married woman to marry another?

Yes. When a man betroths a woman, he does so under the conditions laid down by the Rabbis, and in this case the Rabbis annul his betrothal. Said Rabina to R. Ashi: This is quite right if the husband had originally betrothed his wife with money. But if he had betrothed her by having sex with her, what can we say? — The Rabbis declared marrying her by having sex with her to be retrospectively sexual license.

### Mishnah Gittin 4:3

אִין אֶלְמִנָּה נִפְרַעַת מִנְכָּסִי יְתוּמִים אֶלָּא בְּשִׁבוּעָה. נִמְנְעוּ מִלְּהַשְׁבִּיעָהּ, הִתְקִין רַבָּן גַּמְלִיאֵל הַזֶּקֶן שֶׁתִּהְיֶה  
נוֹדֶרֶת לְיְתוּמִים כָּל מָה שִׁירְצוּ, וְגוֹבָה כְּתֻבָּתָהּ. הַעֲדִים חוֹתְמִין עַל הַגֵּט, מִפְּנֵי תִקּוּן הָעוֹלָם. הֵלֵל  
הִתְקִין פְּרוֹזְבוּל מִפְּנֵי תִקּוּן הָעוֹלָם:

**A widow can collect** payment of her marriage contract **from the property of orphans only by** means of **an oath** that she did not receive any part of the payment of the marriage contract during her husband's lifetime. The mishna relates: The courts **refrained from administering an oath to her**, leaving the widow unable to collect payment of her marriage contract. **Rabban Gamliel the Elder instituted that she should take, for the benefit of the orphans, any vow that the orphans wished** to administer to her, e.g., that all produce will become prohibited to her if she received any payment of her marriage contract, **and** after stating this vow, she **collects** payment of **her marriage contract**. The mishna lists additional ordinances that were instituted for the betterment of the world: **The witnesses sign** their names **on the bill of divorce**, even though the bill of divorce is valid without their signatures, **for the betterment of the world**, as the Gemara will explain. **And Hillel instituted a document that prevents the Sabbatical Year from abrogating an outstanding debt [prosbol] for the betterment of the world**, as the Gemara will explain.

### Talmud, Gittin, 36a-b

**HILLEL INSTITUTED THE PROSBUL.** We have learnt elsewhere: A *prosbol* prevents the remission of debts [in the Sabbatical year]. This is one of the regulations made by Hillel the Elder. For he saw that people were unwilling to lend money to one another and disregarded the precept laid down in the Torah, *Watch yourself lest there be a base thought in your heart saying, 'the seventh year is at hand,' and your eye be evil against your poor brother and you give him nothing (Deut. 15:9).* He therefore decided to institute the *prosbol*.

The text of the *prosbul* is as follows: 'I hand over to you, So-and-so, the judges in such-and-such a place, [my bonds], so that I may be able to recover any money owing to me from So-and-so at any time I shall desire'; and the *prosbul* was to be signed by the judges or witnesses.

But is it possible that where according to the Torah the seventh-year releases Hillel should ordain that it should not release? — Abaye said: He was dealing with the Sabbatical year in our time, and he went on the principle laid down by Rabbi (Yehuda Ha-Nasi), as it has been taught: Rabbi says: [It is written], *Now this is the matter of the remission; [every creditor] shall remit the loan he holds against his fellow man...* (Deut. 15:2). The text indicates here two kinds of release, one the release of land and the other the release of money. When the release of land is in operation the release of money is to be operative, and when the release of land is not operative the release of money is not to be operative.

The Rabbis, however, ordained that it should be operative, in order to keep alive the memory of the Sabbatical year, and when Hillel saw that people refrained from lending money to one another, he decided to institute the *prosbul*.

But is it possible that where according to the Torah the seventh year does not release, the Rabbis should ordain that it does release? —

Abaye replied: It is a case of 'sit still and do nothing'. Raba, however, replied: The Rabbis have power to expropriate [for the benefit of the public] For R. Isaac has said: How do we know that the Rabbis have power to expropriate? Because it says, *And that whosoever came not within three days according to the counsel of the princes and the elders, all his substance should be forfeited, and himself separated from the congregation of the captivity* (Ezra 10:8).

R. Eleazar said: We derive it from here: *These are the inheritances (of land) which Eleazar the priest and Joshua the son of Nun and the heads of the fathers' houses transferred to the tribes of the people Israel by lot at Shiloh before the Lord at the entrance of the Ohel Moed; they finished dividing the land* (Joshua 19:51). Now why is the word 'fathers' [here] put next to 'heads'? To show that just as fathers transmit to their children whatever property they wish, so the heads transmit to the public whatever they wish.

#### Gittin 45a

מתני' אין פודין את השבויין יתר על כדי דמיהון מפני תיקון העולם ואין מבריחין את השבויין מפני תיקון העולם רבן שמעון בן גמליאל אומר מפני תקנת השבויין

**MISHNAH.** CAPTIVES SHOULD NOT BE REDEEMED FOR MORE THAN THEIR VALUE, BECAUSE OF **TIKKUN OLAM**. CAPTIVES SHOULD NOT BE HELPED TO ESCAPE, BECAUSE OF **TIKKUN OLAM**. RABBAN SIMEON B. GAMALIEL SAYS [THAT THE REASON IS] BECAUSE OF THE DECREE REGARDING CAPTIVES.

גמ' איבעיא להו האי מפני תיקון העולם משום דוחקא דצבורא הוא או דילמא משום דלא לגרבו וליתו טפי תא שמע דלוי בר דרגא פרקא לברתיה בתליסר אלפי דינרי זהב אמר אביי ומאן לימא לן דברצון חכמים עבד דילמא שלא ברצון חכמים עבד

**GEMARA.** The question was raised: Does Tikkun Olam relate to the burden which may be imposed on the community or to the possibility that the activities [of the bandits] may be stimulated? — Come and hear: Levi b. Darga ransomed his daughter for thirteen thousand *denarii* of gold. Said Abaye: But are you sure that he acted with the consent of the Sages? perhaps he acted against the will of the Sages.

CAPTIVES SHOULD NOT BE HELPED TO ESCAPE, TO PREVENT ABUSES. RABBAN SIMEON B. GAMALIEL SAYS, THE REASON IS BECAUSE OF THE DECREE REGARDING CAPTIVES. What practical difference does it make which reason we adopt? — The difference arises where there is only one captive.