

THE  
MAHARSHAM  
PROJECT



שו"ת מהרש"ם

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## A Soldier's Rage

*One angry sentence from a husband headed to the Tsar's army nearly invalidated his wife's get.*

A man in Novi Minsk was about to be shipped off to a distant army garrison for five years. His marriage was already broken. The local Rav convinced him to give a get before he left. But in the middle of the writing, the wife's relatives walked in. The husband exploded. He turned to his wife and said: "Because you brought these people here, I will not divorce you!" The Rav calmed him down and they finished the get. But the question now hung over the room. **Had those angry words undone the get that was already being written?**

NOVI MINSK

*Nowy Mińsk (today Mińsk Mazowiecki), a town east of Warsaw in Russian-controlled Poland, with a well-established Jewish community living under the weight of Tsarist conscription laws.*

To **Rav Yechiel Michel Rabinowitz**, *Av Beis Din of Novi Minsk, Poland.*

### THE QUESTION

The case arrived from Rav Rabinowitz with all the marks of a last-minute emergency.

A Yid in Novi Minsk had been drafted into the Tsar's army. He was about to be sent to a distant garrison for five years. The marriage had already been falling apart for years. Now, with the husband about to disappear into military service, the situation was desperate. If he left without giving a get, his wife would be an *agunah*: chained to a dead marriage, unable to remarry, with no way of knowing if or when her husband would come back.

On the very day the husband was supposed to report for duty, Rav Rabinowitz pulled off what must have felt like a miracle. He talked the husband into agreeing to a divorce. But there was a condition: the husband wanted money and personal property in exchange, which were placed with a *shalish* (a trusted third party) to be released to him after the get was delivered.

The *sofer* began writing the get. A few lines in, things fell apart.

Several of the wife's relatives walked into the room. The husband's face changed. He flew into a rage, turned on his wife, and said: "Because you brought these people here, I will not divorce you!"

One can only imagine the wife standing there, hearing the words that might close the door on her future just as it seemed about to open.

There is some uncertainty whether the *sofer* actually stopped writing when the husband said this, or whether he kept going.

Rav Rabinowitz acted quickly. He got the relatives out of the room. He worked on the husband, talking him down, pleading. Eventually the husband calmed himself and agreed to continue. Meanwhile, word came that it was time for the husband to catch his train. But by the time they looked up, the train had already left. With this unexpected extra time, the Rav, the *sofer*, the witnesses, and the *shalish* completed the process. The get was delivered to the wife according to halachah.

But there had been no time to start fresh. They used the same get the *sofer* had been writing when the husband exploded. And so the question landed on the Maharsham's desk: did the husband's angry words invalidate the get? If yes, she might remain an *agunah*, with no practical way to obtain another get once he left.

## THE MAHARSHAM'S ANALYSIS

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### 1. Does Revoking Consent Mid-Writing Kill the Get?

Rav Rabinowitz himself identified the main danger. He cited the Maharam Mintz (Siman 17), who wrote in very strong terms: if a husband withdraws his consent before the get is finished being written, the get is void.

This looked bad for the wife. But the Maharsham points out that the *Divrei Chaim* (Even HaEzer 84) disputes this ruling directly. And Rav Rabinowitz had already gathered a significant array of sources from Rashi and Tosafos showing that when a husband has second thoughts but then agrees again, the get remains valid.

The Maharsham confirms this with the *Kesav Sofer* (Even HaEzer 90, 92), who ruled on a nearly identical case: a husband declared he would leave the country and never divorce his wife, leaving her an *agunah* forever. Then he changed his mind and agreed. The *Kesav Sofer* ruled the get was kosher.

### 2. Were These Words Really a Cancellation?

The Maharsham introduces a powerful principle from the Rashba on Gittin 78a. The Gemara discusses a man who hands his wife a get but says: "Here, take this debt document." Did he just cancel the get by calling it something else?

The Rashba explains: unless a husband explicitly says he is voiding the document itself, we do not treat his words as a cancellation. He might have been trying to embarrass his wife. He might have been posturing. As long as he didn't use clear language of *bitul* directed at the get, we read his words as having some other purpose.

The Maharsham applies this directly. The husband in Novi Minsk never told the *sofer* to stop writing. He never told the witnesses the get was void. He turned to his wife, in anger, and said he would not divorce her, because she brought her relatives. If he truly meant to

cancel the get, he would have told the sofer and the witnesses. Instead, he vented at his wife. We can, and should, read his words as pressure to get the relatives out of the room.

### 3. Words Not Addressed to the Sofer or Witnesses

The Maharsham brings a second pillar from the Rivash (Siman 127). In that case, a husband had agreed to a get, but just before delivery, his uncle began crying. The husband told his uncle: "Why are you crying? I'm only giving this under duress." The Rivash ruled this did not invalidate the get. The husband was comforting a distraught relative, not making a formal declaration to the witnesses.

The Tashbetz (Chelek 1, Siman 1) dealt with the same case and went even further: even according to the opinion that *gilui da'as* (revealing one's true intent) matters in divorce, that only applies when the husband speaks directly to the witnesses or the agent. Words spoken to a bystander do not count as *gilui da'as* at all.

In this case, the husband spoke to his wife. Not to the sofer. Not to the witnesses. By the Tashbetz's standard, his words don't even rise to the level of revealed intent, let alone formal cancellation.

### 4. Feelings Don't Cancel Documents

The Maharsham adds proof from a teshuvah of the Rosh (Klal 45). A man appointed an agent to deliver a get to his wife wherever he found her, but added: "If she's willing to come to Seville, I'll take her back. If not, divorce her." The wife came to Seville, but the husband refused to reconcile. The Rosh ruled the agent could still deliver the get. The husband's wishful talk about reconciliation was not a formal condition attached to the *shlichus*. He had made the get and appointed the agent. His personal musings did not undo either one.

So too here: the husband said "I will not divorce you." But he was expressing a feeling, not issuing a legal command. He did not say "this get is void." He did not revoke the authority of the sofer and witnesses. The halachah is clear: personal feelings, expressed in anger, do not cancel legal documents.

### 5. Where the Outcome Was Already Determined

The Maharsham brings one more argument from the Kesef Mishneh, citing the Ri"k. There is a difference between cases where a person has good reason to care about the details of what his agent does, and cases where he does not. In *kiddushin*, a woman cares deeply about whom she marries, so a verbal revocation of her agent's authority works. But in *terumah*, the owner of the grain doesn't particularly care which agent separates the tithe, so verbal revocation alone cannot undo an agency that has already begun.

The Maharsham applies this: the circumstances here were ones in which there was a halachic obligation to give a get. The couple had been separated for years. He was leaving for five years of military service in a dangerous, distant posting. Under the halachah (Even HaEzer 154:8–9), a husband who goes to a place of danger for an extended period can be compelled to give a get. He had already agreed, for money. The sofer and witnesses were already working. The Maharsham argues that in these circumstances, the presence of the relatives was not the kind of substantive objection that should transform his angry statement into an effective legal cancellation. Where there is no genuine basis for objection, words alone cannot override an action already underway.

## THE P'SAK

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**The Maharsham rules that the get is valid and the woman may remarry.** The husband's angry words, spoken to his wife and not to the sofer or witnesses, motivated by fury at the presence of her relatives rather than any desire to void the document, did not constitute cancellation.

The Maharsham found support in four independent lines of reasoning: the Rashba's principle that ambiguous statements are not treated as revocations; the Rivash and Tashbetz's rule that words not directed at the witnesses have no legal force; the Rosh's precedent that expressions of personal reluctance do not undo a valid agency; and the Kesef Mishneh's distinction showing that where the outcome was already determined, mere speech cannot override action.

The ruling turns on a subtle but crucial distinction. Halachah gives enormous force to words. A marriage can be created through words; a vow can bind through words; testimony can change lives through words. But precisely because words matter, halachah must distinguish between words spoken with legal intent and words spoken in anger, embarrassment, or pressure. The Maharsham did not minimize speech. He clarified which speech creates legal reality.

For the woman of Novi Minsk, the Maharsham's analysis preserved the validity of the get and with it, her path forward. Her husband was gone, sent to a distant garrison for half a decade, perhaps forever. Without this ruling, she would have remained chained to a marriage that existed only on paper, with no realistic hope of remarriage.

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## HISTORICAL CONTEXT

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Military conscription in Tsarist Russia was one of the most devastating forces acting on Yiddishe family life in the 19th century. Jewish men were drafted for terms of up to twenty-five years in earlier periods, reduced to five or six years by the era of this teshuvah. But even five years in a distant garrison, with unreliable mail and no leave, could destroy a marriage permanently. The pressure on the local Rav to secure a get before the husband's departure was immense, because everyone understood: once he left, the chances of obtaining one dropped to nearly zero.

This case captures the chaos of those final hours before departure. The frantic negotiations, the money changing hands, the sofer racing to write, and then the human explosion that nearly ruined everything. Rav Rabinowitz showed remarkable presence of mind: clearing the room, calming the husband, pressing forward even after the train had left. The Maharsham's role was to confirm that the Rav's instinct had been correct, and that the get produced under these turbulent conditions was sound.



## KEY TERMS

**Gilui da'as** —Revealing one's true intent. In get law, there is a dispute whether a husband's off-hand remarks can affect the validity of a get. The Maharsham shows that even those who take gilui da'as seriously limit it to statements made directly to the witnesses or agent.

**Shalish** —A neutral third party who holds money or property until conditions are met. Here, the shalish held the wife's payment, to be released to the husband only after the get was properly delivered.

**Bitul ha-get** —Formal cancellation of a get. The Maharsham demonstrates that true bitul requires explicit language directed at the document or the witnesses. An angry remark to one's wife does not qualify.

## FOR THE SHABBOS TABLE

- The Maharsham draws a line between words spoken in anger and words spoken with legal intent. How do we tell the difference, in our own lives, between what people say because they're upset and what they actually mean?
- Rav Rabinowitz went to extraordinary lengths to secure a get for this woman before her husband disappeared. What does this tell us about a Rav's responsibility to act, not just to rule?
- The husband agreed to give the get only after money and property were placed with a shalish. What does this detail reveal about the pain and complexity that can stand behind a halachic question?

*From the Maharsham's Techeiles Mordechai on Parashas Behar*

# תכלת מרדכי

*The Riddle of Enough: Why a Blessing Is Not Always More*

One of the most puzzling brachos in the Torah appears in Parashas Behar. Hashem promises: וְאָכַלְתֶּם לֶחֶמְכֶם לְשָׂבַע — "you will eat your bread to satisfaction." At first glance, we understand this simply: plenty of food, full storehouses, no one goes hungry.

But Chazal teach something deeper. The brachah is not that a person will eat a lot and become satisfied. The brachah is: אוֹכֵל קִימְעָא וּמְתַבְרַךְ — במעייו — *ochel kime'ab u'misbareich b'mei'av* — he eats a small amount, and it becomes blessed inside him. That is a very different kind of blessing. Not more food. Not more appetite. Not more consumption. A small amount becomes enough.

But why is that a reward? If a Yid keeps the Torah faithfully, why would Hashem's response be, so to speak: "You will eat less, but you will feel full"?

The Maharsham explains that this touches a very deep *yesod* in how Hashem made the world. When a person eats, not everything he consumes becomes part of him. Much of it is separated and discarded. Only a small, refined *chelek* is absorbed into the body. Only a tiny inner essence becomes blood, strength, and life. That is not a mistake in creation. It is a lesson in creation.

The world is full of material — endless "more." But not everything that enters a person actually nourishes him. A great deal passes through life without becoming life. The avodah of a Yid is to extract the *pnimiyus* — the refined point, the inner good, the part that can truly nourish the neshamah.

A person who is ruled by *ta'avah* needs more and more, because very little satisfies him. But a person who has worked on himself, who has trained his desires to serve a higher purpose, receives the world differently. For such a person, even a small amount can carry great brachah.

That is the meaning of *misbareich b'mei'av*. The brachah is not only in the field, and not only in the pantry. The brachah enters the person himself. The food becomes blessed in its effect. It nourishes more deeply because the one receiving it is more refined.

A modern person often thinks brachah means abundance: more money, more food, more options, more comfort. But the Torah is teaching something much higher. Brachah is not always when there is more. Sometimes brachah is when enough becomes truly enough. It is when the rain comes in its time, the land gives what it should, the bread satisfies, and the person eating it is not enslaved to endless appetite.

The highest brachah is not endless desire met by endless supply. It is a refined person receiving exactly what he needs — and finding it fully nourishing.

## COMING NEXT WEEK

*A community splits apart over a pile of crumbs.  
Who owns what belongs to no one?*



### WHO WAS THE MAHARSHAM?

Rabbi Shalom Mordechai HaKohen Schwadron, ben HaRav Moshe (1835–1911), served as the Rav of Brezhan in Galicia for over 40 years. He is best known for his seven-volume Shut Maharsham, containing thousands of teshuvos on every area of halachah, and his Da'as Torah commentary on Shulchan Aruch. Regarded as one of the foremost poskim of his generation, his rulings are cited in halachic works to this day.

### PRINCIPAL SOURCES

**Gemara:** Gittin 18b, 24b, 78a, 88a; Bava Metzvia 18a. **Rishonim:** Rashba (Gittin 78a); Ramban (Gittin 18b); Rosh (Klal 45:4); Rivash (Siman 127); Tashbetz (Chelek 1, Siman 1); Sifri. **Shulchan Aruch & Nosei Keilim:** Even HaEzer 134:3, 134:10, 138, 141, 154:8–9; Beis Yosef 138, 154; Beis Shmuel 134:5; Pischei Teshuvah 134; Tur 138 (Ramah), 141. **Acharonim:** Maharam Mintz (Siman 17); Divrei Chaim (EH II:84); Kesav Sofer (EH 90, 92); Kesef Mishneh (Terumos 4:9); Magid Mishneh (Gerushin 6:21); Bach (Teshuvos Chadashot 90).

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*An angry shout is not a legal act. The Maharsham knew the difference, and one woman's future depended on it.*

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