

Shai Wozner | **Divorce by Compulsion or Duress and
“Get Me‘useh” – A Study of Two Mishnayot**

According to tannaitic halakhah a writ of divorce (*get*) is only valid if it was voluntarily issued by the husband. Nevertheless, and at the same time, the sages ruled that a court may compel the husband to give a *get* to his wife. This paper deals with the interpretation of two *mishnayot* that directly discuss the tension between the two contradictory rules. One mishnah, in *Gittin* (9:8), states that “A *get* given under compulsion (“*get me‘useh*”) is valid if it is ordered by a Jewish court, but if by a Gentile court it is invalid.” The second mishnah, in *Arakhin* (5:6), says that the court “may apply pressure on the husband (to give the *get*) until he says ‘I agree.’”

The paper aims to analyze the relationship between free will and coercion as reflected in these halakhic rules and to trace the original meaning of the two *mishnayot*. Among other things, a new interpretation of the concept of “*get me‘useh*” is suggested.