



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Yud Zayin

ECHAD OMER BEFANAI NECHTAV U'SHNEYIM OMRIM BEFANEINU NECHTAM KASHER

- **R' Ami in the name of R' Yochanan** said, the get is only valid if the one who said befanai nechtav is a shaliach, and it is therefore as if 2 witnesses are testifying to the writing and there are 2 witnesses who testify to the signing. However, if he is not a shaliach, the get would be passul. We see that **R' Yochanan** holds that when there are 2 sheluchim for a get, they must say BNB.
 - **R' Assi** said, this would mean that in the previous case of the Mishna where it says "if two people say befanai nechtav and one says befanai nechtam the get is passul, but **R' Yehuda** says it is valid" the **Rabanan** would hold this way even if all these 3 witnesses were sheluchim for this get. [The back and forth of the Gemara on the last daf would be appropriate to repeat again here, but the Gemara didn't want to repeat it again – Tosfos].
 - At another time **R' Assi** found **R' Ami** sitting and saying that the get is valid even if the 2 witnesses on the signatures are the ones who are the sheluchim. From this we see that he holds that when 2 sheluchim bring a get they need *not* say BNB.
 - **Q: R' Assi** asked, you have said different before!? **A:** He answered, my later statement is the more correct version.

MISHNA

- If a get was written by day and signed that day, or written by night and signed that night, or written by night and signed the following day, the get is valid. If it was written by day and signed the following night (i.e. it is predated – the date is an earlier day than it was signed and executed), it is passul. **R' Shimon** says the get would be valid, because **R' Shimon** says that all documents that are written by day and signed the following night are passul except for a get.

GEMARA

- Why did the **Rabanan** say that a get must be dated? **R' Yochanan** said, as a gezeira for one who is married to his niece (and she is mezaneh while married to him and therefore will face the death penalty, out of compassion for his niece he will produce an undated get and claim that he had divorced her before the znus, thereby saying that it was not a capital offense). **Reish Lakish** said, it must be dated so that the husband will not sell his wife's nichsei melog (which he has rights to only during their marriage) after the divorce and claim that it was before the divorce (which is undated and therefore hard to prove as to when it took place).
 - **Q:** Why doesn't **Reish Lakish** say like **R' Yochanan**? **A:** He feels that a case of znus is not common and therefore the **Rabanan** would not have made an enactment for a case of znus.
 - **Q:** Why doesn't **R' Yochanan** say like **Reish Lakish**? **A:** He holds that a husband has a right to the nichsei melog until the get is actually given to the woman. Therefore, the date does not show when he loses his rights, it is only the time of delivery that makes him lose his rights.
 - **Q:** According to **Reish Lakish** we can understand why **R' Shimon** allows a predated get, because **R' Shimon** holds that a husband loses his right to the melog from the time that the get is written and dated. Therefore, the woman can use that date to cancel any sale that happened after that date even if she received the get some time after that date. However, according to **R' Yochanan**, why would **R' Shimon** say that the get is valid (why is he not concerned for the niece who is mezaneh)? **A:** **R' Yochanan** only said his reason

- to explain the view of the **Rabanan**. However, **R' Shimon** would have to hold like **Reish Lakish**.
- **Q:** According to **R' Yochanan** we understand the basis for the machlokes between **R' Shimon and the Rabanan**. According to **Reish Lakish**, what is the machlokes between them? **A:** The machlokes would be regarding the husband's right to the melug between the time he writes a get and the time he has it signed. The **Rabanan** say he loses his right at the time of the signing. Therefore, if the get is predated and he sells something after the writing but before the signing, it was sold properly. However, Beis Din will look at the date, assume it was signed on that day, and cancel any sale that was done after the date. **R' Shimon** says he loses his right at the time of the writing, and therefore there is no reason to make a predated get passul.
 - **Q:** We have learned that **R' Yochanan** says that a husband loses his rights to melug at the time the get is written and **Reish Lakish** says he loses the right when the get is given to the wife. This is contradictory to what we have now said!? **A:** The views in this last statement should be reversed to make them consistent with what was said earlier.
 - **Q:** **Abaye** asked **R' Yosef**, a Mishna says that an undated get is passul l'chatchila but valid b'dieved. If so, how have the **Rabanan** accomplished anything by requiring it to be dated, if it is valid b'dieved!? **A:** They accomplished that using such a get will make it that l'chatchila she is assur to remarry. Therefore, he will not be able to find a sofer to write such a get or witnesses to sign such a get.
 - **Q:** He can have a dated get written and signed and he can then cut out the date, which circumvents the gezeira!? **A:** We are not concerned that someone will openly try to cheat and lie like that.
 - **Q:** A get would be valid (with regard to the dating requirement) if the husband simply writes which shmitta cycle of the yovel it is, or which year in the shmitta cycle it is, or which month of the year, or which week of the month. If so, what have the **Rabanan** accomplished with their gezeira (since such a loosely dated document still leaves open the possibility for the concerns of an undated get)!? **A:** Even if only the shmitta cycle is mentioned, it does accomplish something, since it cannot be said to have been written in the previous or the following shmitta cycle. Although there is a lot of room for concern, there is *something* that was accomplished. In fact, even when the exact date is given, it doesn't tell us whether it was written in the beginning of the day or the end of the day, but since it tells us that it can't be the day before or after, we consider it useful. The same concept can be said when only the shmitta cycle of the yovel is written.
 - **Q:** **Ravina** asked **Rava**, if a man writes a get and holds onto it for some time before giving it to his wife (in the hope that he will be able to reconcile with her and not have to use it), the gezeirah for having a date can be circumvented!? **A:** **Rava** said, people do not bring about bad things earlier than they must be brought about. Therefore, a person will not write a get until he is ready to give it over to her.
 - **Q:** **Ravina** asked **R' Ashi**, when a get is written and signed in chutz laaretz and then sent to the woman in EY (which may take even 6 months), the get is dated, but the concerns that required a get to be dated still exist. If so, the gezeira is ineffective!? **A:** **R' Ashi** said, such a get is known by all to have been dated long before it was received, and therefore they cannot be used to save the wife from the death penalty or to nullify the husband's sale of the nichsei melug.