



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

Gittin Daf Beis

MESECHTA GITTIN

PEREK HAMEIVI -- PEREK RISHON

MISHNA

- If a shaliach brings a get from chutz laaretz to Eretz Yisrael (EY) he must say “b’fanai nechtav ub’fanai nachtam” (“it was written in front of me and it was signed in front of me” – which we will abbreviate as “BNBN”). **R’ Gamliel** says, also one who brings a get from the town of Rekem to the town of Cheger (which border EY) must say BNBN. **R’ Eliezer** says even one who brings a get from Kfar Ludim (which was right outside EY) to the city of Lud (which was in EY) must say BNBN. The **Chachomim** say, BNBN must only be said when taking a get from chutz laaretz to EY or visa-versa. Also, one who brings a get from one province to another within chutz laaretz must say BNBN. **R’ Shimon ben Gamliel** says, even if a get is brought from an area controlled by one government to an area controlled by another government within the same city, the shaliach must say BNBN.
- With regard to defining the borders of EY, **R’ Yehuda** says that Rekem is the border to the east and Rekem itself is chutz laaretz, Ashkelon is the border to the south and Ashkelon itself is chutz laaretz, Akko is the border to the north and Akko itself is chutz laaretz. **R’ Meir** says that Akko is considered part of EY for purposes of gittin.
- If a shaliach brings a get within EY he does not need to say BNBN. If the authenticity of the get is contested, the get can be confirmed through the signatures.

GEMARA

- **Q:** Why did the **Rabanan** institute that BNBN must be said? **A: Rabbah** says it is because the people of chutz laaretz are not familiar with the requirement that a get be written lishma (for the sake of the man and woman using the get), and saying BNBN tells us that it was written lishma. **Rava** says it is because when a get is brought from chutz laaretz to EY it is difficult to have the document confirmed with the signatures. Therefore, we require that BNBN be said, and that obviates the need for any confirmation.
 - **Q:** What is the practical difference between these reasons? **A:** A difference would be if there are two shiluchim who brought the get. In that case **Rabba’s** concern is still valid, but **Rava’s** concern is no longer a concern, because we now have 2 witnesses who can be available to confirm the signatures. **A2:** A difference would be if a get is brought from one province to another within EY. **Rabbah** would say that BNBN need not be said, and **Rava** would say that it must be said (it may be difficult to confirm the signatures). **A3:** Another difference would be when a get is brought within a single province in chutz laaretz. According to **Rabbah** he would have to say BNBN, and according to **Rava** he would not have to say it.
 - **Q:** According to **Rabbah**, who says that the shaliach says BNBN because the people of chutz laaretz are not familiar with the lishma requirement, there should need to be 2 witnesses who testify to the get being written lishma, just as in all other cases where 2 witnesses are required to testify!? **A:** This is a case of “isurin” (it does not involve monetary law or criminal law) and therefore one witness is sufficient (“eid eched ne’eman b’issurin”).

- **Q:** The only time we say one witness is enough for issurin is where the witness is not testifying contrary to a chazakah (e.g. where we have a piece of animal fat and don't know if it is shuman or cheilev). However, in our case the woman has a chazaka that she is a married woman, which makes the case a matter of "ervah", and we have a rule that "ein davar she'b'ervah pachos mishnayim", and therefore 2 witnesses should be required!? **A:** In truth, most people in chutz laaretz are familiar with the lishma requirement. Even according to **R' Meir**, who is normally concerned for the minority, would agree in this case that we don't have to worry about the minority of people who are not familiar with the lishma requirement, because a get is written by a sofer and sofrim are generally all familiar with the lishma requirement. Therefore, D'Oraisa there is no need to testify whether the get was written lishma. It is the **Rabanan** who said that it must be done, and they were lenient (by only requiring a single witness) so as to try and prevent a woman from becoming an agunah (by making the get process an easier one).
- **Q:** This is not a leniency! If they would require two witnesses, the husband would never be able to come and say that the get is passul, but now that only one witness is required it leaves open the possibility that he can come and claim that it is passul!? **A:** Since, as we will learn, the shaliach must give the get to the woman in front of two or 3 witnesses (it is the subject of a machlokes), the **Rabanan** relied on the fact that the shaliach will research this get very well to assure its validity (so as not to be embarrassed later on if the husband calls the get into question, which would embarrass the shaliach in front of the witnesses that saw him give the get to the woman – it makes it a matter of public knowledge). Therefore, they accepted his single testimony.