



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

Gittin Daf Gimmel

- **Q:** According to **Rava**, who says that the shaliach says BNB because we are concerned that we will not find witnesses to confirm the signatures on the get, there should need to be 2 witnesses who come and confirm the get, just as in all other cases where 2 witnesses are required to testify!? **A:** This is a case of "issurin" (it does not involve monetary law or criminal law) and therefore one witness is sufficient ("eid echad neeman b'issurin").
 - **Q:** The only time we say that 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, that makes the case into 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, D'Oraisa we don't even need to confirm this get, based on **Reish Lakish** who says that witnesses who are signed on a document are given the status as if they have been fully vetted by Beis Din. 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.
- **Q:** Why doesn't **Rava** hold like **Rabbah**? **A:** From the fact that the shaliach must say BNB, and not BN lishma and BN lishma, this shows that the reason is not based on the lishma requirement.
 - **Rabbah** will say, in truth the shaliach should say BN lishma and BN lishma. However, the **Rabanan** were concerned that if the required statement were that long, the shaliach may leave out a word (the word of lishma) and therefore make the get passul (since it was not done exactly the way it was enacted to be done). Therefore, they enacted that the word Lishma need not be said at all.
 - **Q:** Even now, why are we not concerned that the shaliach will mistakenly leave out some of the words of the shortened phrase BNB? **A:** Where there is a phrase of 3 words a person sometimes leaves a word out. However, a person does not leave out any words of a phrase that is made of only 2 words. Therefore, the 2 phrases of BN and BN will not have any words left out.
- **Q:** Why doesn't **Rabbah** hold like **Rava**? **A:** From the fact that the shaliach doesn't just say befanai *nechtam*, but must also say befanai *nechtav*, we can see that the purpose and focus is not on confirming the signatures.
 - **Rava** will say that in truth the shaliach should only need to say befanai nechtam. However, if that is all he said, we would confuse this with the confirmation of a regular document, and say that even in the case of a regular document only a single witness is

needed. Therefore, we require him to say befanai nechtav as well, which prevents us from confusing this case from that of a regular document confirmation.

- **Rabbah** would say there is no risk for confusion, because the cases are very different. In the case of the get he says “it is signed in front of me” whereas by a regular document he says “I know these signatures”. In the case of a get a woman is even believed, whereas by a regular document she is not. In the case of the get the wife herself is believed, whereas by a regular document, a party to the document is never believed. **Rava** would respond that if the shaliach of the get said “I know these signatures” instead of saying BN he would be believed as well. Therefore, we must be concerned that simply saying “nechtam” without “nechtav” would lead to the erroneous allowance of having one witness to confirm a regular document.
- **Q:** According to **Rabbah**, the fact that the shaliach must say BN and BN means that the Mishna requires that the writing *and* the signing of the get to be done lishma. Who is the Tanna who holds that way? It can't be **R' Meir**, because he says in a Mishna that if a get is written on something attached to the ground but is cut free before the signing and is then signed, the get is valid. We see that according to him it is only the signing that needs to be done lishma, and not the writing!? It also can't follow **R' Elazar**, because he says that signatures are not required D'Oraisa!? You also can't say that maybe **R' Elazar** says that the signatures that are only required D'Rabanan must be done lishma, because a Mishna lists the gittin that are passul D'Rabanan and does not list a get that was signed not lishma!? You also can't say that the Mishna follows **R' Meir** and although he holds that D'Oraisa the writing does not have to be done lishma, D'Rabanan it must be done lishma, because **R' Nachman** said “**R' Meir** would say, even if a get is found in the garbage (written for somebody else) it may be signed and used as a valid get”. Now, if that is only true D'Oraisa, **R' Nachman** would have said that “**R' Meir** would say that D'Oraisa...”!? **A:** The Mishna follows **R' Elazar**. Although he holds that we don't need witnesses signed on the get at all, if we do have witnesses signing, it must be done lishma. **A2: R' Ashi** said that the Mishna follows **R' Yehuda**, who clearly says that the writing and the signatures are both essential to the get, which would mean that he would hold that they both must be done lishma.
 - **Q:** Why didn't we initially say that the Mishna follows **R' Yehuda** (it seems to be a clear and simple answer)!? **A:** We tried to make the Mishna fit according to **R' Meir**, because he is generally the Tanna of anonymous Mishnayos. We also tried to make the Mishna fit according to **R' Elazar**, because we pasken like him regarding gittin.