



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

Gittin Daf Hey

- **Q: Shmuel** once asked **R' Huna** whether in a case where there are 2 sheluchim who bring the get, they must both say BNB, and **R' Huna** answered that they do not have to say BNB, because they can simply be believed by saying, "she was divorced in front of us". According to **Rava** it makes sense that BNB need not be said in this case, however, according to **Rabbah**, there should still be a concern that it was not written lishma and we should require them to say BNB!? **A:** The case is talking about a time period after which all people were learned in the halachos of lishma.
 - **Q:** If so, even a single shaliach should not need to say BNB? **A:** We make him do so as a gezeira in case people once again become unfamiliar with the halachos of lishma.
 - **Q:** Why doesn't this gezeirah apply in a case where there are two sheluchim? **A:** The case of having two sheluchim bring a get is very uncommon, and the **Rabanan** are not goizer for an uncommon case.
 - **Q:** The **Rabanan** are goizer and require a woman who is a shaliach to say BNB, even though the case of a woman being a shaliach is uncommon!? **A:** They did so to make sure not to differentiate between one type of shaliach and another.
 - **Q:** If so, when the husband himself brings the get he should have to say BNB so as not to differentiate, and yet a Mishna says that he does not have to say BNB!? **A:** The whole purpose of saying BNB is to prevent the husband from coming later and claiming that the get was passul. When he himself brings the get we do not have that concern and that is why there is no need for him to say BNB.
- **Q:** A Braisa says, if a get is brought from chutz laaretz and BNB is not said, it is still valid b'dieved by confirmation of the signatures of the witnesses. The Braisa explains this is because BNB was instituted as a kula for her, not a chumra. Now this makes sense according to **Rava**, but is problematic according to **Rabbah**!? **A:** This is also referring to a period after which the people became well versed in the halachos of lishma.
 - **Q:** We said that we must be concerned for the possibility that people will once again forget the halachos of lishma!? **A:** The case is discussing where the woman remarried to a second husband on the basis of the get. In that case, the **Rabanan** were not goizer to make the get passul for the possibility that people will again forget the halachos of lishma.
 - **Q:** If that is the reason they did not make the get passul, the Braisa should not say that the reason is because BNB was enacted as a kula, and not as a chumra. Rather, the Braisa should say that b'dieved it is valid because she has already remarried!? **A:** The Braisa means to say, if you will think that we should be machmir even in a case where she remarried, you should know that we will not be machmir, because the whole enactment of BNB was to be meikel, not to be machmir. The reason for BNB is to prevent the husband from coming and saying the get is passul. In this case the husband has not come and said this, should we come and make the get passul!?
- The machlokes between **Rabbah and Rava** is also the machlokes between **R' Yochanan and R' Yehoshua ben Levi**, because one of them says the reason for BNB is because people are not familiar with the halachos of lishma, and the other says it is due to the concern that we will not find witnesses to confirm the signatures.

- We can prove that it is **R' Yehoshua ben Levi** who says the reason is based on the lishma requirement, because **R' Shimon bar Abba** once came to him with a get and asked whether he must say BNB. **R' Yehoshua** responded to him that it need not be said, because it was enacted at a time when people were unlearned in the halachos of lishma, but today people are learned, and therefore there is no reason to say BNB.
 - **Q:** We have previously said that **Rabbah** must hold of **Rava's** reason as well, so how could **R' Yehoshua** not require him to say BNB? Also, we have said that even when people are learned **Rabbah** would require that BNB be said as a gezeira for a time when people become unlearned!? **A: R' Shimon bar Abba** had someone else who brought the get with him, and therefore the only reason to say BNB was for the concern of unlearned people. Although we are goizer for a time when people may become unlearned, we have said that the case of two people bringing a get is uncommon and the **Rabanan** were not goizer in an uncommon case. The reason why the story only mentions **R' Shimon bar Abba** was out of respect for him, but in truth there was another person with him as well.
- There is a machlokes between **R' Yochanan** and **R' Chanina** with regard to how many people must be present when the shaliach gives the get to the woman: one says there must be 2 people there and the other says there must be 3 people there.
 - We can prove that **R' Yochanan** is the one who requires 2 people, because when **Ravin bar R' Chisda** brought a get to Eretz Yisrael, **R' Yochanan** told him that he should give it to the woman in front of 2 people and should say BNB.
 - Maybe we can say that the machlokes is as follows: the one who says you need two people holds that BNB is said for purposes of the halachos of lishma (therefore, 2 people are sufficient to serve as witnesses that it was written lishma), and the one who says that 3 are needed holds that BNB is said in place of confirming the signatures, and therefore it must be done in front of 3 (which constitutes a Beis Din) just like any confirmation of witnesses.
 - **Q:** That can't be, because we said above that **R' Yehoshua ben Levi** holds like **Rabbah**, which would mean that **R' Yochanan** holds like **Rava**, but here **R' Yochanan** is saying that it must be given over in front of 2 people, which according to this explanation means that he holds that the reason for BNB is lishma!? Also, we have already said that even **Rabbah** holds of the reason of **Rava** as well!? **A:** Everyone holds that the reason for BNB is to act as a confirmation of signatures. The machlokes is whether the shaliach can serve as a witness and then whether a witness can serve as a judge. The one who holds it must be given in front of 2 people holds that the shaliach is ultimately considered a member of the Beis Din as well, so there are actually 3 people. The one who holds that there must be 3 people besides the shaliach holds that the shaliach can serve as a witness, but cannot serve in the capacity of a judge.
 - **Q:** We pasken that when dealing in D'Rabanan matters a witness can serve as a judge!? **A:** The machlokes is as follows. Since a woman may act as a shaliach for a get, people may consider her as a judge as well, and that is certainly not valid. To prevent this, they said that a shaliach may never act as a judge. The view that holds that the shaliach may act as a judge holds that people will not err and say that the woman can act as a judge.
 - There is a Braisa that is a proof to **R' Yochanan**. The Braisa says that if a woman is given a get without the shaliach having said BNB, and she remarried based on that get, **R' Meir** says that she must get divorced and any child born from her second husband is a mamzer. The **Chachomim** say that the child is not a mamzer. Rather, the shaliach should take the get back from her and give it to her again in front of 2 people and say BNB.
 - **Q:** Why would **R' Meir** say that the failure to say BNB makes the children into mamzeirim? **A:** This is based on his statement elsewhere which was said by **R'**

Hamnuna in the name of Ulla, that whoever deviates from the exact formulation enacted by the **Rabanan** for gitten must get divorced (if she remarried) and any child she had (from the second marriage) is a mamzer.

- **Bar Hedya** wanted to bring a get from chutz laaretz to EY and asked **R' Achi** what process he must follow to do so. He told **Bar Hedya** that he must be present as each and every letter of the get is written. He then went to **R' Ami and R' Assi** who told him that he need not do so, and even more, he *should* not do so, because doing so would make people say that other gitten where the shalaich was not present during the writing of each and every letter are passul.
 - **Rabbah bar bar Chana** brought a get to EY, and only half the get had been written in his presence. **R' Elazar** told him, even if only one line of the get was written lishma in your presence, it would not be necessary to witness anything further being written lishma. **R' Ashi** said, even if the shaliach only heard the scratching of the quill on the parchment, that would be sufficient.
 - A Braisa is a proof to **R' Ashi**. The Braisa says that even if the shalaich is on a different floor than the sofer while the get is written, or even if he was walking in and out of the room, that is sufficient. Now, when they are on different floors the only thing the shaliach could have heard is the scratching of the quill, and we see that that is sufficient.
 - **Q:** When the Braisa says that “he was walking in and out”, who is that referring to? It can't be referring to the shaliach, because if it is enough for the shaliach to be on a different floor than the sofer, for sure it would be enough if he walked in and out!? **A:** It must be referring to the sofer.
 - **Q:** Why would we think that the sofer walking in and out would make the get passul? **A:** We would think that we should be concerned that the sofer went to the market and met someone there with the same name as the person he was writing the get for, and that person asked the sofer to write a get for him, and the sofer then went back and gave the new person the get he had written for somebody else. The Braisa therefore teaches that we do not have to be concerned for that.