

18.01.03; 4b (תנן המביא גט ממדה"י) → 6a (אשכחיה ואמר ליה)

- I לפי שאין בקיאים לשמה) רבה
- a Challenge #1: אג: – משנה אג: – if he **can't** state **בפ"נ ובפ"נ**, let it be validated by testimony about the signatures
- Our explanation of "can't state" – *cannot mean* "deaf mute", as he is an invalid agent (ב:ה)
 - Rather: he handed the גט over while competent and became חרש before making the declaration
 - Explanation: this supports רבא (as the solution is to validate the signatures)
 - Defense: לאחר שלמדו (the courts in the Diaspora mastered the process)
 - Challenge: if so, then even if he *can* declare **בפ"נ ובפ"נ**, validating the signatures ought to be sufficient
 - Answer: we don't allow it as a precaution against the Diaspora courts reverting to their unschooled ways
 - Challenge: if so, we should disallow it even in case of אינו יכול (e.g. person who became deaf at this point)
 - Answer: this is an unusual case, and רבנן generally don't apply their גזירות to unusual cases
 - Challenge: the wife bringing it herself is uncommon and we require **בפ"נ ובפ"נ**
 - Answer: we don't want to distinguish between various agents
 - Challenge: if so, why not require the husband to make the declaration if he brings it?
 - Answer: no reason – declaration is only protection against his potential challenge of the validity
- b Challenge #2: הרב הוואג –if 2 bring a גט, no need for **בפ"נ ובפ"נ**, since they could also validate the signatures
- Explanation: entire focus is הגט
 - Defense: לאחר שלמדו
 - Challenge: if so, even 1 bringing it shouldn't have to declare **בפ"נ ובפ"נ**
 - Answer: precaution against matters returning to their earlier (sorry) state
 - Challenge: if so, even 2 should have to declare
 - Answer: 2 bringing a גט is unusual, and רבנן don't generally apply גזירות to unusual circumstances
 - (rest of argument follows ix-xii above)
- c challenge #3: if someone brings a גט and doesn't declare **בפ"נ ובפ"נ** – if the signatures are validated, it's valid
- answer: לאחר שלמדו
 - Challenge: didn't we continually stress that the decree is maintained as a precaution?
 - Answer: in this case, she already married (based on the גט)
 - Challenge: if so, the wording shouldn't be "שלא אמרו...", rather "she already married"
 - Answer: indeed – the reason we are lenient is that she already married and we don't force a divorce
 - Explanation: the only reason we require **בפ"נ ובפ"נ** is to protect against husband's potential challenge – if he isn't challenging it, why should we?
- II רבא and רבה – ר' יוחנן וריב"ל
- a Alignment: ריב"ל evidently maintains that the reason if בקיאות לשמה as per his response when 2 brought a גט
- III Procedure of a שליח handing over a גט to the woman
- In front of 2 – ר' יוחנן – (inferred from story where he instructed the שליח to hand it over in front of 2)
 - In front of 3 – ר' חנינא – (by default)
 - Explanation of dispute:
 - Suggestion: if it's בקיאים, we need witnesses (2); if קיום השטר, we require ב"ד of 3
 - Rejection: ריב"ל holds בקיאים (above) → ר' יוחנן maintains it to be קיום הגט, yet he requires only 2
 - Additionally: רבה accepts רבא (→ all should require 3)
 - Rather: dispute is whether the עד (שליח) can become a דיין for the same case (עד נעשה דיין)
 - Challenge: all agree that in a case מדרבנן דיין, מדרבנן דיין, they may rely on her as a third;
 - Contra: all know that a woman can't be reckoned as a דיין, they won't make that mistake
 - Support for ר' יוחנן with dispute בריתא ד' יוחנן about what to do if he gave her the גט w/o declaring **בפ"נ ובפ"נ**
 - ר"מ – the new husband must divorce her and the children are ממזרים
 - explanation: ר"מ maintains that any deviation from rabbinic verbiage in גיטין – הוציא והולד ממזר – גיטין
 - בפ"נ ובפ"נ** take it back and give it to her in front of 2 and declare **בפ"נ ובפ"נ**
- IV Standard of observation that the גט was properly prepared
- בר הדיא brought a גט in front of אחי ר' (in charge of גיטין) and told to testify about each letter – **rejected**
 - מוציא לעז על גיטין הראשונים) גיטין – no need; requiring such a thing will libel the earlier גיטין
 - לשמה – all that is needed is to testify to one line being written בריתא
 - ר' אשי – even if he heard the סופר preparing the quill and parchment for this woman – sufficient
 - supporting בריתא – even if he was upstairs and סופר downstairs or vice-versa, כשר; even if the סופר went out in the middle and returned – כשר (we're not concerned that he was hired in שוק for another גט in the meantime)