

18.02.02

16a (אחד אומר בפני נכתב) → 17a (יתד היא שלא תמוט)

1. אלהים הבין דרפה והוא ידע את מקומה: איוב כח, כג

- I Analysis of clause [c] – 1 testifies to proper preparation (בפני נכתב) and the other testifies to the signatures (בפני נחתם) – פסול
- a #1: only invalid if the גט is brought by one of them; if both bring it, it's valid
- i *implication*: if 2 bring a גט, they have no need to declare בפ"נ ובפ"נ
- ii *challenge* (אביי): when the רבנן invalidate if 1 says בפני נכתב and 2 others say בפני נחתם – is that only if the גט is brought by one? (yes) – if so, why does יהודה ר' validate such a גט? (i.e. – what is their core disagreement?)
- 1 *answer*: whether there is a precautionary rule against אחד בעד שטרות דעלמא בעד אחד קיום שטרות דעלמא (יהודה ר' doesn't apply it here)
- b #2: invalid even if brought by both of them
- i *implication*: if 2 bring a גט, they must nonetheless declare בפ"נ ובפ"נ
- ii *challenge* (אביי): in סיפא, do רבנן invalidate even if brought by both? (yes) if so, why does יהודה ר' validate?
- 1 *Answer*: חכמים follow reasoning of בקיאיין לשמה (→still need to attest to it); יהודה ר' – validation of חתימות
- 2 *Challenge*: if so, the dispute between רבא/רבה is a מחלוקת תנאים
- 3 *Defense*: each of רבה and רבא can explain the dispute according to their perspective:
- (a) דבא follows first version above
- (b) דבא all agree to לשמה לשמה; בקיאיין לשמה; situation is after the courts in מדה"י learned how to produce proper גיטין
- (i) חכמים we still necessitate בפ"נ ובפ"נ as a precaution against regressing to incompetence
- (ii) יהודה ר' no such decree
- (iii) *challenge*: if so, יהודה ר' should disagree in our case (1+1)
- (iv) *answer*: we have a version of the משנה where he does disagree
- (v) *challenge*: we have a comment on our משנה that יהודה ר' validates this one and **not** another one
1. *assumption*: he doesn't validate 1+1
2. *rejection*: he doesn't validate 1<sup>st</sup> clause – where the only שליח states בפני נכתב but **not** בפני נחתם
- a. *justification*: since יהודה ר' doesn't decree against דבר לקולו, שמא יחזור דבר לקולו, he may also not decree against confusing this for אחד בעד שטרות דעלמא בעד אחד קיום שטרות דעלמא – קמ"ל – that he does support גזרה
- b. *support*: יהודה ר' notes that the requirement for 2, bringing a גט from מדה"י, is subject to a dispute between רבא and ר' יהודה
3. *story*: רב"ח was sick; they came to visit him and asked him the rule about 2 bringing a גט
- a. *Answer*: they needn't say בפ"נ ובפ"נ, since they could also testify גירשה
- b. *Aftermath*: Gueber (fire-worshipper) came and took their lamp away
- c. *Reaction*: better to live under Romans than under these
- d. *Challenge*: v. 1 → ה' wisdom took us from Rome to Persia (easier to live)
- i. *Answer*: before Guebers came to Persia, it was easier to live there
- II Analysis of final clause – if one states בפני נכתב and 2 attest to the signatures – valid
- a #1 (quoting יוחנן ר'): only valid if the גט is brought by the עדי כתיבה, considered as 2 witnesses on each 1/2
- i *however*: if the גט is brought by the עדי חתימה, invalid
- 1 *implication*: if 2 bring a גט, they must declare בפ"נ ובפ"נ (otherwise, this גט would be valid without a declaration at all)
- 2 *challenge* (אסי): the רישא of that clause (2 say בפני נכתב and 1 states בפני נחתם) is invalid (according to רבנן) even if the גט is brought by the עדי כתיבה? (yes)
- b #2 (quoting יוחנן ר'): valid even if the גט is brought by the עדי חתימה
- 1 *implication*: if 2 bring a גט, they need not declare בפ"נ ובפ"נ
- 2 *challenge* (אסי): the רישא of that clause (2 say בפני נכתב and 1 states בפני נחתם) is invalid (according to רבנן) only if the גט isn't brought by the עדי כתיבה? (yes)
- c *question* (אסי ר' אסי): which version of יוחנן ר' is the "real" one?
- i *Answer*: the second one – a "firm peg which won't be dislodged"