

## אבל גט יוצא מתחת ידי שניהם כשר –

**However if the גט is being delivered from both their hands it is כשר**

### OVERVIEW

The פסול stated if one said בפני נכתב and the other said בפני נחתם, the גט is כשר. ר' יוחנן in the name of רשב"י limited this ruling to a case where only one of them was actually a שליח to deliver the גט; however if they were both שלוחים to deliver the גט it is כשר ([even] if the said nothing). תוספות explains what is meant by גט יוצא מתחת ידי שניהם, and the consequences of this ruling.

מתחת ידי שניהם on פירש"י cites תוספות:

מה שפירש בקונטרס<sup>1</sup> ששניהן אדוקין בו לאו דוקא –

**That which רש"י explained that מתחת ידי שניהם means literally that they were both holding on to the גט, is not precise -**

שאין צריך שיהיו ממש שניהם אדוקים ואוחזים בגט –

**For it is not necessary that both of them should be actually clutching and holding on to the גט -**

אלא ששניהם אומרים שהבעל עשה שניהן שלוחין על כך –

**But rather it is sufficient if both of them say that the husband made them שלוחין for this purpose of delivering the גט -**

ואמר להם שניכם הוליכו גט לאשתי ונתנו האחד במעמד חבירו –

**And the husband said to them, 'both of you deliver this גט to my wife', and one of them gave it to the wife in the presence of the other, this is sufficient -**

כדאמרינן בסוף התקבל (לקמן דף סז, ב) כולכם הוליכו אחד מוליך במעמד כולם –

**As the ברייתא states in the end of התקבל, if the husband said to a number of people, 'all of you deliver this גט to my wife', one delivers it in the presence of all of them.**

תוספות discusses a different case:

ואם האחד שליח והשני מעיד שבפניו נתן הבעל את הגט לחבירו להוליך לאשתו<sup>2</sup> –

**And if only one was a שליח to deliver the גט and the second person who accompanied him testifies that the husband gave the גט in his presence to his friend (the שליח) to deliver it to his wife; however the second person was not appointed to be a שליח at all; he merely witnessed the appointment of the שליח -**

<sup>1</sup> בד"ה מתחת.

<sup>2</sup> (שמעון'ס) presence. ראוברן in his presence testified that the husband gave the גט to the שליח and ראוברן.

לרבא<sup>3</sup> כשר דמה אם יאמרו בפנינו גירשה<sup>4</sup> –

According to רבא the גט is כשר (even if the שליה did not say anything) because of the reason of, **what** would be if these two **would state**, ‘he divorced her in our presence’, she would be divorced, and therefore the גט is valid -

אבל לרבה<sup>5</sup> אפילו לאחר שלמדו<sup>6</sup> אין להכשיר כיון שאין שניהם שלוחים –

However according to רבה even לאחר שלמדו we cannot validate this גט since both of them are not שלוחים; only one is a שליה -

דדוקא בשניהן שלוחים אמרינן בפרק קמא (לעיל דף ה,א.) זכשר לרבה –

For only when both are שלוחים did we say in the first פרק that the גט is כשר (even) according to רבה -

משום דבי תרי דמייתי גיטא מילתא דלא שכיחא<sup>7</sup> היא אבל כהאי גוונא לא:

Because it is an unusual occurrence for two people to bring a גט as שלוחים; however in this manner (where only one is a שליה) it is not a שכיחא and therefore גזירה שמא יחזור דבר לקולולו (by the שליה) because of the needs to be said (by the שליה) ובפ"נ ובפ"נ

## SUMMARY

שלוחים , even though only one is actually delivering the גט. When only one is a שליה and the other testifies that the husband gave it to the שליה, according to רבא it is a כשר, but not according to רבה (since this is not a שכיחא).

## THINKING IT OVER

רבא and רבה<sup>8</sup> stated that there is no difference between רבא and רבה in a case of תרי בי תרי. However, according to our תוספות there is a difference when the second person is not a שליה but testifies that the husband made his friend a שליה, where it is כשר according to רבא but not according to רבה!<sup>9</sup>

<sup>3</sup> רבא maintains the reason for saying בפ"נ ובפ"נ is in order to be מקיים the גט. In this case we know for sure the husband sent the גט, for both the שליה and his friend are testifying that the husband sent the גט.

<sup>4</sup> This is the reason רב הונא gave (on דף ה,א) to explain why if two שלוחין brought a גט they are not required to say בפנינו. We know with certainty that he made them שלוחין, for they can even effectuate the divorce.

<sup>5</sup> רבה maintains the reason for saying בפ"נ ובפ"נ is (for קיום and also) to verify that the גט was prepared לשמה.

<sup>6</sup> refers to the time when the people of חו"ל were aware and observed the laws of לשמה by גט, nevertheless the גט remained (on account of לשמה) because of the concern of דבר לקולולו.

<sup>7</sup> By a שכיחא, מלתא דלא שכיחא, the חכמים were not גזור that דבר לקולולו.

<sup>8</sup> See TIE there footnote # 1.

<sup>9</sup> See # 94. אמ"ה