

לפי שאין בקיאים לשמה –

Because they are not well versed in the requirement of לשמה

OVERVIEW

It would seem from the גמרא that רבה is of the opinion that the בני חו"ל, are not בקיאים לשמה and therefore we are (seriously) concerned that this גט from בני חו"ל may not be written לשמה. Our תוספות quotes a ברייתא that will disprove this concern.

תוספות asks:

קשה דלקמן (דף ה,א) תניא הוא עצמו שהביא גיטו –

There is a difficulty; for later in the גמרא there is a ברייתא which states, ‘if the husband **himself brought his גט** for his wife from חו"ל¹ and intends to divorce her now -

אינו צריך שיאמר בפני נכתב ובפני נחתם -

He is not required to say 'בפ"נ ובפ"נ'. This concludes the citation from the ברייתא.
תוספות asks:

מאי שנא הוא משלוחו אי חיישינן שמא לא נעשה לשמה –

How is he different than if his שליח brought the גט, if we are concerned that perhaps the גט was not prepared לשמה?! In either case, whether it is the שליח who brings the גט or the husband, they should both be required to say בפ"נ to assure us that the גט was written לשמה, since our concern is לשמה בקיאים לשמה.

תוספות offers a possible solution and rejects it;

וטעמא דאמר לקמן מינקט נקט ליה בידיה ואיהו מערער עלויה -

And the reason which the גמרא **says later**, concerning this very ברייתא; why does not the husband have to say בפ"נ if he himself brought the גט from חו"ל, because since **he is holding the גט in his own hand**, which obviously tells us that he wants to divorce his wife, will **he come later to contest this גט**?² Therefore the גמרא concludes that if the בעל himself brings the גט from חו"ל he is not required to say בפ"נ, because he will not be מערער later. This seems to be the same issue which תוספות is raising, and the גמרא answers it as just stated.

תוספות is not satisfied with this explanation and תוספות asks:

¹ The גט was written in חו"ל and the husband brought it to א"י to divorce his wife.

² The husband seemingly would look foolish if he contests the very גט that he himself gave to his wife.

למה לא יערער אם מתחילה לא ידע דבעי לשמה והשתא ידע -

Why should he not contest the validity of the גט if originally he did not know the requirement of ³לשמה, and now he knows, and he realizes that there is no גט?⁴ The question remains why if the בעל himself brings the גט, is he exempt from saying בפ"נ?

answers: תוספות

ואומר רבינו יצחק דמסקינן בסמוך דרוב בקיאיין הן וסתם ספרי גמירי -

The ר"י says that the גמרא ⁵shortly concludes that most people are aware of the לשמה requirement and it is assumable that the scribes are knowledgeable in the לשמה requirement, therefore it is highly unlikely that the גט was written ⁶שלא לשמה. If this is the case, then why according to רבה must one say בפ"נ since there is no real חשש of לשמה? תוספות continues:

ולכא אלא לעז בעלמא דמסתמא שלא כדין יערער -

And the only concern is of loose gossip⁷. In the event that the husband will claim that it was written שלא לשמה, people will gossip that she is still an אשת איש. However we are not concerned that it is really a גט פסול, **for presumably his contention will be unjustified,** for as we just said there is no real חשש of לשמה, only לעז.⁸

והכא שמביאו הבעל בעצמו ליכא למיחש אפילו דתו לא מערער -

However here in the case where the husband himself brings the גט, there is no need to be concerned even for לעז, for he will not pursue to be

³ See 'Thinking it over' # 2.

⁴ He will be מערער either because he is an honest man and does not want his wife to be עובר on the איסור, since she is not divorced, or because he actually changed his mind and wants to return to his wife, etc.

⁵ דף ב,ב בסופו.

⁶ Since רוב בקיאיין הן we can safely assume that the husband will not give her a גט that he found, in which it was שמו כשמו ושמה כשמה, and likewise it is not probable that the סופר will give them a גט that was not written לשמה. See previous (הא').

⁷ See תוס' ב,ב ד"ה ורבנן, ודף ג,א ד"ה חד.

⁸ The reason why we are concerned that the בעל will be מערער is since he did not give the גט directly to his wife, for he sent it with a שליח. At that point the בעל may have not realized the finality of his action, that he is divorcing his wife. He may think that he could still change his mind later. When it finally dawns on him that he is no longer married, he may reconsider and attempt to regain his wife by claiming (falsely) that it was not written לשמה, and she is legally still married to him. We are not seriously concerned that his ערעור is actually true, for as mentioned גמירי ספרי וסתם ספרי גמירי. We are concerned however that people will gossip concerning this woman and any future children she may have from another man, and say that her divorce was in doubt, and the status of her children is questionable. Therefore the שליח says בפ"נ to remove all doubt and allegations made by the husband.

on this גט - מערער

כדאמר בסמוך מנקט נקיט בידיה וכולי -

as the גמרא will shortly say, 'he himself is holding the גט in his hand etc., will he be contentious about it!⁹

SUMMARY

There is no real חשש of לשמה, since רוב בקיאים and סתם ספרי גמירי, we are only concerned that the בעל, who sent the גט through a שליח, may reconsider and want to invalidate the גט by claiming that it was not written לשמה, and even though we will not accept his claim, nevertheless there will be a הוצאת לעז on this woman and the subsequent children she may bear, therefore the חכמים were מתקן to say בפ"נ to prevent this לעז.

On the occasion that the בעל himself brought the גט and is personally giving it to his wife there is no concern that he will reconsider and want to be מערער on this גט. Therefore there is no need for him to say בפ"נ.

THINKING IT OVER

1. Why does תוספות ask his question here? It would seem more logical to ask the question later when the גמרא teaches us the דין of גיטו שהביא גיטו.¹⁰

2. Why does תוספות limit his question on the statement מנקט נקיט ליה בידיה, that he will still be מערער,¹¹ when the question seemingly should be, even if he is not מערער, but we – בי"ד – have to verify that it was written לשמה?¹²

3. Why if the בעל claims with definiteness that the גט was written לשמה, do we not believe him; he is a ודאי and we are seemingly a ספק?

⁹ In this case the husband himself is giving the גט to his wife. There is no doubt as to the finality of this matter. His mind is made up. The husband has no intention at all of staying married to this woman. He will presumably never come to contest this גט in an attempt to win his wife back. Therefore there is no need to say בפ"נ, for we are not concerned neither that it was לשמה (because רוב בקיאים וכו') and not for לעז.

¹⁰ See תפארת יעקב.

¹¹ See footnote # 3.

¹² See # 119 אמ"ה and מהר"ם שי"ף, סוכת דוד.