That two people brought the גט   **דאתיוה בי תרי -**

<u>Overview</u>

The גמרא states that if two people were שלוחים to bring a גט ממדה"י, according to רבא they are not required to say בפ"נ. Our תוספות will discuss the reason why they are not required to say בפ"נ.

פירש הקונטרס למאן דאמר לפי שאין עדים מצויין לקיימו אלו יקיימוהו -
רש"י explains that **according to the one** (רבא) **who maintains** that the reason we say בפ"נ is **because אין עדים מצויין לקיימו,** then it is not necessary to say בפ"נ because **these** two people who brought the גט, and seemingly would be familiar with the witnesses[1] who signed the גט, they **will be מקיים** the עדי הגט, and since the purpose of saying בפ"נ is to assure us of קיום עדי הגט, in this case בפ"נ is not necessary.[2]

תוספות has difficulties with this interpretation.

וקשה דאטו בכיפא תלו להו שיהו מזומנין לקיימו כשיבא הבעל ויערער -
And it is difficult to understand this interpretation. **Are we indeed going to hold** these two שלוחים **in a cell so that they can be at the ready to be מקיים** the גט **when the husband will come and contest** the validity of this גט?![3]

תוספות has an additional question:

ועוד דלמה לי דאתיוה בי תרי -
And furthermore why is it necessary to present this difference (between רבה and רבא) in a case **where two people brought** the גט (which may be somewhat unusual)

כך שוים שנים מן השוק שמכירין חתימת העדים -
It would be the same if there are **two** people (not שלוחים) **from the street**

---

[1] See 'Thinking it over # 1.

[2] However according to רבה who maintains the reason for saying בפ"נ is because we are concerned that it was not written לשמה, then (even) if two people bring the גט, they are required to say בפ"נ.

[3] The purpose of saying בפ"נ (according to רבא) is that in case the בעל will come *later* and be מערער on the גט, the woman will not have to search for עדי קיום, because the שליח by saying בפ"נ was already מקיים the גט. In this case we are saying that if two people brought the גט they do not have to say בפ"נ, because if the בעל will come later and be מערער, they will be available to be מקיים the גט. תוספות asks: who can guarantee that these two people will be here when the בעל is מערער; we are obviously not going to sequester them till the בעל comes and is מערער!

that recognize the signatures of the witnesses; in that case there would also be no reason (according to רבא) to say בפ"נ, since these people can be מקיים the גט עדי הגט[4].

תוספות offers a different explanation of the גמרא:

ומפרש רבי יצחק בן אשר דאתיוה בי תרי ואמרי שהבעל שלחם -
And the ריב"א explains that two people brought the גט **and they said that the husband sent them** to give this גט to his wife. This is sufficient[5] (according to רבא), for this is tantamount to קיום הגט[6].

דתו לא מהימן לומר לא שלחתים -
for the husband **will not be believed anymore to say 'I did not send them'** and the גט is a forgery made up by someone else, since they say that the husband himself sent them[7].

תוספות bolsters his point by quoting the גמרא:

דהכי אמר לקמן (דף ה,א) **שנים אין צריכין לומר בפני נכתב וכולי –**
For this is what the גמרא **says later, 'two** people who brought a גט ממדה"י **are not required to say בפני נכתב, etc.** The גמרא gives a reason -

ומה אלו יאמרו בפנינו גירשה מי לא מהימני -
For what would be **if they would say that 'He divorced** his wife **in our presence' would they not be believed!** Therefore since these two people have the power to render the woman a divorcee, we believe them as well when they claim that the husband sent them[8].

תוספות will now clarify an anticipated objection:

ולהא לא חיישינן שמא החתים במזיד עדים פסולין[9] -
However we are not concerned[10] that **perhaps** the husband **intentionally**

---

[4] This would seem to be more common than sending a גט with two שלוחים. Also since they are local residents, they would presumably be available for קיום whenever the בעל would be מערער. Therefore let the גמרא say instead, that one of the differences between רבה and רבא is if we know that there are two people who recognize the חתימת העדים; according to רבה it is required to say בפ"נ but not according to רבא. See 'Thinking it over' # 3.

[5] They do not need to be present at the כתיבת וחתימת הגט, to testify בפ"נ.

[6] According to רבה however they would still be required to say בפ"נ, because the fact that the husband sent them does not assure us that it was written לשמה.

[7] Therefore it is not necessary to sequester them, for once they say that the husband sent them, the גט is מקויים and the בעל cannot be מערער anymore.

[8] See 'Thinking it over' # 2.

[9] They were relatives to each other, for instance, or he simply forged the signatures.

[10] What good is the testimony of the שלוחים that the husband sent them, since they are not actually being מקיים the גט, and they do not actually know the witnesses (in opposition to the interpretation of רש"י), it may

signed on the גט **invalid witnesses.**

תוספות answers that this is of no concern:

<div align="center">

דמסתמא כיון דשלח לה גט כדין עשאו ואינו חשוד להכשילה -

</div>

For presumably since he sent her a גט, and this we know from the שלוחים who testify that he sent her a גט, therefore we may assume **that he made** the גט **properly, for he is not suspect to purposely harm her.[11]**

SUMMARY

רש"י states that two שלוחים are not required to say בפ"נ according to רבא, because they themselves could be מקיים the גט.

תוספות raises two objections; a) How can we be sure that the שלוחים will be here when the בעל is מערער; and b) The גמרא should state that if there are two witnesses in the area who are familiar with the signatures there is no need for בפ"נ.

תוספות explains the גמרא to mean that if they are two שלוחים, all that is required of them is to say that the husband sent them, and that would be in place of בפ"נ. תוספות concludes that we are never concerned that the husband will willfully send a גט פסול to harm his wife.

THINKING IT OVER

1. Why does רש"י assume[12] that the שלוחים know the חתימת העדים?

2. Why is it necessary for the גמרא to give a reason, that the שלוחים are believed because of a מיגו[13]; they should be believed because they are עדים![14]

3. Why does the second question on רש"י,[15] pose no problem to the ריב"א?

---

be possible that the husband did indeed give them then גט, but the witnesses on the גט are invalid, and therefore there is no גט.

[11] Our concern according to רבא is only that perhaps the husband (will claim that he) did not actually send this גט to his wife. This concern is addressed by the fact that the שלוחים testify that he did indeed send them. However, we do not suspect that a man would want to ruin his wife's life by sending her a false גט and having her marry while she is still an אשת איש.

[12] See footnote # 1.

[13] See footnote # 8.

[14] See בית לחם יהודה and סוכת דוד אות עג.

[15] See footnote # 4.