

And if you do, it will be effective

ואי עבדת אהני –

OVERVIEW

We learnt in our משנה that בפ"נ is not required in א"י; the same applies to בבל. The question is what would be the status of בפ"נ in א"י or בבל and the שליח said בפ"נ? Is it the same as חו"ל and therefore the בעל can no longer be מערער, or since there was no תקנה to say בפ"נ in א"י, the בעל can be מערער even if the שליח said בפ"נ. Our תוספות offers an opinion.

משמע דבפני נכתב מועיל בארץ ישראל -

It seems¹ that saying בפ"נ in א"י accomplishes that we will pay no attention to any challenge by the husband.

תוספות asks:

והא דאמר בסוף פרק ב' (לקמן דף כג, ב) בארץ דלאו אדיבורה² סמכינן מהימנא -

And that which the גמרא says **at the conclusion of the second פרק³: 'In the land of ישראל where we do not rely on her statement⁴, she is trusted'** to be a שליח הגט. The phrase 'we do not rely on her *statement*' seems to indicate that we do not accept what she is saying, in contrast to what the גמרא states here that 'ואי עבדת אהני'.

תוספות explains: the phrase later in the גמרא that 'לאו אדיבורה דידה סמכינן' -

היינו משום דאיירי בלא אמר בפני נכתב כסתם מביאי גט בארץ ישראל -

Is valid because we are discussing a case where the woman **did not say בפ"נ**, she merely brought the גט **in the usual manner that גיטין are brought inside א"י**; where the שליח says nothing, as is the rule. Therefore the גמרא there states סמכינן דלאו אדיבורה דידה סמכינן; we are not dependent on her statement, since she made no statement.

אבל אי אמר סמכינן אדבוריה כדאמרין הכא:

However, if the שליח הגט did say בפ"נ (whether man or woman⁵) **we will rely on their statement as the גמרא states here;** ואי עבדת אהני.

SUMMARY

¹ The statement ואי עבדת אהני allows us to conclude that בפ"נ helps even in (א"י or) בבל. See 'Thinking it over'.

² The גמרא inserts here the word 'דידה'.

³ The גמרא there is attempting to reconcile two contradictory statements whether certain women are to be trusted as גמרא. What follows in תוספות is the initial answer of the גמרא.

⁴ Because בפ"נ is not required; we do not need her testimony.

⁵ Except for the five women mentioned in that פרק ב' משנה סוף פרק ב' whom we do not trust and if they said בפ"נ it is as if they did not say anything, and קיום will be required if the בעל is מערער (see תוה"ר).

A שליח who says בפ"נ in בבל or א"י is believed to the extent that we pay no attention to ערעור הבעל.

THINKING IT OVER

Why does תוספות say⁶ 'משמע' (it seems)? Seemingly the גמרא states so clearly!⁷

⁶ See footnote # 1.

⁷ See סוכת דוד אות יח.