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Gittin Daf 4

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***The Author of the Mishnah***

Rav Ashi says: Who is the Tanna of the *Mishnah*? It is Rabbi Yehudah, for it was taught in a Mishnah: Rabbi Yehudah disqualifies (a get) until (both) its writing and signing were performed on something that is detached from the ground. [As this law is derived from the words ‘he writes,’ so too, regarding the law of lishmah, it must be both written and signed for the sake of the woman.]

The *Gemora* asks: Why didn’t we say originally that our Mishnah is according to Rabbi Yehudah?

The *Gemora* answers: We first tried to attribute the Mishnah like Rabbi Meir, as we know that an anonymous opinion in the Mishnah is usually authored by Rabbi Meir. We also attempted to attribute it to Rabbi Elozar, as it has been established that the law, in matters of Gittin, follows the opinion of Rabbi Elozar. (4a1)

### **Rabbah and Rava**

It was taught in our Mishnah: Rabban Gamliel says: This (testifying that the get was written and signed before him) is required even in a case where one brings it from Rekem and from Cheger (*two border towns*). Rabbi Eliezer says: This is required even in a case where one brings it from Kefar Ludim (*which was outside Eretz Yisroel*) to Lud (*which was situated on the border, inside Eretz Yisroel*). And Abaye (in explaining this Mishnah) said: These opinions are discussing towns (Rekem and Cheger) that were close to Eretz Yisroel and (with towns, such as Kefar Ludim) that are surrounded by the borders of Eretz Yisroel. [This place, though outside the boundary, would lie within a straight line drawn between

two other places on the boundary, and so is said to be ‘surrounded’ by the borders.] Rabbah bar bar Chanah stated: I saw this area (between kefar Ludim and Lud), and it (the distance between them) was as much as from Bei Kuvei to Pumbedisa (which was an extremely short distance). The *Gemora* observes: This implies that the Tanna Kamma maintains that the declaration (of “it was written and signed before me”) was not necessary (when Gittin were brought from these types of towns).

What is their argument? One master (*the Tanna Kamma*) holds that the reason that this decree was instituted was because people were not experts in writing a get for the sake of the woman, but these people (who lived near Eretz Yisroel) were knowledgeable (and therefore the declaration was unnecessary), whereas the other master (Rabban Gamliel and Rabbi Elozar) maintained that the reason for the decree was because witnesses were not readily available to authenticate the signatures, and these people (who lived outside the boundaries of Eretz Yisroel) were also not commonly found there (and therefore, the declaration would be necessary). [*If this is the explanation of their dispute, it would emerge that the Tannaic dispute is the same as that of Rava and Rabbah, which would make their argument redundant!?*]

The *Gemora* answers: No. Rabbah can answer according to his reasoning (*that all Tannaim can agree with him*), and Rava can answer according to his reasoning.

Rabbah can answer according to his reasoning that everyone holds that it (the reason for the declaration) is because people were not experts in writing a get for the sake of the woman, and yet, they are arguing about the following

matter: The Tanna Kamma holds that because these people are close (to Eretz Yisroel), they are certainly learned (and therefore a declaration is unnecessary). And Rabban Gamliel came and said that the towns that are surrounded (by the borders of Eretz Yisroel) are learned (and a declaration is unnecessary), but the (people in the) towns that are merely close (to the border, but not surrounded by it) are not knowledgeable (*and the decree still applies*). And Rabbi Eliezer came and said that even the towns that are surrounded (by the borders of Eretz Yisroel) may not (bring a get without stating this declaration), for there should not be any differentiation between gittin coming from outside of Eretz Yisroel.

Rava answered according to his reasoning. Everyone agrees that the decree was because witnesses were not readily available to authenticate the signatures. The Tanna Kamma holds that because these cities are close to Eretz Yisroel, they (the people living there) are commonly found there (and can authenticate the signatures; therefore, no declaration is necessary). And Rabban Gamliel came and said that the towns that are surrounded (by the borders of Eretz Yisroel) are commonly found there (and a declaration is unnecessary), but the (people in the) towns that are merely close (to the border, but not surrounded by it) are not commonly found there (*and the decree still applies*). And Rabbi Eliezer came and said that even the towns that are surrounded (by the borders of Eretz Yisroel) may not (bring a get without stating this declaration), for there should not be any differentiation between gittin coming from outside of Eretz Yisroel.

It was taught in our Mishnah: And the *Chachamim* say: He is not required to say, "In my presence it was written, and in my presence it was signed," unless he brings it from abroad, or he takes it there. This implies that the Tanna Kamma holds that one who takes a get abroad (from Eretz Yisroel) does not need to make this declaration. What is their argument? One master (*the Tanna Kamma*) holds that the reason that this decree was instituted was because people were not experts in writing a get for the sake of the woman, but these

people (who lived in Eretz Yisroel) were knowledgeable (and therefore the declaration was unnecessary), whereas the other master (the *Chachamim*) maintained that the reason for the decree was because witnesses were not readily available to authenticate the signatures, and these people (who lived in Eretz Yisroel) were also not commonly found abroad (and therefore, the declaration would be necessary). [*If this is the explanation of their dispute, it would emerge that the Tannaic dispute is the same as that of Rava and Rabbah, which would make their argument redundant!?*]

The *Gemora* answers: [No.] Rabbah can answer according to his reasoning (*that all Tannaim can agree with him*), and Rava can answer according to his reasoning.

Rabbah can answer according to his reasoning that everyone holds that it (the reason for the declaration) is because people were not experts in writing a get for the sake of the woman, and here they are arguing regarding whether to make a decree in the case of one who takes a get (from Eretz Yisroel abroad - that he is required to make the declaration) because of (the possible confusion with the case of) one who brings a get (to Eretz Yisroel from abroad). The Tanna Kamma holds that we do not make a decree in the case of one who takes a get because of one who brings a get, while the *Chachamim* mentioned later (in the Mishnah) maintain that we do make a decree in the case of one who takes a get because of one who brings a get.

Rava answers according to his reasoning. Everyone agrees that the decree was because witnesses were not readily available to authenticate the signatures, and the *Chachamim* mentioned later (in the Mishnah) are merely explaining the opinion of the Tanna Kamma (but they are not disagreeing with him).

[The *Gemora* challenges Rabbah's opinion] It was taught in our Mishnah: And one who brings a *get* from province to province abroad, he is required to say, "In my presence it was written, and in my presence it was signed." This implies that within the same province abroad, one would not be

required to make this declaration. This is understandable according to Rava (*as people are present within the same province to authenticate the signatures*), but according to Rabbah, it is difficult (for the people there were not experts in writing a get for the sake of the woman)!?

The *Gemora* answers: Do not say that the implication is that within the same province abroad, one would not be required to make this declaration; but rather, say that the implication is that (a get which is brought) from province to province in Eretz Yisroel, it would not be required (to make this declaration).

The *Gemora* asks: Doesn't the Mishnah explicitly say this? [It stated] If he brings a *get* within Eretz Yisroel, he is not required to say, "In my presence it was written, and in my presence it was signed."

The *Gemora* answers: If it would be from that statement alone, I might have thought that this (ruling that it is unnecessary to make the declaration) is only after the fact, but initially (when he is being sent to bring this get), no (and he would be required to be present at the writing and signing of the get in order to make the declaration later); the Mishnah therefore teaches us that this is not the case (and the declaration is not necessary at all).

There were those who asked the (previous) question this way: [The Mishnah stated: And one who brings a *get* from province to province abroad, he is required to say, "In my presence it was written, and in my presence it was signed."] This implies that (a get which is brought) from province to province in Eretz Yisroel, it (the declaration) would not be required. This is understandable according to Rabbah (for the people there were experts in writing a get for the sake of the woman), but according to Rava, it is difficult (*as people are not found there to authenticate the signatures*)!?

The *Gemora* answers: Do not say that the implication is that (a get which is brought) from province to province in Eretz Yisroel, it would not be required (to make this declaration);

but rather, say that the implication is that within the same province abroad, one would not be required to make this declaration.

The *Gemora* asks: But (a get which is brought) from province to province in Eretz Yisroel, what would be the law? It would be required! [If so] Let the Mishnah teach simply that one who brings a get from province to province (is required to make the declaration; and this would imply all cases)!?

The *Gemora* answers: In truth, from province to province in Eretz Yisroel, it is also not necessary (to make this declaration), for since there are pilgrims (traveling to Yerushalayim) on the festival, there are always people found (that can authenticate the signatures).

The *Gemora* asks: This is understandable in the time when the Beis HaMikdash was in existence; but in times when the Beis HaMikdash was not in existence, what is there to say?

The *Gemora* answers: Since there are established courts (throughout Eretz Yisroel), there are always people found (that can authenticate the signatures).

[The *Gemora* challenges Rabbah's opinion] It was taught in our Mishnah: Rabban Shimon ben Gamliel says: This (declaration) is required even in a case where one brings it from jurisdiction to jurisdiction. And Rabbi Yitzchak said: There was one city in Eretz Yisroel, and Asasiyos was its name, and there were two jurisdictions in it that were particular one on the other (and they did not allow travel from one to another). Therefore, they needed to say '(a get which is brought) from one jurisdiction to another jurisdiction (a declaration is required.)' According to Rava, this is understandable (*as people are not found that can authenticate the signatures*), but according to Rabbah this is difficult (*for in Eretz Yisroel people are experts that the get must be made for the sake of the woman*)?

The *Gemora* answers: It must be that Rabbah accepts Rava's reason (as well; and Rabbah maintains that there were two reasons for the declaration).

The *Gemora* asks: If so, what is the practical difference between them?

The *Gemora* answers: The difference between them would be in a case where two people brought the get (*for according to Rava, it would not be necessary for them to make the declaration, as there are witnesses who can authenticate the signatures, but Rabbah would still require it, as people are not expert in the law that a get must be made for the sake of the woman*). Alternatively, there would be a difference between them in a case where a get was brought within the same province abroad (*for according to Rava, it would not be necessary for them to make the declaration, as there are witnesses in this province who can authenticate the signatures, but Rabbah would still require it, as people are not expert in the law that a get must be made for the sake of the woman*). (4a1 – 4b3)

#### INSIGHTS TO THE DAF

Tosfos (s.v. Modeh) writes that a document that is signed by relatives of the subject of the document is invalid because we cannot allow the document to be acted upon. For example, if the document was a get, we are relying on the testimony of the signatures to allow the woman to remarry.

R' Shmuel Rozovsky points out that the facts are correct; the woman is in reality a divorcee who is allowed to remarry, but since the witnesses that signed the document are relatives, we cannot accept the document.

This is apparently a Biblical injunction against the Beis Din not to allow this document to be issued in their jurisdiction, and it is derived from the verse: "By the mouth of two witnesses or three witnesses shall the matter be established."

The Shaarei Yosher expands on this that we see from this verse that the testimony of the witnesses is not just to relate and verify information; but rather, the testimony is what empowers the Beis Din to issue a ruling. Therefore, if the process was not as prescribed by the Torah, Beis Din lack the authority to issue and enforce their judgement.

#### DAILY MASHAL

##### Through Torah Learning

Tosfos (2a s.v. *Lefi*) asks about the practical distinction that the residents of *Eretz Yisroel* were familiar with the requirement that a *get* has to be written *lishmah*, whereas people who lived outside of *Eretz Yisroel* were not. He answers that everybody was aware of the requirement, but only the residents of *Eretz Yisroel* accepted it.

This bears further scrutiny. Why would the people who lived outside of *Eretz Yisroel* be accepting of all the other details, and have a hard time only with the *lishmah* requirement?

The Admor of Pappa in his Sefer *Pesach Tov* answers that the uniqueness of this requirement is in its subtlety. From an external viewpoint, the *get* appears to be completely kosher – every halachah and chumrah may have been complied with, and yet it is still invalidated because of the intention.

He continues and writes that someone who only knows the technical details of what the Torah requires will have a hard time accepting that an invalidating thought can disqualify a document that is kosher in every other respect. It is only after learning Torah that he will be better able to relate to this concept.