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### Intro

We are beginning מסכת גיטין Be"H, which, as its name indicates, deals with the Halachos of a גע, referred to in the Torah as ספר כריתות, a document of divorce, which terminates the marriage.

As the Pasuk states; וכתב לה ספר כריתות

ונתן בידה ושלחה מביתו

The husband must write, or direct someone to write the value for the purpose of him divorcing his wife. He, or his agent, must then give it to her, or her agent, in the presence of two witnesses. The marriage is thus terminated and she is free to marry another man.

In the course of the Masechta we will learn various specific Halachos which are derived from this Pasuk. One of which is discussed immediately in ביף דף ב'ידף ב'

It must be written specifically for this woman.

The מטכת begins by discussing the Halachos of a שליח, a messenger who is sent by a husband to give his wife a גט. The חכמים decreed that he must say

בפני נכתב ובפני נחתם

He must testify that the va was written and signed in his presence. The Gemara offers two reasons for this decree, and continues with an extended discussion of various cases where there may be a practical difference between the two reasons.

Some additional topics we will learn about in אדף 'דרף include:

ארץ ישראל ומדינת הים

One is required to say בפני נכתב when bringing a ארץ א גט ג when bringing a מדינת הים ארץ ארץ from ישראל, from overseas. This refers to any country outside of ארץ ישראל, with the possible exception of ארץ ישראל. The Mishnah describes the borders of ארץ ישראל in regard to this Halachah.

### קיום שטרות

If the authenticity of a document is challenged, the bearer must bring two witnesses to verify the validity of the signatures.

עד אחד נאמן באיסורין

A single witness may testify regarding most prohibitions. However, we require two witnesses for דבר שבערוה

Matters concerning marital or forbidden relationships, which includes matters pertaining to marriage and divorce.











So let's review...

The Mishnah discusses a messenger who arrives in Eretz Yisroel bearing a va, a bill of divorce:

Zugt di Mishnah

המביא גט ממדינת הים

צריך שיאמר בפני נכתב ובפני נחתם

If a שליח להולכה, an agent appointed by a husband to deliver a גט to his wife, brings the גט to Eretz Yisroel from overseas – and as Rashi explains

כל חו"ל קרי ליה מדינת הים

בר מבבל

From any land outside of Eretz Yisroel other than בבל He must testify that the גט was written and signed in his presence.

רבן גמליאל אומר

אף המביא מן הרקם ומן החגר

Although רקם וחגר are in close proximity to Eretz Yisroel, one who brings a גט from these cities is required to testify, since they are still technically מדינת הים.

רבי אליעזר אומר

אפילו מכפר לודים ללוד

Even one who brings a גט to לוד , a city in Eretz Yisroel, from its suburb, כפר לודים, which is across the border in חוץ, must say בפני נכתב.

The Gemara will explain the מחלוקת regarding the status of these cities.

The Mishnah brings another opinion:

וחכמים אומרים

אינו צריך שיאמר

בפני נכתב ובפני נחתם

אלא המביא ממדינת הים והמוליך

Only a גט that is transported between ארץ ישראל and חוץ לארץ, in either direction, requires בפני נכתב.

The Gemara will explain how this opinion differs from the אקמא.

# The Mishnah continues

והמביא ממדינה למדינה במדינת הים

צריך שיאמר בפני נכתב ובפני נחתם

If someone brings a גט from one country in חוץ לארץ to another, he also must testify.

רבי שמעון בן גמליאל אומר אפילו מהגמוניא להגמוניא

Even within one city, a messenger who brings a גט from one neighborhood to another is required to testify if the two areas are controlled by different authorities.









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The Mishnah now delineates the borders of ארץ ישראל: רבי יהודה אומר

מרקם למזרח ורקם כמזרח מאשקלון לדרום ואשקלון כדרום מעכו לצפון ועכו כצפון

The city of Rekem borders ארץ ישראל on the East, the city of Ashkelon on the South, and Akko on the North. These cities themselves are considered to be חוץ לארץ, and one who brings a גט from there to Eretz Yisroel IS required to say בפני נכתב. The Mishnah does not describe the border to the West, because, as "רים הגדול גבולה, it is bordered by the Mediterranean Sea.

However, רבי מאיר disagrees רבי מאיר אומר עכו כארץ ישראל לגיטין

Akko itself IS part of ארץ ישראל in regard to גיטין, and a messenger who brings a גט from Akko to Eretz Yisroel does NOT have to testify.

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The Gemara brings two reasons why this testimony is required:

1.

רבה אמר

לפי שאין בקיאין לשמה

The Pasuk says

וכתב לה ספר כריתות

A גם must be written לה, which the Gemara interprets as hustoness, specifically for the woman for whom it is used. Rashi explains that the population outside of Eretz Yisroel were not בני תורה, and not familiar with this Halachah. Therefore, the messenger must testify that the was written in his presence, and we can then question him to confirm that it was written by.

2.

רבא אמר

לפי שאין עדים מצויין לקיימו

We are concerned that the husband will claim that the גט was forged. Since

אין שיירות מצויות

Since people traveled between countries infrequently, there might not be witnesses available to validate the signatures. Therefore, the messenger must testify that it was written and signed in his presence.

The Gemara suggests three practical differences between these two reasons:

1.

איכא בינייהו

דאתיוהו בי תרי

If the husband appointed two messengers to bring the גע, they will be available to testify if the husband challenges the גע. However, we still need to confirm that it was written לשמה.

Therefore,

לרבה בעי למימר

לרבא לא בעי למימר

According to רבה they DO need to say בפני נכתב, but according to רבא they do NOT.





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Similarly,

באותה מדינה במדינת הים

If a messenger brings a גט to another location within the SAME country overseas, there will always be witnesses available. However, we still need to confirm that it was written לשמה Here, too, according to חבה he DOES need to testify, and according to דבא he does NOT.

## 3. Alternately,

ממדינה למדינה בארץ ישראל

If a גט is written in Eretz Yisroel, we can safely assume it was written לשמה. However, if it is brought to a far off location within Eretz Yisroel, such as מיהודה לגליל, where travel is not common, there might not be witnesses available later. Therefore, לרבה לא בעי למימר

לרבא בעי למימר

According to רבה he does NOT need to say בפני נכתב, while according to רבא he DOES.

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The Gemara now questions why a single witness is believed to testify regarding לשמה:

ליבעי תרי

מידי דהוה אכל עדיות שבתורה

Why is this different from all other testimonies, such as cases regarding monetary matters or capital punishment, where we require two witnesses?

### At first, the Gemara answers

עד אחד נאמן באיסורין

A single witness is believed regarding prohibitions, as "דש"י explains

שהרי האמינה תורה

כל אחד ואחד מישראל

על הפרשת תרומה ועל השחיטה

ועל ניקור הגיד וחלב

The Torah allows one to eat from another person's food, which entails trusting him regarding the many possible prohibitions involved, such as slaughtering and removing the forbidden sinews and fats.

However, the Gemara challenges this comparison, because we only apply this principle when dealing with a case similar to

ספק של חלב ספק של שומן

דלא איתחזק איסורא

A specific piece of fat that may be שוכון, forbidden fat, or שוכון, permitted fat - In that case, there are no prior assumptions regarding this particular item - therefore, one witness is believed. However.

הכא איתחזק איסורא דאשת איש

This woman was definitely married at one point and אסור, and so the witness is attempting to be מתיר her to marry and overturn her previously established status of איסור?

# In addition,

הוי דבר שבערוה

ואין דבר שבערוה פחות משנים

This testimony concerns her marital status, which certainly requires two witnesses, as יש" explains

דיליף דבר דבר מממון

We have a גזירה שוה comparing these issues to monetary matters, in which the Pasuk explicitly requires שני עדים, two witnesses.



בעי למימר









For both of these reasons, the principle of עד אחד נאמן does not apply in this case?

The Gemara therefore answers

רוב בקיאין הן

Most people actually ARE aware that a לשמה must be לשמה; and א מדאורייתא the testimony of בפני נכתב ובפני נחתם is not required; rather,

רבנן הוא דאצרוך

The רבנן required it, because, as רש"י explains דאיכא דאשכח כתוב ועומד

כגון שנכתב לשם א' מבני עירו

We are concerned that someone will find a discarded va whose names match his and his wife's, and will decide to use it. Therefore,

והכא משום עיגונא אקילו בה רבנן

Since it is merely a stringency of the Chachamim, they were lenient and relied on איד, in order to avoid a situation where the woman will not be able to locate two witnesses to testify and as a result will be unable to remarry.





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