

Or entirely by an enactment of the sages

או כולו בתקנת חכמים –

OVERVIEW

עדים ruled that if the שליח said בפנ"כ כולו ובפנ"ח חציו and there were two authenticating the signature of the other עד, nevertheless it is פסול, while רבא refuted this ruling of חסדא.¹ Our תוספות explains what their dispute is based on.

קסבר דלא דייק השליח כל כך כשאין כל העדות מתקיימת על ידו² –

רבא maintains that the שליח is not so particular (to carry out his duty) when the entire testimony is not sustained solely by his statement -

ורבא סבר דמכל מקום דייק שפיר:

However, רבא maintains that nonetheless the שליח is very particular to be present by the כשר גט even in such a situation, and therefore the גט is גט.

SUMMARY

The dispute between ר"ה ורבא is whether or not the שליח is דייק, when he is not solely responsible for the entire testimony.

THINKING IT OVER

1. From תוספות it appears that the dispute between ר"ה ורבא is whether the שליח is דייק (the view of רבא) or not (ר"ה); however from the גמרא it seems that ר"ה maintains 'מי איכא מידי וכו' רבא maintains 'או כולו בקיום הגט וכו' How can we reconcile these seemingly different arguments?!³

2. ר"ה maintains that since the עדות is not על ידו, therefore he is not דייק. Seemingly by every two עדים it is not על ידו (through each עד), and nevertheless they are נאמן!⁴

¹ רבא challenged חסדא asking, 'can there be such a thing that one is believed but not two'. תוספות offers an explanation for the seemingly puzzling view of ר"ה.

² The שליח is aware that he does not bear the sole responsibility of assuring that this גט is כשר (we need the additional testimony of others), therefore he may not be particularly zealous in actually being present by the כתיבה of the גט, or the חתימה (of the one עד). This renders the גט to be פסול.

³ See סוכת דוד אות כב.

⁴ See נחלת משה.