

הוא הדין אף על גב דלא חזר ונתפתח כולי -

The same rule is even if he did not become sighted again, etc.

Overview

The גמרא concluded that a sighted person (who received the גט as a שליח), who became blind afterwards can deliver the גט and say בפני נכתב ובפני נ, even if he did not regain his sight. תוספות reconciles our גמרא with a seemingly contradictory גמרא.

תוספות anticipates a difficulty:

והא דאמר ביש נוחלין (בבא בתרא דף קכח,א) -

And this which the ברייתא states in נוהלין -

היה יודע לו עדות עד שלא נסתמא ונסתמא פסול לעדות¹ -

‘he knew testimony for him before he became blind and he became blind later, he is פסול to testify’ (unless he regains his sight); so why here is he כשר even if he did not regain his sight?

תוספות responds:

שאני הכא דגבי גט אפילו אשה נאמנת² -

Here it is different, for by a גט even a woman is believed to bring a גט and say בפני, even though a woman is פסול לעדות ובפני³ -

תוספות proves his point:

תדע³ דאפילו סומא מעיקרא קאמר הכא אלא סומא אמאי⁴ לא:

You should know that it is so that we are lenient by הגט שליח, **for even** regarding **one who was blind initially** when he received the גט, the גמרא **here asked, but why is a סומא not** כשר to deliver the גט, proving that we are lenient by a סומא as we are lenient by an אשה.

Summary

¹ See the תוספות who adds; נסתמא; שראה עד שלא נסתמא; הר"ש ש"ו. The saying of נחתם בפני נכתב ובפני נחתם by a שליח is like a הגדת עדות, so it should have the same ruling as הגדת עדות.

² We are not that strict by הגט שליח as we are by other הגדת עדות, therefore even though he is blind, it is כשר.

³ תוספות is seeking to prove that we are not only lenient regarding an אשה, but that we are also lenient regarding a סומא.

⁴ How can the גמרא ask, אלא סומא אמאי לא, when we know that a סומא is פסול לעדות, this proves that the גמרא understood (even initially) that regarding the הגדת עדות of a שליח הגט we not as strict as regular הגדת עדות. See ‘Thinking it over’.

The הגדת שליה הגט is less strict than regular הגדת עדות therefore a פתוח ונסתמא is כשר even if לא חזר ונתפתח.

Thinking it over

תוספות proves that we are less strict by שליה הגט from the fact that the גמרא initially asked **לא סומא אמאי** ⁵. However at that point in the גמרא we did not assume that we are discussing a שליה הגט in חו"ל where he is required to say **בפ"נ ובפ"נ**, we assumed we are discussing a גט בא"י, where no הגדת עדות is required, and therefore the גמרא rightfully asked **לא סומא אמאי**; how does this prove anything regarding **בפ"נ ובפ"נ** of הגדת עדות ⁶?!⁶

⁵ See footnote # 4.

⁶ See # 97-100. אוצר מפרשי התלמוד.