

אי הכי בעל נמי –

If this is so then the husband should also be required to say בפ"נ.

OVERVIEW

The גמרא previously concluded that (according to רבה) even לאחר שלמדו and even by a שכיחא one is required to say בפ"נ. If that is so, that בפ"נ must always be said, then (the גמרא asks) why does the בעל not have to say בפ"נ when he delivers the גט.

It seems from the entire גמרא, that only according to רבה, is the requirement to say בפ"נ somewhat diminished לאחר שלמדו. However, according to רבא this requirement retains its original status. Therefore we find questions only on רבה why is בפ"נ required in certain situations (by אשה, by יכול). These questions do not apply to רבא, for it is understood that his requirement to say בפ"נ is applicable unequivocally to all cases. Therefore it seems somewhat unusual, that the גמרא asks a question in which according to רבה there should be a requirement to say בפ"נ, and according to רבא there is no requirement. תוספות will explain this apparent inconsistency.¹

לרבא ניחא דכי מייתי ליה בעל ליכא למיחש לזיוף -

According to רבא it is understandable that the husband who brings a גט is not required to say בפ"נ (nor to have קיום²), **for when the husband brings the גט there can be no concern of forgery**; he himself is bringing it. How can he claim that it is a forgery?! The only other possible option is that (he will claim that) the witnesses that he signed on the גט are פסול; that he forged them himself. This, however, is no real concern -

דאינו חשוד להכשילה במתכוין -

for he is not suspect to intentionally harm her.³ He would never give her such a גט, that he himself knows that it is פסול. There is no reason to have him say בפ"נ.

אלא לרבה בבעל נמי ליחוש שלא יערער דמתחילה לא היה יודע שצריך לשמה -

However, according to רבה, who maintains that בפ"נ is still required for on account of לקלקולו דבר שמא יחזור **let us also be concerned if the husband brought the גט, to have him say בפ"נ, in order that he will not challenge the authenticity of the גט, by saying that originally he did not**

¹ See [also] מהרש"א הארוך.

² See: 'Thinking it over'.

³ See תוס' דף ב,ב ד"ה דאתייה (בסופו).

know that there is a requirement of לשמה by a גט. Now that he realized it, he is coming to notify ב"ד, of his inadvertent mistake that the גט was written (or signed) שלא לשמה. This is the question that the גמרא asks on רבה, that אי הכי בעל נמי; his saying בפ"נ will remove any possibility of ערעור.

ומשני מיןקט נקיט בידיה -

And the גמרא answers; 'He is bringing it with his own hand', so how can he possibly be מערער. Our תוספות will explain the meaning of the answer the גמרא gives:

כיון דערעור זה אינו אלא לעז -

Since this challenge that the husband will level against the גט (that it was written לשמה), is not taken seriously; it is **merely only gossip**. We do not suspect that the גט was written לשמה, even if the husband claims so. The גמרא previously taught us; that since רוב בקיאים הן and סתם ספרא דדייני מיגמר גמירי, there is no real חשש of לשמה. Therefore -

ליכא למיחש שיערער כיון דנקיט ליה:

There is no concern that he will challenge the גט since he is holding it.⁴

SUMMARY

If a בעל, brings a גט to the אשה from מדה"י, he is not required to say בפ"נ. According to רבא it is obvious that it would be impossible for him to be מערער that he did not write it. He is also not suspect to intentionally forge the signatures of the הגט. According to רבה we do not suspect that he will later be מערער. The entire ערעור is merely a לעז; there is no real concern for the כשרות הגט. When he himself delivers the גט, he will not challenge it.

THINKING IT OVER

states that אינו חשוד להכשילה.⁵ It seems that if חשוד להכשילה, we would require the בעל to say בפ"נ. However if חשוד להכשילה, what would בפ"נ accomplish?!

⁴ The reason why in general we are concerned that the בעל will be מערער is since he did not give the גט directly to his wife; he sent it with a שליח. At that point the בעל may have not realized the finality of his action, that he is divorcing his wife. He may think that he could still change his mind later. When it finally dawns on him that he is no longer married he may reconsider and attempt to regain his wife by claiming (unjustly) that it was not written לשמה, and she is legally still married to him. This concern is valid when he sent the גט with a שליח. In this case, however, the husband himself is giving the גט to his wife. There is no doubt as to the finality of this matter. His mind is made up. The husband has no intention at all of staying married to this woman. He will presumably never come to contest this גט in an attempt to win his wife back. Therefore there is no need to say בפ"נ, for we are not concerned neither that it was שלא לשמה (because (תוס' דף ב, ד"ה לפי (הב) See previous ר"י"ף דף ב, א ד"ה וכתב ר"ן (See (רוב בקיאים וכו' (לעז. (See

⁵ See footnote # 2.