

כי קתני פסולא דרבנן -

The תנא teaches us disqualifications of a Rabbinic origin only

OVERVIEW

The גמרא questioned; why was not the פסול of מחובר included in the similarities of גיטי נשים ושחרורי עבדים. The גמרא responded that the תנא is mentioning only the similarities of פסולי דרבנן. The פסול of מחובר is התורה. מן התורה writes concerning a גט that 'ולכתב לה ספר כריתות ונתן בידה'; there can be no interrupting act (such as reaping) between the כתיבה and the נתינה of the גט. This rule applies only to the תורף¹ of the גט, which is the עיקר הגט. If only the טופס² was written במחובר and the תורף was written בתלוש then בדיעבד it is a גט כשר. However one should not write even the טופס לכתחילה מדרבנן. במחובר.

anticipates the following question:

אף על גב דאיכא נמי מחובר דרבנן כגון אין כותבין טופס שמא יכתוב תורף (לקמן דף כא,ב).
Even though there is also a case of מחובר which is only פסול, for instance the rule that we do not write even the text of the מחובר, for we are concerned that if he writes the טופס במחובר perhaps he will write the תורף also במחובר. This פסול of writing the טופס במחובר is only מדרבנן. Why did not the שחרורי and גיטי נשים among the דרכים in which אין כותבין טופס of דין also include this משנה עבדים are similar.

responds: Granted that there is a case of מחובר דרבנן -

מכל מקום עיקר מחובר דאורייתא אבל עיקר מוליך ומביא דרבנן -
Nevertheless the main פסול of מחובר is התורה. Therefore the משנה which includes only פסולי דרבנן ignores מחובר, however the main rule of saying בפ"נ by מוליך ומביא is only מדרבנן. There is no requirement at all, to say בפ"נ.

anticipates a possible difficulty and dismisses it.

אף על פי שלרבה ניתקן משום לשמה דאורייתא -
Even though that according to רבה³ saying בפ"נ was instituted on account

¹ The תורף includes the names of the husband and wife, etc. which are inserted into the text of the טופס.

² The טופס is the regular text of the גט, which is the same in all גיטין.

³ See 'Thinking it over' # 2.

of our concern whether it was written **לשמה**, which is a **תורה requirement**. Nevertheless we are not considering the requirement of **לשמה** among the similarities between **גיטי נשים ושחרורי עבדים**. Rather the similarity is expressed by the term **מוליד ומביא**, which refers to the saying of **בפנו"נ**. This requirement to say **בפ"נ** is essentially Rabbinic in origin⁴.

SUMMARY

When the **גמרא** said that the **תנא** is mentioning **פסולי דרבנן**, it meant those rules that are entirely rabbinic in origin, such as saying **בפ"נ**. It did not mean those **מחובר** that have a **דאורייתא** origin such as **איסורי דרבנן**.

THINKING IT OVER

1. Why indeed would the **משנה** not include **פסולי דרבנן** that do have an **עיקר בדאורייתא**?⁵
2. Why did **תוספות** not ask concerning **רבא** as well?⁶ The reason for saying **בפ"נ** according to **רבא** is for **קיום**; that perhaps the **בעל** never sent the **גט**. That is certainly a **פסול דאורייתא**!!⁷

⁴ See מהר"ם שי"ף.

⁵ See # 170 in אמ"ה in עד"ו.

⁶ See footnote # 3.

⁷ עי' בנח"מ שהקשה ג"כ כנ"ל אבל לענ"ד נראה שהוא פשוט.