

אלא מעתה עובד כוכבים וישראל עומד כולי –

But if that is so, by a Gentile where a Jew is standing, etc.

Overview

ר"נ explained that a חש"ו can write a לשמה if there is a גביו. On this ר"נ asked, in that case (that there is a געע"ג) a נכרי should also be כשר. It is apparent that s'n's question is on ר"ה who established the משנה by a געע"ג. Our תוספות explains why there is not a question on the משנה directly, regardless whether there is a געע"ג or not.

פירוש¹ בשלמא בלא עומד על גביו ניחא -

The explanation of ר"נ saying אלא מעתה, is that **granted if** our משנה is in a case where there is no עע"ג it is understood why a נכרי is not included with the חש"ו -

דקסבר רב נחמן דאיכא היכרא דכותבין לשמה על פי הבעל² -

For ר"נ assumes that we can recognize that the חש"ו are writing לשמה, based on the husband's instructions -

אבל בעובד כוכבים ליכא היכרא דלשמה בהכי –

However by a נכרי there is no such indication that he is writing לשמה based on these same circumstances -

אבל למאי דאוקמא בגדול עומד על גביו אפילו עובד כוכבים נמי -

However according to the way ר"ה established the משנה by a געע"ג and giving them instructions, and being 'on top of them' to make sure they are writing it properly לשמה, so even a נכרי should also be כשר, since we can see that he is following the instructions (of לשמה) -

אלא ודאי בלא גדול עומד על גביו מיירי ואם כן הדרא קושיא לדוכתין דהא לאו בני דעה נינהו:

Rather (in order to avoid this difficulty) we must conclude that the משנה is **certainly in a case where there is no געע"ג³**, if so then the initial difficulty returns, how can this be a כשר by a חש"ו, since they are not intelligent!

Summary

Without ר"ה we could have established the משנה by געע"ג and distinguished between a נכרי and a חש"ו.

¹ See the 'Overview' that תוספות is bothered why there is no question on the משנה directly (even) without ר"ה.

² A חש"ו do not normally write anything (meaningful) on their own; the fact they are writing this גט indicates to us that they are writing in accordance with the husband's instructions (including לשמה). However a נכרי always writes; the fact that he is writing the גט does not indicate at all that he is following the instructions of the בעל. Therefore he is not כשר and is not included in the משנה.

³ See 'Thinking it over' # 2.

Thinking it over

1. From תוספות it seems that s'נ' question is that the חש"ו are נינהו. However the reading of the גמרא (both in the question and answer) indicates that s'נ' question was why is the נכרי פסול (and not why is the חש"ו כשר)!

2. Why was it necessary for תוספות to add the last line (אלא ודאי וכו' נינהו);⁴ without that line, ר"נ has a valid question on ר"ה; why is a נכרי different from a חש"ו in a case of געע"ג?⁵

3. How can תוספות add the last line, since according to ר"נ even if there is no געע"ג, it is understood why a חש"ו is כשר, and a נכרי is פסול, as תוספות explained previously?!⁶

Appendix

Perhaps we can understand this תוספות as follows. ר"ה claims that the משנה is only in a case where there is a געע"ג. Otherwise a חש"ו is פסול.

ר"נ challenges this assumption of ר"ה and argues that in my opinion there is no need to establish the משנה by a געע"ג, and we can distinguish between a חש"ו and a נכרי.⁷

However, according to you (ר"ה) that the only time a חש"ו is כשר is if געע"ג then a נכרי should also be כשר. However since we see that a נכרי is not included in the משנה, this proves that we cannot be discussing געע"ג.⁸

We must therefore conclude that we are discussing a case where there is no געע"ג, so the question on רב הונא is (if we accept the understanding of ר"ה that by געע"ג אין it cannot be לשמה), how can we understand our משנה that a חש"ו is כשר?⁹

The גמרא concluded that the premise of ר"נ is flawed, since נכרי אדעתיה דנפשיה קא פסול, therefore even with a געע"ג he is עביד.

⁴ See footnote # 3.

⁵ See 'Appendix'.

⁶ See 'מהר"ם וכו' and נחלת משה. See also 'Appendix'.

⁷ See footnote # 2.

⁸ תוספות maintains that according to ר"נ if there is a געע"ג it must be כשר even by a נכרי. This idea is immutable. It is the foundation of s'נ' challenge. He is convinced that ר"ה agrees to it.

⁹ If we accept the premise of ר"נ (that a נכרי is כשר by געע"ג) and the premise of ר"ה (that a חש"ו is כשר only if געע"ג); our משנה is not understood. Therefore argues ר"נ, we must do away with the premise of ר"ה and accept my premise.