

What is the difference between them

מאי בינייהו –

OVERVIEW

The גמרא asks what are the practical differences between רבה who gives the reason for saying בפ"נ because אין בקיאים לשמה, as opposed to רבא who gives the reason of אין עדים מצויין לקיימו. The גמרא offers three differences. תוספות will ask that there are seemingly two additional obvious differences between רבא and רבה that the גמרא does not mention, תוספות will explain why the גמרא does not mention these differences.

anticipates the following questions:

לא מצי למימר מוליך איכא בינייהו –

The גמרא **could not have said** that **there is a difference between** רבה and רבא in regards to one **who brings** a גט from א"י to חו"ל; according to רבה who says that the reason for saying בפ"נ is because the people of חו"ל are not בקיאים לשמה, then it is understood that if one brings a גט from א"י where the people are לשמה there is no need to say בפ"נ, according to רבא however who says the reason for saying בפ"נ is because אין עדים מצויין לקיימו, then it makes no difference if the גט is brought from חו"ל to א"י or vice versa, in all cases there are no עדים מצויין לקיימו¹, and one would need to say בפ"נ. This seemingly would be a נפק"מ between רבה and רבא.

נפק"מ will now explain why the גמרא does not state this:

דלרבה נמי לרבנן בתראי מוליך צריך לומר בפני נכתב ובפני נחתם –

For the view of רבה is also that according to last רבנן in our משנה in regard to one **מוליך** מא"י לחו"ל **one is required to say בפ"נ ובפ"נ**, as stated clearly in the משנה². The reason for this is -

דגזרינן מוליך אטו מביא³ -

For the חכמים were גזר that **מוליך** has to say בפ"נ **on account of** לחו"ל **מביא**. The גזירה is that if we would not require מוליך to say בפ"נ, people would mistakenly conclude that מביא also does not have to say בפ"נ. Therefore both רבה and רבא agree that according to the רבנן בתראי of our משנה, מוליך has to say בפ"נ. There is no difference between רבה and רבא in the case of מוליך according to the רבנן בתראי of our משנה.

will now explain why even according to the ת"ק who does not state whether מביא is

¹ People do not travel frequently from חו"ל לא"י nor from א"י לחו"ל.

² וחכ"א אין צריך שיאמר בפ"נ ובפ"נ אלא המביא וכו' והמוליך וכו'.

³ See 'Thinking it over' # 2.

required to say בפ"נ, the גמרא still does not state specifically that this depends on the difference between רבה and רבא, even though according to the ת"ק there is a difference by מוליד between רבה ורבא:

ולתנא קמא נמי הוי בכלל הא דאמר איכא בינייהו ממדינה למדינה בארץ ישראל -

And even according to the ת"ק also, the גמרא does not say that the difference between רבה ורבא is in a case of מוליד, because this difference that there is between them by מוליד **is already included in** one of the differences **that the גמרא already said,** namely **there is a difference between רבה ורבא in a case where one brought a גט from a מדינה למדינה** in א"י itself. According to רבה there is no need to say בפ"נ because the בני א"י are לשמה, and according to רבא there is a requirement to say בפ"נ because אין עדים מצויין לקיימו. The exact same מחלוקת, with the same reasoning will be by לחו"ל, therefore there is no need for the גמרא to repeat it.⁴

רבא ורבא between נפק"מ has another question concerning תוספות:

והא דלא קאמר גט מקויים⁵ איכא בינייהו -

And the reason why the גמרא did not say that there is a difference between רבה ורבא in a case where the גט was already מקויים when it was brought ממדה"י; according to רבה, one must say בפ"נ, because אין בקיאים לשמה, however according to רבא there is no need to say בפ"נ, since it is already מקויים.

- is נפק"מ that the reason the גמרא did not say this answers that תוספות

משום דהוי בכלל דאתיוה בי תרי⁶ דדמי למקויים⁷ -

because it is already included in another נפק"מ that the גמרא stated, namely **when two שלוחים brought** the גט ממדה"י. This case of אתיוה בי תרי **is similar to** the case of מקויים, which תוספות is now discussing. Regarding אתיוה בי תרי, according to רבה, one must say בפ"נ, because אין בקיאים לשמה, however according to רבא there is no need to say בפ"נ, since these two שלוחים testify that the husband sent them with this גט, the husband will not be able to be מערער⁸ that he did not send this גט. The same argument that רבה ורבא have concerning אתיוה בי תרי applies to מקויים; according to רבה, one must say בפ"נ, because אין בקיאים לשמה, however according to רבא there is no need to say בפ"נ, since the גט is מקויים the husband will not be able to be מערער that he did not

⁴ See 'Thinking it over' # 1.

⁵ תוספות may mean that it is being מקויים now in א"י (for if it was מקויים in חו"ל the שליה would still be required to say בפ"נ to insure that the קיום is not forged [See אמ"ה # 126]).

⁶ See 'Thinking it over' # 3.

⁷ See 'Thinking it over' # 4.

⁸ See next ד"ה דאתיוה.

send this גט. Therefore the גמרא does not say this מ נפק"מ of גט מקויים, because it is included in the מ נפק"מ of תרי בי תרי.

SUMMARY

The גמרא did not mention מוליד מא"י לחו"ל as an איכא בינייהו, since according to the רבנן בתראי all agree that בפ"נ is required (גזירה מוליד אטו מביא), and according to the ת"ק the א"ב of מוליד is included in the א"ב of ממדינה למדינה. The גמרא did not either mention the א"ב by a גט מקויים, because it is included in the א"ב of תרי בי תרי.

THINKING IT OVER

1. Why does the גמרא choose the מ נפק"מ of ממדינה למדינה בא"י⁹, rather than מהמוליד מא"י לחו"ל?
2. Why does תוספות find it necessary to tell us the reason¹⁰ why the רבנן בתראי maintain that מוליד is required to say בפ"נ?
3. Why does the גמרא choose the מ נפק"מ of תרי בי תרי¹¹ as opposed to the גט מקויים of מ נפק"מ?
4. Why does תוספות add the phrase דדמי למקויים at the end of תוספות¹² as opposed to the case of מוליד where תוספות just says דהוי בכלל ממדינה למדינה?

⁹ See footnote # 4.

¹⁰ See footnote # 3.

¹¹ See footnote # 6.

¹² See footnote # 7.