

הא מני רבי יהודה היא – רבי יהודה follows the opinion of משנה This

OVERVIEW

In the first משנה of the second פרק we find an argument between the ת"ק and רבי יהודה. The ת"ק there maintains that we require בפ"נ ובפ"נ. This would seem to contradict what the גמרא here is saying; namely that the תנא who requires כתיבה וחתימה לשמה is (only) ר"י. Our תוספות resolves this issue.

תוספות anticipates the following difficulty:

אף על גב דבריש פרק ב' (לקמן דף טו,א) -

Even though that in the beginning of the second פרק -

תנא קמא דרבי יהודה מצריך בפני נכתב ובפני נחתם¹ -

The תנא קמא who argues with ר"י, requires the saying of בפ"נ ובפ"נ. How can we say that our משנה which requires כתיבה וחתימה לשמה follows the opinion of ר"י, when we see clearly in פ"ב that the ת"ק who argues² with ר"י also maintains that בפ"נ ובפ"נ is required? The ת"ק who argues with ר"י is certainly not ר"י; and yet he requires both כתיבה וחתימה לשמה!³

תוספות responds that the argument there in פ"ב between the ת"ק and ר"י is in another matter not concerning כתיבה וחתימה לשמה, however -

בהא סבר לה כרבי יהודה:

Concerning the matter of לשמה לשמה the ת"ק there agrees to the opinion of ר"י, that both the כתיבה וחתימה need to be performed לשמה.⁴

SUMMARY

When the גמרא says הא מני ר"י היא, it does not necessarily mean that the תנא who says this משנה is actually ר"י (for we see in פ"ב that it cannot be only ר"י), rather it means that the תנא of the משנה follows the opinion of ר"י concerning כתיבה וחתימה לשמה.

THINKING IT OVER

¹ The ת"ק states clearly that if he said only בפני נכתב or only בפני נחתם, the גט is בטל.

² They argue in a case where two people said בפנינו נכתב and one (other) person said בפני נחתם; the ת"ק is מכשיר ר"י and פוסל.

³ This entire discussion is following the opinion of רבה, who maintains that בפ"נ ובפ"נ is said on account that both the כתיבה וחתימה are required to be לשמה.

⁴ See 'Thinking it over' # 2.

1. תוספות question is that the ת"ק who argues with ר"י in פ"ב also maintains that כתיבה וחתימה לשמה is required. Why does not תוספות ask this same question from our very own משנה? The ת"ק of our משנה argues with ר"י as well, concerning רקם. The ת"ק maintains that from רקם one is not required to say בפ"נ (it is ר"ג and ר"א who say that you are required), while ר"י states clearly in our משנה ורקם כמזרח and one is required to say בפ"נ!⁵
2. Is it necessary to assume that when the ת"ק (in ריש פ"ב) requires בפ"נ ובפ"נ,⁶ it is because he requires כתיבה וחתימה לשמה (according to רבה), or can it be for other reasons?⁷
3. Is there a difference how תוספות understood the phrase 'הא מני ר"י היא', in his question as opposed to in his answer?⁸

⁵ See מהר"ם; see also מהרש"א הארוך for various answers to this question.

⁶ See footnote # 4.

⁷ See מהרש"ל and מהרש"א (הארוך).

⁸ See אמ"ה # 64 and תפא"י.