

## שלא תחלוק בשליחות – שליחות So as not to differentiate in

### Overview

The גמרא concluded that even בפ"נ nevertheless לאחר שלמדו (according to רבה) because of the גזירה שמא יחזור דבר לקלקולו. The exception is by a שכיחא דלא מילתא, such as a פקח ונתחרש, and then קיום is sufficient. The האשה עצמה מביאה גיטה of משנה by quoting the גמרא attempts to refute this by stating that she say בפ"נ; even though it is a שכיחא דלא מילתא. To which the גמרא responds that even by a שכיחא דלא מילתא the חכמים still require saying בפ"נ, because שלא תחלוק בשליחות. The obvious question here is: If לא תחלוק requires saying בפ"נ even by a שכיחא דלא מילתא, how is it that the גמרא states that by a פקח ונתחרש, קיום is sufficient?! Why do we not say there as well?! answers this question. תוספות

### פירוש בשליחות דיכול -

**The meaning** of the phrase שליחות בשליחות, that all שליחות should be the same, is referring (only) to those שליחות where the שליח is capable of saying בפ"נ.<sup>1</sup> In those cases the חכמים insisted that all שליחים say בפ"נ, even if it is a מילתא דלא שכיחא, such as the case where the wife herself is the שליח הגט. However in cases where the שליח is not capable of saying בפ"נ, as in the case of a פקח ונתחרש, then this rule of שלא תחלוק בשליחות does not apply. We permit that there be קיום instead of saying בפ"נ, since it is impossible to say בפ"נ.

### SUMMARY

According to רבה, all שליחים who are physically capable of saying בפ"נ, are required to do so, even if their שליחות is a שכיחא דלא מילתא, in order שלא תחלוק בשליחות. However in the case of a שכיחא דלא מילתא where one is physically incapable of saying בפ"נ, then קיום is sufficient, and בפ"נ is not required.

### THINKING IT OVER

Why is it that even after we conclude בשליחות בשליחות; that all שליחות be the same, nevertheless we continue to differentiate between יכול and אינו יכול?<sup>2</sup>

<sup>1</sup> See 'Thinking it over'.

<sup>2</sup> See נחלת משה.