

הא מדריב יהושע בן לוי כולי רבי יוחנן סבר לפי שאי עדים מצויין לקיימו -
Since etc. then ר"י is of the opinion that בפ"נ is said on
account of אין עדים מצויין לקיימו

OVERVIEW

The questions: how can ר' יוחנן be of the opinion that the גט be delivered in the presence of only two עדים, since we infer¹ that ר"י maintains the חשש of the מקיים the – בי"ד – to be three people – אין עדים מצויין לקיימו גט.

In פ"ב we find two opposing viewpoints of ר' יוחנן, concerning גט. One opinion is that רבא which is in accord with בפ"נ. The 'other' opinion is that רבה which is in accord with בפ"נ.

anticipates a possible answer to the question: תוספות

לא בעי לשנויי דסבר כאידך לישנא דפרק ב' (דף יז,א) -

The **did not want to answer** this question by saying **that** this statement of ר' יוחנן that the שליח delivers the גט in front of two people **follows the view of the 'other' opinion in פ"ב**. According to the 'other view', ר"י maintains that ב' are required to say בפ"נ. The reason is because the requirement for saying בפ"נ is based on our concern of לשמה. This quote that ר"י states ב' is in accord with the לשמה of טעם. They both maintain the לשמה of טעם.² אידך לישנא.

rejects this answer: We do not want to say that this איתמר follows the opinion of the לישנא –

דהוא לישנא דהתם דקאמר שנים אין צריכין לומר בפני נכתב הוא עיקר -

For the alternate opinion of ר"י that is quoted **there which states: two** who brought a גט **are not required to say בפ"נ**; that opinion is the **main** opinion, concerning which -

דקאמר עלה יתד הוא שלא תמוט -

It was said in the גמרא there **that this view is a stake that cannot be moved**; thereby indicating that the correct view of ר"י is that בפ"נ was instituted on account of קיום. Therefore it should require that בפ"נ be said שלשה בפני.

¹ See 'Thinking it over'.

² The previous מחלוקת between ר"י and ר' יוחנן where we inferred that ר"י maintains לקיימו since ב' שהביא גט אין צריכין לומר בפ"נ where ר"י is of the opinion that בפ"נ follows the alternate לשון in פ"ב. משום קיום is בפ"נ.

ועוד דבההיא שינויא לא הוה משני הא דפריך והא רבה אית ליה דרבא:

And furthermore, that answer, which תוספות previously proposed (and rejected), would not have answered that which the גמרא asked additionally; 'but רבה agrees to רבא,' therefore even according to רבה he must deliver the גט in the presence of three people for קיום. Saying that ר' יוחנן agrees with רבה does not explain why he can deliver it in the presence of only two people, since רבה himself agrees with רבא, that בפ"נ is said on account of קיום as well.

SUMMARY

We cannot say that ר' יוחנן who maintains ב' בפני ב' follows the view that because: a) That view is superseded by the alternate view that ב' שהביאו גט אין צריכים לומר בפ"נ, and b) it would not resolve the second question that רבא אית ליה דרבא.

THINKING IT OVER

Why is it necessary to *infer*³ that ר"י maintains קיום since ריב"ל maintains קיום; we can prove directly that ר"י maintains קיום since the correct view of רבא⁴ is that ב' שהביאו גט אין צריכים לומר בפ"נ?

³ See footnote # 1.

⁴ See נה"מ and מהרש"א (הארוך).