

They only argue up to here, etc.

עד כאן לא פליגי אלא כולי -

Overview

The גמרא asked a question on רב, who maintains עד שליח נעשה עד, from a ברייתא which cites a מחלוקת between ב"ש and ב"ה in a case where a person told three people to be מקדש a woman for him. According to ב"ש one remains שליח and the other two can be עדים. However ב"ה maintains that all three are שלוחים and cannot be used as עדים. The גמרא (in order to ask on רב) infers from this ברייתא that ב"ש and ב"ה only argue in a case of three שלוחים,¹ however by two שלוחים all agree (ב"ש and ב"ה) that the שליח cannot be an עד, thus disproving רב who maintains עד שליח נעשה עד. Our תוספות discusses the need for the inference, since seemingly we can disprove רב from the ברייתא directly without any inference.

תוספות asks:

תימה אמאי קאמר עד כאן לא פליגי כי נמי פליגי מי לא פריך שפיר ממילתיה דבית הלל² -
It is astounding! Why does the גמרא say, עד כאן לא פליגי and needs to infer that by two all agree (even ב"ש) that אין שליח נעשה עד, **even if ב"ש would argue by two and maintain that עד שליח נעשה עד, nevertheless cannot we properly challenge רב from the view of ב"ה,** who state clearly עד שליח נעשה עד?!

תוספות answers:

ויש לומר היינו טעמא דלא רצה למיפרך מבית הלל דהוה מצי לשנויי איפוך³ כדמשני בסמוך:
And one can say that this is the reason why he did not want to ask from ב"ה alone, because רב could have amended the ברייתא and answered, 'reverse' the views of ב"ש and ב"ה in the ברייתא, as the גמרא answers shortly.⁴ Therefore the גמרא infers (from the fact that the מחלוקת is by three people [only]), that both ב"ש and ב"ה maintain אין שליח נעשה עד, so no matter how you will read the ברייתא all agree that עד שליח נעשה עד in contradiction to רב.

Summary

¹ By three people we can assume (according to ב"ש) that the husband meant that only one should be שליח and the other two should be עדים (and ב"ה disagrees). However all agree that the one who is שליח cannot be an עד. That is why the case is presented where he told three people so we can divide it into one שליח and two עדים (according to ב"ש).

² It is well known that we follow ב"ה (and במקום ב"ה אינה משנה); why do we need to know the view of ב"ש; it is sufficient if we can disprove רב from the view of ב"ה alone.

³ ב"ה maintains one is שליח and two are עדים, and ב"ש maintains עד שליח נעשה עד. See 'Thinking it over'.

⁴ The גמרא cited the view of רבי נתן where ב"ש maintains עד שליח נעשה עד (so רב agrees with ב"ש!), and concluded that we reverse the views of ב"ש and ב"ה in the ברייתא of ר"נ (so רב will agree with ב"ה).

If not for the inference (of ע"כ לא פליגי רב), רב could have reversed the views of ב"ש וב"ה.

Thinking it over

We can surmise from תוספות that when the גמרא said, 'ע"כ לא פליגי וכו', the גמרא already understood that רב had the option of saying 'איפוך'.⁵ If that is the case, why does the גמרא ask (shortly), 'ורב כב"ש',⁶ when the גמרא knew full well that רב can answer 'איפוך' (which is the actual answer given)?!⁷

⁵ See footnote # 3. That is the whole reason why the גמרא needed to say 'ע"כ לא פליגי'.

⁶ See footnote # 4.

⁷ See אוצר מפרשי התלמוד # 306.