

מעולם לא חתמנו אלא על גט אחד כולי –

We never signed, only on one *Get*, etc.

Overview

ירמיה explained that the ברייתא, which states that we return the גט to the woman (בזמן שהבעל מודה) is where the עדים testify that they signed only on one גט of יב"ש, therefore there is no concern perhaps this גט belongs to another יב"ש. Our תוספות clarifies this answer.

תוספות comments:

ואומר הבעל שהוא אותו יוסף¹ -

And the husband says that he is that יוסף ב"ש, for which these עדים signed.

תוספות asks:

ואם תאמר והלא כשאין העדים אומרים כן אינו נאמן לומר שהוא שלו -

And if you will say; but is it not so, that when the עדים do not testify that they only signed on one גט of יב"ש, that the husband is not believed to say that it is his -
אלא אנו חוששין שמא מאחר נפל² -

But rather we are concerned that perhaps another יב"ש lost it, and we do not return it -

ועתה שעדים אומרים שלא חתמו אלא על גט אחד של יוסף בן שמעון למה יהא נאמן -

So now when the עדים testify that the only signed on one גט of יב"ש, why should he be believed, that these עדים signed his גט -

ליחוש שמא לאחר חתמו ולא לזה³ -

Let us be concerned that perhaps they signed it for another יב"ש, but not for this יב"ש –

תוספות answers:

ויש לומר דאף כי אין עדים מה שאינו נאמן אף על גב שאומר מכיר אני שהוא שלי⁴ -

And one can say; that even where there are no עדים, who testify that they only

¹ He claims that these עדים (who testify that they only signed on one גט of יב"ש) are the one's who signed on his גט. [Otherwise (meaning if he does not remember which עדים signed on his גט), what is accomplished by the testimony of the עדים; granted they only signed on one גט, but how do we know it was on this גט, perhaps one set of עדים signed on a גט of יב"ש # 1, and another set of עדים signed on a גט of יב"ש # 2.]

² We do not believe him even when he says that he recognizes the גט, etc., because we are not sure he is telling the truth.

³ Perhaps this יב"ש never even wrote a גט for his wife, or he is lying when he says these עדים signed on my גט, perhaps other עדים signed on his גט; in short, why do we believe him with עדים testifying any more than without עדים testifying.

⁴ See 'Thinking it over'.

signed on one גט of יב"ש, the reason **the husband is not believed, even though he claims, 'I recognize the גט that it is mine'**, is not because he is willfully lying, but rather it -

לפי שמספק אומר שהוא שלו לפי שסבור שלא איבד אחר גט רק הוא⁵ -

Is because his claim that it is his, is made uncertainly, for he assumes that no one else lost a זא except for him -

לכך אומר שהוא שלו אף על פי שאינו מכיר -

Therefore he claims it is his, even though that truthfully he does not recognize the
 as being his; he merely assumes it, and therefore it is not returned -

אבל כשעדים אומרים שלא חתמו רק על גט אחד של יוסף בן שמעון -

However, when the עדים testify that they only signed on one גט of יב"ש

במזיד לא ישקר אם חתמו לאחר לומר שלא חתמו⁶ דאינו חשוד לקלקלה⁷ -

The husband **will not lie willingly**, if he knows **they signed for another** ש"י, and **say they did not sign** for another, but only for me, **for the husband is not suspect to ruin her** -

כמו שנאמן לומר גרשתיה -

Just as he is believed to say, ‘I divorced her’, for he is אינו חשוד לקלקלה.

תוספות offers an alternate solution:

ואית ספרים דגרסי אלא על גט אחד של יוסף בן שמעון זה אתי שפיר טפי⁸ -

And some texts read; the עדים say we only signed on one גז of this יב"ש, the answer of ר"י works out much better.

תוספות comments:

וצריך לומר שלא ראו עדים החתימה⁹ -

And it is necessary to say (according to the ספרים דגרסי),¹⁰ **that the witnesses**

⁵ He is not believed, not because we are concerned that he may be lying outright, but rather we are concerned that when he says, ‘this is my מִנְיָן ’, he himself is not certain, but he merely assumes it is his מִנְיָן , since it contains his and his wife’s names, so whose else can it be.

⁶ The husband is saying these עדים signed on my גט (see footnote # 1). If the עדים say they only signed on one גט of ש"ב, the husband will never say I recognize these עדים as those who signed my גט, unless he is certain that this is his גט for they signed it. However if the עדים do not testify, he assumes that they signed his גט (see footnote # 5), even though in reality this גט may belong to someone else.

⁷ A man, even when he is in the processes of divorcing his wife, has the decency not to ruin her life. If this is not his עוֹלָם , then she is still his wife, and if she subsequently ‘marries’ someone else, the consequences are very severe.

⁸ In this case we are certain that this גט belongs to this יב"ש, since the עדים testify so.

⁹ They merely state that we only signed for this יב"ש.

¹⁰ However according to our גירסא (that they merely state they only signed one גט for יב"ש), it is possible that they saw their signatures, but nevertheless it does not prove, that this גט was given to this יב"ש. See מהרש"ל יגטין כז, ב בתוד"ה. See footnote # 12. We do not need חתימה כחתימה for we do not know that these עדים gave it to this יב"ש.

(who testify (מעולם לא חתמנו וכו' **did not see their signatures** on the גט -

דאי ראו החתימה שהיא שלהם¹¹ -

For if they saw the signatures that it is theirs -

אם כן הוה ליה למימר¹² **מהו דתימא דלמא אתרמאי עדים כעדים וחתימה כחתימה:**

Then the גמרא should have said; 'one would have thought, perhaps it so happened that there were other עדים with the same name as these עדים, and the signatures of those עדים were like the signatures of these עדים.

Summary

The husband claims these עדים signed on my גט. The husband is never suspected of lying (for חשוד לקלקלה); however when the עדים do not testify, we are concerned that perhaps the husband assumes its his גט, however when they testify that they only signed on one גט, he will never say they signed on mine unless he is sure.

Thinking it over

תוספות writes that we do not return the גט even if he claims, 'I recognize it'.¹³ Is this in agreement with the later explanation of רב אשי? What would be the ruling if he claims, 'I do not recognize it'?¹⁴

¹¹ Obviously, if they do not recognize their signatures, the גט is not valid, since it is not their signature and they claim they signed for this יב"ש.

¹² The גמרא asked on the answer of ר"י that in this case what is the novelty that it is returned (since the עדים say [according to the ספרים] that they only signed for [this] one יב"ש). The גמרא answered there is still a novelty, for it is still possible that there were two יב"ש and two sets of עדים with the same name. תוספות is saying that according to the ספרים, if the עדים saw their signature we would need to add another happenstance that perhaps the two sets of עדים had the same signature; otherwise there is no concern, for these עדים saw and recognized their signature. See footnote # 10 & 11.

¹³ See footnote # 4.

¹⁴ See בית לחם יהודה את תרכט and מהרש"א.