

**ושמואל נמי חיישינן קאמר - And שמואל also said, we are concerned**

## **OVERVIEW**

The גמרא concluded that when שמואל ruled that a woman is מגורשת even with a נייר חלק, he meant that we are concerned that perhaps she is מגורשת. Our תוספות clarifies the ruling of שמואל according to the מסקנא.

השתא לא צריכי לאוקמי בדקיניה דכי לא בדקיניה נמי איכא למיחש<sup>1</sup> –

Now (that we understand that שמואל is only חושש for גירושין, but not that she is מגורשת ודאי) **it is not necessary to establish** the ruling of שמואל, regarding a נייר חלק, in a case **where we examined** the נייר חלק with מיא דנרא, **for even if we did not examine** the נייר, **we can still be concerned** that she may be מגורשת -

ומיהו ודאי אי בדקיניה ולא פליט לאו כלום הוא<sup>2</sup>:

**However, it is certain that if we examined** the נייר חלק with מיא דנרא **and nothing came up**, the גט **is meaningless**; there is not even a חשש גירושין.

## **SUMMARY**

If one gives his wife a נייר חלק and says הרי זה גיטך there is a חשש גירושין, even if we did not examine it במיא דנרא. If however it was examined and no letters showed up, there is no חשש of גירושין.

## **THINKING IT OVER**

1. Why was it necessary for תוספות to teach us that if it was examined and פליט there is no חשש<sup>3</sup>. Seemingly this is obvious, the גמרא states so clearly (ואי לא פליט), why mention it?!

2. From the גמרא it appeared that the ruling of שמואל is only if במיא דנרא. However, according to תוספות that when the גמרא concluded קאמר שמואל נמי חיישינן, the ruling of שמואל is even without בדקינן, the גמרא should have said 'אלא', etc. to indicate that there is new understanding of שמואל!<sup>4</sup>

<sup>1</sup> He told her גיטך הרי"ז and as תוספות previously taught us (בד"ה טעמא), that the בעל is נאמן even with a מועט, so the חשש can certainly remain that perhaps כתבו.

<sup>2</sup> See 'Thinking it over'

<sup>3</sup> See footnote # 2.

<sup>4</sup> See 'הי' הרשב"א.