

**The husband does not admit; – אין הבעל מודה לא יחזיר לא לזה ולא לזה.
It should not be returned neither to this one nor to that one.**

OVERVIEW

The ברייתא taught that if a גט was found and the husband did not agree that he gave it already to his wife, we do not return the גט to either of them (even though the woman claims she was already divorced with this גט). תוספות explains how this ruling does not contradict another ruling.

ואינה נאמנת לומר גירשתני¹ דכיון דאיכא גט² דמסייע לה³ מעיזה ומעיזה:

And in this case the wife is not believed to claim, 'you divorced me'; for since there is a גט which is supporting her, she is certainly מעיזה.

SUMMARY

A woman is believed to claim גרשתני only if there is nothing else which supports her claim, giving her the courage to be מעיזה.

THINKING IT OVER

Is תוספות question that since a woman is believed to say גרשתני; that proves that this is her גט, so we should return it to her, or is the question somewhat different?⁴

¹ See later ב,סד that when a woman claims to her husband גרשתני, she is believed since בעלה בפני בעלה; she will not have the nerve to be so brazen in front of her husband. So why is she not believed here?!

² The fact that a גט was found gives credence to her claim that she was divorced, therefore it is not that much of a מעיזה or her part to claim גרשתני. The greater the העזה the greater is her credibility, for people are generally not מעיז to say a lie.

³ The גמרא there makes a similar assertion.

⁴ See נחלת משה.