

מעולם לא חתמנו אלא על גט אחד של יוסף בן שמעון –

We never signed, only on one *Get* of Yosef ben Shimon

OVERVIEW

even בזמן שהבעל מודה יחזיר לאשה which states that the ברייתא explained that the ר' ירמיה (משנה), is in a case where the עדים testify (seemingly contradicting our מרובה) that they only signed on one גט, which has this name of יוסף בן שמעון. Our תוספות explains how this removes the concern that perhaps this is not the correct גט.

מתוך הלשון משמע שידועין שלא חתמו אלא על א' -

It seems from the language the גמרא uses (של יב"ש) that the witnesses know that they only signed on one גט of יב"ש -

אבל אין מכירים מי הוא אותו יוסף בן שמעון¹ -

However they do not recognize who is this יב"ש; whether it is the man who is standing before us or someone else –

תוספות asks:

ותימה דאם כן אמאי מהימנין ליה לומר שהוא שלו יותר משלא היו אומרים העדים כלום -
And it is astounding! For if indeed it is so (that the עדים are unsure if this person is the יב"ש for whom they signed), why do we believe the husband to say that this גט is his (with which he divorced his wife), any more that if the עדים would have said nothing, where in which case -

שלא היה נאמן לומר שהוא שלו ולא מהדרין ליה בטביעות עין -

He would not have been believed that it is his גט and we would not have returned it to him based on his recognition of the גט; the reason for this is -

דחיישינן שמא הוא משקר² -

Because we are concerned that perhaps he is lying, so what difference does it make that the עדים say that they only signed on one גט, but perhaps the גט they signed on, was not for this husband (even though it is this גט), so how can we return it and have him divorce his wife³ with this גט?!

¹ If the עדים would recognize that the husband who is before us (and claiming that he divorced his wife with this גט), is the person for whom they signed, the גמרא would have said הוא של יב"ש א' על גט א' ולא וכו' אלא על גט א' של יב"ש הוא; that fact that it does not say זה, indicates that they are not certain that he is the person for whom they signed a גט.

² When there are no עדים, we do not return this גט to the husband even though he claims that he recognizes this as his גט; the reason must be that we are concerned perhaps he is lying (for he does not want to spend the time and money to write another גט), so even if the עדים testify they only signed on one גט, this does not prove that this גט was signed for him; perhaps it was signed for another יב"ש, and the current husband is lying!

³ See previous בזמן תוס' ד"ה [TIE footnote # 5].

answers: תוספות

ואומר רבינו יצחק דלעולם לא חשדינן ליה שישקר במזיד לומר שהוא שלו לקלקלה⁴ -

And the ר"י says that we never suspect the husband that he is purposefully lying by saying, it is his גט, in order to ruin her -

דמשום להרויח פשיטי דספרא לא היה מקלקלה -

For he would not ruin her (even) on account of the few coins to pay the scribe; we know this is true -

דהא בעל שאמר גירשתי את אשתי נאמן⁵ ולא חיישינן להכי -

For a husband who claims 'I divorce my wife' is believed, and we are not concerned for this that he intends to ruin her -

ולהכי⁶ כשאומרים העדים שלא חתמו אלא על גט אחד והוא אומר שעל שלו חתמו נאמן⁷ -

So therefore when the witnesses say they only signed on one גט and he says they signed on his גט, he is believed -

אבל כשאין העדים אומרים כלום⁸ חיישינן שמא הוא סבור שהוא שלו -

However when the עדים do not say anything, we do not believe him (but not because we think that he is purposefully lying, but rather) we are concerned that perhaps he thinks it is his גט -

לפי שאין יודע שיש יוסף בן שמעון אחר או יודע ואין נראה לו לחוש שגם הוא אבד גט -

Because he does not know of any other יב"ש, or perhaps he knows but it does not appear to him to be concerned that the other יב"ש also lost a גט -

ולכך אומר שהוא מכיר אף על פי שאינו מכיר -

Therefore he says he recognizes the גט, even though truthfully he does not recognize it.

In summation; in the question תוספות assumed the reason he is not believed (without the עדים) is because we are concerned that he is lying on purpose. In conclusion we say that a person will not lie and ruin his wife's life, but rather he is not believed because he may be mistaken and assume it is his גט, however when the עדים say that they only signed once we are certain that it is his גט.

⁴ One may think that the reason the husband is not believed (without the עדים) is because we suspect him of lying. That is not so says תוספות; no person would want to do this to his wife, for if she will remarry without a proper divorce she will be ruined; she is living as an איש with a strange man and her children from him will be ממזרים, and she will not receive a כתובה, etc. No man is suspected of doing such harm to his wife.

⁵ Why should we believe him, perhaps he is too cheap to pay for a סופר and therefore he claims 'I divorced her'. Evidently since he is believed this proves that (even) for פשיטי דספרי the husband will not willingly lie.

⁶ Since we are certain that he did write a גט, for as תוספות just said that he is אינו חשוד לקלקלה, therefore he will never say that he divorced her if it is not true. The question is merely is this his גט or not, therefore continues תוספות....

⁷ We know he wrote a גט (see previously and footnote # 6), and the עדים testify that they only signed one גט for יב"ש, ergo it must be his גט.

⁸ It is possible that they signed another גט for another יב"ש, therefore there is no proof that this is his גט, and the reason he claims that it is his because he is making an (honest?) mistake.

offers interpretation: רש"י's תוספות

ובקונטרס פירש⁹ כגון דקאמרי עדים החתומים בו -

And רש"י explained the answer to mean, for instance the witnesses who signed the גט, state -

מעולם לא חתמנו אלא על גט א' של שם זה ואותו חתמנו לאיש זה התובע¹⁰ -

We never signed on any other גט with this name, and that one which we signed was for this man who is demanding it -

ולפי זה צריך לומר שלא ראו עדים חתימת הגט¹¹ -

And according to this interpretation of רש"י it will be necessary to say that the witnesses did not see the signatures on the גט -

שאם ראו ואומרים שהוא כתב ידם ולזה חתמו פשיטא שיחזיר ולא היה צריך להשמיענו¹² -

For if they saw the signatures and they say it is their handwriting, and they signed the גט for this person, it is obvious that it should be returned and it was not necessary for the ברייתא to teach this to us -

דהא ודאי לא חיישינן דלמא איתרמי שמא כשמה ועדים כעדים וחתימה כחתימה¹³ -

For we are certainly not concerned that perhaps it happened that the names (of the couples) were similar and the names of the witnesses were similar, 'and the signatures were similar'; that is too far-fetched -

ובשינויא נמי אינו מזכיר חתימה כחתימה:

And in the s'גמרא answer (why it is not פשיטא according to ירמיה ר' no mention is made that the signatures are similar, because that is preposterous! Therefore we must conclude according to פרש"י that the עדים did not see the signatures.

SUMMARY

People do not lie and mess up their wives by claiming that they were divorced when they were not.

THINKING IT OVER

1. Did the עדים see the signatures according to פירוש התוספות¹⁴?

⁹ בד"ה מעולם.

¹⁰ In this case תוספות question does not apply. The difficulty is only why the גמרא does not say זה. See footnote # 1.

¹¹ This is somewhat of a דוחק that we have the גט and we have the עדים testifying and we did not show the עדים the חתימות. See 'Thinking it over' # 1.

¹² The גמרא asks on the answer of ירמיה ר', what is the חידוש of the ברייתא if the עדים state 'מעולם לא חתמנו וכי' The גמרא answered that we are not concerned that perhaps there were another set of עדים with the same names who wrote a גט for another couple with the same names. תוספות argues that according to פרש"י if the עדים recognize the signatures the s'גמרא answer would not suffice.

¹³ We never assume that the signatures are not distinct for how can we ever authenticate a document; perhaps the signature is from a different person (or forged)!

2. previously stated¹⁵ that we know for a fact that this יב"ש lost a גט. Can our תוספות agree with that תוספות and still have a question why the גט is returned?¹⁶

¹⁴ See מהר"ם (and footnote # 11).

¹⁵ כז, א ד"ה כאן.

¹⁶ See נחלת משה and מהרש"ל, מהרש"א א.