

עד אחד נאמן באיסורין –

One witness is believed concerning prohibitive acts.

OVERVIEW

The גמרא originally asked that two עדים should be required to testify that the גט was written לשמה as is the case whenever witnesses are required. One may assume that this מקשן maintained that here by גט we also require two עדים, since it is a דבר שבערוה¹, one of the categories² where two עדים are required. The subsequent answer that since נאמן באיסורין ע"א, therefore the שליח alone is believed, may leave us perplexed. We are discussing a גט, which is a דבר שבערוה, how can the גמרא compare this to איסור. Our תוספות discusses this issue.

תוספות asks:

הקשה רבינו תם מה תשובה היא זאת –

The ר"ת has a difficulty; what is this answer that the גמרא gave; that the שליח is איסור והיתר, because נאמן באיסורין ע"א. This seemingly does not address the question at all³. We cannot use the rule of נאמן באיסורין ע"א, in this case. This is not a case of איסור והיתר; this is a case of עריות, which requires two עדים. To prove that this is not a case of איסור והיתר where one עד is נאמן; תוספות continues –

עיקר הגט יוכיח שצריך לחותמו בשנים –

The main execution of this very same גט will prove that this is not a case of איסור והיתר, **for it is necessary that the גט be signed by two** witnesses. If it were merely איסור והיתר, we would not require two עדים. We require two עדים because by a גט we are dealing with a דבר שבערוה; therefore how did the גמרא state that this is merely a matter of איסור and the שליח alone is נאמן on the כשרות of this גט?!

תוספות answers:

ותירץ דהכי קאמר דעד אחד נאמן באיסורין בכהאי גוונא –

And the ר"ת answered; this is what the גמרא is saying: that an ע"א is נאמן by איסורין even by a דבר שבערוה, provided that it is **in such a manner -**

שעיקר הגט נעשה כבר ושוב אין צריך אלא גילוי מילתא לידע אם נכתב לשמה:

¹ The process of a גט changes her status as an איש, and permits her to marry another person to whom she was previously prohibited as an ערוה.

² They are: דיני ממונות, דיני נפשות ודבר שבערוה.

³ See previous תוספות ד"ה מידי דהוי דהוי, for a similar type question.

Where the main execution of the גט was already completed properly with two עדים, as is required for a דבר שבערוה and subsequently all that is required is merely information to notify us whether it was written לשמה.⁴

SUMMARY

The תרצן who explains that the reason why one שליח alone is נאמן to testify that the גט was written לשמה, is on account of the rule of באיסורין; it is his contention that merely testifying on the status of a גט, that it was properly drawn up, this testimony is not to be considered as a דבר שבערוה. Rather this should be considered as all other testimonies of איסור והיתר, where one עד is sufficient. It is only when creating a גט originally that the rules of דבר שבערוה apply, necessitating two witnesses to sign the גט, but not however to merely testifying as to its validity.

THINKING IT OVER

1. How should we understand תוספות question as opposed to his answer?⁵
2. Is a דבר שבערוה considered איסורין?

⁴ This notification should not be considered a דבר שבערוה according to this תרצן, since it is not accomplishing anything in the גט. When the עדים sign on the גט, they create the actual validity of the גט. However when the שליח states that it was written לשמה, he is merely notifying that it was previously written לשמה. The תרצן is of the opinion that such testimony should not be considered a דבר שבערוה. Rather it should be considered akin to איסור והיתר. The גמרא however will presently reject this approach and maintain that all aspects of a גט, even validating its status that it was written לשמה, is part of a דבר שבערוה process, and will require two עדים.

⁵ נח"מ.