

## כיון דאילו אמרי ידענו כולי –

Since if they would have said ‘we recognize’ etc.

### OVERVIEW

רבה claimed that there is no חשש of לאיחלופי, since קיום הגט is different from קיום שטרות in three ways: a) by גט we say בפני and not ידעתי, b) by גט a woman is believed to say בפ"נ, by שטרות a man is required, and c) by גט the divorcee can testify בפ"נ, by שטרות the litigants cannot testify. רבא responded to the first question only. תוספות will explain why רבא did not respond to the other two questions.

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וקושיא דאשה ובעל דבר לא חש לתרץ -

And the questions concerning ‘a woman’ and ‘a litigant’ which רבה asked in his attempt to refute רבא, he was not concerned about (not) answering them -

דלא שכיחי דמייתי גיטא -

For it is not frequent that either a woman or the divorcee herself will bring a גט. Therefore these two cases will not be sufficient to distinguish גט אשה from קיום שטרות; people will not be aware of this distinction due to its infrequent occurrence.

וכי מייתי עד כשר אתי לאיחלופי:

And when a proper עד (a male) will bring the גט (which is the usual and normal occurrence), and it will be accepted as a valid גט, people will confuse<sup>1</sup> גט אשה with קיום שטרות and will presume that by קיום שטרות one עד is sufficient. Therefore the חכמים were מתקן to say בפני נכתב also, to distinguish גט אשה from קיום שטרות.

### SUMMARY

The fact that גט אשה and בעל דבר distinguish גט אשה from קיום שטרות is not sufficient to protect us from לאיחלופי, for their occurrence is rare. In order there should be no לאיחלופי the distinction must be frequent and apparent.

### THINKING IT OVER

List in order of frequency: a) women bringing a גט, b) (male) שלוחים saying ידעתי\ידענו, and c) שלוחים saying בפ"נ.

<sup>1</sup> They will confuse it [even though the שליח says בפני (see previous two תוספות)], since occasionally two שלוחים will testify ידענו and be believed. People will see that a single שליח\עד is as good as the two, and therefore a single עד should be valid also by קיום שטרות.