

We are concerned for two *Shveeree*

חיישינן לשני שוירי -

Overview

There was a גט found in the רב הונא בי"ד of שוירי, which was written in the city of שוירי. However הונא רב disallowed this גט to be used because there is a concern perhaps there are two שוירי. Our תוספות discusses, therefore, how גיטין in general can be valid according to ר' מאיר.

תוספות asks:

ואם תאמר אם כן לרב הונא היאך יגרש כל אדם את אשתו לרבי מאיר¹ דאינו מוכיח מתוכו -
And if you will say; therefore, according to ר"ה how can any person divorce his wife, according to ר"מ (who maintains כרתי), for it is not מוכיח מתוכו -
כיון דחיישינן לשני שוירי² -

Since ר"ה is concerned for two שוירי?!

תוספות answers:

ויש לומר כיון דלא הוחזקו הוי שפיר מוכיח מתוכו ומכל מקום כשנפל חיישינן:
And one can say that generally, since it is not established that there are two cities with the same name, we are not concerned and it is properly considered as מוכיח
לא הוחזקו even if שני שוירי was lost, we are concerned nevertheless if the גט was lost; מתוכו
(therefore ר"ה was concerned, but generally one need not be concerned).

Summary

The concern of שני שוירי is only if it was lost, otherwise there is no concern if לא הוחזקו.

Thinking it over

שמא כתב בניסן (שטר which was lost allows us to be suspicious) maintains³ that a שטר which was lost allows us to be suspicious (ולא נתן עד תשרי). However here, why is there is a difference whether it was lost (where חיישינן לשני שוירי) or where it was not lost (where לא חיישינן)?⁴

¹ See previous תוס' ד"ה והוא (עמוד א' footnote # 8 & 10. According to ר"מ, who maintains כרתי, when one reads the גט, all the details (including the names of the parties, the place and time, etc.) must be clear, from just reading the גט alone.

² When the name of city is written in the גט, we cannot be sure whether this indeed is the city where this couple lives or perhaps it is from another couple (with the same names) in a different city with the same name, and therefore is not valid for this גט. We do not have this information just by reading the גט.

³ See תוס' יב,ב ד"ה ולא (TIE footnote # 6). We assume the reason it was lost is since it was not executed properly (כתב שני שוירי), the maker of the שטר was not careful with it; how does this apply to שני שוירי?!

⁴ See # 41. אוצר מפרשי התלמוד in עד"ז.