

If the כותי was not – אי לאו דכותי חבר הוה לא הוה מחתים ליה מקמיה – a חבר he would not have allowed him to sign above him

OVERVIEW

The גמרא explained that our משנה (which rules that a כותי is כשר for עדות גיטין) follows the view of ר' אלעזר (who generally maintains that שחרורי עבדים) (שחרורי עבדים) follows the view of ר' אלעזר (who generally maintains that כותים are suspect of not keeping the תורה laws). However, our משנה is discussing a case where the ישראל allowed the כותי to sign before him, indicating that the כותי is a trusted person. תוספות explains why this is sufficient.

תוספות asks:

נימה אם כן כוליה שטרא מתקיים אפומא דחד ישראל דחתיים לבסוף¹ –

It is astounding! If indeed this is the reason the שטר is כשר, it turns out that the entire שטר is substantiated based on the 'mouth' [testimony] of the single ישראל who signed last!

תוספות answers:

ויש לומר דאין לחוש כיון דהאי כותי כשר מדאורייתא דגרי אמת הן²:

And one can say; that there is no concern since this כותי is כשר מן התורה to be a witness for the כותים were true converts.

SUMMARY

כותים are גרי אמת and are כשר מדאורייתא (as long as they are not suspect).

THINKING IT OVER

How does תוספות answer resolve the initial difficulty?³

¹ We cannot rely on the testimony of the כותי since he is suspect of lying. The only reason we accept his testimony is because the other witness (the ישראל) is testifying (implicitly) that the כותי is an honest person. We are therefore relying totally on the testimony of one witness (אפומא דחד ישראל).

² The כותים went through a proper conversion (according to this answer in תוספות). Therefore מדאורייתא they are כשר for עדות. The רבנן decreed that the כותים are פסול לעדות, since there are suspect of testifying falsely. However, once we ascertain that this כותי is honest, there is no more תקנת חכמים that he is פסול; he retains his status of being an כשר דאורייתא. [The רבנן enacted their ruling in this manner that it can be repealed if we know the כותי is honest.]

³ See סוכ"ד אות כד.