

And I ate from the finest of the fine

ואנא אכילנא משופרי שופרי –

OVERVIEW

The issue which תוספות discusses is whether we believe someone (unknown to us) who claims that he is a Jew and has no evidence to support his claim.



תוספות anticipates that this issue may be resolved from our story, and rejects the proof:

מכאן אין ראיה שנאמין לכל הבא לפנינו ואומר ישראל אני –

There is no proof from this story that we should believe anyone who comes before us and claims ‘I am a Jew’. Seemingly we could prove it from this story; otherwise how was this ארמא able to eat from the פסח. He would not be able to prove that he is a Jew; they must have accepted his testimony and allowed him to partake of the פסח.

תוספות explains that this is no proof:

דשאני הכא דרוב ישראל היו ואזלינן בתר רובא –

For this case is different, since the majority of the people coming to bring the פסח were Jewish, and therefore we follow the majority and assume that he is also Jewish. However when an individual comes (on his own, not part of a group of Jews) and claims that he is a Jew, we may not believe him unless he has proof to substantiate his claim.

תוספות offers other proofs that indeed we do believe one who claims he is Jewish:

אך יש להביא ראיה מפרק החולץ (דף מה, א ושם) דאמר ליה זיל גלי או נסיב בת מינך –

However one can bring proof from the גמרא in פרק החולץ, concerning one who was born from a Jewish mother and a non-Jewish father¹, that told him, either go into exile² or marry someone like you³. It is evident that when he goes into exile and claims that he is Jewish, he will be believed without proof.

תוספות offers another proof:

וכן מההוא⁴ דאתא לקמיה דרבי יהודה ואמר נתגיירתי ביני לבין עצמי –

And similarly we can prove this from that story where one came before ר"י and claimed I converted myself to Judaism on my own (there was no (required) ב"ד; this

¹ The people who knew his status did not want their daughters to marry him since his father was an עכו"ם (even though that in reality he is a [כשר] ישראל).

² The people there will not know that his father was an עכו"ם. He will tell them that he is Jewish and they will allow him to marry a (regular) Jewish woman.

³ You can marry a woman whose father is an עכו"ם, like your father is (they will not mind).

⁴ יבמות מז, א.

invalidates his (גירות), so ר"י -

אמר ליה נאמן אתה לפסול את עצמך ואי אתה נאמן לפסול את בניך –
said to him you are believed to disqualify yourself⁵, however you are not
believed to disqualify your children;⁶ the children are considered Jewish -

והיינו משום דמצי למימר ישראל אני –
And the reason he is not believed concerning his children is because they can
each claim 'I am Jewish'.⁷

anticipates a question: תוספות

והא דאמר בהחולץ (דף מו,ב) מי שבא ואמר גר אני יכול נקבלנו –
And that which the גמרא states in פרק החולץ; one may think that if someone
comes and claims I am a גר, that we should accept him as a גר -
תלמוד לומר אתך⁸ במוחזק לך –

The תורה teaches us and states 'אתך', only if it is established by you that he is a גר;
otherwise we cannot accept someone who claims that he is a גר. This seemingly contradicts what
maintained previously that anyone is believed to claim they are Jewish (they should be
believed if they claim they were מתגייר for they have a מיגו; they could have claimed, 'I am a
(⁹ישראל).

answers: תוספות

התם מיירי במוחזק לן באבהתיה שהם נכרים –
There we are discussing a case where it is established that his parents were
gentiles, therefore he cannot be believed that he converted (if he has no proof)
דאי לאו הכי נאמן במיגו דאי בעי אמר ישראל אני:
For if it were not so (that we did not know who his parents are) he would be
believed that he is a גר for he has a מיגו that he could have claimed I am Jewish,
and he would be believed. However since we knew his parents were gentile, he has no מיגו and
cannot be believed that he converted unless he brings proof.

SUMMARY

One who comes and claims he is a Jew, is believed. If he claims he was נתגייר he is
also believed provided that we are not aware of his genealogy.

⁵ The father will not be considered Jewish, for שו"א אנפשיה חתיכה דאיסורא.

⁶ See 'Thinking it over # 2.

⁷ The children claim that their father's גיור was done properly. They are believed because they have a מיגו; for they
could have said we are Jewish. See תוספות הרשב"א.

⁸ . ויקרא (קדושים) יט,לג; וכי יגור אתך גר בארצכם וגו'.

⁹ See footnote # 7, and shortly תוספות.

THINKING IT OVER

1. Why indeed is anyone believed to claim they are Jewish?¹⁰

2. תוספות cites the גמרא that the father is not believed concerning the sons.¹¹ Seemingly the father's testimony concerning the sons is irrelevant; if the mother is Jewish, the children are Jewish, and if the mother is not Jewish, neither are the children!¹²

¹⁰ See ברכת אברהם and חידושי בתרא אות כא.

¹¹ See footnote # 6.

¹² See תוספות יבמות מז, א ד"ה נאמן.