

אי סבירא לך כרבי מאיר כולי - If you agree with ר"מ, etc.

OVERVIEW

The מודה בשטר שכתבו ר"ה that ר"מ agrees with the ruling of ר"ה. It is this ruling that justifies the ruling of ר"מ that אין נאמנים. Therefore ר"נ¹ would also agree with ר"מ that אין נאמנים. ר"נ chided ר"ה and told him why are you citing this statement as if everyone agrees with it.² This is merely the opinion of ר"מ, and therefore you should clearly state that you support the view of ר"מ. Our תוספות discusses and rejects a possible response from ר"ה.

תוספות asks:

ואם תאמר ודלמא משום הכי לא קאמר הלכה כרבי מאיר -

And if you will say; that perhaps the reason that רב הונא did not state clearly that the הלכה is according to ר"מ, is -

משום דאיכא בפרק מי שמת (בבא בתרא קנ"ב, ב ושם) דמפיך דרבי מאיר לרבנן -

because in פרק מי שמת there are those who invert the opinion of ר"מ to the opinion of רבנן. That opinion maintains that the רבנן claim that ר"מ maintains נאמנים. Therefore רב הונא could not have stated כ"מ, for we would not know for certain whether he means the ר"מ of נאמנים or the ר"מ of אין נאמנים. That is why ר"ה chose to state clearly that שכתבו א"צ לקיימו. Why was רב נחמן chiding him that ר"ה should clearly say that he agrees with ר"מ?

תוספות answers:

ויש לומר דהוה מצי למימר דהלכה כרבן שמעון בן גמליאל -

And one can say that ר"ה could have said that the הלכה is like רשב"ג -

דאית ליה בהדיא בפרק קמא דבבא מציעא (דף י"א, א) דמוחה בשטר שכתבו אין צריך לקיימו -

Who clearly maintains in the first פרק of ב"מ that if the לווה admits that he wrote the שטר, the מלוה is not obligated to authenticate it³.

SUMMARY

When ר"נ said that ר"ה should have said כ"מ he meant that ר"ה could have mentioned a(ny) תנא who clearly maintains "ל מבש"ג; namely רשב"ג.

¹ See following אימא ד"ה, תוספות ד"ה, which will explain how there can be such an assumption.

² רש"י ד"ה גנבא.

³ גירסא ר"נ maintains that the proper גירסא is that ר"מ states נאמנים. If ר"ה is concerned because there is a גירסא that ר"מ states נאמנים, ר"ה could have said רשב"ג. See 'Thinking it over'.

THINKING IT OVER

⁴?!הלכה כרשב"ג ר"ה should say initially that ר"נ argue Why did not

⁴ See שטמ"ק.