

וכדרב הונא אמר רב – רב הונא אמר רב And this is according to רב

OVERVIEW

The מודה בשטר שכתבו אצ"ל רב; namely רב; namely רב (by ר"ה א"ר) and (by ר"י א"ר) האומר שטר אמנה הוא זה אינו נאמן explained that the ruling of שטר אמנה (which is referring to the ליה) follows the ruling of מבשאצ"ל. Our תוספות will discuss the necessity of both rulings.

asks: תוספות

ואם תאמר תרתי מילי דרב למה לי¹ -

And if you will ask why do we need two statements of רב, which are stating the same rule. The rule of ר"ה א"ר states that a מגו is ineffective against a שטר (by פרעתי as well as all other claims²); and ר"י א"ר states that the ליה is not believed to claim שטר אמנה which we already know from ר"ה א"ר.

answers: תוספות

ויש לומר דחדא מכלל חבירתה אתמר -

And one can say that one was derived from the other. רב said only one ruling [ר"ה א"ר (מודה בשטר שכתבו א"צ לקיימו)], which was cited by ר"י³. It was ר"י who derived from this ruling of רב that if a ליה claimed הוא שטר אמנה, he is not believed].

SUMMARY

רב made only one ruling; that a ליה is not believed with a מגו against a שטר. Other rulings (such as האומר שטר אמנה הוא אינו נאמן) were derived from this ruling.

THINKING IT OVER

1. claims that the two rulings are redundant.⁴ Seemingly they are not. If it would only state מבשאצ"ל I would think that it applies only by פרעתי since there is a counterclaim of בעי מאי בידי שטרך, however by שטר אמנה he would be believed. Conversely if only the rule of שטר אמנה was stated I certainly would not know that this applies by פרעתי as well (for ר"נ maintains פרעתי is believed and אמנה is not believed). Why does תוספות state that they

¹ See 'Thinking it over' # 1.

² See previous תוספות ד"ה אימא.

³ See 'Thinking it over' # 2.

⁴ See footnote # 1.

are redundant?!⁵

2. תוספות merely says that one rule was derived from the other.⁶ Can we assume which was the original rule and which was the derivative?

⁵ See רש"י.

⁶ See footnote # 2.