**מנין לנושה בחבירו כולי – How do we know**

**that someone who has a claim against his friend, etc.**

Overview

ר"י אמר רב stated that if someone claims that it is a שטר אמנה he is not believed. אביי interpreted that ר"י אמר רב was referring to case where the מלוה said it was a שטר אמנה. The reason the מלוה is not believed is that he is a חב לאחרים in a situation of a שעבודא דר"נ.

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**משמע דהלכה כרבי נתן -**

**It seems that the הלכה is like ר"נ.** The first מלוה collects from the last לוה. תוספות derives this from the fact that אביי explains the ruling of ר"י אמר רב to be valid in a case of חב לאחרים. The justification of the rule is based on שעבודא דר"נ. This proves that אביי maintained that the הלכה is כר"נ, and furthermore, that אביי maintained that ר"י אמר רב maintain that the הלכה is כר"נ.

**ובגיטין[[1]](#footnote-1) (דף לז,א) פירשנוה -**

**And we explained this in** מסכת **גיטין;** whether the הלכה is כר"נ or not.

Summary

The הלכה is like ר"נ.

Thinking it over

תוספות says that from our גמרא it is (only) משמע [it seems] that the הלכה is כר"נ. Why did not תוספות say that it is מוכח [it is evident] that the הלכה is כר"נ?

1. See there תוספות ד"ה מדרבי. Actually תוספות discusses this at greater length in קידושין טו,א תוד"ה ואידך. [↑](#footnote-ref-1)