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

Overview

The גמרא stated that ר"מ agrees with the ruling of ר"ה that מודה בשטר שכתבו א"צ לקיימו. It is this ruling that justifies the ruling of ר"מ that אין נאמנים. It would seem that ר"ה would also agree with ר"מ that אין נאמנים. [[1]](#footnote-1) Therefore ר"נ chided ר"ה and told him why are you citing this statement as if everyone agrees with it.[[2]](#footnote-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.

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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** clearlythat **the הלכה is according to ר"מ**, is **–**

**משום דאיכא בפרק מי שמת (בבא בתרא קנד,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 **the רבנן.** That opinion maintains that the רבנן claim that אין נאמנים and ר"מ maintains נאמנים. Therefore רב הונא could not have stated הלכה כר"מ, for we would not know for certain whether he means the ר"מ of אין נאמנים or the ר"מ of נאמנים. That is why ר"ה chose to state clearly that מודה בשטר 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 ז,א) דמודה בשטר שכתבו אין צריך לקיימו -**

**Who clearly maintains in the first פרק of ב"מ that** if the לוה **admits that he wrote the שטר**, the מלוה **is not obligated to authenticate it[[3]](#footnote-3).**

Summary

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

Thinking it over

Why did not ר"נ argue initially that ר"ה should say הלכה כרשב"ג?![[4]](#footnote-4)

1. See following תוספות ד"ה אימא, which will explain how there can be such an assumption. [↑](#footnote-ref-1)
2. See רש"י ד"ה גנבא. [↑](#footnote-ref-2)
3. ר"נ maintains that the proper גירסא is that ר"מ states אין נאמנים. If ר"ה is concerned because there is a גירסא that ר"מ states נאמנים, ר"ה could have said הלכה כרשב"ג. See ‘Thinking it over’. [↑](#footnote-ref-3)
4. See שטמ"ק. [↑](#footnote-ref-4)