

אמר רבה said; why should he lie

אמר רבה מה לו לשקר –

OVERVIEW

The case at hand: both litigants claimed they inherited the property from their respective parents. One brought witnesses that it belonged to his parents, the other brought witnesses that he made a חזקה. רבה ruled that it should be awarded to the one who has עדי חזקה, since he certainly is saying the truth that it originally belonged to his parents; for ‘why should he lie’, he could have simply said, ‘I bought it from you’. אביי refuted this, saying that a מיגו (or לשקר) cannot displace the עדים who claim it belonged to the other litigant’s parents. תוספות reinforces, that it was רבה who made the ruling not רבא.

רבה גרסינן דאביי ורבא אמרי לקמן (דף לג:): דלא סבירא להו הא דרב חסדא¹ –

The text should read 'רבה'; not 'רבא' for אביי and רבא both say later in this פרק that they do not agree to that which רב חסדא maintained there; the reason they argue is-

דמה לי לשקר במקום עדים לא אמרינן:

because we do not apply the logic of ‘why should he lie’ – i.e. a מיגו – when it contradicts עדים. Therefore, since in this case it is a מקום עדים as אביי pointed out, the text cannot read 'רבא', for רבא agrees with אביי that לא אמרינן דמה לי לשקר במקום עדים. We must conclude that the correct גירסא is 'רבה'.

SUMMARY

רב חסדא and רבה while it is מה לי לשקר במקום עדים לא אמרינן; רבא maintain that לא אמרינן; רבה who maintain that מה לי לשקר can be valid even במקום עדים.

THINKING IT OVER

It seems so obvious that the גירסא is רבה; why would תוספות have to emphasize it?²

¹ The case there is (seemingly) identical to the (original) case here. רב חסדא maintained (like רבה) that we should award it to the מחזיק, since he has a מיגו.

² See (סוכ"ד אות ח' וט' and) מהרש"א.