

## said; 'why would he lie'! – אמר רבה – לו לשקר

### Overview

The case at hand: both litigants claimed they inherited the property from their respective parents. One bought witnesses that it belonged to his parents, the other bought 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. מייגו (or מה לי לשקר) refuted this, saying that a מיגו (or מה לי 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.

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– 'רבא' not 'רבה'; The text should read 'רבה' – רבה גרסינן

– פרק in this both רבא and אביי say later – דאביי ורבא אמרי לקמן (דף לג,ב)

– דלא סבירא להו – that they do not agree to –

– that which רב חסדא maintained there<sup>1</sup>; the reason they argue is –

– 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 מה לי לשקר במקום עדים as אביי pointed out, the text cannot read 'רבא', for רבא agrees with אביי that מה לי לשקר במקום עדים לא אמרינן. We must conclude that the correct גירסא is 'רבה'.

### Summary

רב and רבה maintain that מה לי לשקר במקום עדים לא אמרינן; while it is רבה and רב 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?<sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> See (סוכ"ד אות ח' וט') מהרש"א.