

**רב פפא אמר לדידיה לא תימרון לאחריני תימרון – רב פפא said; he meant**  
**You should not tell him, but you should tell others**

## OVERVIEW

maintains that if the מערער tells the מחאה not to give over the מחאה to the מחזיק, nevertheless it is a valid מחאה, since they can still tell others who will tell the מחזיק. Previously שמואל ruled that if the מחאה was made in the presence of people who cannot tell the מחזיק about the מחאה, it is not a valid מחאה. Our תוספות suggests that these two rulings are not mutually exclusive.

**נראה לרבינו יצחק דרב פפא אית ליה שפיר דשמואל –**

**It is the view of the ר"י that ר"פ may (even) agree with the ruling of שמואל - דאמר לעיל<sup>1</sup> מיחה בפני בני אדם שאין יכולין לומר לו<sup>2</sup> לא הוא מחאה<sup>3</sup> -**

**Who previously stated, if one protested in front of people who cannot tell the מחזיק about the מחאה, it is not a valid מחאה.**

distinguishes between the ruling of שמואל (לא הוי מחאה) and the ruling of ר"פ (where it is a מחאה):

דהתם מיירי בחולה וזקן שלעולם לא ילך למקום שמחזיק שם<sup>4</sup> –

**For there (by שמואל) we are discussing a sick or elderly person who will never travel to the place where the מחזיק resides, therefore it is not a חזקה -**

**אבל הכא ילכו למקום המחזיק ויגידו לבני העיר ויאמרו לו והויה מחאה:**

**However here** (by ר"פ) where he (merely) told them not to tell the מחזיק, **they can** still **go to the place of the מחזיק** and **tell the people of that city** regarding the

<sup>1</sup> לחב.

<sup>2</sup> Seemingly this includes our case where he told them not to tell the מחזיק; they should be considered בנ"א שאין יכולין מחזיק; they should be considered מחזיק. This would seemingly be in contradiction to ר"פ who maintains that even if he told them not to tell the מחזיק, nevertheless it is a מחאה. לומר לו, where שמואל rules that it is not a מחאה.

<sup>3</sup> It would seem that תוספות in the ה"א assumed that (even though) שמואל does not require a מחאה בפניו, nevertheless, it is necessary that those who heard the מחאה from the מערער, they have to tell the מחזיק (but not others who heard it from them). This will assure the מחזיק will react seriously to the מחאה and not assume that it is merely unfounded rumors.

<sup>4</sup> In the מסקנא we can say that תוספות maintains that שמואל agrees with the concept of ליה חברך חברא אית, and it is not necessary that those who heard the מחאה from the מערער must tell the מחזיק, but rather anyone who hears the מחאה (from others) can make a proper מחאה. However if the מערער made the מחאה (only) in the presence of a זקן וחולה (who will certainly not make the המחזיק בפני המחזיק), then the זקן וחולה assume that it is as if the מערער told them not to tell anyone about this מחאה, in which case it is not a מחאה (see סוכ"ד אית א). [Alternately; שמואל may maintain חברך חברא only in the same city of the מערער; however since the זקן וחולה will never go there, there is no חבך וכי (this seems to be more in accordance with the words of תוספות). See נה"מ.]

מחאה, **and** the city people **will tell** the מחזיק, **so** therefore **it is a מחאה** even according to שמואל.

### **SUMMARY**

שמואל (who maintains that a מחאה בפני זקן וחולה is not a מחאה), can agree that if he tells the מחאה עדי not to tell the מחזיק, it is a proper מחאה (since חברך חבֵּרָא אֵית לֵיהּ).

### **THINKING IT OVER**

Why is it necessary for תוספות to insist that ר"פ and שמואל are in agreement?<sup>5</sup>

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<sup>5</sup> נח"מ.