

## מכאן ולהבא הוא נפסל - He is disqualified from now and onwards

### Overview

ר"ב maintains that an ע"ז becomes disqualified from the time of הזמה and onwards, however any testimony that he gave before the הזמה is valid, even though it was after the time when he gave the false testimony for which he was מוזה later. תוספות qualifies this ruling.

נראה שאם לא נראה השטר עד לאחר הזמה אף על פי שזמנו מוקדם להזמה<sup>1</sup> -

It appears to תוספות that if this שטר was not seen until after the הזמה, even though it is dated before the הזמה, nevertheless –

מודה ר"ב דלא משגחינן בהו -

ר"ב will admit that we pay no attention to these witnesses on this שטר, and it is not a valid שטר -

דמי יודע שמא אחר הזמה כתבו אלו המוזמים זה השטר והקדימו זמנו -

For who knows the truth; it is possible that perhaps these discredited witnesses wrote the שטר after the הזמה and they predated it to before the הזמה -

והא דאמר דאין נפסל למפרע היינו בשטר שנראה<sup>2</sup> קודם הזמה:

So, this which ר"ב stated that they are not disqualified retroactively, that is limited to a שטר which was seen before the הזמה.

### Summary

Only שטרות which were seen before the הזמה are valid.

### Thinking it over

1. Why does תוספות maintain that we suspect that it was predated, just because the שטר was not seen?

2. What would be according to אב"י if it was dated before their testimony, but it was not seen until after their testimony will it be כשר or פסול?

<sup>1</sup> Let us assume that the ע"ז testified on ר"ה חשון and the הזמה took place on ר"ה כסלו, according to ר"ב any שטר from before ר"ה כסלו with these two עדים as signers is כשר. However, if no one saw the שטר until after ר"ה כסלו, so even though it is dated prior to ר"ה כסלו, it is פסול. The reason is that we suspect that the ע"ז signed it after the הזמה and predated it.

<sup>2</sup> In this case we are certain that it was signed before the הזמה.