

And because he is an established liar; will he not pay any more at all – **ומשום דהוחזק כפרן תו לא פרע כלל**

OVERVIEW

(for this money¹); to which רבא asked 'because he was once the established liar, does that disqualify him forever'?! תוספות distinguishes between different cases of the established liar.

anticipates a difficulty:

ואף על גב דאמרינן לקמן² (דף יז,א) הוחזק כפרן לאותו ממון –

And even though the גמרא rules later that **'he is a presumed liar regarding that money'**, so why does the גמרא here ask that because he was once the established liar, should he never be believed again regarding this money. It is evident from that גמרא, that indeed once he is the established liar he is never believed **לאותו ממון**.

responds:

הכא דנפל שאני דמוכחא מלתא דמשום הכי לא היה נזהר לשומרו לפי שפרעו הלוה: Here in our case where the שטר was lost is different from the case of פרעתי, because here it is evident that he paid, for that is the reason that the מלוה was not careful to guard the שטר, because indeed the לוי paid him. It is only in such a case where רבא wonders, can it be that because he is a liar, that should cause us to assume that he will never pay?³

SUMMARY

We do not rule **לאותו ממון** the established liar, if there are mitigating circumstances which indicate that the לוי is telling the truth.

THINKING IT OVER

According to פירש"י⁴ is question relevant? Why indeed does תוספות not agree with רש"י⁵

¹ See [however] ד"ה שהוחזק רש"י who interprets it differently. See 'Thinking it over'.

² The case there is that the לוי responds (after being found liable) that he already paid the מלוה, and עדים testify that he did not pay; the לוי is never again believed to claim פרעתי for this loan unless he has עדים.

³ רבא does not say, 'should he never be believed'; for indeed he is not believed since he is a liar. Rather רבא says, 'must we assume that he will never pay, even if there is evidence that he did pay (since the שטר was lost)'! See נח"מ.

⁴ See footnote # 1.

⁵ See נח"מ.