

**קסבר רב פפא כי אמר רב לא שנה מלוה לא שנה פקדון – maintains רב פפא**  
**That רב said his ruling regardless whether it is a loan or a deposit**

**OVERVIEW**

The גמרא explained that רב פפא does not agree with רב זביד that our משנה is in a case where the money was given בשלשון שלשתן, for then there is no need (for רב) to limit the משנה to a case of צבורין, since רב maintains that מעמ"ש is effective even by a loan.<sup>1</sup> תוספות explains why indeed רב limited the משנה to a case of צבורין.

תוספות asks:

ואם תאמר ולרב פפא ורב<sup>2</sup> גופיה אמאי לא אוקי מתניתין במעמד שלשתן ואפילו אין צבורין -  
**And if you will say; and according to רב פפא** (who maintains that [according to רב] the rule of מעמד שלשתן is effective even by a מלוה), **why did not רב establish our משנה in a case of מעמ"ש and even if it was not צבורין?!<sup>3</sup>**

תוספות anticipates a possible answer:

וכי תימא משום דלא משמע ליה לישנא דמתניתין במעמד שלשתן<sup>4</sup> -  
**And if you will say** (the reason רב did not establish the משנה by מעמ"ש [without צבורין]) **is because the syntax of the משנה does not indicate** that we are discussing מעמ"ש, but rather a regular gift –

תוספות rejects this solution:

אם כן מהאי טעמא הוה ליה למימר דרב פפא לא אמר כרב זביד<sup>5</sup> -  
**If indeed** that is the reason why רב does not establish the משנה by מעמ"ש, then the **רב"ז disagrees with ר"פ** should have given this very same reason why רב פפא disagrees with רב זביד.

<sup>1</sup> When מעמ"ש takes place by a פקדון the מפקיד tells the נפקד (who has the פקדון in his possession) to give the פקדון to the recipient. This explains the idea of צבורין, that the money is present and available. If we assume (as ר"פ does) that מעמ"ש is effective by הלואה then the מלוה tells the לווה (instead of paying me) pay the recipient instead. In this case there is no צבורין, for there is no money present; it is just that the מלוה is transferring the obligation of repaying the debt to the recipient. Therefore according to ר"פ if the משנה is discussing מעמ"ש there is no need for צבורין.

<sup>2</sup> This is amended to read; 'רב'.

<sup>3</sup> There is seemingly no need for רב to establish the משנה by צבורין according to רב פפא, since he maintains that (according to רב) the rule of מעמ"ש applies even by a loan where there is no money present (the לווה spent it already).

<sup>4</sup> Therefore רב could not have established the משנה by מעמ"ש [without צבורין]. See 'Thinking it over'.

<sup>5</sup> The גמרא should have said that רב פפא disagrees with רב זביד, since it does not appear that our משנה is discussing a case of מעמ"ש; the same reason why רב does not establish the משנה by מעמ"ש. Why was it necessary to create a new reason that מעמ"ש is effective even by מלוה?! It would seemingly be much simpler to give the reason of רב! In addition רב פפא would have refuted רב זביד even if we maintain (as רב זביד does) that מעמ"ש is effective only by פקדון, nevertheless the משנה is not discussing מעמ"ש.

answers: תוספות

ויש לומר אף על גב דמתניתין לא משמע ליה לרב במעמד ג' -

**And one may say; even though that according to רב, the משנה does not seem to be discussing מעמ"ש** -

מכל מקום מדאתא רב פפא לאיפלוגי ארב זביד משמע שיש לו כח וטעם -

Nevertheless (that is not a sufficient explanation why ר"פ argues with ר"ז), since ר"פ comes to argue with ר"ז, it seems that ר"פ had a reason and a sureness -

דבשום ענין לא מפרשא מילתא דרב משום מעמד שלשתן<sup>6</sup>:

**That it is impossible to explain the statement of רב (that our משנה requires צבורין) on account of מעמ"ש.**

### SUMMARY

רב פפא did not say the he disagrees with רב זביד because it does not seem that the משנה is discussing מעמ"ש (even though this is why רב does not establish it by מעמ"ש), because ר"פ wanted to give an irrefutable reason why (he maintains that) the משנה cannot be discussing מעמ"ש as ר"ז maintains.

### THINKING IT OVER

When תוספות writes that (according to רב) it does not seem that the משנה is discussing מעמ"ש,<sup>7</sup> is that because since the רישא is not discussing מעמ"ש,<sup>8</sup> similarly the סיפא is not discussing מעמ"ש, or is there another explanation?<sup>9</sup>

---

<sup>6</sup> The reasoning that the משנה לשון המשנה does not support מעמ"ש, while acceptable is not irrefutable (for ר"ז maintains that the משנה לשון המשנה does allow for מעמ"ש), therefore it was necessary for ר"פ to state that according to רב the rule of מעמ"ש applies even by a loan, therefore our משנה cannot be discussing מעמ"ש (according to רב) since there would be no need for צבורין, if מעמ"ש is effective even by a loan where the money is not present. This forces us to acknowledge that רב maintains (according to ר"פ) that the משנה לשון המשנה indicates that we are not discussing מעמ"ש.

<sup>7</sup> See footnote # 4.

<sup>8</sup> See עמוד א' ד"ה תנו on תוס'.

<sup>9</sup> See נה"מ.