

## And Rav Papee's ruling is discredited

## וליתא<sup>1</sup> לדרב פפי –

### OVERVIEW

The גמרא concludes that the ruling of רב פפי (that we concerned for מיהזי כשיקרא) is discredited for we see that ר"נ rule differently. תוספות explores this conclusion.

asks: תוספות

תימה דמסיק דליתא ורב נמי לא סבר לה -

It is astounding, for the גמרא concludes that רב פפי is discredited, and רב who rules like ר"א (that one may write שטרות) also disagrees with רב פפי -

ובפרק ב' דכתובות (דף כא,ב) פריך מינה לרב גבי ג' שישבו לקיים את השטר<sup>2</sup> -

However in the second פרק of מסכת כתובות, the גמרא asks from רב פפי on רב regarding his ruling concerning three דיינים who sat to authenticate a שטר -

ומגיה מתוך כך דברי רב אימא עד שלא כתבו כולי -

And because of this question the גמרא amended the words of רב, to say, 'before they wrote', etc., instead of 'before they signed'. It appears from that גמרא that we (including רב) accept the ruling of רב פפי; however from our גמרא it appears that רב פפי was discredited!

answers: תוספות

ויש לומר דודאי אליבא דרב ליתא -

And one can say that according to רב, certainly רב פפי is discredited (since רב rules like ר"א that we may write שטרות) -

והתם פריך ללישנא דקאמר משמיה דרב הונא ולא מסיים בה<sup>3</sup> אמר רב -

There in כתובות the גמרא asks (from רב פפי) according to the version that this ruling of רב, was said in the name of רב הונא and does not conclude, רב' said' –

תוספות offers a change in text and content:

<sup>1</sup> Our text in the גמרא reads 'וליתא מדרב נחמן' (not וליתא דרב פפי). See later in this תוספות.

<sup>2</sup> רב ruled there that if three people sat down to be מקיים a שטר, two recognized the signatures (and were able to authenticate them without the witnesses appearing) and one did not recognize the signatures, the two may testify to third as to the verification of the signatures, only before the two signed but not after they signed (עי"ש). It seems from the גמרא there that they may testify even after the (קיום) was written. The גמרא asked how they could write the אשרתא before the קיום when רב פפי prohibits it. The גמרא therefore amended the statement of רב to read, 'they may testify before it was written' (not before it was signed).

<sup>3</sup> The text there is as follows; ואמרי ליה אמר רב הונא, ואמרי ליה אמר רב הונא. According to the second לשון (ו'אמרי לה') this ruling was made by רב, and according to this לשון there can be no challenge from רב פפי since רב certainly disagrees with רב פפי. The question of the גמרא was only according to the first לשון where the ruling was made by רב הונא and the גמרא (somehow) assumed that רב הונא agrees with רב פפי. See 'Thinking it over'.

**ואית דלא גריס הכא לדרב פפי אלא וליתא -**

**And there are those whose text does not read 'וליתא לדרב פפי', but only 'וליתא' -**  
**ופירושו וליתא לקושיא דבשטרות לא חיישינן למיחזי כשיקרא דאמר רב נחמן וכולי -**

**And the explanation of 'וליתא' according to this גירסא is that the question on רב is discounted for by שטרות we are not concerned for שיקרא, for ר"נ ruled, etc. -**

**ודוקא באשרתא חיישינן למיחזי כשיקרא שהוא קיום השטר<sup>5</sup> -**

**And it is only specifically by אשרתא that we are concerned for שיקרא since this is the authentication of a שטר, we wish to be extra careful -**

**ובפרק ב' דכתובות (דף כא,ב) דאירי בקיום השטר<sup>6</sup> פריך שפיר מינה -**

**So therefore in the second פרק of מסכת כתובות where רב is discussing שטרות, קיום שטרות properly challenges the ruling of רב from the ruling of פפי -**

תוספות responds to an anticipated question:

**ובפרק הכותב (שם פה,א) דמייתי לה אפסק דין דרב ביבי קאמר נמי וליתא<sup>8</sup> -**

**And in פרק הכותב, where after the גמרא cites this statement of רב פפי regarding the ruling of רב ביבי, the גמרא there also states 'וליתא' -**

**יש לפרש<sup>9</sup> כמו הכא -**

**We can also explain that גמרא as we explained it here, namely that in the case of רב ביבי -**

**וליכא כולי האי מיחזי כשיקרא שכותבין שנשבעה<sup>10</sup> כמו שפסקו לה בית דין:**

**There is not that much מיחזי כשיקרא when the ב"ד writes that she swore as ב"ד ruled that she should swear.**

<sup>4</sup> The question on רב was how he can rule like ר"א that שטרות טופסי שטרות, when according to רב פפי it is שיקרא.

<sup>5</sup> According to this גירסא, all accept the ruling of רב פפי by קיום שטרות only, but not by writing שטרות.

<sup>6</sup> The ruling of רב there is regarding לוקים השטר (see footnote # 2).

<sup>7</sup> The case there is that a woman was obligated to take an oath in order not to pay her litigant. She asked the ב"ד that they should prepare for her (now) a note saying that since she swore she is freed from any further obligations, and give her the note after she swears. רב ביבי agreed to write the note for her. רב פפי challenged this ruling of רב ביבי; how can we write the note now (before she swore) it is שיקרא.

<sup>8</sup> In our גמרות (in כתובות) it states like it says here; 'וליתא נחמן'.

<sup>9</sup> In the question (in the question) is assuming that the reason there is the concern of שיקרא by אשרתא is because it is being done in a ב"ד. Therefore we seemingly cannot give the same explanation we gave here (that 'וליתא' means there is no question), in the case of רב ביבי, for there it is also being done in a ב"ד, so why is there no concern of מיחזי כשיקרא.

<sup>10</sup> The difference between אשרתא and רב ביבי may be that by אשרתא the purpose is to be מקיים the שטר (that perhaps it is מזוייף), so how can they write that the שטר is מקיים before the עדים testify. However here the ב"ד ruled that she should swear, and she agrees to swear; she only wants to be sure that once she swears she will have her note, therefore writing such a note is not that flagrant a violation of שיקרא, since presumably she will swear to avoid paying her litigant, as ב"ד ruled.

## **SUMMARY**

Either רב פפי is completely discredited or his rule applies only to an אשרתא (not even to a note from בי"ד).

## **THINKING IT OVER**

רב פפי answered (initially) that רב disagrees with רב פפי and the גמרא in כתובות was asking from רב פפי only according to the version that the ruling was made by רב (and not by רב פפי).<sup>11</sup> However since we see that רב disagrees with רב פפי, how can the גמרא ask from רב פפי on רב הונא (who are both אמוראים), perhaps רב הונא also disagrees with רב פפי?<sup>12</sup>

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<sup>11</sup> See footnote # 3.

<sup>12</sup> See זיו הים.