

**מברכתא is pressed down before him**

**מברכתא חביטא ליה –**

## OVERVIEW

A person came before רב נחמן and claimed פתח פתוח מצאתי ר"נ. ordered that he should be whipped with palm fronds (כופרי), saying 'מברכתא חביטא ליה'.<sup>1</sup> The גמרא asked but רב נחמן maintains that the claim of פ"פ is believed, why should he be whipped. The גמרא replied it is no contradiction he is believed but nevertheless he should be whipped since מברכתא חביטא ליה. However רב אחא answered that there is a difference between a בחור who should be whipped and someone who was married previously who is believed. תוספות offers two interpretations of this גמרא.

**פירוש הלקוהו שמוציא שם רע על בת ישראל שהרי משקר -**

**The explanation of this גמרא is that ר"נ said, smite him for he is spreading a bad name on a Jewish daughter, for he is certainly lying** with his claim of פ"פ -

**וכי זונות חבוטות לפניו שיהיה בקי הלכך לא מהימן -**

**For are זונות חבוטות before him that he should be acquainted** with what is or is not a פ"פ, **therefore he is not believed** with his claim of פ"פ. The גמרא asked -

**והא אמר רב נחמן מהימן ומשני מהימן ומסבינן ליה כופרי -**

**But ר"נ ruled** that one who claims פ"פ **is believed** (how can we say that he is not believed)?! **And** the גמרא **answered that** according to ר"נ **he is believed and we smite him with כופרי**, meaning -

**ורב נחמן דאמר אסבוהו לא משום שלא היה מאמינו -**

**That when ר"נ ordered, ‘smite him’, it was not because ר"נ did not believe him**  
(as we initially assumed) -

**אלא היה מאמינו ואמר להלקותו לפי שחשוד על הזנות -**

**But rather he believed him and ordered to smite him because he was suspect for זנות; otherwise how would he know whether it is a פ"פ or not -**

**ורב אחא משני כדסבירא לן מעיקרא דלא מהימן ואיירי בבחור -**

**And ר"א answered as we originally assumed that ר"נ did not believe him, for we are discussing a בַּחור who was never married, however when ר"נ rules that פ"פ is נֶאֱמָן that is by one who was already married.<sup>2</sup>**

<sup>1</sup> מברכתא is the name of a city. The expression מברכתא חביטא ליה means; [are] the מברכתא זונות (are) lying down for him, so he knows to distinguish whether it is פ"פ or not.

<sup>2</sup> According to this interpretation we initially assumed that when ר"נ ordered lashes (it was because he was a מוצש"ר and) he did not believe him regarding the פ"פ; saying how could he know of פ"פ; is it then that מברכתא חביטא ליה (in a rhetorical sense), certainly not. The גמרא concluded however that indeed ר"נ did believe him and assumed the reason he knew of פ"פ is indeed because מברכתא חביטא ליה and therefore he received the lashes (because he was חשוד על

גמרא offers an alternate explanation of the תוספות:

**ועוד יש לומר בניחותא מברכתא חביטא ליה -**

**We can also interpret the מברכתא חביטא ליה as a positive statement** even in the ה"א (not as a rhetorical question as in the first explanation), meaning ר"נ said -

**אף על פי שהוא נאמן הלקוהו לפי שחשוד על הזנות -**

**Even though he is believed** (with the פ"פ claim), nevertheless **smite him because he is suspect of זנות** (that מברכתא חביטא ליה; otherwise he would not know). The גמרא asked -

**והאמר רב נחמן נאמן ולא פירש להלקותו -**

**But ר"נ merely ruled that he is believed** (to claim פ"פ) **and ר"נ did not clarify that he be smitten** (seemingly indicating that whoever claims פ"פ need not be smitten) -

**ומשני מהימן ומסבין ליה ורב נחמן לא איירי במלקות<sup>3</sup> -**

**And the גמרא answered, no; he is believed and he is smitten but ר"נ was not discussing lashes** (when he ruled that מצאתי נאמן פ"פ - האומר פ"פ) -

**רב אחא אמר לעולם נאמן דאמר רב נחמן היינו בלא מלקות ובנשוי:**

**רב אחא answered that indeed the נאמן of ר"נ is without lashes**, provided the claimant was previously **married**; however in this case he was still a בחור.

## **SUMMARY**

In the ה"א we can learn that ר"נ either believed him or not; in the conclusion we maintain that even though פ"פ is believed he still may receive lashes (only if he is a בחור according to רב אחא).

## **THINKING IT OVER**

1. Is there a difference in the understanding of רב אחא between the first interpretation of תוספות and the second?<sup>4</sup>

2. What are the relative advantages and disadvantages of each explanation?<sup>5</sup>

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(הזנות). However, רב אחא understands that ר"נ did not believe him since he was a בחור, and gave him lashes because he was מוציא ש"ר.

<sup>3</sup> According to this explanation, the גמרא always maintained that ר"נ believed him, and nevertheless gave him מלקות because מברכתא וכו'; it was necessary to clarify that when ר"נ rules that טענת פ"פ is נאמן it does not preclude מלקות.

<sup>4</sup> See מהרש"ל.

<sup>5</sup> See מהר"ם שי"ף.