

## **How do we know מנין לנושה בחבירו כולי – that someone who has a claim against his friend, etc.**

### **OVERVIEW**

רב stated that if someone claims that it is a שטר אמנה he is not believed. ר"י interpreted that רב was referring to case where the מלוה said it was a שטר אמנה. The reason the מלוה is not believed is that he is a חב in a situation of a דר"נ לעבדא.

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### **משמע דהלכה כרבי נתן -**

**It seems that the הלכה is like ר"נ.** The first מלוה collects from the last לווה. תוספות derives this from the fact that ר"י אמר רב to be valid in a case of חב. The justification of the rule is based on דר"נ לעבדא. This proves that ר"י אמר רב maintained that the הלכה is כר"נ, and furthermore, that ר"י אמר רב maintained that the הלכה is כר"נ.

### **ובגיטין<sup>1</sup> (דף לז, א) פירשנוה -**

**And we explained this in גיטין**; מסכת גיטין; whether the הלכה is כר"נ or not.

### **SUMMARY**

The הלכה is like ר"נ.

### **THINKING IT OVER**

תוספות says that from our גמרא it is (only) משמע [it seems] that the הלכה is כר"נ. Why did not תוספות say that it is מוכח [it is evident] that the הלכה is כר"נ?

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<sup>1</sup> See there מדברי ד"ה תוספות. Actually תוספות discusses this at greater length in ואידך תוד"ה ואידך.