

וכדרב הונא אמר רב – רב הונא אמר רב And this is according to

OVERVIEW

The מודה בשטר שכתבו אצ"ל cites two statements in the name of רב; namely (ר"י א"ר) explained that the ruling of שטר אמנה (which is referring to the לווה) follows the ruling of מבשאצ"ל. Our תוספות will discuss the necessity of both rulings.

תוספות asks:

ואם תאמר תרתי מיילי דרב למה לי -

And if you will ask why do we need two statements of רב, which are stating the same rule. The rule of ר"ה א"ר states that a מגו is ineffective against a שטר (by פרעתי as well as all other claims¹); and ר"י א"ר states that the ליה is not believed to claim שטר אמנה ר"ה א"ר which we already know from ר"ה א"ר.

תוספות answers:

ויש לומר דחדא מכלל חבירתה אתמר -

And one can say that one was derived from the other. רב said only one ruling [(מודה בשטר שכתבו א"צ לקיימו), which was cited by ר"ה.² It was ר"י who derived from this ruling of רב that if א"צ claimed הוא אמנה, he is not believed].

SUMMARY

שטר made only one ruling; that a לזה is not believed with a מגו against a שטר. Other rulings (such as האומר שטר אמנה הוא אינו נאמן שאינו מקויים) were derived from this ruling

THINKING IT OVER

1. תוספות claims that the two rulings are redundant. Seemingly they are not. If it would only state **מבשאצ"ל** I would think that it applies only by **פרעתי** since there is a counterclaim of **מאי בעי** שטרך **בידי מאי בעי**, however by **שטר אמנה** he would be believed. Conversely if only the rule of **שטר אמנה** was stated I certainly would not know that this applies by **פרעתי** as well (for **ר"נ** maintains **פרעתי** is believed and **אמנה** is not believed).³

¹ See previous תוספות ד"ה אימא.

² See 'Thinking it over' # 2.

³ See רש"ש.

2. תוספות merely says that one rule was derived from the other. Can we assume which was the original rule and which was the derivative?