



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Kesubos Daf Yud Tes

- We mentioned that **R' Huna in the name of Rav** said, that if one agrees to having written a document, we don't need witnesses to authenticate it. **R' Nachman** said to him, why don't you attribute that Halacha to **R' Meir**!? **R' Huna** asked **R' Nachman** what his own view was, and he responded that he held that the document must still be authenticated.
- **R' Yehuda in the name of Rav** said, if a person admits to having written a document to borrow money, but says that the loan never took place and that the document was given to the prospective lender in trust that he would not collect with it, he is not believed.
  - **Q:** What is the case referred to? If it is that the borrower is not believed, that is obvious. If it is that the lender is not believed, why wouldn't he be believed? If it is that the witnesses on the document are not believed if they come and say that, and their signatures are not independently authenticated, why are they not believed? **A: Rava** said, the case refers to the borrower, and the reason he is not believed is based on the statement of **R' Huna in the name of Rav**. **A2: Abaye** said, the case refers to the lender, and the reason he is not believed is because it is a case where he himself has creditors who stand to take the money from him if he is able to collect on this document. He is not believed to passul the document, because his admission is detrimental to these creditors. **A3: R' Ashi** said, the case refers to the witnesses whose signatures are not authenticated elsewhere. The reason they are not believed is based on a statement of **R' Kahana** which says (based on a pasuk), it is assur for a person to keep a shtar amana (a document written and given over in trust, without the loan having taken place), and **R' Sheishes the son of R' Idi** said that witnesses could not testify to something that would mean the person did something that was assur (i.e. keeping of such a document).
    - **R' Yehoshua ben Levi** uses the pasuk of **R' Kahana** to teach that one may not keep a paid-up loan document in his possession. In Eretz Yisrael they said in the name of **Rav** that the pasuk teaches that one may not keep a shtar amana or a paid-up document.
    - **R' Ami** uses the pasuk to teach that one may not keep a Sefer Torah that has mistakes in his house for more than 30 days.
- **R' Nachman** said, if witnesses said that the loan document that they signed was written as a shtar amana, or that the sale document they signed was signed by the seller under duress, they are not believed. **Mar bar R' Ashi** said, in the first case they are not believed, but regarding the sale document they are, because the sale document is allowed to be written, whereas a shtar amana may not.
  - **Q: Rava** asked **R' Nachman**, what about if the witnesses say that the sale was done on a stipulation, are they believed? This may be different than the above cases, because he is not uprooting the document here, or maybe we say that he is essentially still uprooting the document? **A: R' Nachman** said that he paskens that the witnesses are believed in this case.
- **R' Pappa** said, if one witness says there was a stipulation and one says there was not, since they are both testifying that the document is valid, it is valid. Since only one says there was a stipulation, he is not believed against the now valid document.
  - **Q: R' Huna the son of R' Yehoshua** asked, if this is true, then even when both witnesses say that there was a stipulation they shouldn't be believed against the document once they have already authenticated it!? If you tell me that the authentication was done in a qualified manner, subject to the stipulation, and that is why they are believed, we should say the same thing with one witness who comes and says there was a stipulation!?

- The Gemara says that the Halacha follows **R' Huna the son of R' Yehoshua**.
- A Braisa says, if 2 witnesses signed on a document and then died, and 2 other witnesses say that the signatures are authentic, but that the signed witnesses were forced to sign, were minors, or were otherwise passul, the second two witnesses are believed. However, if other witnesses also authenticate the signatures, or if they are authenticated based on another document in Beis Din, they are not believed.
  - **Q:** In this last case we would allow collection with the document? At the very least we have 2 witnesses against 2 witnesses, and collection should be disallowed!? **A: R' Sheishes** said, contradicting a witness is like hazmana of a witness in that it must be done in front of the witnesses. Therefore, the second set of witnesses cannot contradict the signed witnesses.
    - **Q: R' Nachman** asked, how can it be that if they were here their testimony would be contradicted, but now that they are not we believe it? **A:** Rather, **R' Nachman** said, it must be that we say the witnesses end up being 2 against 2, and the money stays by the one in possession.
  - **R' Avahu** paskened that hazmanah can only be done in front of the witnesses, but contradiction may even be done not in their presence. Also, a hazmanah done not in their presence is treated as a contradiction to them.