25.4.3 33a (משנה ה') → 33b (והודה מעצמו)

- I משנה ה' single and multiple liabilities depending on formulation of oath
  - a If: he challenged them vis-à-vis multiple claims ((פקדון, תשומת יד וכוי) to one debtor
    - i And: they answered: "we swear that we know no testimony" one liaibilty
    - ii But: if they answered: "we swear that we know no testimony about "גזל, פקדון וכו" multiple liabilities
  - b  $\mathit{If}$ : he challenged them regarding a single claim of multiple items ((פקדון של חטים שעורים וכו')
    - i And: they answered: "we swear that we know no testimony" one liaibilty
    - ii But: if they answered: "we swear that we know no testimony that 'o owes you "חטין שעורץ וכו" multiple liabilities
- II משנה וי applicability to קנס and payments that might have been exempted
  - a If: he challenged them to come testify about נזק, חצי נזק, כפל, ד' וה', אונס, פתוי, that my son hit me, that a fellow battered me, or that a torched my grain on מי liable (in apposition to next משנה see p. 30)
    - i *Analysis*: is there liability for עדי קנס?
      - 1 Caveat: according to קנס, who maintains that admission of guilt for a קנס doesn't exempt the perpetrator from liability
        - (a) (Explanation: מודה בקנס פטור means that that admission isn't sufficient to generate liability)
        - (b) Then: he is certainly liable witnesses will always be valid for generating liability
      - 2 Rather: according to רבר הגורם לממון לאו כממון דמי here (דבר הגורם לממון לאו כממון דמי)
        - (a) Lemma1: if the perpetrator would admit he would be exempt
        - (b) Lemma2: he hasn't yet admitted so their testimony, as of now, will generate liability
    - ii Answer: seems to be, from our משנה, which includes:
      - 1 חצי נזק. block follows opinion that ממון is ממון
        - (a) Counter: what about the ח"נ קנס that מ"ד?
        - (b) Answer: חצי נזק here refers to ממון as per הלמ"מ at is ממון, it is
      - 2 בפל, ד' וה' block liability for קרן (same with כפל, ד' וה')
      - 3 אונס ופתוי on account of the בושת ופגם payments (which are certainly ממון
      - 4 In sum: the first part teaches that ממון is ממון מון מדי מון צרורות
        - (a) And: the last part teaches that we do not accept שבת::יוה"כ, who equated שבת::יוה"כ for exemption from financial liability incurred during מלאכה due to קלב"מ
      - 5 ברייתא *מוציא שם דע* if father administers oath that 'פ' was guilty of אונס/פתוי of his daughter liable
        - (a) Even though: if the perpetrator would admit it, he'd be exempt
        - (b) Answer: the author is ערים even if the perpetrator admits, if ערים come afterwards liable
          - (i) Challenge: the סיפא seems to be contra ראב"ש
          - (ii) Answer: meaning of סיפא there's no way to generate liability without עדים