

25.6.2

39b (באחת מהן חייב) → 40b (הטענה שתי כסף)

1. כי יתן איש אל רעהו כסף או כלים לשמר ויגב מבית האיש אם ימצא הגנב ישלם שנינים: שמות כב:.
 2. על כל דבר פשע על שור על חמור על שה על שלמה על כל אבדה אשר יאמר כי הוא זה עד האלהים יבא דבר שניהם אשר ירשיעו אלהים ישלם שנינים לרעהו: שמות כב:.
 3. לא יקום עד אחד באיש לקבל עון ולקבל חטאת בכל חטא אשר יחטא על פי שני עדים או על פי שלשה עדים יקום דבר: דברים יט:טו

- I Analysis of the first משנה – how much differential needed between טענה and הודאה? Dispute רב/שמואל
- a רב: the denial must be 2 כסף
 - b שמואל: the denial may be as little as a פרוטה; 2 כסף is the minimum amount of the claim
 - i רבא: the משנה seems to support רב, whereas the פסוקים support שמואל
 - 1 משנה: records the הודאה as being a פרוטה, not the כפירה (and same in משנה ב"מ which i.ds פרוטה as שמואל)
 - 2 כסף (v. 1) – just as כלים=2 (at least), so with כסף, and it states (v. 2) כי הוא זה (i.e. that's the entire claim)
 - (a) רב: that's needed to inform us about הטענה במקצת
 - (b) שמואל: that's why it says הוא, and זה – for both מודה במקצת and כסף שתי as amount of טענה
 - (i) רב: 1 for מקצת הטענה and the other for הטענה
 - (ii) שמואל: מקצת → ממין (no need for 2 separate sources)
 - (c) שמואל כפירה → ("כלים") – טענה for minimum כסף – (inferred from "כלים")
 - (d) קמ"ל – כלים, which are insignificant, require 2; כסף could be just one – שמואל: if it only stated כלים, כלים סד"א, כלים
 - ii Proofs: opening clause – isn't the exemption due to the insufficient amount of the denial (supporting רב)?
 - 1 Defense (שמואל): כסף (silver) and פרוטה (copper) are precise – exemption due to denial and claim being unrelated
 - 2 Challenge: why is he liable in 2nd clause (claim: פרוטה+כסף)?
 - (a) Answer: שמואל maintains that if the claim is A+B and he admits all of B and denies all of A – liable
 - 3 Support for שמואל: latter משנה – if he claims א ליטרא of gold and the defendant admits to א ליטרא of silver – exempt
 - (a) Implication: the משנה's terminology is precisely referring to those metals and not to value
 - (b) Response (רב): משנה is referring to value; ליטרא is the "standout" case where it is precise
 - (c) Support: from next clause, where דינר זהב answered with other coins is liable
 - (i) Block (א"א): that may be a case where he claimed an amount (דינר) in coins; teaching that פרוטה is a coin
 - 1. רב: it means that all coins have a מטבע
 - (ii) Question: does ר"א support שמואל throughout?
 - 1. Answer: he doesn't "support" שמואל at all, that's just how he reads the latter משנה
 - 4 Support (for שמואל) – ברייתא – דינר זהב זהב – must be gold (→ if he didn't say זהב זהב – means "value")
 - (a) Rejection (א"א): means that any mention of דינר זהב is as if he said זהב זהב
 - 5 Support for רב: if he claims א סלע and the other admits to א סלע minus 2 כסף – liable; if א סלע minus 1 כסף – פטור
- II ר' יוחנן and שמואל about denial of a full segment of a claim
- a (preface): שמואל – requirement of כסף שתי טענה – only applies to עד ללא עד – even ש"פ is enough to force שבועה
 - i Support: v. 3 – 1 witness cannot generate liability, but can cause the defendant to take שבועה
 - b Segmented admission: שמואל – if he claims wheat and barley and the defendant admits to all the barley – liable
 - i Report (ר"ל יוחנן): ruled the same way (unclear if ר"א agreed)
 - 1 Support: משנה ג' – dispute ר"א/ג' חכמים about a claim of wheat with an admission of barley
 - (a) → all agree if the claim was WB and the admission was B – liable
 - (b) Rejection: disagreement persists; W vs. B taught to show ר"א's position
 - 2 Support: משנה ג' – כלים וקרקעות – if he admits to the קרקעות but not כלים, exempt
 - (a) Reason: קרקעות are not liable for שבועה; → if it was כלים וכלים and he admitted to some – liable
 - (b) Rejection: even כלים וכלים is exempt – קרקעות were taught to demonstrate זוקקים
 - (i) Note: rule of זוקקים belongs here; mention in א:ה is incidental
 - ii Alternate report (ר' יוחנן): ruled against שמואל – claim of WB and admission of B – exempt
 - 1 Note: two proofs used above adduced as challenges, deflected as above
 - 2 Challenge: if claim is "ox" and admission is "lamb" – פטור; if "OL" and admission is "L" – liable
 - (a) Answer: this is per ר"א (rejected: if it were ר"א, even "O" vs. "L" would be liable)
 - (b) Answer: it follows אדמון in our משנה (as per ר"א's identification of the author of this ruling)

III Related rulings: ר' ענן quotes שמואל with 2 rulings – if claim is W and before he could add B, defendant admitted B – פטור

 - a And: if he claimed 2 needles and the other admitted to one – liable (no value needed) ; that's why text reads "כלים"
 - b ר"פ: if he claimed פרוטה + כלים and he admitted to כלים – exempt (per רב – denial too small)
 - i But if: he admitted to פרוטה, liable (per שמואל – admission to full segment is still חייב)