



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

Shavuos Daf Mem

- The Gemara had said that **Rav** holds that the cases in the Mishna are claims for the value of the stated item (e.g. the silver coins and the copper coins) and not for the different types of coins themselves.
 - The Gemara says, we can prove that this is correct. The later case in the Mishna says, if the plaintiff makes a claim for a golden dinar and the defendant admits to owing a silver dinar or some other coin, he would be chayuv for the false oath, because all coins are considered to be the same type of item. Now, if we say that the claim was for the *value* of the gold coin and the admission was for the *value* of the silver or copper coin, it makes sense why he is chayuv. However, if it is for the actual metal, then why would he be chayuv when he admits to an item that is different than the item of the claim!? It must be that **Rav** is correct!
 - **R' Elazar** said, this is no proof. It may be that the claim was for the actual coin, but it was for a minted coin, rather than the metal used. The Mishna is teaching that for this purpose all coins are considered to be one item – whether it is gold, silver, or copper. In fact, this can be seen in the words of the Mishna, where it says “because all coins are considered to be the same type of item”.
 - **Rav** would say that the Mishna means to say that all coins are the same because they are being used for their value.
 - **Q:** Maybe we should say that since **R' Elazar** explained this part of the Mishna like **Shmuel** (and not like **Rav**), he also holds like **Shmuel** that the admission can be for less than 2 silver maos? **A:** It may be that he only holds that this part of the Mishna follows **Shmuel**, because of the Mishna's statement that all coins are the same. However, with regard to the earlier part of the Mishna we cannot say for sure who he would hold like.
 - **Q:** Maybe we can support **Rav** from a Braisa, which says that if the plaintiff makes a claim for “a minted gold coin” and the defendant admits to having a “minted silver coin”, he is chayuv. This suggests that the only reason we consider this to be a claim for the actual coin is because he said “a minted coin”. However, if he just said “a golden coin” we would understand it to refer to the value, not the actual coin. This supports **Rav**!? **A:** **R' Ashi** said, the Braisa may be teaching, that when someone says a “golden coin” it is as if he specifically says “a minted golden coin”.
 - **R' Chiya** taught a Braisa that supports **Rav** who said that the denial must be for at least the value of 2 silver maos. The Braisa says, if the plaintiff claims that he is owed a selah, and the defendant admits to owing a selah less 2 silver maos, he is chayuv. If he admits to even a drop less, he would be patur. This Braisa clearly supports **Rav**.
 - **R' Nachman bar Yitzchak in the name of Shmuel** said, this minimum amount for the claim and the admission is only needed when a lender makes the claim and the borrower makes a partial admission. However, if the defendant completely denies the claim and there is a single witness for the plaintiff, the defendant would have to swear even if the claim was only for a perutah. This is based on the pasuk that says that a single witness cannot stand against anyone for any “avon” or “chatah”, which implies that he can make a person swear, and a Braisa says, whenever two witnesses would make someone chayuv to pay, a single witness obligates him to swear.
 - **R' Nachman in the name of Shmuel** also said, if a plaintiff made a claim for wheat and barley and the defendant admitted to only one of them, he is chayuv to swear. **R' Yitzchak** told him, that is correct, and **R' Yochanan** has said that as well.

- **Q:** Did **R' Yitzchak** mean to suggest that **Reish Lakish** argues with **R' Yochanan** regarding this? **A:** After **R' Yochanan** said this ruling, **Reish Lakish** remained quiet. That is why **R' Yitzchak** was not sure whether he argued with **R' Yochanan** or accepted his ruling.
- **Q:** Maybe we can support this ruling from our Mishna. The Mishna said that if the plaintiff makes a claim for wheat and the defendant admits to barley, he is patur from having to swear, but **R' Gamliel** says he would be chayuv. This suggests that if the claim was for wheat *and* barley and he admitted to barley he would be chayuv. This supports **Shmuel!** **A:** This is no proof. In fact, even if the claim was for wheat and barley and he admitted to barley he would be patur. The reason the Mishna gives the case of where the claim was only for wheat was to teach that even in that case **R' Gamliel** says he is chayuv.
- **Q:** The Mishna said, if the claim was for keilim and land and the defendant admits to the keilim and denies the land, or visa-versa, he is patur from having to swear. If he admits to partial of the land, he would be patur. If he admits to partial of the keilim, he would be chayuv. Now, it would seem that the reason he is patur is because one of the items is land, and we don't swear on things related to land. This implies that if the claim was for different types of utensils, in the same set of circumstances, he would be chayuv. This supports **Shmuel!** **A:** This is no proof. In fact, even if the case involved no land, but rather involved two different keilim, he would also be patur. The reason the Mishna chose to use a case involving land was to teach that when he admits to partial on the keilim he is chayuv to swear *even* on the land.
 - **Q:** Are we to say that the Mishna is teaching us the concept of "gilgul shvuah"? A Mishna elsewhere explicitly teaches that concept!? **A:** Our Mishna is the main place of this teaching. That other Mishna teaches it only incidentally with the subject matter that it discusses there.
- **R' Chiya bar Abba** said in the name of **R' Yochanan**, if a plaintiff made a claim for wheat and barley and the defendant admitted to only one of them, he is patur from having to swear.
 - **Q:** **R' Yitzchak** said that **R' Yochanan** said he would be chayuv to swear in this case!? **A:** There is a machlokes among Amora'im as to what **R' Yochanan** held.
 - **Q:** The Mishna said that if the plaintiff makes a claim for wheat and the defendant admits to barley, he is patur from having to swear, but **R' Gamliel** says he would be chayuv. This suggests that if the claim was for wheat *and* barley and he admitted to barley he would be chayuv. This refutes **R' Chiya bar Abba!** **A:** This is not a refutation. In fact, even if the claim was for wheat and barley and he admitted to barley he would be patur. The reason the Mishna gives the case of where the claim was only for wheat was to teach that even in that case **R' Gamliel** says he is chayuv.
 - **Q:** The Mishna said, if the claim was for keilim and land and the defendant admits to the keilim and denies the land, or visa-versa, he is patur from having to swear. If he admits to partial of the land, he would be patur. If he admits to partial of the keilim, he would be chayuv. Now, it would seem that the reason he is patur is because one of the items is land, and we don't swear on things related to land. This implies that if the claim was for different types of utensils, in the same set of circumstances, he would be chayuv. This refutes **R' Chiya bar Abba!** **A:** This is not a refutation. In fact, even if the case involved no land, but rather involved two different keilim, he would also be patur. The reason the Mishna chose to use a case involving land was to teach that when he admits to partial on the keilim he is chayuv to swear *even* on the land.
 - **Q:** Are we to say that the Mishna is teaching us the concept of "gilgul shvuah"? A Mishna elsewhere explicitly teaches that concept!? **A:** Our Mishna is the main place of this teaching. That other Mishna teaches it only incidentally with the subject matter that it discusses there.
 - **Q:** **R' Abba bar Mamal** asked on **R' Chiya bar Abba** from a Braisa. The Braisa says, if the plaintiff made a claim for an ox and the defendant admitted to owing

a sheep, or visa-versa, he is patur from having to swear. If the claim was for an ox and a sheep and he admitted to only one of them, he is chayuv to swear. This seems to clearly refute **R' Chiya!**? **A:** **R' Chiya** said, that Braisa follows **R' Gamliel**.

- **Q:** If the Braisa follows **R' Gamliel**, then even in the first case he should be chayuv to swear!? **A:** Rather, that Braisa follows **Admon**, who says that the admission must be of the same kind of item as the claim, but also holds that when the claim includes two types of items and the admission is to one of them, he is chayuv. In fact, **R' Yochanan** explicitly said that the Braisa follows the view of **Admon**.
- **R' Anan in the name of Shmuel** said, if a plaintiff makes a claim for wheat, and before he can make his claim for barley as well, the defendant quickly admitted to barley, if Beis Din feels that he quickly made that admission to try and avoid having to swear, he is still chayuv to swear. If that is not the case, he is patur.
- **R' Anan in the name of Shmuel** said, if a plaintiff makes a claim for two needles and the defendant admitted to one of them, he is chayuv to swear even though they don't have the minimum value needed for a claim and admission. The reason is that they are keilim, which are not subject to this minimum requirement, which is also why keilim are explicitly mentioned in the pasuk.
- **R' Pappa** said, if the claim is made for keilim and a perutah and the defendant admits to the keilim and denies the perutah, he is patur from having to swear. However, if he admits to the perutah and denies the keilim, he would be chayuv.
 - He is agreeing with **Rav** on one point – that the denial has to be for at least 2 silver maos, and he is agreeing with **Shmuel** on one point – that if the claim is for two items and the admission is for only one of those two, he is chayuv to swear.

MANEH LI B'YADCHA EIN LECHA B'YADI PATUR

- **R' Nachman** said, when there is a complete denial of a claim, we make the defendant swear a “shvuas hehis”. The reason is, we have a chazaka that a person would not make a claim that is totally without merit.
 - **Q:** We should say the reverse – that there is a chazaka that a person would not have the chutzpah to fully deny a claim of his creditor!? **A:** It may be that he denies the claim only to buy more time to pay, but not to get out of paying altogether. In fact, this is why we find that **R' Idi bar Avin in the name of R' Chisda** says that one who denies a loan remains a valid witness (because he is not suspected of trying to steal the money, but rather to buy time to repay).
 - **R' Chaviva** taught **R' Nachman's** ruling on the later part of the Mishna – where the claim is made and admitted to, and the next day when the plaintiff asks for the money the defendant claims that he already returned it, in which case the Mishna said he is patur from having to swear. It was regarding this that **R' Nachman** said that we make him swear a shvuas hehis.
 - According to the view that we make him swear by a full denial, surely we would make him swear in this case as well. However, according to **R' Chaviva**, it may be that he only swears in that case, because there was an admission, which means there is definitely money involved here, but in the first case he would not have to swear, because there is no proof of certainty that there is a true claim and involvement of money.