



OVERVIEW DAF 3

Section 1: Whose Opinion Does This Rule Follow? (Continued)

Problem with Previous Answer:

Remember how we said Sumchus would split money without an oath when there's "Drara" (actual money at stake)?

Objection: That doesn't make sense! If they split without swearing when:

- There IS Drara (actual money loss)
- AND it definitely belongs to ONE person

Then they should DEFINITELY split without swearing when:

- There's NO Drara (no actual loss)
- AND it might belong to BOTH people!

Two ways to understand this:

- **Rashi:** When it's a found item, maybe nobody loses anything by splitting it
- **Tosfos:** If they had just kept quiet, we might have said they each own half anyway. So why make them swear about something that might naturally be theirs?

Better Answer - R. Yochanan's Solution:

Our rule CAN match Sumchus! Here's why:

The oath in our rule isn't from the Torah - it's a special rule the rabbis made up!

R. Yochanan explains: The rabbis created this oath requirement to stop people from just grabbing other people's stuff and claiming "It's mine!" Without this oath, people would steal all the time by just taking things.

Does It Match R. Yosi's Opinion?

Background on R. Yosi: Two people (Reuven and Shimon) deposited money with Levi. Levi forgot who gave which amount. Both claim they gave the larger amount.

R. Yosi says: Nobody gets ANY money until the prophet Elijah comes back and solves it! This way, the liar loses money by waiting, which forces them to tell the truth.

Suggestion: Our garment rule CAN'T match R. Yosi because:

- R. Yosi says leave ALL the money until Elijah
- But our rule says split the garment now

Wait, it doesn't match the OTHER rabbis either!

- They say: Give each person the smaller amount (what's not contested), but leave the rest until Elijah
- In our garment case, the WHOLE garment is contested!

Answer: Our rule CAN match the other rabbis because:

- In the money case, it definitely belongs to ONE of them, so we wait
- In the garment case, maybe they BOTH own half, so we split it

But R. Yosi would still disagree! He says even leave the SMALLER amount (the uncontested part) until Elijah. In our case where maybe one person owns NOTHING, he'd definitely say wait!

Actually, It CAN Match R. Yosi - Two Explanations:

Explanation #1: R. Yosi's rule only applies when someone is DEFINITELY lying.

In our garment case, maybe NOBODY is intentionally lying! They might have grabbed it at exactly the same time, and each person honestly thinks they got it first!

Explanation #2: R. Yosi's rule only works when waiting hurts the liar financially, which makes them confess.

In our garment case, the liar doesn't lose anything by waiting, so they'll NEVER admit. There's no point in leaving the garment until Elijah!

Problem with Explanation #2: This works for found items, but what about when both people BOUGHT the item? Then R. Yosi should say leave both the item AND the money until Elijah!

Conclusion: We have to use Explanation #1 - it only applies when someone is definitely lying on purpose.

Question About the Workers Case:

Remember the case where someone claims they paid workers and the workers say they weren't paid?

Question: Both R. Yosi AND the other rabbis should say "leave the money until Elijah" because someone is definitely lying!

Answer: That case is different because:

The payment guy (Shimon) can tell the boss (Reuven): "I paid them like you asked me to! You owe me the money back! I don't accept the workers' oath!"

The workers can tell the boss: "We worked for you! You owe us payment! We don't accept Shimon's oath!"

Result: The boss has to pay BOTH the payment guy AND the workers!

Section 2: Can Witnesses Make Someone Swear an Oath?

R. Chiya's Teaching:

Situation: Reuven says "You owe me \$100!" Shimon says "I owe you nothing!"

Then witnesses come and say "Actually, Shimon owes \$50."

What happens: Shimon pays \$50 and swears he doesn't owe more.

Why? If your OWN admission that you owe part of a debt makes you swear about the rest, then WITNESSES proving you owe part should definitely make you swear! This comes from a "Kal va'Chomer" (a logical argument from light to heavy).

Proof from Our Garment Rule:

In our case with two people holding a garment:

- Each person holding half is LIKE witnesses proving they each own that half
- This contradicts their claim that they own it ALL
- So they have to swear about the rest

Understanding the Logic:

Question: What does "his admission shouldn't be stronger than witnesses, there's a Kal va'Chomer" mean?

Answer: Don't think the Torah only makes you swear when YOU admit to owing part! Here's why:

Rabah's Reason: The Torah makes borrowers swear when they partially admit because:

1. People are usually too embarrassed to completely deny owing money
2. If they could get away with it, they'd deny everything
3. But they're not that bold, so they admit to PART
4. They deny the REST just to buy time to get the money
5. The Torah makes them swear to pressure them into admitting the full amount

The Argument: You might think this ONLY works for someone's own admission, not for witnesses.

But there's a Kal va'Chomer that proves witnesses work too!

Section 3: What Is the Kal va'Chomer?

First Attempt:

Your own admission:

- Doesn't make you pay money (in some cases)
- BUT it DOES make you swear

Witnesses:

- CAN make you pay money
- So DEFINITELY they make you swear!

Problem: Wait, your own admission DOES make you pay money! It's like having 100 witnesses!

Fix: We're talking about FINES (penalties for doing something wrong).

Corrected Version:

- Your admission doesn't make you pay FINES
- BUT it DOES make you swear
- Witnesses CAN make you pay fines
- So definitely they make you swear!

- BUT does make you swear

Two witnesses:

- CAN make you pay money
- So definitely they make you swear!

Final Problem: One witness makes you swear about what THAT WITNESS saw. We can't learn that two witnesses make you swear about what they DIDN'T see!

Bottom Line: This whole section is exploring whether witnesses can force someone to swear an oath, and trying to prove it through logical arguments. It's complicated because every argument has counter-examples that need to be addressed!

More Problems and Solutions:

Problem 1: Admission can make you bring a sin offering (Korban). But witnesses CAN'T do that!

Solution: R. Chiya follows R. Meir, who says witnesses CAN make you bring an offering.

R. Meir's reasoning: If witnesses can get you killed, they can definitely make you bring an offering!

The other rabbis disagree: You could say "I did it on purpose," and then you don't bring an offering (you get a different punishment).

Problem 2: Admission makes you pay an extra 25% penalty (Chomesh). Witnesses don't!

Solution: Same answer - R. Chiya follows R. Meir who would extend his logic to this too.

Problem 3: Your admission can't be contradicted or proven false by other witnesses. But witness testimony CAN be!

Second Attempt - A Different Kal va'Chomer:

Actually, R. Chiya might be learning from ONE witness:

One witness:

- Doesn't make you pay money