## And they are (both) needed

וצריכי –

## **OVERVIEW**

The גמרא explained that it was necessary for the משניות to teach us the rule of טוענין (ליורש וללוקח) both here in our משנה (regarding הלוקח שובך from an individual) and also in the other משנה (by לקח חצר regarding a רבים), because we could not derive one from the other. Our תוספות explains why there were not two טוענין ליורש קיורש, just as there are two טוענין ללוקח משניות ללוקח

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מוספות asks:

ואם תאמר ביורש נמי ליתני תרתי -

And if you will say; let there also be two משניות regarding an heir?

מוספות answers:

ויש לומר דאשמעינן בלוקח והוא הדין<sup>2</sup> ביורש:

And one can say; that we were already informed regarding a לוקה that there is no difference between a רבים, so it is self-understood that the same ruling applies to a יורש that there is no difference between a רבים.

## **SUMMARY**

We cannot derive the rules (of יורש ולוקח) one from the other, but once we know the rule exists by both, we can derive the details one from the other.

## **THINKING IT OVER**

How can we understand the difference between the question in אוספות (that יורש should require two teachings [and we cannot derive it from לוקח and the answer of אוספות that we can derive it from לוקח so there is no need for two teachings by יורש also?

<sup>&</sup>lt;sup>1</sup> It was necessary for the משניות to teach us two types of טוענין ללוקה, one regarding a יחיד and the other regarding a רבים (see 'Overview'), the same should be regarding שטוענין ליורש that the משנה should teach us this rule specifically regarding a יחיד and a רבים, since we cannot derive one from the other. [See previous חוס' ד"ה יורש (TIE footnote # 6) that we cannot derive יורש and לוקח from each other. Therefore it is seemingly not sufficient that the ruling was taught by יורש it should be taught by יורש as well.]

<sup>&</sup>lt;sup>2</sup> Granted that we could not derive יורש (see footnote # 1); however that is if the rule of טוענין would be taught only by לוקח and not by יורש. However once טוענין is taught both by לוקח and לוקח (indicating that the same rule applies by both of them), so once we know that by לוקח there is no difference between יורש, the same will apply by יורש as well. [We cannot derive the rule one from the other, but once we know the rule we can derive the details one from the other.]