

והודה בשעורים פטור – פטור פטור – And he admitted to the barley; he is

OVERVIEW

The גמרא cites a משנה which states if the claim was for wheat and the admission was for barley he is exempt.¹ תוספות explains what he is exempt from.

- שבועת מוב"מ but he is exempt from the תוספות explains that he is not only exempt
אף מן השעורים² כדמוכח שלהי המניח³ (בבא קמא דף לה, ב ושם דיבור המתחיל לימא):
also from paying for the barley which he admits owing; as is evident in the
גמרא at the end of המניח פרק.

SUMMARY

In a case of שבועת מוב"מ he is exempt from everything; including a שבועת מוב"מ and paying for the שעורים which he admitted to.

THINKING IT OVER

If according to ר"ג he is פטור מדמי שעורים⁴, then how is he מחוייב a שבועת מדמי even פטור, seemingly he did not admit to anything, since he is פטור even מדמי?!!⁵

¹ The assumption is that wheat is more expensive than barley. If the claim was for a measure of wheat and the admission was for an equal measure of barley (which is of lesser value), this is a case of מודה במקצת. According to ר"ג he is חייב a שבועת מוב"מ and according to the חכמים he is פטור (from a שבועת).

² The reason the defendant is exempt from paying the שעורים (according to everyone [even ר"ג, see the תוספות in ב"ק cited here (see 'Thinking it over')]), is because the claimant (by saying you owe me [only] wheat) agrees that the defendant does not owe him barley. It is considered as if the claimant forfeits any right to obtaining barley from the defendant.

³ The גמרא there cites a statement from רבה בר נתן that רבה לו בשעורים והודה לו טענו חטים והודה לו טענו חטים. The גמרא asks that this is a משנה! The גמרא answered that from the משנה I may have thought that he is פטור from the חטים (without a שבועת) but he is חייב for the שעורים; this is the חידוש of רב"נ that he is פטור even מדמי שעורים.

⁴ See footnote # 2.

⁵ See אמ"ה # 91.