

**It was not taught, etc. - לא שנו אלא שאמרו אנוסים היינו מחמת ממון - only when they said, 'we were forced by monetary means'.**

### OVERVIEW

The סיפא of our משנה states that if יוצא ממקום אחר and the עדי השטר testify that they were אנוסים or קטנים or פסולי עדות they are not believed. Initially it was understood that רב"ה qualified the סיפא of the משנה. They are not believed to claim (for they are forbidden to sign under monetary coercion). However they are believed to claim אנוסים מחמת נפשות (since they are permitted to sign in order to save their lives).

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**דלא מהימני משום דלא משוי נפשייהו רשעים<sup>1</sup> -**

**They are not believed** to claim we were coerced to sign the שטר on account of monetary coercion **because they cannot make themselves wicked** people. It is forbidden to cause someone a loss (even) if threatened that non compliance will cause you a loss of money. If they claim that it was a monetary coercion, then they are admitting to transgressing a prohibition and making themselves רשעים. A person is not believed to testify about himself neither for his benefit or his detriment.

<sup>2</sup> continues to explain why they are not believed in the other two cases:

**וקטנים כדרכי שמעון בן לקיש<sup>3</sup> -**

**And** they are not believed if they claim we were קטנים as רשב"ל stated that there is a חזקה that only גדולים sign on a שטר –

**ופסולי עדות משום דמלוה גופיה מידק דייק כדאמרינן בסמוך<sup>4</sup>:**

**And** they are not believed to claim that we were פסולי עדות **because the מלוה himself is very exacting** to choose only עדים כשרים as the גמרא will **shortly state**.

### SUMMARY

According to the ה"א if יוצא ממקום אחר the עדים are not believed to claim אנוסים because משוי נפשייהו רשעים, or קטנים on account of רשב"ל, or פסולי עדות since מלוה גופיה מידק דייק.

<sup>1</sup> See רש"י ד"ה אלא.

<sup>2</sup> is seemingly bothered if we maintain that by אנוסים מחמת נפשות they are believed (for they are not משוי נפשייהו רשעים), then why should they not be believed by קטנים ופסולי עדות; in these cases they are also not משוי נפשייהו רשעים. See footnote # 4.

<sup>3</sup> דף יט, ריש ע"א.

<sup>4</sup> See footnote # 2. answer is that by אנוסים מחמת נפשות there is no חזקה that contradicts them; however by קטנים ואנוסים there is a חזקה that contradicts them. See: 'Thinking it over'.

### **THINKING IT OVER**

If the עדים claim נפשות מחמת אנוסים they are believed;<sup>5</sup> even though they are (seemingly) contradicting the שבשטר עדות. Why then should they not be believed to claim קטנים or פסולי עדות when they are merely contradicting a חזקה?!

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<sup>5</sup> See footnote # 4.