

There is a monetary involvement

דאיכא דררא דממונא –

OVERVIEW

הפה שאסר הוא הפה The גמרא explains the necessity for the משנה to teach us that שדה is effective by the case of ולקחתיה ממנו and by the case of שדה של אביך היה ולקחתיה ממנו. The reason is that the buyer is believed to say (on account of שדה) from the fact that the seller is believed to say (on account of שדה). The reason is that by שדה there is a דממונא, however by שדה there is no דממונא. Our תוספות explains this difference.

פירש' רבינו חננאל שהאומר הוא מוחזק בשדה אבל העדים אין בידם כלום:

The ר"ה explained that in the case of שדה של אביך היה he is believed because the one who is saying שדה ממנו is in possession of the field, therefore the שדה supports his חזקה and is effective; however the witnesses are not in possession of anything (they are not in possession of the money which the לווה may owe the מלוה); we may have thought that in this case שדה is insufficient. Therefore it was necessary for the משנה to teach us that שדה is effective even if he is not a מוחזק.

SUMMARY

There may be more reason to say שדה if one is a מוחזק than if he is not a מוחזק.

THINKING IT OVER

The ר"ה explains that by שדה של אביך he is the מוחזק, therefore the שדה is effective; seemingly implying that the שדה preserves the status quo where the money is.² However, the same is by עדים, when they say שדה (and the שטר is פסול) they also maintain the status quo that the money remains בחזקתו by the לווה. What is the difference between the two?!³

¹ פירש"י (בד"ה משום ובד"ה אבל) negating תוספות. According to רש"י (See ב"ב,ב) the term דממונא means a loss of money, therefore he explains the גמרא here to mean that since the buyer will suffer a loss if he says שדה של אביך היה, therefore we are more inclined to say that he meant to continue and say ולקחתיה ממנו so as not to suffer a loss; however the עדים suffer no loss when they say שדה, therefore it is possible that they did not [necessarily] intend to say שדה ממנו. However, תוספות interprets דממונא (ibid) to mean that ד"ל ספק לבי"ד (because each one has a legitimate claim), therefore here too תוספות prefers the ר"ה that דממונא means he has a monetary interest and therefore as a מוחזק there is more reason to believe him. See 'Thinking it over'.

² See (end of) footnote #1.

³ See אילת השחר בד"ה והנה מדברי הר"ה.