

## One who said, 'I stole, etc.'

## האומר<sup>1</sup> גנבתי כולי -

## Overview

The משנה mentions various cases where if the perpetrator admitted to his crime he is exempt from paying קנס. Included are the payment of קנס by a מפתח, the payment of כפל by a גנב, and the payment for killing an עבד כנועני. Our תוספות explains why other cases (of קנס) were not mentioned.

תוספות responds to an anticipated difficulty:

**מוציא שם רע<sup>2</sup> ויוצא בשן ועין<sup>3</sup> דלא תנא איכא למימר דאטיא בזה הכלל:**

**We can say the reason the משנה did not teach the cases of a מוצש"ר, and a slave who goes out free if the master destroyed his tooth or eye, because they are included in the general rule mentioned at the end of the משנה.**

## Summary

זה הכלל are included in the יוצא בשן ועין and מוצש"ר

## Thinking it over

The real question should be why are certain examples mentioned explicitly, while others (like יוצא בשן ועין and מוצש"ר) are merely alluded too in the זה הכלל<sup>4</sup>

<sup>1</sup> A marginal note indicates that this תוספות (and the following one ד"ה זה) are referencing the משנה (and they come before the previous two רבי וד"ה רבי).

<sup>2</sup> אִירוּסִין is one who claims and brings (false) witnesses that his wife was **מזנה** during **אִירוּסִין**. If it turns out that he is lying he must pay one hundred **שקלים** to her father. If he admitted on his own he is **פטור** for he is a **באנס**.

<sup>3</sup> If the slave owner admits that he took out the שן ועין of his slave, he remains a slave; if witnesses testify, then the slave goes out free.

<sup>4</sup> It could be that the משנה only mentions cases in contrast; חייב בו פ"ח in חייב פתיתי קנס from פטור and גנבה בקרן חייב בקרן חייב גנבה, if he says שורי המית פלוני he is חייב, but המית עבדו פטור. However by מוצש"ר and ויעין בשר יוצא there is seemingly no contrast; מוצש"ר is always פטור (if he admitted); the same with the rule of ויעין שן that he is freed..