

Rabi Yehudoh says; – רבי יהודה אומר שבועה לא לך לא לך חייב על כל אחת –
I swear: not to you, not to you; he is liable for each one

Overview

maintains that when a person swears falsely to a number of people at the same time that he owes them no money, he is liable for a גזילות אשם for each one, if he says לך, לא לך, etc. without a 'ו' joining the parties together (he did not say לך ולא לך). גירסא תוספות has an opposite גירסא.

כך גירסת הקונטרס ופירש' דבענין זה הוי פרטא -

This is the text according to רש"י, and he explained that only in this manner (where he said לך, לא לך, without a 'ו') is each 'לא לך' an individual oath-

אבל אמר שבועה לא לך ולא לך כללא הוי ואינו חייב אלא אחת דוי"ו מוסיף על ענין ראשון -

However if he said; 'I swear, not to you and not to you (do I owe money), it is an inclusive oath and he is liable an אשם גזילות for only one oath, since the וי"ו (of 'ולא לך') adds to the first concept (the first oath of לך), so it is all one oath.

disagrees: תוספות

ורבינו תם גורס איפכא דאדרבה כשאומר ולא לך ולא לך משמע שהוא נשבע לכל אחד² -

And the ר"ת reads the text in the opposite manner; for on the contrary when he swears לך, ולא לך, (with a וי"ו), this indicates that he is swearing to each one individually and therefore he is חייב for each one -

אבל כשאומר לא לך לא לך אינו חייב אלא אחת:

However if he swears לך, לא לך, (without a וי"ו), he is liable for only one oath.

Summary

According to רש"י he is חייב for each one if he swears without a וי"ו, with a וי"ו he is חייב only once; according to תוספות it is the exact opposite.

Thinking it over

The גמרא in שבועות states that the פרט of ר' יהודה is the כלל of ר"מ. According to the ר"ת this means that לך, ולא לך (the פרט of ר"י) is חייב only one according to ר"מ. However since 'תוס' maintains 'אדרבה' that with a וי"ו is a פרט, why should ר"מ disagree?³

¹ ד"ה לא לך לא.

² It seems that according to the ר"ת the וי"ו refers to the oath; 'and I swear, etc.' According to רש"י it refers to the person; 'and I don't owe you', but not to the oath; however without the וי"ו the שבועה refers to each one separately.

³ See נחלת משה and עצמות יוסף.