



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Shavuos Daf Chuf Hey

MISHNA

- An oath takes effect on matters relating to oneself and on matters relating to others, and takes effect on matters of substance and on matters of no substance.
 - What does this mean “relating to others” and matters of “no substance”? If someone makes the oath “I will give to Ploni” or “I will not give to Ploni”, or “I gave to Ploni” or “I did not give to Ploni”, the oath is effective. If he makes the oath “I will sleep”, “I will not sleep”, “I slept” or “I did not sleep”, the oath is effective. If he makes the oath “I will throw a pebble into the sea” or “I will not throw a pebble into the sea”, or “I threw a pebble into the sea” or “I did not throw a pebble into the sea”, the oath is effective.
- **R' Yishmael** says, a person is not chayuv a korbon for an oath unless it is an oath that pertains to the future, as the pasuk suggests with the words “l'harah oy l'heitiv”. **R' Akiva** said to him, if you understand these words to be taken literally, you should also limit liability to oaths that involve the doing of good or bad!? How do you know to include other oaths as well? **R' Yishmael** said, I learn it from the ribuy of the pasuk (“l'chol asher yivatei ha'adam b'shvuah”). **R' Akiva** said, if you learn from there to include other matters, you should also learn from there to include oaths pertaining to the past as well!

GEMARA

- A Braisa says, nedarim are more stringent than shavuos in that nedarim can take effect even on something needed for a mitzvah. Shavuos are more stringent than nedarim in that they take effect even on matters of no substance.

KEITZAD AMAR SHEVUAH SHE'ETEIN L'PLONI...

- **Q:** What is the case of “I will give”? It can't refer to giving tzedaka to a poor person, because that is something we are already sworn to do by the Torah!? **A:** It refers to giving a gift to a wealthy person.

SHE'ISHAN V'SHELO ISHAN

- **Q: R' Yochanan** has said that if someone makes a shvuah not to sleep for 3 days we give him malkus and he may immediately go to sleep, so how does the Mishna say that an oath “not to sleep” without a time limit is effective!? **A:** By not giving a time limit he means that he will not sleep for as long as possible. Since this is not impossible to do, the oath does take effect.

SHE'EZROR TZROR LAYAM V'SHELO EZROR

- We have learned, if someone swore falsely that “Ploni threw a pebble into the sea” or that “Ploni did not throw a pebble into the sea”, **Rav** said he is chayuv since it is an oath that can be said in the negative and the positive, and **Shmuel** said he is patur because it is an oath that can only be said pertaining to the past, and not to the future.
 - **Q:** Maybe we can say that they argue in the machlokes of **R' Yishmael and R' Akiva** in our Mishna – with **Rav** holding like **R' Akiva** and **Shmuel** holding like **R' Yishmael**? **A:** All would agree that according to **R' Yishmael** he would not be chayuv in this case, because he even says that an oath that *could* be formulated to relate to the future, but is relating to the past, is patur, so he would certainly say that an oath that *cannot* relate to the future is certainly patur. They would argue according to **R' Akiva** – **Rav** would simply hold like **R' Akiva**, and **Shmuel** would say that **R' Akiva** would agree in his case, because it is an oath that *cannot* relate to the future.
 - **Q:** Maybe we can say that they argue in the machlokes between **R' Yehuda ben Beseira and the Rabanan** in a Mishna, where **R' Yehuda ben Beseira** says that if someone swears to violate a mitzvah and did not end up violating the mitzvah he would be patur, but if someone swore to fulfil a mitzvah and did not end up fulfilling the mitzvah he

would be chayuv for swearing falsely. He explains his logic to be, that if he is chayuv for an optional act, he should surely be chayuv for something that he is obligated to do by the Torah. The **Rabanan** said to him, the oath takes effect for an optional act, because it can be formulated in the positive and the negative, but for a mitzvah it can only be formulated in the positive (because even **R' Yehuda** agrees he is not chayuv when formulated in the negative) and therefore it does not take effect even in the positive. Maybe we can say that **Rav** holds like **R' Yehuda** and **Shmuel** holds like the **Rabanan**? **A:** According to **R' Yehuda** all would agree that the oath regarding the other person throwing the pebble would make him chayuv, because **R' Yehuda** doesn't even require an oath to be able to be formulated in the positive and negative, so he would surely not require that the oath be able to be formulated in the past and the future. The machlokes would be according to the **Rabanan**. **Shmuel** would simply hold like the **Rabanan**. **Rav** would say that the **Rabanan** require the oath to be able to be formulated in the positive and negative (based on the pasuk), but they do not require that the oath be able to be formulated in the past and the future in order for it to be effective.

- **Q: R' Hamnuna** asked, a Mishna says, if a person swears falsely that "I did not eat today" or "I did not put on tefillin today" he is chayuv. Now, "I did not eat today" can be formulated to pertain to the future (I will not eat today), but "I did not put on tefillin today" cannot, because that would be against fulfilling a mitzvah, in which case it would not be an effective oath. This refutes **Shmuel** who says that an oath must be able to pertain to the future!? **A: R' Hamnuna** answered, the Mishna means that for "I did not eat" he would be chayuv a korbon, but for "I did not put on tefillin" he would be chayuv malkus, but not a korbon.
- **Q: Rava** asked, a Mishna says that an "oath in vain" would be where someone swore that a pillar of stone is made of gold, and **Ulla** explained, this is where it was known to 3 people that the pillar was truly made of stone. This suggests that if it was not known to 3 people it would be considered a "shevuas bituy", not an oath in vain. Now, this oath cannot be formulated to pertain to the future (this pillar will be of gold) and still it is effective!? **A: Rava** answered, if 3 people know it is of stone, it is an oath in vain. If 3 people don't, it would be a "shevuas sheker".
- **Abaye** said, **Rav** would agree that an oath must be able to be formulated in the negative and the positive. Therefore, the oath of "I know testimony for you" would not be effective, because the oath of "I do not know testimony for you" is not a shevuas bituy, but is rather a shevuas eidus, which must be taken in Beis Din and is its own category of oath. However, regarding an oath of "I knew testimony for you" or "I did not know testimony for you" or an oath of "I testified for you" or "I did not testify for you", there would be a machlokes between **Rav and Shmuel**.
- **Q:** According to **Shmuel** it makes sense why shevuas eidus had to be made into its own category, because since it cannot be formulated into the future it would not be effective as a shevuas bituy. But, according to **Rav**, why was it made into its own category? **A:** The **Rabanan** said to **Abaye**, it is to make the person chayuv 2 korbanos – one for each type of shavuah.
 - **Q: Abaye** said to them, the pasuk of "mei'achas mei'eileh" teaches that a person can only be chayuv for one oleh v'yoreid, not two!? **A: Abaye** said, the reason it was given its own category is based on a Braisa which says that for shevuas eidus a person is chayuv a korbon whether it was done b'shogeig or b'meizid. The **Rabanan** said to him, maybe say that for meizid he is chayuv 1, like we wanted to say? **Abaye** said, I already told you that the pasuk teaches that he is only chayuv one korbon.
 - **Rava** said, the reason he is only chayuv one korbon for shevuas eidus is because the Torah singled out this form of oath to give it unique characteristics, and when something is singled out, it is no longer included in the group that it would have otherwise been included in (shevuas bituy).
 - **Q:** It seems that **Abaye** holds that the shevuas eidus would still be considered a shevuas bituy, and it is only because of the pasuk's limitation that he is only chayuv one korbon. However, **Abaye** said

earlier that **Rav** would agree that this would not be a shevuas bituy, because it cannot be formulated in the negative!?! **A:** We must say that **Abaye** retracted this earlier ruling. Or we can say that it was **R' Pappa** who made one of these statements that we are attributing to **Abaye**.