



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

Shavuos Daf Chuf Tes

MISHNA

- What is a “vain oath”? It is when a person swears to contradict something that is well known to people. For example, he says that a stone pillar is actually gold, or that a man is a woman, or that a woman is a man.
 - If a person swears that he saw or did something that is impossible to see or do – for example he swears “If I did not see a flying camel” or “I did not see a snake the size of the beam of an olive press” – that is also an oath in vain.
 - If a person told witnesses to come and testify on his behalf and the witnesses reply with an oath that they will not testify for him, the oath is an oath in vain (it goes against the Torah, which obligates them to testify). If a person swore to violate a mitzvah – for example, he swore not to make a succah, or to take a lulav, or to put on tefillin, it is an oath in vain.
 - This is what is meant by a “vain oath” for which there is malkus for one who makes this oath b'meizid, but if done b'shogeg he is patur.
 - If a person makes an oath “I will eat this loaf” and then makes an oath “I will not eat it”, the first oath is a shevuas bituy, and the second is a shevuas shav. Therefore, if he then eats the loaf he has violated a shevuas shav, and if he does not eat it he has violated a shevuas bituy.

GEMARA

- **Ulla** said, it is only a shevuas shav if the subject matter was already known to at least 3 people (i.e. the pillar was known by 3 people to be of stone, not gold).

NISHBAH AHL DAVAR SHE'I EFSHAR LO IHM LO RA'ISI...

- **Q:** The Mishna doesn't say that he swore “I saw a flying camel”, but rather “If I did not see a flying camel”. What does that mean? **A: Abaye** said, we must understand the Mishna as if he said “I swear that I saw a flying camel”. **Rava** said, the case is where a person said “Let all the fruit in the world be assur to me if I did not see a flying camel”.
- **Q: Ravina** asked **R' Ashi**, maybe this person saw a very large bird, which because of its size he referred to as a camel, and when he swore, he meant to swear with his understanding, and therefore it was not an oath in vain!? You can't say that an oath follows what a person says, not what he means, because a Braisa says that when we make a person swear for partial admission we tell him that he must swear based on the understanding of Beis Din, and not based on his own understanding. Presumably, this is to prevent him from saying that he gave “coins” to the creditor when he in fact gave him wood chips that he is now giving the name “coins”. We see that typically (other than the case of Beis Din) a person *does* swear based on his own understanding!? **A:** It may be that a person never swears based on his own meaning. The reason Beis Din has to tell this to that person is to prevent a case where the person's oath is technically truthful, but in a very deceptive way. The case would be like it once happened in front of **Rava** (where the debtor asked the creditor to hold his cane while he held the Sefer Torah to swear upon. The debtor had hollowed out the cane and put in it the money that was owed to the creditor. Therefore, he swore truthfully when he swore that he gave the money to the creditor. The creditor broke the cane out of anger and discovered the money inside. It was then that realized what the debtor tried to accomplish). To prevent another case like this from happening, Beis Din tells the swearer to swear based on their understanding, which removes any meaning which can lead to such deceitful ways.
 - **Q:** We find that Moshe made the Yidden swear to keep the Torah and he told them that they are swearing based on Hashem's understanding and on his own. He did so, so that

people should not say that they when they swore to serve God, they meant a god of avodah zarah. It must be that typically an oath may be made based solely on the swearer's understanding!?

A: Typically an oath based on one's own understanding is not effective. The reason it would be effective by Moshe is because the word god is used to refer to avodah zarah. He couldn't have them swear to keep "the Torah" because that would suggest that there is only one Torah, when in fact we have two (shebiksav and baal peh). He couldn't have them swear to keep "the Toros" because that can be understood as referring to the Toras Mincha, Toras Chatas, etc. (the laws of the different korbanos). He couldn't have them swear to keep "the entire Torah" because that could be referring to only avodah zarah, which a Braisa teaches is as severe as the entire Torah. He also couldn't simply have them swear to keep the "mitzva" because that can be understood as referring to a single mitzvah. He also couldn't simply have them swear to keep the "mitzvos" because that can be understood as referring to two mitzvos, and no more. He also couldn't simply have them swear to keep all the "mitzvos" because that can be understood as referring to the mitzvah of tzitzis, which we are taught is equivalent to all the mitzvos.

- **Q:** Why couldn't he have them swear to keep "the 613 mitzvos"? **A:** According to your reasoning (that Moshe was looking to make sure that they were not going to swear based on their own understanding), why couldn't he just tell them to swear "based on *my* understanding"? Why did he need to say "based on Hashem's understanding"? Rather, it may be that a person can never swear based on his own understanding. The reason Moshe did what he did was so that this oath could never be annulled.

V'IHM LO RA'ISI NACHASH KIKORAS BEIS HABAD

- **Q:** Why do we assume that this oath is absolutely false? We find in the days of Shvor Malka that there was a massive snake that would swallow people!?
- A: Shmuel** said, the case is where the person swore that he saw a snake of that size that was also spotted like the grooves of a beam.
 - **Q:** All snakes are spotted!?
 - A:** All snakes are spotted on their front. The person swore that he saw one spotted on its back.

SHVUAH SHE'OCHAL KIKAR ZU SHVUAH SHELO OCHLENA...

- **Q:** When he did not eat the loaf, why is he only chayuv for the shvuas bituy? The fact that he made the second oath, which was impossible to perform unless he transgressed the mitzvah of keeping his first oath, should make the second oath an oath in vain on its face!?
- A: R' Yirmiya** said, understand the Mishna as if it said that when he doesn't eat the loaf he has *also* violated the shvuas bituy.

MISHNA

- The halachos of shvuas bituy apply to men and women, to oaths regarding relatives and non-relatives, to people who are valid to testify and those who are not valid, to oaths made in Beis Din and not in Beis Din, as long as it was spoken out by the person himself.
 - For a shvuas bituy violated b'meidid the punishment is malkus, and for a violation b'shogeg he must bring a korbon oleh v'yoreid.
- The halachos of shvuas shav applies to men and women, to oaths regarding relatives and non-relatives, to people who are valid to testify and those who are not valid, to oaths made in Beis Din and not in Beis Din, as long as it was spoken out by the person himself.
 - For a shvuas shav violated b'meidid the punishment is malkus, and for a violation b'shogeg he is patur.
- With regard to both these shvuas, if a person is adjured by others he would be chayuv. For example, if he said "I did not eat today" or "I did not put on tefillin today", and someone says to him "I adjure you" and the person responds by saying "Amen", and in fact his statement was not true, he would be chayuv.

GEMARA

- **Shmuel** said, whoever answers "Amen" after an oath is as if he said the oath himself, as the pasuk says "v'amra ha'ishah Amen Amen".
 - **R' Papa in the name of Rava** said, a Mishna and Braisa support this as well. The Mishna says, the halachos of shvuas ha'eidus apply to men but not women, to non-relatives but

not relatives, to those who are valid to testify but not to those who are passul, and applies only to those who are eligible to testify, whether stated in Beis Din or outside of Beis Din, as long as it was said by the person himself. However, if other people said it, the witnesses would not be chayuv unless they deny knowledge of testimony in front of Beis Din – this is the view of **R' Meir**. Now, a Braisa says, what is the case of shvuas ha'eidus? If a person said to witnesses “come and testify for me” and they responded by saying “we swear that we don't know testimony for you” or they simply say “we don't know testimony for you” and the person says “I adjure you” and they respond by saying “Amen”, whether or not it is in front of Beis Din, and whether or not it was said by his own mouth, as long as they denied knowing the testimony they are chayuv – this is the view of **R' Meir**. Now the Mishna and Braisa contradict each other!? Rather, we must say that the Mishna is discussing where he did not say Amen (which is why he is not chayuv when other people said the oath) and the Braisa is discussing where he did. This proves **Shmuel's** statement.

- **Ravina in the name of Rava** said, our Mishna also supports **Shmuel's** statement. At first the Mishna says he is only chayuv when he himself makes the oath. The end of the Mishna then says that he is chayuv even when he is adjured by other people!? We must say that the beginning of the Mishna is discussing where he did not say Amen and the end of the Mishna is discussing where he did say Amen. This supports **Shmuel**.
 - **Q:** If two Mishnayos and a Braisa state **Shmuel's** halacha, what was **Shmuel** teaching? **A:** **Shmuel** is teaching us the inference from the Mishna in a clear manner.

HADRAN ALACH PEREK SHVUOS SHTAYIM!!!