



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

### Shavuos Daf Lamed

#### PEREK SVHUAS HA'EIDUS -- PEREK REVI'I

##### MISHNA

- 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. It applies 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**. The **Chachomim** say, whether it is said by the person himself or if other people said it, the witnesses would not be chayuv unless they deny knowledge of testimony in front of Beis Din.
  - The witnesses are chayuv for violating this oath b'meidid, and for when it was violated b'shogeg (they didn't know they would be chayuv a korbon) even though they were a meizid with regard to their denial. However, they are not chayuv if it was completely b'shogeg.
  - What are they chayuv if they violate the oath b'meidid? They are chayuv a korbon oleh v'yoreid.

##### GEMARA

- **Q:** How do we know that women are not valid to testify? **A:** A Braisa says, the pasuk says "v'amdu shnei ha'anashim" – referring to the witnesses. The fact that the pasuk says "anashim" teaches that they can't be women. Maybe the pasuk refers to the litigants? The pasuk then says "asher lahem hariv", which refers to the litigants. Therefore, "v'amdu shnei ha'anashim" must refer to the witnesses. We can also say that the pasuk here says "shnei" and the pasuk regarding witnesses says "shnei", which teaches that the pasuk here too is referring to witnesses.
  - **Q:** Why do we need a second reason? **A:** If you will say that the pasuk doesn't say "va'asher", and without the "vav" the pasuk must refer entirely to the litigants, we have another way to prove that the pasuk refers to the witnesses.
  - Another Braisa says, "v'amdu shnei ha'anashim" refers to the witnesses. It can't be referring to the litigants, because that would not be limited to two people. We can also say that the pasuk here says "shnei" and the pasuk regarding witnesses says "shnei", which teaches that the pasuk here too is referring to witnesses.
    - **Q:** Why do we need a second reason? **A:** If you will say that the pasuk refers to the litigants, and limits it to two, because it is referring to the two sides in a dispute (not the number of people), we have another way to prove that the pasuk refers to the witnesses.
  - Another Braisa says, "v'amdu shnei ha'anashim" refers to the witnesses. It can't be referring to the litigants, because litigants can be women as well. We can also say that the pasuk here says "shnei" and the pasuk regarding witnesses says "shnei", which teaches that the pasuk here too is referring to witnesses.
    - **Q:** Why do we need a second reason? **A:** If you will say that the pasuk refers to the litigants and the reason it refers to them as men is because it is not normal for women to go to Beis Din, we have another way to prove that the pasuk refers to the witnesses.
  - A Braisa says, "v'amdu shnei ha'anashim" teaches that it is a mitzvah for litigants to stand in Beis Din. **R' Yehuda** said, I have heard that Beis Din may have them both seated if they want to. What is assur is to have one of them standing and the other seated, or

to allow one of them to speak as much as he wants and to tell the other one to keep it brief.

- A Braisa says, “b’tzedek tishpot amisecha” teaches that Beis Din may not have one of the litigants standing and the other seated, or to allow one of them to speak as much as he wants and to tell the other one to keep it brief. Another pshat in “b’tzedek tishpot amisecha” is that one should judge his fellow favorably.
- **R’ Yosef** taught, “b’tzedek tishpot amisecha” teaches that if someone comes with a case and this person is on the level of the judge in Torah and mitzvos, his case should be given precedence.
  - We find that when **R’ Ulla the son of R’ Illai** was to go to **R’ Nachman’s** Beis Din, **R’ Yosef** sent a message to **R’ Nachman**, telling of the greatness of **R’ Ulla**, so that he give the case precedence.
- **Ulla** said, the machlokes is only whether the litigants must stand. However, all agree that the witnesses must stand when they testify, based on the pasuk of “v’amdu shnei ha’anashim”.
- **R’ Huna** said, the machlokes is only regarding the time that the arguments are being made. However, at the time that the verdict is given all agree that the judges sit and the litigants stand, as the pasuk says “vayeishev Moshe lishpot es ha’am vayaamod ha’am”. **Others** say that the reason for this is that the verdict is to the litigants as the giving of testimony is for the witnesses, and the witnesses must stand during their testimony.
- The wife of **R’ Huna** was involved in a case that was coming to be adjudicated in the Beis Din of **R’ Nachman**. He wanted to stand up for her when she entered (out of respect), but was afraid that that would make the opposing party feel that they were disadvantaged. So he told his attendant to go make a goose fly towards him, making him stand up, and in this way the opposing litigant would not realize he was truly standing up in honor of the wife of **R’ Huna**.
  - **Q:** We have said that at the time of the verdict the judges must sit and the litigants must stand, but if the judges stand in honor of a litigant, that would mean they have to stand up when the litigant stands at the verdict!? **A:** The judge would not stand or sit, but leans in an in-between stance.
- **Rabbah bar R’ Huna** said, when one of the Rabanan and an ahm haaretz come to Beis Din, Beis Din has the rav sit and they tell the ahm haaretz to sit as well, but if he remains standing it is not a problem.
  - **Rav bar Shrivya** was a litigant at the Beis Din of **R’ Pappa**. **R’ Pappa** had him sit and had the opposing litigant sit as well. The shaliach of Beis Din then went and made that other litigant stand up, and **R’ Pappa** did not tell him to sit.
    - **Q:** How could **R’ Pappa** do this and make the other litigant feel disadvantaged? **A:** **R’ Pappa** said that the litigant will realize that **R’ Pappa** had told him to sit, and it was only the shaliach of Beis Din that made him stand. Therefore, he would not feel to be at a disadvantage.
- **Rabbah bar R’ Huna** said, when one of the Rabanan and an ahm haaretz come to Beis Din, the rav should not come sit there before his opposing litigant, even if he sits there and says nothing, because it has the appearance as if he was already there presenting his case before the other party arrived.
  - This is only a problem if this was not the normal time for this rav to sit with this judge and learn. If it was that time, it is not a problem.
- **Rabbah bar R’ Huna** said, when one of the Rabanan know testimony for someone, but the case is being heard at a Beis Din that is less prestigious than this rav, to the point that it is demeaning for the rav to go and say testimony there, he need not go.

- **R' Shisha the son of R' Idi** said, we learn this from a Mishna as well, where the Mishna says that a rav need not pick up a lost item if it is demeaning for him to do so.
  - This is only true for monetary cases. However, for a case of issur the rav must go.
  - **R' Yeimar** went to testify on behalf of **Mar Zutra** at the Beis Din of **Ameimar**. **Ameimar** had them all sit down. **R' Ashi** asked **Ameimar**, we have learned that all agree that the witnesses must stand!? **Ameimar** said, to have them stand is a mitzvas assei and to honor a talmid chochom (like **R' Yeimar**) is a mitzvas assei, and so, the mitzvah of giving honor to the Torah (to the talmid chochom) takes precedence.