



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

Shavuos Daf Lamed Aleph

- A Braisa says:
 - the pasuk of “midvar sheker tirchak” teaches that a dayan should not defend a verdict that he thinks he may have issued in error,
 - the pasuk of “midvar sheker tirchak” teaches that a dayan should not have a student who is a “bur” (an ignoramus),
 - the pasuk of “midvar sheker tirchak” teaches that if a dayan knows that one of his fellow dayanim are a gazlan, or if a witness knows that his fellow witness is a gazlan, he should not join him to judge or to say testimony,
 - the pasuk of “midvar sheker tirchak” teaches that if a dayan is suspicious about the testimony given, he should not say I will judge based on it anyway, and let this hang over the heads of the witnesses,
 - the pasuk of “midvar sheker tirchak” teaches that a student who sees his teacher ready to rule against a poor person or for a wealthy person, and the student sees a reason to reverse that verdict, he must not remain quiet, but should rather voice his opinion,
 - the pasuk of “midvar sheker tirchak” teaches that if a student sees his teacher erring in judgement, he should not wait until the verdict is finalized and then refute it and prove the correct judgement so that it be known that it is the student who gave this opinion, rather he should speak up immediately, before the verdict has been finalized,
 - the pasuk of “midvar sheker tirchak” teaches that if a teacher tells his student – you know I would never lie; right now I have someone who owes me money, but I only have one witness to testify for me – the student should not join as a second witness’
 - **Q:** We don't need the pasuk of “midvar sheker tirchak” to teach that!? That is outright false testimony, which can be learned from “lo saaneh b'rei'acha eid shaker”!? **A:** Rather, the Braisa means that from the pasuk of “midvar sheker tirchak” we learn that even if the teacher asks the student to stand next to the single witness without saying anything, still the student should refuse.
 - the pasuk of “midvar sheker tirchak” teaches that if someone is owed 100 maneh, he should not make a claim of 200 maneh just so that he can make the defendant swear, and once he has to swear he can then make him swear about other matters for which he wouldn't otherwise be able to make him swear,
 - the pasuk of “midvar sheker tirchak” teaches that if someone owes 100 maneh, but a claim against him is made for 200 maneh, he should not say that he will deny the entire amount and only admit to the 100 out of Beis Din so that he not be made to swear about another matter as well,
 - the pasuk of “midvar sheker tirchak” teaches that if three people are together owed a maneh by a debtor but they have no witnesses, they should not plan that one of them should act as the plaintiff and the other two should act as witnesses,
 - the pasuk of “midvar sheker tirchak” teaches that if one litigant comes in dressed in rags and the other comes in lavish clothing, we tell the well-dressed one that he must either change into rags or must provide expensive clothing for the other litigant as well,
 - **Rava bar R' Huna** would tell the litigants to take off their fancy shoes before going into the Beis Din.
 - the pasuk of “midvar sheker tirchak” teaches that a dayan should not hear the argument of one litigant without the other litigant present,
 - the pasuk of “midvar sheker tirchak” teaches that a litigant should not explain his story to the dayan without the other litigant present.

- **R' Kahana** said, these last two teachings are learned from “lo sisa”, which can also be read as “lo sasi”.
- The pasuk says “va’asher lo tov asa besoch amav”. **Rav** said, this refers to someone who sends a representative to represent him in a litigation with power of attorney. **Shmuel** said, this refers to someone who buys a field whose ownership is contested.

EINA NOHEGES ELAH BIRUYIN L’HA’ID...

- **R' Pappa** said, this phrase comes to exclude a king. **R' Acha bar Yaakov** said, this comes to exclude a gambler.
 - **R' Acha** would certainly agree that a king is excluded. **R' Pappa** would say that a gambler is not excluded, because D’Oraisa he is fit to testify.

BIFNEI BEIS DIN V’SHELO BIFNEI BEIS DIN...

- **Q:** What is the basis of the machlokes? **A:** The **Rabanan** said to **R' Pappa**, it is the question of whether when something is learned via a gezeira shava we learn all aspects from the place that it is being learned from, or whether we learn the one aspect and then have it retain the other aspects that it should have based on its categorization without the gezeira shava. **R' Meir** says, we learn the shvuas eidus from the shvuas pikadon – just as by pikadon he is chayuv when he makes the oath on his own, the same is with shvuas eidus, and just as by pikadon he is chayuv whether it is done within or out of Beis Din, the same is true for shvuas eidus. The **Rabanan** say, that just as by pikadon he is chayuv when he makes the oath on his own, the same is with shvuas eidus. However, the other concept we learn from shvuas eidus – just as when other people adjure him he is only chayuv if it is done in Beis Din, so too when he makes the oath himself he is only chayuv when it is done in Beis Din. **R' Pappa** said to the **Rabanan**, if the **Rabanan** learn shvuas eidus from shvuas pikadon, they would agree with **R' Meir** that we would learn *all* aspects from there. The reason the **Rabanan** argue is that they learn the aspects of shvuas eidus from a kal v’chomer – if he is chayuv when adjured by others, he is certainly chayuv when he makes the oath himself. The concept of “dayo” then says that just as he is only chayuv when adjured by others in front of Beis Din, he is also only chayuv when he makes the oath himself when in Beis Din.
 - **Q:** The **Rabanan** said to **R' Pappa**, a Mishna says that the **Rabanan** say that for shvuas pikadon a person is chayuv whether he made the oath on his own or was adjured by others, and whether this was done in Beis Din or outside of Beis Din. The only way the **Rabanan** could know this is if they darshen a gezeira shava from shvuas eidus. Yet, they say that pikadon keeps its own aspect of not needing to be done in Beis Din. This means that they hold that although a gezeira shava teaches one aspect, the other aspects remain based on its categorization without the gezeira shava. This refutes what **R' Pappa** said!? **A:** **R' Pappa** would say, from that Mishna we can prove this point. What **R' Pappa** meant was that it cannot be proven from our Mishna.

V’CHAYAVIN AHL ZADON HASHVUAH

- A Braisa explains, with regard to all other cases of korbon oleh v’yoreid the pasuk says “v’nelam”, but by shvuas eidus it does not say it. This teaches that one is chayuv this korbon for an oath taken b’meizid just as he would be if it were done b’shogeg.

V’AHL SHIGIGASAH IHM ZADON HA’EIDUS

- **R' Yehuda in the name of Rav** explained, this refers to a witness who knew that this oath was assur, but did not know whether it would make him chayuv to bring a korbon.

V’EIN CHAYAVIN AHL SHIGIGASAH GREIDASA

- **Q:** Maybe we can say that the Mishna answers the question of **R' Kahana** and **R' Assi** (where each swore to contradict the other, and **Rav** told them it was not a false oath because they truly believed what they had said)? **A:** Our Mishna discusses shvuas eidus. We would have thought that only there, since the pasuk doesn’t say “v’nelam”, a person who thought he was swearing truthfully is not chayuv. However, in the case of a regular oath, where it does say “v’nelam”, we would say that it is called a shogeg and he would maybe be chayuv. That is why **Rav** had to tell them that they were patur.

MISHNA

- What is the case of shvuas eidus? If a litigant tells two people “come and testify for me” and they respond by making the oath “we do not know testimony for you”, or if they simply say “we

do not know testimony for you” to which he says “I adjure you” and they say “Amen”, in all these case they would be chayuv a korbon.

- If the litigant adjured the witnesses 5 times outside of Beis Din and they then went to Beis Din and admitted that they know testimony, they are patur. If they denied knowing testimony when they were in Beis Din, they would be chayuv a separate korbon for each time they had been adjured. If they were adjured five times in Beis Din and they denied knowing testimony, they would only be chayuv one korbon. **R’ Shimon** said, the reason for this is that after denying knowledge of testimony in Beis Din they can no longer retrace and admit that they do know testimony.
- If the two witnesses denied knowledge of testimony at the same time, they would both be chayuv. If they denied one after the other, the first one is chayuv and the other witness is patur.
- If one witness denied knowing testimony and the other admitted to it, the one who denied is chayuv.
- If there were two pairs of witnesses – the first pair denied knowing testimony and then the second pair also denied, they are both chayuv, because the testimony could have been established by either pair.

GEMARA

- **Shmuel** said, if the witnesses saw a person running after them, and they turned to him and said, “why are you running after us? We make an oath that we don’t know testimony for you!”, they are patur unless he had requested that they testify for him.
 - **Q:** We have already learned this in a Mishna which says that if the plaintiff sent a shaliach to adjure the witnesses, or if the defendant adjured the witnesses, they would be patur until the request comes from the plaintiff himself!? **A:** The chiddush of **Shmuel** is that we would think that when he is running after them it should be considered as if he asked them.
 - **Q:** Our Mishna said they are only chayuv when the plaintiff “asked them to testify”, which suggests that running after them would not make them chayuv! So, what is the chiddush of **Shmuel**!? **A:** When the Mishna says “he asked” it should not be taken literally.
 - A Braisa says like **Shmuel**, and then says that if this happened in a case of a pikadon, the one who made the oath would be chayuv.