



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

### Shavuos Daf Lamed Beis

HISHBI'AH ALEIHEM CHAMISHA PE'AMIM...

- **Q:** How do we know that they are only chayuv for a denial in Beis Din, but not for a denial outside of Beis Din? **A: Abaye** said, the pasuk says "ihm lo yagid v'nasa avono", which teaches that it must be in a place where if he were to testify the testimony would be effective.
  - **Q: R' Pappa** asked **Abaye**, if so, maybe say that he is only chayuv when the oath itself is made in Beis Din, but not when it is made outside of Beis Din!? **A:** This can't be. The pasuk says "l'achas", which a Braisa says teaches that a person is chayuv for each and every false oath that he makes. Now, if a witness is only chayuv when the oath is made in Beis Din, we won't find that he will be chayuv for multiple oaths, because our Mishna said that if the litigant adjured them 5 times in Beis Din and they denied knowledge of testimony they are only chayuv for one. We see that it must be that they are chayuv even if they make the oath outside Beis Din as long as the denial is made in Beis Din.

KAFRU SHNEYHEM K'ACHAS CHAYUVIN

- **Q:** It is not possible for 2 things to be done at exactly the same time!? **A: R' Chisda** said, the Mishna follows **R' Yose**, who says that two things can happen at exactly the same moment. **R' Yochanan** said the Mishna can even follow the **Rabanan**, and as long as they both deny within "toch kidei dibur" of each other, it is considered to be at exactly the same time.
  - **Q: R' Acha Midifti** asked **Ravina**, "toch kidei dibur" is the time it takes for a talmid to greet his rebbi. The denial itself takes longer than that amount of time!? **A: Ravina** said, as long as the second denial *begins* within "toch kidei dibur" of the end of the first denial, it is considered to be "toch kidei dibur".

BAZEH ACHAR ZEH HARISHON CHAYUV V'HASHEINI PATUR

- Our Mishna does not hold like **R' Elazar** in a Braisa. The Braisa says, if one makes a single witness swear that he doesn't know testimony, the witness is patur if he swore false. **R' Elazar the son of R' Shimon** says he is chayuv.
  - **Q:** Maybe we can say that the machlokes is based on the following. The **T"K** (and our Mishna) holds that a single witness only comes to obligate an oath, not money (and only when a witness swears falsely regarding testimony that could have brought about a monetary obligation is the witness chayuv for shvuas eidus), and **R' Elazar** holds that even a single witness comes to make a monetary obligation? **A:** It can't be that **R' Elazar** holds that way, because **Abaye** has said – all agree regarding a single witness in the case of sotah, all agree regarding two witnesses in the case of sotah, and there is a machlokes regarding two witnesses in the case of sotah, all agree regarding a single witness in a monetary case and all agree regarding a single witness in a monetary case where the person who becomes obligated to swear is suspect to swear falsely. Rather, we must say that all agree that a single witness in a monetary case only comes to obligate an oath. The machlokes is that **R' Elazar** holds, since if the defendant refuses to swear it will lead to him having to pay money, even the oath obligation is considered to be a monetary matter, whereas the **Rabanan** hold that it is still not considered to be a monetary matter.
    - When **Abaye** said:
      - "all agree regarding a single witness in the case of sotah" that he is chayuv for a false shvuas eidus. This is because the Torah teaches that a single witness to the zenus is fully believed. Therefore, if he swears falsely that he does not know testimony, he is chayuv.
      - "all agree regarding two witnesses in the case of sotah" that they are not chayuv for a false shvuas eidus when they testify regarding the

warning given by the husband. The reason is, that the only time they can cause a loss of money (i.e. her kesubah) is if after they testify there are others who testify regarding the seclusion *and* the woman refuses to drink the sotah waters.

- “there is a machlokes regarding two witnesses in the case of sotah” he was referring to the witnesses who testify to the seclusion. In that case, **R’ Elazar** says this can lead to a monetary obligation (if she refuses to drink), it is therefore considered to be a monetary obligation, and therefore they are chayuv for swearing falsely, and the **Rabanan** say it is not considered to be a monetary obligation.
- “all agree regarding a single witness in a monetary case where the person who becomes obligated to swear is suspect to swear falsely”, he can’t be referring to where the borrower would not have been able to swear and the lender says to the witness, had you testified that would have moved the oath to me and I would have sworn and collected, because the witness can say – who says you would have sworn!? Maybe you would have not sworn and not collected the money!? This would therefore be subject to the machlokes and can’t be what **Abaye** was referring to. Rather, the case is where both parties are suspect regarding an oath, and therefore the oath obligation stays with the borrower and since he can’t swear, he would have to pay.
- “all agree regarding a single witness in a monetary case” he was referring to a case like that of **R’ Abba**. The case was that a person grabbed a silver bar away from another person. They went to **R’ Ami**, and **R’ Abba** was sitting there as well. The plaintiff brought one witness who testified that the silver bar was grabbed from him. The defendant said, “I did grab it from him, but it is my item that I grabbed (i.e. you had stolen it from me)”. **R’ Ami** asked, how should we pasken? We can’t simply make him give back what he grabbed, because there is only one witness who saw him grab, and the defendant has a miguy that he could have denied grabbing it. We can’t simply say that he doesn’t have to return it, because there is a witness that says he did, so he should have to swear, which counters the miguy. We can’t make him swear that he did not grab it, because he admits that he did! **R’ Abba** said, the defendant is in a situation where he has an obligation to swear (as any case where there is a single witness that testifies against someone), but he cannot swear, and the rule is, that when someone is faced with an obligation to swear, but cannot, he must pay. Therefore, the defendant will have to return the silver bar.
- **R’ Pappa** said, all would agree regarding a single witness to the death of a woman’s husband that he would be chayuv for a denial of knowledge of testimony, and all would agree regarding a single witness to the death of a woman’s husband that he would be patur for a denial of knowledge of testimony. In a case where the witness told the woman outside of Beis Din that her husband died, but never testified in Beis Din, since a woman is believed to say that her husband died, she can now say so to Beis Din, and would be permitted to remarry and collect her kesubah. Therefore, they did not cause her a monetary loss. In a case where they did not tell her or Beis Din they would be chayuv.
  - **Q:** We see they would have to swear even regarding something that involves real property (a kesubah is typically collectible from real property)? **A:** The case may be where the woman had taken moveable property from her husband’s property and that is why they must swear.

KAFAR ECHAD V’HODA ECHAD...

- **Q:** The Mishna already said that even when they both deny, but they did so one after the other, only the first one is chayuv, so it is obvious that where one denies and the other admits, only the denier would be chayuv!? **A:** The case is that both denied, but one of them then retracted the

denial and admitted toch kidei dibur. The Mishna is teaching that if it is done within that timeframe, it is considered to be part of his statement, and his denial is dismissed.

- **Q:** This makes sense according to **R' Chisda** who said that the earlier part of the Mishna (as explained above) is not referring to toch kidei dibur, so the Mishna here teaches regarding toch kidei dibur. However, according to **R' Yochanan** who said that the earlier part of the Mishna teaches regarding toch kidei dibur, why would this last part of the Mishna teach about it again!? **A:** We would have thought to say that toch kidei dibur works when we are combining a denial with another denial. However, we would say that it does not work to combine a denial and an admission.

HAYU SHTEI KITEI EIDIM KAFRA HARISHONAH V'ACHAR KACH KAFRA HASHNIYA

- **Q:** It makes sense that the second pair is chayuv, because once the first pair denied, the second pair's denial has directly caused a loss. However, the first pair's denial did not directly cause a loss, because at the time of their denial there was a second pair who could testify!? **A: Ravina** said, the case is that at the time of the first pair's denial, the second pair were related to the litigant through marriage, and therefore could not have testified, but their wives (through whom they were related) were both a "goseis" (at death's door). We would have said that since most people who are a goseis die, these people are no longer considered related and may testify even now, which would make the first pair patur. The Mishna therefore teaches that the second pair are still considered to be related, and therefore the first pair are chayuv.