



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

Shavuos Daf Lamed Gimmel

MISHNA

- If a plaintiff tells witnesses, "I adjure you to come and testify for me that I have in the hands of Ploni a deposit, a loan, a stolen item, and a lost item", and the witnesses respond by saying, "we swear that we don't know testimony for you", and the oath was false, they are only chayuv one korbon (it is considered to be one oath even though it includes these four different claims). However, if they say "we swear that we don't know that you have in the possession of Ploni a deposit, loan, stolen item, or lost item" then they are chayuv separately for each claim.
- If a plaintiff tells witnesses, "I adjure you to come and testify for me that I have in the hands of Ploni a deposit of wheat, barley and spelt", and the witnesses respond by saying, "we swear that we don't know testimony for you", and the oath was false, they are only chayuv one korbon (it is considered to be one oath even though it includes these four different claims). However, if they say "we swear that we don't know that you have in the possession of Ploni a deposit of wheat, barley and spelt" then they are chayuv separately for each claim.
- If a plaintiff tells witnesses, I adjure you to come and testify for me that I have in the hands of Ploni money for nezek, chatzi nezek, keifel, daled v'hey, or for Ploni having raped my daughter, or for his seduction of my daughter, or that my son hit me (and owed me money for the embarrassment and pain), or that someone else hit me (and must pay the 5 payments associated with this act) or burned my pile of grain on Yom Kippur – and the witnesses swear falsely that they don't know testimony for any of these cases, they would be chayuv.

GEMARA

- **Q:** They asked, what is the halacha if a plaintiff adjures witnesses to testify for a claim of knas (penalty)? Would a false oath make them chayuv for this case as well? According to **R' Elazar the son of R' Shimon**, who says that if after a person admits to guilt of a penalty payment (such admission makes him patur) witnesses come and testify that he is chayuv, he would become chayuv, we see that he treats this as a true monetary claim and the halachos of shvuas eidus would definitely apply. The question is according to the **Rabanan** who argue with **R' Elazar** and say that even if witnesses later come after the admission, the person remains patur. According to them, would witnesses be chayuv for shvuas eidus in a case of knas? Even according to the **Rabanan**, the question is only valid if they hold that something that can lead to a monetary payment is not considered to be a direct cause. Since in this case the defendant can admit to the knas and become patur, maybe the witnesses are not viewed as having denied testimony in a monetary case, or maybe we say that until he does admit there is a monetary obligation and therefore this is considered to be a regular case of monetary matters? **A:** Our Mishna said that the witnesses are chayuv when they denied testimony for chatzi nezek – which is a knas.
 - This is no proof, because the Mishna may follow the view that chatzi nezek is not considered to be a knas. Or, even according to the view that it is a knas, the Mishna may be referring to the chatzi nezek payment for pebbles that are kicked by an animal as it walks, which is not considered to be a knas according to all views.
 - **Q:** Maybe we can answer from the part of the Mishna that says that the witnesses are chayuv when they denied testimony for keifel – which is a knas!? **A:** They are chayuv in that case because of the principal payment that they could have testified about.
 - **Q:** Maybe we can answer from the part of the Mishna that says that the witnesses are chayuv when they denied testimony for daled v'hey – which is a knas!? **A:** They are chayuv in that case because of the principal payment that they could have testified about.

- **Q:** Maybe we can answer from the part of the Mishna that says that the witnesses are chayuv when they denied testimony for the rape or seduction of his daughter – which is a knas!? **A:** They are chayuv in that case because of the payments for embarrassment and decrease in value, which are not knas.
- **Q:** If all these cases are not knas, what is the Mishna teaching by giving all these examples? **A:** The first part of the Mishna is teaching that the chatzi nezek for the kicking of the pebbles is not considered to be a payment for knas, and the later part of the Mishna regarding the burning of the grain on Yom Kippur is teaching that we don't follow **R' Nechunya ben Hakaneh**, who says that one would be patur for burning something on Yom Kippur in the same way that he would be patur for doing so on Shabbos (since he is chayuv misah). The other cases are brought as further examples.
- **Q:** Maybe we can answer from a Braisa which says that witnesses are chayuv for denying testimony on a case of "motzi shem rah", which is a case of knas!? **A:** That Braisa follows the view of **R' Elazar the son of R' Shimon**, and we have said that we didn't have the question according to his view.

MISHNA

- If a plaintiff tells witnesses, "I adjure you to come and testify for me that I am a Kohen" or that "I am a Levi" or that "I am not the son of a divorced woman" or that "I am not the son of a chalutza" or that "Ploni is a Kohen" or "a Levi" or "is not the son of a divorced woman" or "is not the son of a chalutza" or that "Ploni raped someone's daughter" or "seduced someone's daughter" or that "my son wounded me" or that "my friend wounded me" or that "he burned my pile of grain on Shabbos", and the witnesses swear falsely that they do not know of testimony, they are patur.

GEMARA

- **Q:** The Mishna seems to say that the reason they are patur when the claim involves a third person is because they were asked to testify that the third person (Ploni) was a Kohen or a Levi, but had they been asked to testify that someone else (someone other than the one making the request) was owed money, it seems from the Mishna that the witnesses would be chayuv. However, the next Mishna says that the witnesses are not chayuv unless the litigant himself requests that they testify for him!? **A: Shmuel** said, our Mishna is discussing a case where the person came with power of attorney.
 - **Q:** Nehardai said that we don't give power of attorney for collection of moveable property!? **A:** That is only where the defendant denied the claim.
- A Braisa says, how do we know that the pasuk regarding shvuas eidus only applies to monetary claims? **R' Eliezer** said, in this pasuk it says twice the word "oy" and in the pasuk of shvuas pikadon it says twice the word "oy". We learn that just as there it refers only to a monetary claim, the same is here. The Braisa asks, the pasuk regarding a murderer also says the word "oy" twice, and that clearly does not refer to a monetary case!? The Braisa answers, we darshen a double use of "oy" in regard to an oath from another double use of "oy" in regard to an oath, and we don't learn it from a double use of "oy" that is not written in regard to an oath (i.e. the murderer). The Braisa asks, the pasuk regarding a sotah is a case of double use of "oy" in regard to an oath, and yet it does not refer to a monetary claim!? The Braisa answers, we learn a case of double use of "oy" in regard to an oath that does not also involve a Kohen from another case of double use of "oy" in regard to an oath that does not involve a Kohen, and do not learn from a case that does involve a Kohen (i.e. sotah). **R' Akiva** says, the pasuk says "v'haya ki yesham l'achas mei'eileh" – which is a limitation and teaches that for some oaths the witnesses will be chayuv and for some they will be patur. It must be that they are chayuv for monetary claims and patur for other claims. **R' Yose Haglili** says, the pasuk regarding shvuas eidus says "v'hu eid oy ra'ah oy yada". This refers to the type of testimony that can be established through seeing even without knowing and by knowing even without seeing – i.e. monetary cases. Seeing without knowing would be a case where witnesses saw money handed over, but did not know why it was given over. Knowing without seeing would be a case where an admission was made in front of witness, although they did not see the transfer of money. **R' Shimon** says, the Torah makes a person chayuv for a false oath regarding shvuas eidus and regarding shvuas pikadon – just as pikadon refers to a monetary case, shvuas eidus refers to a monetary case as well. Also, we have

a kal v'chomer – if the case of pikadon where women are treated like men, and relatives are treated like non-relatives, and passul people are treated like valid ones, and a person is chayuv for each false oath whether in Beis Din or outside of Beis Din, is still limited to monetary cases, then shvuas eidus, where women are not treated like men, and relatives are not treated like non-relatives, and passul people are not treated like valid ones, and he is chayuv for only one false oath in Beis Din, surely it must be limited to monetary cases! However, we can ask, that pikadon is less stringent, in that one who is adjured by others is not treated the same as one who swears himself, and a shogeg is not treated like a meizid, and maybe that is why it is more limited than shvuas eidus, where one who is adjured is treated as one who swears himself, and a shogeg is treated like a meizid!? Rather, we have a gezeira shava on the word "techeta" written by shvuas eidus and by shvuas pikadon, which teaches that just as pikadon refers to a monetary case, so too shvuas eidus refers to a monetary case.