



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

Shvuos Daf Lamed Daled

- The Gemara had quoted a Braisa which taught a number of viewpoints. The Gemara now focuses on many of these points:
 - **Q: Rabbah bar Ulla** asked, **R' Eliezer** said that we learn shvuas eidus from shvuas pikadon to teach that it only applies to a monetary case, based on the fact that the pasuk regarding each of them uses "oy" twice, and then said that we won't learn from the pasuk of a murderer which also uses "oy" twice because it doesn't involve an oath, or from sotah which also uses "oy" twice because it involves a Kohen. What about the pasuk of shvuas bituy, which also uses the word "oy" twice, involves an oath, and does not involve a Kohen, and yet involves more than just a monetary case!? **A:** It is more logical to learn shvuas eidus from pikadon, because each of their pesukim use the word "techeta".
 - **Q:** The pesukim of shvuas eidus and shvuas bituy are both aveiros that make him chayuv to bring a chatas, and therefore it makes more sense to learn from bituy!? **A:** It is more logical to learn from pikadon, because shvuas eidus and pikadon are similar in that they both: use the word techeta, both are chayuv a korbon even when done b'meizid, both involve the making of a claim and a denial, and they both are oaths pertaining to the past.
 - **Q:** Maybe it is more logical to learn shvuas eidus from bituy, because they are both similar in that they both: make one chayuv a chatas, make him chayuv an oleh v'yoreid, and neither makes the person chayuv to pay a chomesh!? **A:** It is similar to pikadon in more ways (4) than it is to bituy (only 3).
 - **Q: R' Akiva** said in the Braisa, that "l'achas mei'eileh" teaches that shvuas eidus is chayuv in some cases and patur in others. This teaches that it is chayuv in monetary cases and not in other cases. Why don't we say that the pasuk teaches the reverse!? **A:** **R' Akiva** learned the limitation to monetary cases from the drasha of "oy" stated by **R' Eliezer**. His drasha limits it even further.
 - **Q:** In what way is it limited further, which would be the difference between **R' Akiva** and **R' Eliezer**? **A:** The difference would be in a case of such an oath regarding land – **R' Eliezer** would say he is chayuv and **R' Akiva** would say he is patur.
 - According to **R' Yochanan**, who says that even **R' Eliezer** would say that he would not be chayuv in this case, the difference would be regarding a case where the oath was made on a monetary case of knas – **R' Eliezer** would say he is chayuv and **R' Akiva** would say he is patur.
 - **Q: R' Yose Haglili** in the Braisa learned from the pasuk that shvuas eidus only applies to testimony that can be established through seeing alone or knowing alone, without the need for both, and this is only true of monetary cases. **R' Pappa** asked **Abaye**, maybe we must say that **R' Yose Haglili** can't agree with **R' Acha**, who accepts testimony based on strong circumstantial evidence – which is "knowing without seeing", because if he did, then even in a capital case we can use strong circumstantial evidence, and then he couldn't limit his drasha to monetary cases!? **A:** It may be that he can hold like **R' Acha**. Still, he would limit shvuas eidus to monetary cases. The view of **R' Acha** is to allow "knowing without seeing". **R' Yose's** drasha also requires allowing "seeing without knowing" in order to be subject to shvuas eidus, and that is not possible in capital cases (even if we allow circumstantial evidence). There would have to be knowledge of who

the murderer was killing (a Yid or a goy, a healthy person or a treifah). Therefore, seeing the murder without “knowing” would not be sufficient.

- We can learn from this that **R’ Yose** would hold that shvuas eidus would not apply to a case of knas, for the same reason. Although there can be a case of “knowing without seeing” (when there is strong circumstantial evidence), there cannot be a case of “seeing without knowing”, because he would have to know whether the man raped a Yid or a goy, a besulah or a be’ulah.
- **R’ Hamnuna** was sitting by **R’ Yehuda** who asked, what would be the halacha if a person says to another, “I counted out a maneh to you as a loan in front of 2 witnesses who saw from outside” (and therefore didn’t know the nature of the transaction)? **R’ Hamnuna** said, what is the defendant answering to the claim? If he is saying “You never gave me money”, he would be established as a liar (because the witnesses saw that money was handed to him by the first person)! If he said “you did give me money, but it was my money that you were returning to me”, then the witnesses provide no benefit here (because he is agreeing to them that he received money from the plaintiff)! **R’ Yehuda** praised **R’ Hamnuna**.
- A person said to another, “I counted out a maneh for you next to this pillar”, and the claimant now wants the money to be repaid to him. The other person responded, “I have never passed by this pillar”. Witnesses then come and testify that this defendant once urinated next to this pillar. **Reish Lakish** said, the defendant has been proven as a liar (and would therefore have to pay the claim). **R’ Nachman** said, that is like Persian justice! The defendant didn’t mean that he was *never* by that pillar! He meant that he never had the claimed transaction at this pillar!
 - **Others** say that it was **R’ Nachman** who said the defendant has been proven a liar. **Rava** said to him, a person doesn’t pay attention to unimportant details. Therefore, he is not a liar for not remembering that he had passed by this pillar at some point.
- **R’ Shimon** in the Braisa first learned shvuas eidus from pikadon based on a kal v’chomer. He then refuted the kal v’chomer and said eidus is learned from pikadon based on a gezeira shava.
 - **Q:** The people of EY laughed at this teaching of the Braisa (as if to say it must be incorrect). Why did they feel that way? **A:** The kal v’chomer was based on the premise that pikadon is less stringent because it only applies when the person himself makes the oath, not when others adjure him, and because a meizid is not chayuv like a shogeg. Now, **R’ Shimon** only knows that when the person makes his own shvuas eidus (as opposed to being adjured by others) he is chayuv, based on the gezeira shava from pikadon. If so, the gezeira shava should also teach that pikadon is chayuv when adjured by others!? That is why they laughed and said this can’t be correct.
 - **Q:** This can’t be why they laughed, because maybe **R’ Shimon** learns that shvuas eidus is chayuv when he makes the oath, based on a kal v’chomer – if he is chayuv when others adjure him, he is certainly chayuv when he himself makes the oath. If so, there is no basis to laugh and think the Braisa is incorrect, so what caused them to think that!? **A:** Rather, they laughed at the statement that pikadon does not treat the meizid like the shogeg. Now, regarding shvuas eidus we learn to treat the meizid like the shogeg based on the fact that the pasuk doesn’t say “v’nelam”. The pasuk regarding pikadon also doesn’t say v’nelam, so why does he say that meizid is not like shogeg!? That is why they laughed.
 - **Q:** **R’ Huna** said, maybe regarding pikadon **R’ Shimon** learns from me’ilah that meizid is not like shogeg, so why would the Braisa be incorrect!? **A:** They felt it was incorrect based on the fact that the Braisa is saying that he learns this from me’ilah instead of saying that he learns it from shvuas eidus.

- **Q:** The reason he learns it from me'ilah instead of from shvuas eidus is because pikadon is also a case of "me'ilah" (misappropriation) as we see that both pesukim use verbiage of "me'ila"!? **A:** He should have learned from eidus, because eidus and pikadon both use verbiage of "techeta". This was why they laughed.
- **Q:** It makes more sense to learn from me'ilah, because it is similar to pikadon in that they both: use the verbiage of "me'ilah", apply to all people, the person benefits, make the person chayuv a fixed korbon, make the person chayuv a chomesh, and make the person chayuv an asham!? **A:** It makes more sense to learn from eidus, because it is similar to pikadon in that they both: use verbiage of "cheit", apply to a regular person (as opposed to hekdesh), involve oaths, involve a claim and denial, and use the double "oy".
- **Q:** Pikadon is similar in more ways to me'ilah, and that is why he learns from there! If so, why did they laugh!? **A:** Rather, as they left the yeshiva, **R' Pappa and R' Huna the son of R' Yehoshua** said, the reason they laughed is, since **R' Shimon** learns the gezeira shava, he should never have felt that pikadon isn't treated in the same way as shvuas eidus.
- **Q:** Maybe he only said that they were different before he darshened the gezeira shava, but once he did, he didn't say that anymore!? If so, there is no reason for them to feel the Braisa is incorrect!? **A:** We find that he held this way even after he darshened the gezeira shava.
- **Q:** Maybe after the gezeira shava he only felt that way regarding a meizid not being treated like a shogeg, because he felt that that is learned from me'ilah, which is more similar than shvuas eidus? **A:** If he felt that we learn pikadon from me'ilah, he should have used the gezeira shava to teach that eidus is like pikadon and by eidus also a meizid will not be treated like a shogeg!? This is why the people of EY felt the Braisa was incorrect.
 - The Gemara says, the reason **R' Shimon** did not learn this way is because he felt that the parsha of shvuas eidus was written near shvuas bituy and tumas Mikdash and kodashim to teach and contrast that these last two say "v'nelam", whereas eidus does not. This teaches that by shvuas eidus a meizid is treated like a shogeg.