



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

Shavuos Daf Lamed Hey

MISHNA

- If a person says to witnesses, "I adjure you to come and testify for me that Ploni said he would give me 200 zuz and has not given it to me", and they then falsely denied knowing testimony, they would be patur, because witnesses are only chayuv for denying testimony for a true monetary claim, like that of a pikadon.
- If a person says to witnesses, "I adjure you to come and testify for me when you become aware of testimony", and they then later do become aware and don't go and testify, they are patur, because the oath came before the knowledge of the testimony.
- If a person walked into a shul and said to everybody, "I adjure you to come and testify for me if you know testimony" and two people in the shul falsely denied knowing testimony, they would be patur.
- If a person says to witnesses, "I adjure you two to come and testify for me if you know testimony" and they respond by taking an oath that they don't know testimony, but in fact they knew testimony, but only by means of hearsay, or one of them was a relative or a passul witness, they would be patur.
- If the person sent his slave to adjure the witnesses, or if the defendant adjured them to say testimony for the plaintiff, and they then falsely denied knowledge of testimony, they would be patur, unless the plaintiff himself asks them to testify.

GEMARA

- A Braisa says, if a person says to witnesses, "I adjure you to come and testify for me that Ploni said he would give me 200 zuz and has not given it to me", and they then falsely denied knowing testimony, we would think they should be chayuv. The gezeira shava of "techeta" teaches that just as by a pikadon the case is that it is a monetary case where the defendant has a complete obligation to give back the money, so too the shvuas eidus only applies when there is a complete obligation to give back the money. In this case, Ploni has no such obligation, and therefore the witnesses are patur.

MASHBI'AH ANI ALEICHEM KISHETEIDU LI EIDUS...

- A Braisa says, if a person says to witnesses, "I adjure you to come and testify for me when you become aware of testimony", and they then later do become aware and don't go and testify, we would think they should be chayuv. The pasuk therefore says "v'sham'ah kol alah v'hu eid", which teaches that in order to be chayuv, he had to already have the ability to testify when the oath was taken.

AMAD B'BEIS HAKNESES V'AMAR MASHBI'ANI ALEICHEM

- **Shmuel** said, the Mishna is even referring to a case where the witnesses are among the crowd in the shul when the plaintiff said this.
 - **Q:** This seems obvious!? **A:** The case is that the plaintiff was standing right next to the witnesses when he did this. We would think that it is as if he said it directly to them. **Shmuel** teaches that they would still be patur in that case.
 - A Braisa says this as well.

AMAR LISHNAYIM MASHBI'AH ANI ALEICHEM

- A Braisa says, if a person says to witnesses, "I adjure you two to come and testify for me if you know testimony" and they respond by taking an oath that they don't know testimony, but in fact they knew testimony, but only by means of hearsay, or one of them was a relative or a passul witness, we would think they should be chayuv. The pasuk therefore says "ihm lo yagid v'nasa avono", which teaches that they are only chayuv if they are fit to testify.

SHALACH B'YAD AVDO...

- A Braisa says, if the person sent his slave to adjure the witnesses, or if the defendant adjured them to say testimony for the plaintiff, and they then falsely denied knowledge of testimony, we would think they should be chayuv. The pasuk therefore says “ihm lo yagid v'nasa avono”. **R' Elazar** explains, the word “lo” is spelled with an extra “vuv”, which leads us to darshen, that if he does not testify for the one who adjures him, he is chayuv. But, if he doesn't testify for someone else (like in this case) he is patur.

MISHNA

- If the plaintiff says, “I adjure you to testify for me” or “I command you to testify for me” or “I bind you to testify for me” they will be chayuv if they then falsely deny knowing testimony.
- If they swore “by the heavens and the earth” they would be patur. However, if they swore using any of the following Names of Hashem – the “aleph daled”, the “yud hey”, the “Shakai”, the “Tzevakos”, “Chanun”, “Rachum”, “Erech Apayim”, “Rav Chesed”, or any of the “kinuyim” (subordinate Names of Hashem) they would be chayuv.
 - **R' Meir** says that one who curses Hashem using any of these Names would be chayuv. The **Chachomim** say he would be patur (unless he uses the Shem Hameforash).
 - **R' Meir** says that one who curses a parent using any of these Names would be chayuv. The **Chachomim** say he would be patur (unless he uses the Shem Hameforash).
 - A person who curses himself or his friend using any of these Names would be oiver a lo saasei.
- If a plaintiff said to the witnesses, “Yakcha Hashem (Hashem should hit you, which is one of the curses in the Torah) if you don't testify for me”, or if he says (as someone else is reading the curses) “So may Hashem hit you if you don't testify for me”, they would be chayuv, because these are examples of the curse referred to in the pasuk of “v'sham'ah kol alah”. If the plaintiff said, “May Hashem not hit you if you testify for me” or “May Hashem do good to you if you testify for me”, **R' Meir** says they would be chayuv, and the **Chachomim** say they would be patur.

GEMARA

- **Q:** What does the plaintiff actually say when he says “I adjure you” (he doesn't even make a reference to Hashem)? **A: R' Yehuda** said, he says “I adjure you with the oath written in the Torah” or “I command you with the commandment written in the Torah” or “I bind you with the bond written in the Torah”.
 - **Q: Abaye** asked, **R' Chiya** taught a Braisa that says “I chain you to testify for me” makes him chayuv as well. Now, this can't be explained as the other are above!? **A:** Rather, all his statements are meant to reference an oath – “I adjure you with an oath”, “I command you with an oath”, etc.

B'ALEPH DALED B'YUD HEY B'SHAKAI...

- **Q:** A Braisa says that Chanun and Rachum are Names that may be erased, which proves that they do not have the status of true Names of Hashem!? **A: Abaye** said, our Mishna is talking about where the person said, “by the Name of the One who is Chanun” or “who is Rachum”.
 - **Q:** If so, when he says “heaven and earth” he must mean “by the One to Whom heaven and earth belong” and it should be an effective oath!? **A:** With regard to Chanun and Rachum there is no other understanding. Regarding heaven and earth it is possible that he simply means to refer to heaven and earth, and therefore we don't understand it in this way.
- A Braisa says, if someone was going to write “Elokim” but stopped after writing the aleph and lamed, or stopped after writing the yud hey from Hashem, they may not be erased. If he wrote the shin daled from Shakai, or the aleph daled from the Name Adon..., or the tzadik and beis from Tzevakos, they may be erased. **R' Yose** says, even the entire Name of Tzevakos may be erased, because it is only used in reference to the Yidden, as is seen in a pasuk. **Shmuel** said, the halacha does not follow **R' Yose**.
- A Braisa says, an addition to a Name of Hashem – whether before or after the Name – may be erased. For example, the lamed of “LaHashem” or the beis of “BaHashem”, or the vuv, the mem, the shin, the hey, or the kuf, may all be erased. An example of an addition after the Name would be the nun and vuv of Elokeinu, the hey and mem of Elokeihem, and the chuf and mem of

Elokeichem. **Others** say that when it is at the end of the Name it may not be erased, because it became kadosh along with the Name. **R' Huna** said, the halacha follows the opinion of the **Others**.

- The Braisa continues, all the Names that are written in the Torah in connection with Avrohom are kodesh, except for the pasuk of “vayomar Adonai ihm na matzasi chein b'einecha” (where he was talking to one of the Malachim). **Chanina the son of the brother of R' Yehoshua and R' Elazar ben Azarya** both said in the name of **R' Elazar Hamoda'i** that even that refers to kodesh. [When **R' Yehuda in the name of Rav** said that hachnosas orchim is greater than greeting the Shechina, he said so according to this view.]
- The Braisa continues, all the Names written in connection with Lot are not kodesh, except for the pasuk of “vayomer Lot aleihem ahl nah Adon...”. This refers to the One who has the power over life and death, which clearly therefore refers to Hashem.
- The Braisa continues, all the Names that are written in the Torah in connection with Navos are kodesh, and those written in connection with Michah are not. **R' Eliezer** agrees regarding Navos, but with regard to Michah he says that some are kodesh and some are not – the ones with aleph lamed are not kodesh and the ones with yud hey are kodesh, except for the pasuk of “kol yimei hayos beis Elokim b'Shiloh”, which is a Name with aleph lamed, but it still kodesh.
- The Braisa continues, all the Names written in the story of the Pilegish B'Givah, **R' Eliezer** says are not kodesh and **R' Yehoshua** says are kodesh. **R' Eliezer** said, it cannot be kodesh, because the pasuk says that they asked the “name”, which must not be kodesh, because what they were told did not end up happening. **R' Yehoshua** said, the “Name” was kodesh, but in the first two battles they did not ask if they would win, but for the third battle when they did ask if they would win, it was Hashem who told them that they would.
- The Braisa continues, every mention of “Shlomo” in Shir Hashirim is kodesh, except for the pasuk of “karmi sheli lifanai ha'eleph lecha Shlomo”. **Others** say that the pasuk of “hinei mitaso sheliShlomo” is also not kodesh.
 - **Q:** According to this, the **Others** agree that the first one is not kodesh. However, **Shmuel** says that that first one is kodesh, so who does he follow? **A:** Rather, the **Others** hold that the first is kodesh and only the second one is not. Based on that, **Shmuel** will hold like the **Others**.
- The Braisa continues, every mention of the “Kings” in Sefer Daniel is not kodesh except for the pasuk of “ahnt Malka Melech Malchaya...”. **Others** say there is another pasuk that is kodesh – “Marei chelma...”.

UVICHOL KINUYIN HAREI EILU CHAYAVIN...

- **Q:** A Braisa says, there is a gezeira shava from sotah to shvuas eidus which teaches that just as by sotah the Shem Hameforesh is used, the same must be by shvuas eidus as well!? **A: Abaye** said, the Braisa follows the view of **R' Chanina bar Idi** of another Braisa, and the Mishna follows the view of the **Rabanan**.
 - **Q:** If the **Rabanan** accept the gezeira shava, they should require use of the Shem Hameforesh, and if they don't accept the gezeira shava, how do they know that the term “alah” refers to an oath? **A:** They learn it from a Braisa that proves that “alah” refers to an oath. **R' Avahu** proves this from pesukim as well.