



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

### Shavuos Daf Lamed Vuv

- A Braisa says, the word "arur" signifies a cheirem, a curse, or an oath. The Braisa proves each one based on pesukim.
- **R' Yose the son of R' Chanina** said, the word "Amen" signifies an oath, an acceptance of terms (of a condition), or a confirmation of statement (which is why it is proper to say amen after any tefilla). The Braisa proves each one based on pesukim.
- **R' Elazar** said, saying "no" (when one commits not to do something) is an oath, and saying "yes" (when he commits to do something) is an oath. We see that "no" is an oath from the pasuk in which Hashem says that He will not ever bring a mabul on the world, and elsewhere this is referred to as Hashem having made an oath. Once we know that "no" is an oath, it is logical to say that "yes" is an oath as well.
  - **Rava** said, this is only true when he says "no" twice or when he says "yes" twice. This is seen after the mabul, where Hashem repeated His commitment not to bring a mabul.

HAMEKALEL B'KULAN CHAYUV DIVREI R' MEIR VACHACHOMIM POTRIN

- A Braisa says, the pasuk says "ish ish ki yikalel Elokav v'nasa chetoy". This seems extra, because a pasuk already says "v'nokeiv Shem Hashem mos yumas". **R' Meir** says this teaches that a person is chayuv not only when he uses the Shem Hameforesh, but even when he uses any of the "nicknames" of Hashem. The **Rabanan** say he is only chayuv misah by Beis Din when he uses the Shem Hameforesh, and would be chayuv kares for other Names.

V'HAMEKALEL AVIV V'IMO...

- This view of the **Chachomim** (that he is only chayuv when he uses the Shem Hameforesh) is the view of **R' Menachem bar Yose** in a Braisa, who learns this from the pasuk of "b'nakvo Shem yumas".

V'HAMEKALEL ATZMO VACHAVEIRO...

- **R' Yannai** said, all agree that one is chayuv a lav for cursing with any of the Names of Hashem. With regard to cursing oneself the pasuk says "rak hishamer lecha ushmor nafshicha me'od", and "rak" signifies a lav. With regard to cursing another person the pasuk says "lo sikalel cheireish".

YAKCHA HASHEM V'CHEIN YAKCHEM ELOKIM ZU HEE ALAH HAKSUVAH BATORAH

- When **R' Kahana** repeated this Mishna to **R' Yehuda**, **R' Yehuda** told him, don't say "you", rather use third person so it does not appear as if you are directing the curse on anyone. **R' Kahana** once said this to the **Rabanan** as well when they were saying a pasuk of curses.
  - The Gemara had to give the second case as well to show that this should be done even when repeating a pasuk, not only when repeating a Mishna.

AHL YAKCHA...

- **Q: R' Meir's** view seems to be based on the logic of "from the negative you can understand the positive". However, elsewhere we find that he does not hold of applying this logic!? **A:** We must reverse the shitos in our Mishna.
  - **Q:** When **R' Yitzchok** taught the Mishna he taught it as we have it. **R' Yosef** said, since he taught it that way, and since we have learned it this was as well, it must be that it is the proper reading of our Mishna. If so, we have this difficulty with the view of **R' Meir**!? **A:** We must say that **R' Meir** does not apply this logic in monetary cases, but does do so in cases of issur (which includes oaths).
    - **Q:** Regarding sotah **R' Tanchum bar Chachinai** darshens the pasuk to teach that it follows **R' Meir**, that both sides must be stated (if you were not mezaneh....if you were mezaneh...) and we don't apply the logic of "from the negative you can understand the positive". We see that **R' Meir** holds this way even for

matters of issur!? **A:** Rather, we must reverse the views in our Mishna, because **R' Meir** holds this way even for matters of issur.

- **Q:** The halacha that a Kohen who did the Avodah after drinking wine or while having long hair is put to death by the Hands of Heaven is learned from a pasuk by using the logic of “from the negative you can understand the positive”. **R' Meir** must agree with this!? **A:** Rather, do not reverse the views in our Mishna. We must say that **R' Meir** does not apply this logic in monetary cases, but does do so in cases of issur (which includes oaths). The case of sotah is a case of issur that also involves money, and that is why he treats it as a monetary case.

### HADRAN ALACH PEREK SHVUAS HA'EIDUS!!!

### PEREK SHVUAS HAPIKADON -- PEREK CHAMISHI

#### MISHNA

- Shvuas pikadon applies to men and women, non-relatives and relatives, people who are valid witnesses and those who are passul, in front of Beis Din or not in front of Beis Din, as long as the person himself made the oath. However, if the oath was adjured by others, **R' Meir** says he is only chayuv if he denies it in Beis Din. The **Chachomim** say, whether he made the oath or was adjured by others, once he denies it he is chayuv, even if it is not done in front of Beis Din.
  - He is chayuv even if he is a meizid on the oath, or if he is a shogeg on the oath but a meizid on the pikadon (he knows he is swearing falsely, but doesn't know that it will make him be chayuv a korbon), but is not chayuv if he is a complete shogeg. When he is a meizid he is chayuv an asham worth at least 2 silver shekalim.
- What is the case of shvuas pikadon? If a person says, “Give me the item belonging to me that is in your possession”, and the defendant responds by saying “I swear that I have nothing of yours in my possession”, or if he responds “I have nothing of yours in my possession” and the plaintiff then says “I adjure you with an oath” and the defendant says “Amen”, he would be chayuv (if he was lying).
  - If the plaintiff adjured him 5 times for this one claim, whether in front of Beis Din or not in front of them, and the defendant then denied the claim, he would be chayuv an asham for each and every denial. **R' Shimon** said, the reason is because he can retract his denial and admit.
- If there are 5 people making a claim against one person and they say “Give us the items of ours that are in your possession” and he says “I swear that none of you have anything in my possession”, he is only chayuv once. However, if he says “I swear that I have nothing of yours or of your or of yours, etc.” he would be chayuv for each and every one. **R' Eliezer** says he is only chayuv for each one if he says “I swear” at the end of the denial of the last person's claim. **R' Shimon** says he is only chayuv for each one if he says “I swear” by each and every one.
- If the plaintiff says, “Give me the pikadon, the loan, the stolen item, and the lost item that I have in your possession” and the defendant says “I swear that you have nothing in my possession”, he would only be chayuv once. However, if he said “I swear that you do not have in my possession a pikadon, loan, stolen item, or lost item” he would be chayuv for each one.
  - If the plaintiff says, “Give me my wheat, barley, or spelt that I have in your possession” and the other person responded with an oath that “You have nothing in my possession”, and it turns out that this second person was lying, he would only be chayuv one korbon. However, if he had responded with an oath that, “You do not have wheat, barley, or spelt in my possession”, he would be chayuv a korbon for each species. **R' Meir** said, even if the plaintiff said “a wheat, a barley, and a spelt” (in the singular form), the defendant is chayuv for each and every one.
- If a plaintiff says, “You raped my daughter” or “you seduced my daughter” (which, if true, would make him chayuv a knas) and the defendant said “I did not rape her” or “I did not seduce her”, and the plaintiff says “I adjure you” and the defendant says “Amen”, and he lied, he would be chayuv an asham. **R' Shimon** says he would be patur, because a self-admission would have made him patur from the knas. The **Chachomim** said, even though he wouldn't pay the knas

upon his admission, he would still have to pay for boshes and pegam, so the denial has monetary consequences and he is therefore chayuv.

- If the plaintiff said “You stole my ox” and the defendant said “I did not steal it” and the plaintiff says “I adjure you” and the defendant says “Amen”, he would be chayuv. However, if the defendant instead responded “I stole it, but I did not shecht it or sell it” and the plaintiff says “I adjure you” and the defendant says “Amen”, he would be patur (because he only denied a knas).
- If the plaintiff said “Your ox killed my ox” and the defendant said “It did not” and the plaintiff says “I adjure you” and the defendant says “Amen”, he would be chayuv. However, if the plaintiff said “Your ox killed my slave” and the defendant responded “It did not” and the plaintiff says “I adjure you” and the defendant says “Amen”, he would be patur (because he only denied a knas).
- If the plaintiff said “You injured me and caused a wound” and the defendant said “I did not do so” and the plaintiff says “I adjure you” and the defendant says “Amen”, he would be chayuv. However, if a person’s Eved Knaani said to him, “You knocked out my tooth” or “You blinded my eye” and the master responded “I did not do so” and the slave said “I adjure you” and the master said “Amen”, he would be patur (because he only denied a knas).
- The general rule is, if someone would pay even based on his own admission, he would be chayuv an ashm for denying this claim under oath. If he would be patur from paying based on his own admission, then he is patur from bringing a korbon for denying it under oath.