



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

Shavuos Daf Lamed Zayin

GEMARA

- **R' Acha bar Huna and R' Shmuel the son of Rabbah bar bar Chana and R' Yitzchak the son of R' Yehuda** were learning Mesechta Shavuos by **Rabbah**. **R' Kahana** met them and asked, what is the halacha if someone was warned not to swear falsely and then made a false shvuas pikadon – would he be chayuv malkus, an ashm, or both? On the one hand, this case is a chiddush in that it is a case of meizid that has to bring a korbon, so maybe we say he is only chayuv a korbon even though he has been warned, or maybe we say that he brings a korbon for a meizid only when he wasn't warned, but if he was warned he gets malkus and does not bring a korbon, or maybe he gets both? They said to him, we can answer from a Braisa which says that shvuas pikadon is more stringent than shvuas eidus in that for a meizid one is chayuv malkus and for a shogeg one is chayuv an ashm. Now, since it says that there is a chiyuv malkus, it is clearly talking about where he was warned, and it seems to say that he would only be chayuv malkus and not a korbon! The stringency would be that a person would rather bring a korbon than receive malkus. **Rava bar Itai** said to them, there is no proof from that Braisa, because the view that a meizid of shvuas pikadon does not get a kapara from a korbon is the view of **R' Shimon**, but the **Rabanan** hold that even for a meizid there is a korbon. **R' Kahana** said there is no proof from that Braisa, because I have a version of the Braisa that says that shvuas pikadon is more stringent because it is chayuv an ashm for a meizid and a shogeg, and the stringency is that shvuas eidus is chayuv a chatas that has no minimum required value, whereas the ashm for shvuas pikadon must be worth at least 2 silver shekalim.
 - **Q:** From **R' Kahana's** version of the Braisa it seems that he is only chayuv a korbon and not malkus. We can answer the question from here!?! **A:** The Braisa may be talking about a case where there was no warning.
 - **Q:** Maybe we can answer the question from our Mishna, which says that he is chayuv an Ashm for a meizid. Presumably, this is even talking about a case where there was a warning, and still it says he is only chayuv a korbon! **A:** It may be talking about a case where he was not warned.
 - **Q:** Maybe we can answer from a Braisa which says that nazir tamei can't be compared to shvuas pikadon, because nazir tamei gets malkus and shvuas pikadon does not. Now, since we are discussing a case where the nazir gets malkus, we must be talking about where there was a warning, and still it says that shvuas pikadon will not get malkus! **A:** The Braisa may mean that he gets malkus, but that malkus alone is not enough, rather he needs to bring a korbon as well.
 - **Q:** That would mean that the Braisa means that for a nazir tamei, malkus alone is enough. That is not true, because he must bring a korbon as well!?! **A:** The nazir gets his kapara with malkus alone. The korbon is brought to allow the start of the new count of nezirus.
 - The **Rabanan** (who were asked the above question by **R' Pappa**) repeated this question to **Rabbah**. **Rabbah** said to them, you are asking about a case where there were witnesses and a warning. This suggests that if there were witnesses without a warning he would certainly be chayuv a korbon. Why should that be? His denial didn't have any monetary consequences, because the witnesses would require him to pay anyway, so why would his denial make him chayuv a korbon!?! We see that **Rabbah** holds that if a person denies with an oath, a claim which is supported by witnesses, he would be patur.
 - **R' Chanina** told **Rabbah**, there is a Braisa that supports your view. The Braisa says, the pasuk of "v'kichesh bah" comes to teach that one who admits to one of the brothers or the partners that he owes money and only denies to the

other brothers or partners is patur. “V’ nishba ahl shaker” comes to teach that one who borrowed money with a document or with witnesses and then swore falsely, he is patur. **Rabbah** said, this is no proof. The Braisa may mean that if someone made a claim that he lent money with a document or in front of witnesses, and the defendant swore that he borrowed the money, but not with a document or not with witnesses, in that case he is patur.

- **Q:** Our Mishna says that for a meizid he is chayuv a korbon. Presumably this means he is a meizid based on the fact that there are witnesses there, and this refutes **Rabbah** who says that when there are witnesses he is patur!? **A:** The case is that he is a meizid based on his own understanding, not based on the presence of witnesses.
- **Q:** A Mishna said, if there were two pairs of witnesses – the first pair denied knowing testimony and then the second pair also denied, they are both chayuv, because the testimony could have been established by either pair. Now, 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!? This refutes **Rabbah**, because we don’t take into account the second pair, and likewise should not take into account witnesses when looking at the denial of the shvuas pikadon!? **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.
- **Q:** A Braisa that talks about a shomer who swore falsely that an item that he was watching was stolen, says that even if there are witnesses that he is swearing falsely, he must still bring an ashm. This refutes **Rabbah**!? **A:** Here too, we can explain the Braisa as **Ravina** explained the Mishna, immediately above.
- **Q: Ravina** said to **R’ Ashi**, a Braisa says that shvuas pikadon is more stringent than shvuas eidus, because when done b’meizid there is malkus and when done b’shogeg there is a chiyuv ashm. Now, since we mention malkus, the case must be that there are witnesses, and yet the Braisa says that he still brings a korbon for a shogeg. This refutes **Rabbah**!? **A: R’ Mordechai** said to them, don’t bring a proof from this Braisa, because **R’ Kahana** taught a version of this Braisa that says it is more stringent because there is a chiyuv korbon for meizid and shogeg. It makes no mention of malkus altogether.
- **Q:** A Braisa says that nazir tamei is more stringent than shvuas pikadon, because nazir tamei gets malkus and shvuas pikadon does not. Now, this must be talking about where there are witnesses, and the Braisa says that shvuas pikadon does not get malkus, which suggests that it does have to bring a korbon!? TEYUFTA of **Rabbah**!
- **R’ Yochanan** said, if one denies with an oath a monetary obligation that is known by witnesses, he is chayuv to bring a korbon for the false oath, but if he denies a monetary obligation that is written in a document, he would be patur.
 - **R’ Pappa** explains, the reason for this difference is that witnesses eventually die, and his denial is therefore meaningful (because once they die the testimony can no longer be had), but documents stay forever, and therefore the denial is not really damaging for the person.
 - **Q: R’ Huna the son of R’ Yehoshua** asked **R’ Pappa**, a document tends to get lost, and therefore the denial is meaningful as well!? **A:** Rather, he said that the reason for the difference is that a document creates an encumbrance on land, and one does not bring a korbon for denying an encumbrance on land.

- We have learned, with regard to a person who adjures witnesses to testify regarding his ownership of land, there is a machlokes between **R' Yochanan and R' Elazar** – one says they would be chayuv and the other says they would be patur. Based on what we have said immediately above, we can prove that it is **R' Yochanan** who says that they would be patur.
- **Q: R' Yirmiya** asked **R' Avahu**, maybe we can say that this machlokes between **R' Yochanan and R' Elazar** is actually the same as the machlokes between **R' Eliezer and the Rabanan** of a Braisa. The Braisa says, if a ganav steals a field and a river then floods it, **R' Eliezer** says the ganav would have to pay for another field. The **Chachomim** say he can tell the owner “here is your field”. The machlokes is based on the following. **R' Eliezer** darshens the words of the pasuk with a “ribuy, mi'ut, v'ribuy”, which results in everything being included in the halachos of a stolen object having to be returned as it was stolen, with the one exception being the stealing of documents. The **Chachomim** darshen the words with a “klal, uprat, u'klal”, which results in things being included only if they are moveable property *and* are things of intrinsic value. This would exclude land, slaves (which are compared to land), and documents. Maybe we can say that the one who says that he is chayuv for a denial regarding land holds like **R' Eliezer**, and the one who says he is patur holds like the **Rabanan**? **A: R' Avahu** said, the one who says he is chayuv clearly holds like **R' Eliezer**. However, the one who says he is patur will say that **R' Eliezer** would agree that he does not have to bring a korbon, because the pasuk uses the exclusionary term of “mikor”.
- **R' Pappa in the name of Rava** said, our Mishna supports the view of **R' Yochanan** (that a false oath regarding land does not make him chayuv to bring a korbon). The Mishna gives the case of a claim of “You stole my ox”, and does not give the case of “You stole my slave”. The reason must be that slaves are given the status of land, and therefore it would not make him chayuv!
 - **R' Pappi in the name of Rava** said, the end of the Mishna gives a “general rule”. When a Mishna does so, it comes to include an additional case. Presumably it is coming to include the case where one claims “You stole my slave”, and therefore teaches that one would be chayuv even when the monetary claim is regarding land!? Rather, we must say that no proof can be brought from our Mishna.