



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

Shavuos Daf Lamed Ches

SHVUAS HAPIKADON KEITZAD...

- A Braisa says, **R' Meir** said, if the defendant included all his denials in one statement, he is only chayuv one asham if he lied. If he specified each denial separately, he would be chayuv a separate asham for each denial. **R' Yehuda** said, if he says "I swear that I do not owe to you, and not to you, and not to you, etc." then he is chayuv for each one separately. **R' Eliezer** said, if he said "not to you and not to you and not to you, etc." and then said "shvua" at the end, then he would be chayuv a separate asham for each one. **R' Shimon** says, he would only be chayuv a separate asham if he said "shvuah" to each and every claim that was made.
 - **R' Yehuda in the name of Shmuel** said, what **R' Meir** considers to be an all-inclusive denial (for which he says he is only chayuv one asham) is what **R' Yehuda** considers to be separate denials ("to you, and to you, etc."). What **R' Yehuda** considers to be an all-inclusive denial is what **R' Meir** considers to be separate denials ("not to you, not to you, etc.", without the conjunctive "and"). **R' Yochanan** said, they would agree that when he says "and not to you" it is considered to be separate denials and oaths. The machlokes is where he says "not to you, not to you" (without the "and"). In that case, **R' Meir** considers it to be a separate oath and **R' Yehuda** holds that it is considered one oath. The case of the all-inclusive oath according to **R' Meir** would be where he says "I swear that none of you have anything in my possession".
 - The machlokes between **Shmuel** and **R' Yochanan** is that **Shmuel** makes an inference from the Braisa and **R' Yochanan** makes an inference from our Mishna.
 - **Shmuel** says, since **R' Yehuda** in the Braisa gives the case of "and not to you" and says that that is considered to be a case of separate oaths, it must be that he heard from **R' Meir** that that is considered to be an all-inclusive oath. **R' Yochanan** says that in the Braisa **R' Yehuda** heard that whether or not the "and" is used **R' Meir** says they are separate oaths, and **R' Yehuda** then comes and says, "I agree that when the 'and' is used they are separate oaths, but when 'and' is not used I hold it is an all-inclusive oath". **Shmuel** disagrees with this explanation, because the Braisa should have stated the case where they argue, not the case where they agree.
 - **R' Yochanan** says, since in the Mishna **R' Meir** says that "none of you have anything in my possession" is considered to be an all-inclusive oath, it must be that if he says "not to you, and not to you..." it would be considered separate oaths. If that case would be considered all-inclusive as well, **R' Meir** should have given that case (which is a bigger chiddush) rather than the case of "none of you have anything in my possession". **Shmuel** says this is no proof, because the two statements are the same, neither being a bigger chiddush.
 - **Q:** The Mishna said, if the person responds "not to you and not to you, etc." he is chayuv a separate asham for each. An anonymous Mishna is typically the view of **R' Meir**, which shows that **R' Meir** holds this response is not an all-inclusive oath, which is difficult according to **Shmuel**!? **A:** Read the Mishna as saying without the "and".
 - **Q:** Our Mishna said, if the person responds, "I do not have the deposit and do not have the loan and do not have the stolen item..." he is chayuv a separate asham for each. This shows that **R' Meir** must hold that the "and" makes it be

considered as separate oaths, which is difficult according to **Shmuel!**? **A:** Read the Mishna as saying without the “and”.

- **Q:** Our Mishna said, if the person responds, “I do not have the wheat and do not have the barley and do not have the spelt” he is chayuv a separate asham for each. This shows that **R’ Meir** must hold that the “and” makes it be considered as separate oaths, which is difficult according to **Shmuel!**? **A:** Read the Mishna as saying without the “and”.
 - **Q:** Are we to say that the Tanna continued to teach an inexact verbiage?
A: Rather, we can say that the view of the Mishna is the view of **Rebbi**, who says regarding piggul that there is no difference if the word “and” is used, and even without it, it is considered two separate statements. Similarly, he would hold this way regarding oaths as well.
- **Q:** The Mishna said, **R’ Meir** said, even if the claim is for “a wheat and a barley and a spelt” (in the singular form), he would be chayuv for each one separately. We see that **R’ Meir** holds that “and” creates a separate oath!? **A:** Read the Mishna as saying without the “and”.
 - **Q:** If so, what does he mean when he says “even”? **A:** **R’ Acha the son of R’ Ika** said, he is teaching that using the singular is another way of saying “wheat kernels” in the plural.

TEIN LI PIKADON USISUMES YUD...

- The Mishna said, if a person says “Give me the wheat and the barley and the spelt of mine that you have in your possession”, and the other person responds with an oath that “I have nothing in my possession” he would only be chayuv for one, but if he responds with an oath that “I don’t have wheat and barley and spelt of yours in my possession” then he would be chayuv separately for each denial. With regard to one of these cases **R’ Yochanan** said, that even if the denial is on a combined value of a perutah between the different species, they would combine to make him chayuv.
 - **R’ Acha and Ravina** argue: one says in the second case he is chayuv separately for each species, but not an additional one for the general denial. The other says he is chayuv an additional one for the general denial as well.
 - **Q:** A Braisa seems to clearly suggest that he is not chayuv an additional one for the general denial!? **A:** That Braisa follows that view.
 - **Q:** Another Braisa says, there is a case where a person would be chayuv for 20 chataos, which suggests that he is chayuv for the general denial as well!? **A:** The Braisa is discussing where there were 4 specific denials made to each of 5 people. That leads to the total of 20 chataos.
 - **Q:** **Rava** asked **R’ Nachman**, if there were 5 people each making a claim against someone, and they said, “Give us the pikadon, the loan, the stolen item, and the lost item of ours that is in your possession”, and the defendant responds to one of the people, “I swear that you don’t have a pikadon, a loan, a stolen item, or a lost item in my possession” and he then says to the other four people, “and not to you, and not to you, and not to you, and not to you”. Clearly he is chayuv 4 chataos for his denials to the first person. For the denials to the other 4 people, is he only chayuv one chatas for each person or is he chayuv 4 chataos for each of the four people? **A:** **R’ Chiya** taught a Braisa that says that in a similar case the person would be chayuv 20 chataos. Now, it must be that the case was like here, where he only fully specified to the first person, and we see that he is chayuv 4 chataos to each. This must be the case, because if he fully specified to each person, there would be no chiddush for **R’ Chiya** to be teaching us.

ANASTA UFITISA ES BITI...

- **R’ Chiya bar Abba in the name of R’ Yochanan** said, **R’ Shimon** holds, although there is a monetary (beyond knas) aspect to the claim, since the main claim is for a knas, he would be patur for swearing falsely.
 - **Rava** said, this is like someone who made a claim for wheat, barley, and spelt, and the defendant responded by swearing that he did not have the person’s wheat, and it turned out that he did have the plaintiff’s barley and spelt, but no wheat. Clearly he

would be patur, because he only swore regarding the wheat. In the Mishna as well, he only swore regarding the knas, and therefore he is patur.

- **Q: Abaye** said, this is not comparable!? In that case he only denied the claim on the wheat. In the Mishna's case he is denying liability for the knas as well as for the boshes and pegam!? Rather, the comparable case would be to where the claim was for wheat, barley, and spelt, and he responded with an oath that he has nothing in his possession, and it is then discovered that he did not have wheat, but he had the barley and spelt. In that case he would be chayuv. If so, why does **R' Shimon** say he is patur!? **A:** Rather, **Ravin in the name of R' Yochanan** said, **R' Shimon** holds that in the Mishna the plaintiff is only making a claim for the knas – not for the boshes and pegam. Therefore, the denial is only a denial of knas. The **Rabanan** hold that the claim includes a claim for boshes and pegam as well, and therefore the oath includes a monetary claim beyond knas.
 - **R' Pappa** explained, the machlokes is that **R' Shimon** says a person focuses on the fixed claim (the knas) and not on the variable claim (the boshes and pegam). The **Rabanan** say a person does not make a claim from which the defendant can free himself by admitting his guilt and forget about the claim from which the defendant cannot free himself by admitting guilt.

HADRAN ALACH PEREK SHVUAS HAPIKADON!!!

PEREK SHVUAS HADAYANIN -- PEREK SHISHI

MISHNA

- The shvua imposed by Beis Din (for a partial admission) is imposed only when the claim is for at least the value of 2 silver ma'ah and the admission must be at least the value of a prutah. If the admission is not regarding the same type of item as the claim, he would be patur from having to swear. For example, if the plaintiff makes a claim that the defendant has silver of his worth 2 ma'ah, and the defendant responds that he only has copper worth a perutah that belongs to the defendant, he would be patur from having to swear. However, if the claim was for silver worth two ma'ah *and* copper worth a perutah, and the admission was only for the copper, he would have to swear.
 - If the plaintiff makes a claim that he is owed a maneh (100 silver dinars) and the defendant says he owes nothing, he is patur from having to swear. However, if he responded that he admits to owing 50 silver dinars, he would be chayuv to swear.
 - If an heir makes a claim that his father was owed 100 dinars and the defendant admits to owing 50 dinars, he is still patur from having to swear, because he is like someone who is returning a lost item (who is patur from having to swear).
 - If the plaintiff claims that he is owed a maneh and the defendant agrees, and the next day the plaintiff asked for his maneh to be returned and the defendant said that he already returned it, he is patur from having to swear. However, if on the second day he said "I never owed you any money" he would be chayuv to pay for the claim.
 - If the plaintiff claims that he is owed a maneh and the defendant agrees, and the plaintiff then told the defendant, "Only pay me back in front of witnesses", and the next day the plaintiff asked for his maneh to be returned and the defendant said that he already returned it, he is chayuv, because he was only supposed to return the money in front of witnesses.
- If the plaintiff made a claim that he is owed a litra of gold and the defendant admits that he owes a litra of silver, he is patur from having to swear. If the claim was for a golden dinar coin and the defendant admits to owing a silver dinar coin, or a treisis coin, or a pundyun coin, or a perutah, he would be chayuv to swear, because all coins are considered to be of the same type of item.
 - If the plaintiff made a claim for a kor of grain and the defendant admitted to owing a lesech (a half kor) of beans, he would be patur from having to swear. However, if the plaintiff made a claim for a kor of produce and the defendant admitted to owing a

lesech (a half kor) of beans, he would be chayuv, because beans are included in the category of produce.

- If the claim was for wheat and the admission was for barley, he would be patur from having to swear. **R' Gamliel** says he would be chayuv (he holds that the admission does not have to be of the same category of item as the claim).
- If the claim is made for jugs of oil and the defendant admits that he owes the jugs, but not the oil, **Admon** says this is a partial admission of the kind of the claim, and therefore he must swear. The **Chachomim** say the admission is not of the same kind as the claim. **R' Gamliel** said, I see **Admon** as being correct.
 - If the claim was made for both – keilim and land, and the defendant admits to owing keilim, but not to owing land, or he admits to the land but not to the keilim, he is patur from having to swear (there is no swearing on matters involving land). If he admits partially on the land, he is patur from having to swear. If he admits partially on the keilim, he would be chayuv to swear on the keilim *and* on the land, because moveable property can subject real property to requiring a person to swear about it.
- There is no requirement to swear in response to the claim of a cheireish, shoteh, or katan, and we do not impose an oath on a katan. However, one does swear to a katan and to hekdesch.

GEMARA

- **Q:** How do we have the defendant swear? **A:** **R' Yehuda in the name of Rav** said, he swears the oath written in the Torah – “v'ashbi'acha Ba'Hashem Elokei hashamayim” (he must swear in the Name of Hashem).
 - **Ravina** said to **R' Ashi**, this seems to only follow the view of **R' Chanina bar Idi**, who says that an oath must be done using the Shem Hameforesh. **R' Ashi** said, it may even follow the **Rabanan** who say that any Name of Hashem may be used. What we learn from the pasuk is like **Rava** said, that just as Avrohom made Eliezer hold onto an item of mitzvah, so too Beis Din must make the swearer hold an item of mitzvah when he swears, and if a dayan does not do so, he is considered to have erred in an open Mishna and his verdict would be vacated.
 - **R' Pappa** said, if a dayan has the swearer hold onto tefillin, instead of a Sefer Torah, he is considered to have erred in an open Mishna and his verdict would be vacated.
 - The Gemara says, the halacha follows **Rava** and it does not follow **R' Pappa**.
 - An oath should be taken while standing. If he is a talmid chochom, he may sit. An oath should be taken while holding a Sefer Torah. If he is a talmid chochom, it may be taken while holding tefillin, even l'chatchila.