



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

Shvuos Daf Lamed Tes

- A Braisa says, the “shvuas hadayanim” (the court imposed oath for partial admission) also may be said in any language. Beis Din tells the defendant, you should know that when Hashem at Har Sinai said “lo sisa es Shem Hashem Elokecha lashav” the entire world shook. Also, regarding all other aveiros the Torah says “v’nakei” (Hashem will forgive for the aveira), but with regard to false oaths the Torah says “lo yinakeh”. Also, for all other aveiros, only the sinner himself is punished, whereas for this aveira the person’s family is punished as well, as can be seen from a pasuk. Also, for all other aveiros, only the sinner himself is punished, whereas for this aveira the entire world is punished, as can be seen from a pasuk. With regard to all other aveiros, if the sinner has some zechus, the punishment is suspended for 2 or 3 generations, but with regard to this aveira the punishment comes immediately and completely, as can be seen from a pasuk. If after hearing all this from Beis Din the defendant says that he will not swear, we make him leave Beis Din (we don’t allow him to change his mind) and he must pay the claim. If after hearing all this from Beis Din he says that he will still swear, the people standing near there state the pasuk that says “Turn away now from the tents of these wicked people...” When they are ready to have him swear, Beis Din tells him, you must know that we are having you swear not based on your own understanding of the oath, but rather on the understanding of Hashem and of Beis Din. This is what we find by Moshe Rabbeinu, when he had the Yidden accept an oath he told them that they are swearing not based on their own understanding, but rather based on the understanding of Hashem and of Moshe, as the pasuk says “v’lo itchem livadichem”. The pasuk regarding Moshe’s oath says “ki es asher yeshno poh” – which teaches that the oath includes the people who were there at that time on Har Sinai. How do we know that it also included the people who would be born later and the geirem who would convert later? The pasuk says “v’eis asher einenu”. The oath also only seems to include mitzvos which they accepted on themselves at Har Sinai. How do we know that it includes future mitzvos – like the later mitzvah to read the megillah – as well? The pasuk in the megillah says “kiymu v’kiblu”, which teaches that at the time of Purim the Yidden confirmed the mitzvah that they had already accepted under oath by Moshe.
 - **Q:** What does the Braisa mean that the “shvuas hadayanim” (the court imposed oath for partial admission) *also* may be said in any language? **A:** It is referring to a Mishna that lists a number of things that can be said in any language – parshas sotah, viduy maaser, kriyas shema, shmoneh esrei, birchas hamazon, shvuas eidus, and shvuas pikadon. The Braisa therefore says that shvuas hadayanim may also be said in any language.
 - **Q:** Why is it that the world shook when Hashem said “lo sisa”? If it is because it was given at Sinai, there were 10 Dibros given at Sinai, and the world should have shook for the other nine as well!? It can’t be because this aveira is especially stringent, because a Braisa says that “lo sisa” is as stringent as aveiros for which the punishment is kares or misas Beis Din!? **A:** Rather, it is because regarding all other aveiros the Torah says “v’nakei” (Hashem will forgive for the aveira), but with regard to false oaths the Torah says “lo yinakeh”.
 - **Q:** How can that be said when regarding other aveiros the pasuk says “v’nakeh lo yinakeh”!? **A:** That pasuk is needed for the drasha of **R’ Elazar** in a Braisa, which says that the pasuk teaches that Hashem forgives only when the person does teshuva.
 - **Q:** Does a person’s family not get punished for other aveiros? A pasuk says that Hashem says He will set Himself against the person and his family, and **R’ Shimon** says in a Braisa, the reason is that a family protecting a sinner is as guilty as the sinner himself!? **A:** With regard to other aveiros the family gets a lighter punishment than the sinner.

With regard to swearing falsely, the family gets the same punishment as the sinner himself.

- **Q:** Does the whole world not get punished for the person's other aveiros? A pasuk teaches that all Yidden are "areivem zeh lazeh", which makes everyone responsible for everyone else's aveiros!? **A:** For that, people are only punished if they could have stopped the commission of the aveira, but did not. For swearing falsely everyone is punished even if they could not have prevented it.
 - **Q:** What is the difference in punishment for the wicked family members, the wicked of the world, the righteous family members and the righteous of the world? **A:** With regard to other aveiros, the sinner himself gets the punishment given in the pasuk. His wicked family members gets a lighter punishment than he, and the wicked people in the world get an even lighter punishment. The righteous people of the family and of the world don't get punished at all. With regard to the one who swears falsely, he and the wicked of his family get the punishment described for him in the pasuk. The wicked people in the rest of the world get a lighter punishment than them. The righteous of his family and of the world get an even lighter punishment than them.
- **Q:** The Braisa said, the people standing next to the one who is willing to swear state the pasuk that says "Turn away now from the tents of these wicked people..." This suggests that both litigants are referred to as wicked people (due to the impending oath). What did the plaintiff do wrong? He is not ready to swear!? **A:** It is like **R' Shimon ben Tarfon** says in a Braisa, the pasuk of "shvuas Hashem tihyeh bein shneyhem" teaches that both litigants are subject to the punishment for the oath.
- **Q:** Why do they have to tell him that he is swearing based on the understanding of Hashem and Beis Din? **A:** It is to avoid a case like the "stick of **Rava**" (explained previously, where the defendant put money into his cane and gave it to the plaintiff to hold during the oath...).

HATAANA SHTEI KESEF

- **Rav** said, the denial must be for a minimum of 2 silver maos. **Shmuel** said, that the claim itself must be for a minimum value of 2 silver maos, and therefore, if the denial is even just a perutah and the admission is just a perutah, he would be chayuv.
 - **Rava** said the Mishna supports **Rav**, because it says the claim must be for 2 silver maos and the admission for a perutah, and it makes no mention that the denial can also be for only a perutah. This suggests that the denial would have to also be for 2 silver maos. The pesukim support **Shmuel**, because the pasuk suggests that the claim must be for 2 silver maos, and then says that the admission can even be for "ki hu zeh" – which is for any part of the claim. This means that the denial could be for even less than the 2 silver maos.
 - **Rav** holds that "ki hu zeh" is needed to teach that there must be a partial admission to create an obligation to swear. **Shmuel** says, "hu" teaches that the admission is part of the 2 silver maos (meaning that the denial can be for less than 2 silver maos) and "zeh" teaches that there must be a partial admission to create an obligation to swear. **Rav** says one would teach that there must be a partial admission and the other would teach that the admission must be of the same type of item as the claim. **Shmuel** would agree with that, but would say that we can still learn that the admission is on part of the claim, which means that the denial is for less than the minimum required amount of the claim. **Rav** says, when the pasuk says "ki yitein ish ehl rei'eihu kesef oy keilim lishmor", the "kesef" (which refers to a minimum of 2 silver maos) is extra and refers to the amount of the denial, not the claim. **Shmuel** says the word is not extra, and is therefore not available for this drasha.
 - **Q:** Our Mishna said, if the plaintiff made a claim for 2 silver maos and the defendant admitted to a perutah, he is patur. Presumably this is so, because he denied less than 2 silver maos!? **A:** **Shmuel** would say, the reason he is patur is because the Mishna is talking about where the claim was for silver and the admission was for copper – that is why he is patur (it was not a value, it was an actual item).

- **Q:** If the Mishna doesn't mean to refer to the value, but rather to the actual metals, how do we understand the later part of the Mishna that says, if the claim was for 2 silver maos and a perutah and the admission was for the perutah, he is chayuv to swear. Now, if the Mishna is referring to value, this makes sense. However, if the Mishna is referring to the metals, he is *fully* denying the claim to silver, and *fully* admitting to the claim for copper, so why is he chayuv to swear!? **A:** We find that **R' Nachman in the name of Shmuel** holds that if a claim is made for wheat and barley and he admits to one of them, he would have to swear. This case in the Mishna is no different than that.
- It makes sense to say that the Mishna is referring to the metals, and not the values, because the later part of the Mishna discusses a claim of a litra of gold and an admission to a litra of silver and says that he would not be chayuv to swear. Clearly, this is because the claim and admission are about the metals, not the value. Therefore, it makes sense to say that the earlier part of the Mishna is likewise referring to the metals.
 - **Rav** would say that the cases in the Mishna are referring to value, except for the case of the litra. Since in that case they give the weight, it shows that the intent is the weight, not the value.