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Shevuos Daf 35

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishnah: If a man (the claimant) said (to two witnesses), “I adjure you that you shall come and testify that So-and-so said he will give me two hundred zuz, and he did not give” (and the witnesses testified that they did not know, and it emerges that they lied), they are exempt (from bringing the *korban olah v’yoreid*), for they are not liable unless it is a real monetary claim, like a case of a deposit (where the person would be liable if the testimony was given; here, the fellow could have said that he changed his mind and does not want to give the money).

If a man said (to two witnesses), “I adjure you that when you become aware of testimony for me, you shall come and testify,” they are exempt, for the oath preceded their testimony.

If a man stood in a synagogue and said (to the entire congregation, including the two witnesses), “I adjure you that if you know testimony for me you shall come and testify,” they are exempt (because he did not address them specifically).

If a man said (to two witnesses), “I adjure you So-and-so and So-and-so that if you know testimony for me you shall come and testify,” and they take an oath that they do not know testimony for him, and it emerges that they do know testimony, but only as a witness who heard from the mouth of another witness, or one of them was found to be a relative or otherwise disqualified, they are exempt.

If a man sent his slave to adjure the witnesses, or if the defendant said to them, “I adjure you that if you know testimony for the claimant that you shall come and testify,” they are exempt unless they heard from the mouth of the claimant. (35a)

The Gemora cites a braisa which derives through a gezeirah shavah – (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah) from

the oath of deposit. Just as there it says, “secheta” – “will sin,” and it is referring to a monetary claim and the claimant has money owed to him, so too here by the oath of false testimony, it says, “secheta” – “will sin,” and it therefore refers to a real monetary claim and the claimant has money owed to him. This is why the witnesses are not liable in the case where a man (the claimant) said (to two witnesses), “I adjure you that you shall come and testify that So-and-so said he will give me two hundred zuz, and he did not give” (and the witnesses testified that they did not know, and it emerges that they lied).

The Gemora cites a braisa: If a man said (to two witnesses), “I adjure you that when you become aware of testimony for me, you shall come and testify,” they are exempt, for it is written: *and he hears the voice of an adjuration, and he is a witness, whether he has seen or knew*. The Torah is teaching us that he is liable only where the testimony precedes the oath, and not where the oath precedes the testimony.

The Mishna had stated: If a man stood in a synagogue and said (to the entire congregation), “I adjure you that if you know testimony for me you shall come and testify,” they are exempt (because he did not address them specifically).

Shmuel said: This is true even if the witnesses are among them.

The Gemora explains the novelty of this ruling: They would be exempt even if he is standing next to the witnesses. One might have thought that in this case, he is speaking directly to them; Shmuel teaches us that this is not so.

The Gemora cites a braisa in support of this ruling. One must specify the witnesses to which he is referring to. It would be sufficient, however, to refer to them, even though he did not adjure them directly.



good to you," R. Meir says that he is liable, but the *Chachamim* exempt him. (35a)

Rav Yehudah said that when the *Mishna* mentioned the case of "I adjure you," it means that he said, "I adjure you by the oath stated in the Torah"; "I command you by the command stated in the Torah"; "I bind you by the bond stated in the Torah."

Abaye asked him: But then what of Rabbi Chiya who taught that if one said, "I chain you," they are liable. Is 'chain' then mentioned in the Torah?

Rather, said Abaye. This is what he means: "I adjure you by oath"; "I command you by oath"; "I bind you by oath"; "I chain you by oath."

The *Mishna* had stated: "By (*the Name of Hashem that begins with*) Alef-Daled," or "By (*the Name of Hashem that begins with*) Yud-Hey," or "By Shadday" (*the Almighty*), or "By Tzevaos" (*the Lord of Hosts*), or "By the Gracious and Compassionate," or "By He who is slow to anger and of great loving kindness."

The *Gemora* asks: do you mean to say that "the Gracious and Compassionate" is a Name of Hashem!? This is contradicted from the following: There are Names which may be erased and there are Names which may not be erased. These are the Names which may not be erased, such as: 'Eil' (*the Supreme One*), 'Elohecha' (*Your God*), 'Elohim' (*God*), 'Eloheichem' (*your (pl.) God*), 'Ehey asher Ehey' (*I shall be as I shall be*), (*the Name of Hashem that begins with*) Alef-Daled," or "(*the Name of Hashem that begins with*) Yud-Hey," or "Shadday" (*the Almighty*), or "Tzevaos" (*the Lord of Hosts*) - these may not be erased; but the Great, the Mighty, the Awesome, the Sublime, the Strong, the Powerful, the Potent, the Gracious, the Compassionate, the Slow to anger, the One Abounding in Kindness - these may be erased!?

Abaye said: Our *Mishna* means: I adjure you by the Name of He who is Gracious, and I adjure you by the Name of He who is Compassionate.

Rava asked: If so, they should be liable in the case of "By heaven and by earth" as well!?

The *Gemora* cites a *braisa*: If a man said (to two witnesses), "I adjure you So-and-so and So-and-so that if you know testimony for me you shall come and testify," and they take an oath that they do not know testimony for him, and it emerges that they do know testimony, but only as a witness who heard from the mouth of another witness, or one of them was found to be a relative or otherwise disqualified, they are exempt. This is derived from the verse: *If he will not testify, he shall bear his iniquity*. We learn from here that they are only liable if they are fit to offer testimony.

The *Gemora* cites a *braisa*: If a man sent his slave to adjure the witnesses, or if the defendant said to them, "I adjure you that if you know testimony for the claimant that you shall come and testify," they are exempt unless they heard from the mouth of the claimant. This is derived from the verse: *If he will not testify, he shall bear his iniquity*. Rabbi Elozar explains this exposition: It is written: if he does not testify. [*The word "lo" – "he does not" is written with a "vav" and an alef" instead of just an "alef."*] The implication is that if to him (the claimant) he does not testify, then he shall bear his iniquity; but if he does not testify to another, he is exempt. (35a)

Mishnah: If a man said, "I adjure you," "I command you," or "I bind you," they are liable. "By heaven and by earth," they are exempt (*for they did not use Hashem's Name*). "By (*the Name of Hashem that begins with*) Alef-Daled," or "By (*the Name of Hashem that begins with*) Yud-Hey," or "By Shadday" (*the Almighty*), or "By Tzevaos" (*the Lord of Hosts*), or "By the Gracious and Merciful," or "By He who is long suffering and of great loving kindness," or by any substituted Name, they are liable.

If one blasphemes by any of these he is liable; these are the words of Rabbi Meir; but the *Chachamim* exempt him.

If a person curses his father or mother by any of these he is liable; these are the words of Rabbi Meir; but the *Chachamim* exempt him.

If a person curses himself or his fellow by any of these, he transgresses a prohibition. "May God smite you," or "Thus may God smite you," this is the adjuration (*alah*) written in the Torah. "May He not smite you," or "May He bless you," or "May He do



The *Gemora* answers: There is a distinction between the two cases. There, since there is nothing else which is called Gracious and compassionate, it is clear that he means, “By He who is Gracious,” and “By He who is Compassionate,” but here, since there are heaven and earth, he means, “By heaven and earth.”

The *Gemora* cites a *braisa*: If he wrote Alef Lamed of Elohim, Yud Hey of Hashem (and he intended to complete the Name), they may not be erased (for they are Names of Hashem by themselves); Shin Daled of Shaddai, Alef Daled of Adonai, Tzadi Beis of Tzevaos, they may be erased (for they are not Names of Hashem by themselves). Rabbi Yosi said: The whole word Tzevaos may be erased, because Tzevaos refers to Israel, as it is written: And I will take out My legions (Tzivosai), My people, the children of Israel, from the land of Egypt.

Shmuel said: The *halachah* is not in accordance with Rabbi Yosi.

The *Gemora* cites a *braisa*: Any affix that is joined to a Divine Name, whether before it (a prefix) or after it (a suffix), may be erased. Before it; how? To Hashem - the “lamed” may be erased; By Hashem - the “beis” may be erased; and Hashem - the “vav” may be erased; from Hashem - the “mem” may be erased; that Hashem - the “shin” may be erased; is Hashem - the “hey” may be erased; Like Hashem - the “chaf” may be erased. After it; how? Eloheinu - our God - the suffix “nu” may be erased; their God - the suffix “hem” may be erased; your God - the suffix “chem” may be erased. Others say that the suffix may not be erased, for the Name has already sanctified it. Rav Huna said: The *halachah* is in accordance with these others. (35a – 35b)

[A mnemonic: Avraham, who cursed, Navos, in Givas Binyamin, Shlomo, Daniel.] All the Names mentioned in the Torah in connection with Avraham are Divine, except this one which is secular: it is written: And he said, “Adonai (My master); if now I have found favor in your eyes.” [Avraham was saying this to an angel.] Chanina, the son of Rabbi Yehoshua’s brother, and Rabbi Elozar ben Azaryah in the name of Rabbi Eliezer Hamodai said: this also is Divine.

¹ If, as you say, God is intended, why did He tell the other tribes to make war on the tribe of Benjamin, and then allow them to be defeated?

The *Gemora* notes: That which Rav Yehudah said in the name of Rav that receiving guests is greater than receiving the Divine Presence agrees with this pair (for they say that Avraham addressed Hashem, asking Him not to withdraw His Presence while he entertained the angels – his guests).

All the Names mentioned in connection with Lot are secular, except this which is Divine: it is said: And Lot said to them (the angels): Please, no! Adonai: behold now, your servant has found grace in your sight, [and you have magnified your mercy which you have shown to me in saving my life] — He in Whose power it is to kill and to revive; that is the Holy One, Blessed be He.

All the Names mentioned in connection with Navos are Divine; in connection with Micah are secular. Rabbi Eliezer said: in connection with Navos [all are] Divine; in connection with Micah, some are secular, and some Divine: [the Name beginning] Alef Lamed is secular, Yud Hei is Divine; except this which is Alef Lamed and is Divine: all the time that the House of God was in Shiloh.

All the Names mentioned in connection with Gibeah of Benjamin, Rabbi Eliezer said, are secular; Rabbi Yehoshua said, are Divine. Rabbi Eliezer said to him: Does He then promise, and not fulfill¹? Rabbi Yehoshua replied to him: What He promised, He fulfilled; but they did not inquire whether [the result would be] victory of defeat; later, when they did inquire [of the Urim and Tummim], they approved their action, as it is said: And Pinchas, the son of Elozar, the son of Aaron, stood before it in those days — saying: Shall I yet again go out to battle against the children of Benjamin my brother, or shall I cease? [And the Lord said: Go up; for tomorrow I will deliver them into your hand].

Every Shlomo mentioned in the Song of Songs is Divine, [for this book is] the Song to Him Whose is the peace, except this: My vineyard, which is mine, is before me; one thousand are for you, O Shlomo — Shlomo for himself [shall have a thousand]; and two hundred for those that guard the fruit — [viz.] Sages.

And there are some who say this also is secular: Behold it is the bed of Shlomo.



The Gemora asks: 'This also', [implies] that the other is undoubtedly [secular]. But then what of Shmuel who said: A Government which kills Only one out of six is not punished; for it is said: My vineyard, which is mine, is before me; you, O Shlomo, shall have the thousand — for the Kingdom of Heaven; and two hundred for those that guard the fruit — for the kingdom on earth².

Now Shmuel is not in agreement with the first Tanna, nor with the 'some who say'!

The Gemora answers: But this is what it means: And some there are who say this [My vineyard] is Divine, and this is secular — [the verse] about his bed; and Shmuel agrees with them.

All Kings mentioned in Daniel are secular except this which is Divine: You, O King, King of kings, Who is the God of the heavens, has given a strong kingdom, power and glory.

And some say, this also is Divine; it is said: My Lord, the dream should be upon your foes, and its interpretation should be upon Your enemies.

To whom does he say this? If it should enter your mind that he says it to Nebuchadnezzar — who are those who hate him? Israel! Then he (Daniel) is cursing Israel!?

And the first Tanna? — He holds: Are the enemies [of Nebuchadnezzar] only Israelites? Are there not enemies [too] who are heathens? (35b)

The Mishnah had stated: Or by any of the substitutes [for the name], they are liable, etc.

The Gemora asks: We may cite [the following] in contradiction: The Lord makes you as a curse and an oath. Why is this stated? Is it not already said: The Kohen shall cause the woman to swear with the oath of cursing? Because it is said: And hear the voice of alah [cursing]: here it is said 'alah,' and there it is said 'alah'; just as here it implies an oath, so there it implies an oath; just as here it must be by the Name, so there it must be by the Name.

² Serving the king; 200 for the king, and 1,000 for God = 1,200 altogether; the king is thus permitted one sixth for his army.

Abaye said: It is no question. This (the Baraisa which states that an oath must be by the Name) is [the view of] Rabbi Chanina bar Idi, and that (the Mishnah which states that the substitutes are of equal potency) is [the view of] the Rabbis; for we learned: Rabbi Chanina bar Idi said: Since the Torah said: 'You shall swear³,' and 'you shall not swear'; 'you shall curse,' and 'you shall not curse'; [we deduce:] just as 'you shall swear' means by the Name, so you shall not swear' means by the Name; and just as 'you shall curse' means by the Name, so 'you shall not curse' means by the Name.

The Gemora asks: Now, the Rabbis, if they received on tradition this gezeirah shavah, let them require the actual Name; and if they did not receive on tradition this gezeirah shavah, how do they know that 'alah' implies an oath?

The Gemora answers: They deduce it from [the Baraisa in] which it was taught. 'Alah': 'alah' is nothing but the expression of an oath; and so it says: And the Kohen shall cause the woman to swear with the oath of alah.

The Gemora asks: But there it is written: the oath of alah!

The Gemora answers: Thus he means: 'alah'; 'alah' can only be an oath, and so it says: 'and the Kohen shall cause the woman to swear with the oath of alah.'

The Gemora asks: And from where do we know to treat an oath unaccompanied by an alah like an oath accompanied by an alah?

The Gemora answers: Because it is said: and hears the voice of an alah — [we understand that to mean:] and hears an alah [with a curse]; and hears the voice [without a curse]. (35b – 36a)

INSIGHTS TO THE DAF

Painting over holy names written on the walls of a synagogue

The severe prohibition of erasing a holy name is well known. The fact that the holy names are written in sidurim, chumashim, sifrei Torah and sometimes on a paroches or even on the walls of a synagogue moved halachic authorities to relate to this topic from

³ Upon occasions when an oath is obligatory



different viewpoints, mainly with the aim to find a way to erase the names without committing a transgression. One of the practical questions is whether covering Hashem's name is regarded as its erasure.

Affixing a sidur to the wall of a synagogue: In one of the Bnei Berak shuls an issue of Meoros HaDaf HaYomi is hung on the bulletin board each week to enable everyone to read it and the same is practised in the Poalei Agudas Yisrael Synagogue in Borough Park, New York. In his Responsa Kinyan Torah Bahalachah (II, 57), HaGaon Rav A.D. Horvitz zt"l, Av Beis Din of Strasbourg, relates that there was a synagogue in Galicia with the pages of almost a whole sidur glued to the wall near the entrance for those who had no sidur, though the holy names on the verso sides of the pages were glued to the wall. "But who knows if this was agreed by the chachamim, for I was a mere child and didn't know enough to ask." This story is included in his reply to a publisher who asked if it was allowed to glue pages of old sefarim on photographic plates to print them anew. The gluing makes the pages inseparable from the plates and the holy names on the glued side are not erased but remain forever covered. The instance is the same as gluing the pages of a sidur to the wall of a synagogue. Is it allowed?

About 150 years before that instance, a similar question was referred to Rabbi Akiva Eiger zt"l (Responsa Rabbi 'Akiva Eiger, II, 15) about a bookbinder in Lipna. He would glue pages together, such that holy names would be forever covered. It turned out that many years before that question, two leading halachic authorities – Rabbi Meir Eisenstat zt"l, author of Panim Meiros (I, 45) and the author of Me'il Tzedakah (23) – had been asked about painting the walls of a synagogue on which holy names were written. The Panim Meiros ruled that it was allowed, citing the Torah's command to the Jews who crossed the Jordan to write the Torah on stones and then plaster them over (see Sotah 35b). Covering, then, is not erasure. Still, the Me'il Tzedakah distinguishes between the two instances. Plaster on a stone may be scratched off without harm to the writing beneath but paint on another layer of paint cannot be removed by itself and the names underneath cannot be exposed. If we try to remove the paint, the paint beneath with the holy letters will also peel off (Rabbi Akiva Eiger writes that the Panim Meiros apparently changed his mind). Many poskim (Maharashdam, Y.D. §184; Rabbi 'Akiva Eiger, ibid,

in the name of Panim Meiros and Me'il Tzedakah, ibid; etc.) were strict and ruled that Hashem's name must not be covered with a covering that cannot be removed (but 'Atzei Levonah [Y.D. 276] is lenient).

A solution for bookbinders: The advice possible for the bookbinder in Lipna and the publisher in Strasbourg is to place a paper over the holy names or the whole page and glue only the edges of the paper. Such covering is allowed as the names are not harmed (Rabbi Akiva Eiger, ibid; he writes that this is permitted only if it can't be done by a gentile).

DAILY MASHAL

Our Gemora notes: Receiving guests is greater than receiving the Divine Presence.

A villager once burst into the study of the Maggid of Kozhnitz, all upset. A terrible fire had just broken out in his inn, burning everything that he owned.

"I don't understand it, Rebbe. I have been a G-d fearing Jew all my life. I keep an inn and run my business honestly. I welcome each guest warmly and feed him well, even if he is a wandering beggar and cannot pay. I am certainly not worse than the next Jew. Why then has this catastrophe happened to me?"

The Rebbe listened while he ranted and raved. Then he replied, "You may have treated your guests properly, but hospitality does not end at your doorstep. You must also accompany them a few steps, and see that they have provisions for the road ahead. This is an important part of hospitality; it is the [letter] 'lamed' of eishel⁴, levayah, to escort them. And since you forgot this vital point, all that remained from your eishel was eish or fire."

⁴ And he planted an 'eishel' – alef, shin, lamed