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A Curse

The *Gemara* asks: How do we know that a *shevuah* without an *alah* (a curse) should be like a *shevuah* with an *alah*? The verse says: *And he will hear the voice of an alah*. This implies that the law applies if a voice is heard, or an *alah* is heard (being that "the voice" is extra, it must be teaching that a *shevuah* without an actual *alah* has the same law).

Rabbi Avahu says: How do we know that an *alah* is a *shevuah*? This is as the verse says: *And he brought him into an alah*. The verse also says: *And he (Tzidkiyahu) also rebelled against Nevuchadnetzer, who made him swear to Hashem*.

The *Gemara* cites a *Baraisa*: The verse states: *Curse*. This includes *niduy* (a light form of excommunication), a curse, and an oath. It includes *niduy*, as the verse says: *Meiroz should be cursed, says the angel of Hashem, its residents should be cursed*. And Ulla says: With four hundred *shofars* Barak excommunicated Meiroz. It includes a curse, as the verse says: *and these will stand by the curse*. And the verse says: *Cursed is the man who will make an idol etc*. It includes an oath, as the verse says: *And Yehoshua swore at that time saying, cursed is this man before Hashem*.

The *Gemara* asks: Perhaps he did two (separate) things, both swear and curse?

The *Gemara* answers: Rather, the proof is from the following verse: *And a Jewish person came close on that day, and Shaul willed the people to say, Cursed is the man*

who will eat etc. The verse continues: *And Yehonasan did not hear when his father made the nation swear*.

The *Gemara* asks: Perhaps here, as well, he swore and cursed (but they are not the same thing)?

The *Gemara* answers: Does the verse say: *And curse?* [In other words, the verse indicates it was the same thing.] However, now that we have this answer, a similar answer can be given for the previous verse. (36a1 – 36a2)

Amen

Rabbi Yosi the son of Rabbi Chanina says: The word *amen* includes an oath, acceptance, and ascertaining truth. It is an oath, as the verse says: *And the woman will say amen, amen*. It is acceptance, as the verse says: *Cursed is the one who will not uphold the words of this Torah to fulfill them, and the entire nation should say amen*. It contains the ascertaining of truth, as the verse says: *And Yirmiyah the prophet said, Amen! So should Hashem do, Hashem should uphold your words*. (36a2)

No and Yes

Rabbi Elazar says: "No" can be an oath, and "yes" can be an oath.

The *Gemara* asks: It is understandable that "no" can be an oath, as the verse says: *and the waters will no longer be used for a flood*. And the verse says: *For these are the waters*



of Noach for Me, that I have sworn etc. However, where do we see that “yes” is an oath?

The *Gemara* answers: This is logical. If “no” is used as an oath, then “yes” can be used as an oath.

Rava says: This is only if the word “no” or “yes” is used twice in a row. This is as the verse says: *And no flesh will be cut off again because of the waters of the flood, and the waters will no longer be used for a flood.* Being that “no” must be used twice, “yes” also must be used twice. (36a2)

Cursing

The *Mishnah* says that if a person curses using any of the Names of Hashem, he is liable. These are the words of Rabbi Meir. The *Chachamim* say: He is exempt.

The *Baraisa* states: *When a man will curse his God, and he will bear his sin.* What is this verse teaching us? Doesn’t the verse already say: *And one who blasphemes the Name of Hashem should be put to death?* One might think one is only liable if he curses using the primary Name of Hashem. Is he liable if he curses using other Names of Hashem? The verse therefore states: *When a man will curse his God etc.* This indicates he is liable for any Name. These are the words of Rabbi Meir. The *Chachamim* say: He is punished with death for using the primary Name of Hashem, and transgresses a negative prohibition if he curses using other Names of Hashem. (36a2 – 36a3)

The *Mishnah* discusses one who curses his father or mother.

The *Gemara* asks: Who are the *Chachamim* in the *Mishnah*?

The *Gemara* answers: This is the opinion of Rabbi Menachem bar Yosi. This is as the *Baraisa* states: Rabbi Menachem bar Yosi asks: Why does the verse, *when he blasphemes the Name he should be put to death* have to mention *the Name*? This teaches that if someone curses his

father and mother, he is only liable (*to be killed*) if he uses the Name of Hashem. (36a3)

The *Mishnah* discusses someone who curses himself or a friend.

Rabbi Yannai says: Everyone agrees to this. One is liable for cursing himself, as the verse says: *Just guard yourself, and watch your soul carefully.* This is like the statement of Rabbi Avin in the name of Rabbi Illa that whenever the verse uses the words, “*hishamer*” -- “guard,” “*pen*” -- “lest,” and “*al*” - - “do not” (*the unconventional form of “lo”*) it means that this is a negative prohibition. This is also true regarding one’s friend, as the verse says: *do not curse a deaf person.* (36a3 – 36a4)

The *Mishnah* says that saying, “Hashem should strike you down,” whether in the singular or plural (*you*), is the *alah* written in the Torah.

Rav Kahana sat before Rav Yehudah, and quoted this *Mishnah* as it is written. Rav Yehudah said to him, switch the word (*i.e. do not say you, as you are saying Hashem should strike me down*).

A Rabbinical student sat in front of Rav Kahana, and quoted the verse: *Hashem should also break you forever, he should cut you and uproot you from your tent, and your roots from the land of the living forever.* Rav Kahana said: Switch this around.

The *Gemara* asks: Why do we need two such teachings?

The *Gemara* answers: One might think that one need only switch when quoting a *Mishnah*, not when quoting a verse. This is why the *Gemara* relates both stories. (36a4)

From the Implication of a Negative you Hear the Positive

The *Mishnah* discusses where a person tells someone that Hashem should not hit him, or He should bless him, or do



good to him, if he will testify for him. Rabbi Meir says he is liable (*for the implication of a negative you hear the positive*), while the *Chachamim* say he is not.

The *Gemara* asks: Rabbi Meir understands that the Torah does not take into account that every negative condition is also a positive condition! [*How can he hold that one will be liable for the other side of this condition?*]

The *Gemara* answers: It must be that the opinions are mixed up (*and the Chachamim hold one is liable*).

When Rabbi Yitzchak came from *Eretz Yisroel*, he taught the *Mishnah* as it is written. Rav Yosef proclaimed: Now that we have learned the text is switched, but Rabbi Yitzchak has not, we see the text should stay as it is.

The *Gemara* asks: What about the question above?

The *Gemara* answers: Rabbi Meir does not hold to this principle (*the implication of a negative you hear the positive*) when it is regarding money matters. However, he does hold it applies regarding prohibitions.

The *Gemara* asks: *Sotah* is a matter of prohibition, and yet Rabbi Tanchum bar Chachinai says that the verse *hinaki* is specifically stated. [*He means that while this word means she will be cleansed if the charges against her are false, it also indicates that if she is guilty "chinaki" -- "she will choke."*] This shows that Rabbi Meir needs a teaching for a negative implying a positive regarding *sotah* as well, which is a matter of prohibition. Otherwise, he would not have said a negative turns into a positive!

Rather, the *Gemara* says: It must be that he does not hold this applies, even to prohibitions.

Ravina asks: Is this true? Does Rabbi Meir not agree that those *Kohanim* who drink wine and have long hair are put to death (*if they perform the Temple service*)? [*The*

prohibition is derived from the Torah's stating that if they do not perform the service after drinking wine or with long hair, they will not die.] This is stated explicitly in a general *Mishnah* (*which is assumed to be according to Rabbi Meir*).

Rather, the *Gemara* concludes: It must be that the opinions are indeed switched (*some say the opinions are not switched, see Tosfos*). Rabbi Meir does not hold to this rule regarding money, but does hold of it regarding prohibitions. However, *sotah* is considered a monetary topic, as she loses her *kesuvah* (*if she committed adultery*). (36a – 36b1)

WE SHALL RETURN TO YOU, SHEVUAS HA'EIDUS

Mishnah

An oath taken regarding a deposit applies to both women and men, whether or not someone is related, whether or not they are qualified to testify. It applies whether or not they are in front of *Beis Din*, as long as the oath was uttered from his own mouth. If the oath is administered to him (*others uttered the oath and he responded to it*), he is only liable if he denies owing the money in *Beis Din*. These are the words of Rabbi Meir. The *Chachamim* say: Whether he utters the oath himself or it is administered, once he denies owing the deposit he is liable (*even not in front of Beis Din*).

One is liable to bring a *korban* for willfully denying he owes the deposit, and this is even if he did not know that one must bring a *korban* for such a sin. However, he is not liable if he really thought he was telling the truth.

What *korban* must he bring? He must bring an *asham* for (*a minimum*) two silver *shekalim*.

What is a case of an oath for a deposit? A person says, "Give me back my deposit, or take an oath that it is not in your hands." Or the defendant says, "I have nothing of yours" to which the person says, "Swear that this is so," and the defendant says *amen*, he is liable.

If he made him swear five times, whether in front of *Beis Din* or not, and he denied all five times owing anything, he is liable for each oath. Rabbi Shimon says: Why is this so? This is because he can retract his denial at any time.

If five people claimed a deposit from him and he denied owing it and swore falsely, he is liable for (*only*) one oath. If he swore, "I do not owe you, and nor you, etc." he is liable for each one. Rabbi Eliezer says: This is only if he said the word oath at the end. Rabbi Shimon says: He has to say the word oath to each one.

If a person claims, "Give me the deposit, money I gave you to invest, money you stole, and my lost objects, or swear you do not have these items," and he swore, he is only liable once. If he says, "Swear that you do not have the deposit, the investment money, etc." he is liable for each one.

If he says, "Give me my wheat, barley, and rye, or swear you do not have them," and he swears he does not have it, he is liable for one oath. If he says, "Swear that you do not have my wheat, barley, and rye," and he swears, he is liable for each one separately. Rabbi Meir says: Even if he says, "Wheat, barley, and rye" he is liable for each one (*the Gemara explains this statement*).

If a person claims that the defendant violated or seduced his daughter, and the defendant denies this, if the man makes the defendant swear, he is liable. Rabbi Shimon says: He is exempt, as he does not pay a fine based on his own admission. [*Rabbi Shimon understands that the korban for this oath is only brought when one takes it to get out of paying money. Being that this is a fine which one does not pay based on his own admission, he was not getting out of paying money when taking the oath, and therefore is not liable.*] They replied to him: Even though he would not pay the fine based on his admission, he would pay the monetary damages of embarrassment and impairment based on his admission.

If a person claims that someone stole his ox, and the person denies this and takes a false oath to this effect, he is liable. If he says he stole it, but did not slaughter or sell it and takes an oath to this effect, he is exempt (*as it is a fine*).

If someone accuses another person's ox of killing his ox, and the owner of the ox swears falsely in denying this claim, he is liable. If the same claim is made regarding killing his slave, he is exempt (*as this is a fine*).

If a person claims someone injured him and punctured him, and the defendant swears this is not true, he is liable.

If his slave claims that he knocked out his eye or tooth (*and he therefore should go free*) and he denies this under oath, he is exempt.

The rule is that if the claim is something that he would pay for if he admitted it was true, he is liable for lying under oath. If he would not have had to pay if he admitted (*as this is a fine*), he is exempt. (36b3 – 36b6)

DAILY MASHAL

Every Arur ends with V'omar Kal Ha'am Amein, except for the first one which says V'anu Chol Ha'am V'amru Amein. The other 11 were done K'ish Echad B'leiv Echad. However, the first one that discusses Avodah Zarah does not have the whole Klal Yisrael's participation. Why is the first one different?

Rav Schwab says there was one Avodah Zarah (Pesel Micha) that was being carried around by a Yid. This one Avodah Zarah was allowed to leave Mitzrayim and came all the way to Eretz Yisrael with Hashem's permission. We learn about it in Sefer Shoiftim. It was an Avodah Zarah that a Yid from Sheivet Dan took with him all the way to Eretz Yisrael. So this Arur about Avodah Zarah didn't have everyone answer Amen to it. It was not K'ish Echad B'leiv Echad.