



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o"h**Tzvi Gershon ben Yoel (Harvey Felsen) o"h**

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

Severity of Swearing

The *Baraisa* states: The oath administered by the judges was also stated in his language. They say to him: You should know, the whole world shook when Hashem said at Har Sinai: *Do not bear (i.e. say) the name of Hashem, your G-d, in vain.* Regarding all of the other sins in the Torah the verse says, *and He will cleanse* but regarding oaths it says *He will not cleanse.* Regarding all other sins he is punished, but here both he and his family are punished. This is as the verse says, *do not allow your mouth to cause sin (i.e. punishment) to your flesh.* Flesh refers to relatives, as the verse says, *And from your flesh do not turn away.* Regarding all other sins he is punished, but here both he and the entire world are punished. This is as the verse says, *Oath and denial (of the oath).*

The *Gemara* asks: Perhaps the verse there (*which states many sins*) meant that this punishment was given because of all of the sins together?

The *Gemara* answers: Do not think this, as the verse says, *because of these the land mourned.* The verse also says, *Therefore (Rashi in Kidushin 13a understands this means for anyone of these sins) the land will mourn, and everyone living there will be lonely.*

Other prohibitions in the Torah are not prosecuted for two or three generations if one has other merits, while oaths are prosecuted right away. This is as the verse says, *I have taken her out, and she will come to the house of the thief or the one who has sworn in My name falsely, and will sleep in his*

house and destroy him, along with his wood and stones. I have taken her out implies immediately. *And she will come to the house of the thief* refers to the house of a person who tricks people. Someone else does not owe him money, yet he makes a claim against him and makes him swear. *Or the one who has sworn in My name falsely* is as it is translated. *And will sleep in his house and destroy him, along with his wood and stones.* This verse teaches you that even things that are not destroyed by fire and water will be destroyed due to false oaths.

If the person says he will not swear, we let him go right away (*and he pays*). If he says he will swear, the ones who are standing there say, *Go away from the tents of these wicked people.* When they administer the oath they say: You should know that we are not giving you the oath based on your mindset, but rather based on that of Hashem and the Beis Din. We found this by Moshe Rabeinu. When he administered the oath to Bnei Yisroel, he said: Know that this oath is not based on your mindset, but rather on the mindset of Hashem and my mindset. This is as the verse says, *And not with you alone...for whoever is here.* We only know this is true regarding the people who were at Har Sinai. How do we know this remained true for the future generations and converts who would convert in the future? The verse says, *And those who are not here with us.* We only know this regarding the Mitzvos given at Har Sinai. How do we know this also applied to Mitzvos that would be established in the future such as reading the megilah on Purim? The verse says, *They upheld and established.* This implies that they upheld what had already been established. (38b7 – 39a2)

Language of the Oath

The *Gemara* asks: What does the *Baraisa* mean when it says they even said it in his language?

The *Gemara* answers: The Mishnah states, these are said in every language. The parsha of sotah, the statement regarding ma'aser, shma, davening, birkas ha'mazon, shevuas ha'eidus, and shevuas ha'pikadon. The *Baraisa* therefore states that this is also true regarding shevuas ha'dayanim. (39a2 – 39a3)

A False Oath will not be Cleansed

The *Baraisa* states: They say to him, you should know, the whole world shook when Hashem said at Har Sinai, *Do not bear (i.e. say) the name of Hashem, your G-d, in vain.*

The *Gemara* asks: Why was this so? If it was because it was said at Har Sinai, all of the ten commandments were said at Har Sinai!

Rather, the *Gemara* answers: It must be because it was more stringent.

The *Gemara* asks: Is it more stringent? Doesn't the Mishnah say that the lenient ones are basic positive and negative commandments without *Do not bear*, and the stringent ones are punished by kares and death and include *Do not bear*? [This implies it is not more stringent than kares and death!]

Rather, the reason it is more stringent is as the *Baraisa* itself states: Regarding all of the other sins in the Torah the verse says, *and He will cleanse* but regarding oaths it says *He will not cleanse*.

The *Gemara* asks: Regarding all other sins does the Torah indeed say *He will cleanse*? Doesn't the verse say, *and cleanse He will not cleanse*?

The *Gemara* answers: This verse is needed for the teaching of Rabbi Elazar. He says in a *Baraisa*: The verse cannot mean He will clean, as it says He will not clean! It cannot mean He will not clean, as it says He will clean! It must be that He cleanses those that repent, and does not cleanse those that do not repent. (39a3)

Who gets Punished?

Regarding all other sins he is punished, but here both he and his family are punished. Is this true? Doesn't the verse say (*regarding one who passes his children over to Molech*) and *I will put My face in that man and his family*? The *Baraisa* states: If he sinned, why should his family be punished? This teaches that there is no family that has a tax collector (*i.e. collects taxes to receive profit*) which is not a family of tax collectors. If they have a thief, they are all thieves, as they all cover for the thief.

The *Gemara* answers: The verse there is referring to them getting punished with a lighter punishment than the sinner himself. Here, the *Baraisa* means they will all receive the same punishment. This is as stated in the *Baraisa*. Rebbe says: The verse says, *and I will cut him off*. What does this teach us? The verse says, *And I will put My face etc.* One might think this means that the entire family receives kares. The verse therefore says, *He* implying that he receives kares, but not the entire family.

Regarding all other sins he is punished, but here both he and the entire world are punished.

The *Gemara* asks: Does this mean that the world is punished due to other sins? Doesn't the verse say, *And a man will stumble on his brother*? This means that a person will



stumble on the sin of his brother, teaching that all Yisroel are guarantors for each other.

The *Gemara* answers: This is only when they had the opportunity to protest, and did not.

The *Gemara* asks: What is the difference between the evildoers of his family and other evildoers, or the righteous of his family and other righteous people?

The *Gemara* answers: If he sins he receives the full punishment, the evildoers of his family are judged harshly, and other evildoers are judged lightly. The righteous are absolved from punishment. Regarding oaths, however, he and his evil family are punished as if they all did the sin, other evildoers are judged harshly, and the righteous are judged lightly. (39a3 – 39b1)

Who is Wicked?

The *Baraisa* says: If he said he will not swear, we say he should go (*pay*) immediately. If he says he will swear, the ones who are standing there say, *Go away from the tents of these wicked people.*

The *Gemara* asks: It is understandable that the person swearing falsely is considered wicked. However, why is the one making him swear also considered wicked?

The *Gemara* answers: This is as the *Baraisa* states that Rabbi Shimon ben Tarfon says that the verse says, *The oath of Hashem will be between the two of them.* This teaches that the oath is on both of them. (39b1)

The Fear of Taking an Oath

The *Baraisa* says: When they make him swear, they tell him, you should know etc.

The *Gemara* asks: Why do they tell him this?

The *Gemara* answers: This is due to the incident of Rava and the reed. (*A person came before Rava and swore that he already gave the claimant his money. Before he swore, he had the claimant hold his reed that he used as a walking stick. The man held it, and the stick suddenly broke amid a shower of coins. He was trying to be able to take his oath that he paid the claimant without actually lying.*) (39b1)

At Least a Perutah

The *Mishnah* said that the claim must be two silver coins.

Rav says: This means that the defendant must deny owing a minimum of two silver coins (*and admit owing a perutah*). Shmuel says: This means that the claim itself must be a minimum of two silver coins. However, the admission can be a *perutah*. Similarly, the denial can be regarding only a *perutah*.

Rava says: The *Mishnah* appears to read like Rav, while the verses read better according to Shmuel. The *Mishnah* reads better according to Rav as it says the claim is two silver coins and the admission is a *perutah*. It does not mention the denial of a claim of a *perutah*. The *Mishnah* also says that admission can be of a *perutah*, but it does not say that denial can be a *perutah*.

However, the verse reads better according to Shmuel. The verse says, *when a person will give to his friend silver (i.e. money) or vessels to guard.* Just as vessels are a minimum of two, so too the money should be a minimum of two. Similarly, just as the money is important, so too this can be regarding that is important. The verse says, *for it is this.* [This implies that the case where one is liable to swear is when a claim was made for two coins, as this is all that is stated in the verse, and there was partial admittance.]

The *Gemara* asks: What does Rav do with this verse?



The *Gemara* answers: Rav says this verse is required to teach partial admittance. (*In other words, this teaches us the concept of partial admittance, not details of this law.*)

The *Gemara* asks: How does Shmuel reply to this?

The *Gemara* answers: There are two parts to this verse, *it* and *this*. This is an extra verse that teaches that if there is any kind of partial denial and partial admittance, he is liable to swear.

The *Gemara* answers: One of these verses tells me the general law, and the other teaches that the partial admittance must be regarding the type of claim (*not when he claims wheat and the other admits owing barley*).

The *Gemara* asks: How does Shmuel reply to this?

The *Gemara* answers: Shmuel says that this is obvious, as there is no more relevant claim to a case of partial admittance if a person admits owing a different item.

Rather, Rav will say: When the Torah discusses money, it is discussing what is denied, not what is claimed. Otherwise, the verse should say, *When a person will give his friend vessels to guard*. I would have realized from this verse that just as vessels is a minimum of two, so too money would have to be a minimum of two. Why did the Torah have to say money? It must be that it is not needed to teach about the claim, it is needed to teach about the denial (*that the denial must be two silver coins*).

The *Gemara* asks: What does Shmuel say to this?

The *Gemara* answers: If the verse would just say vessels we would say that just as vessels is a minimum of two, so too anything would have to be a minimum of two. However, I would not know it has to be two significant items. This is why the verse said money.

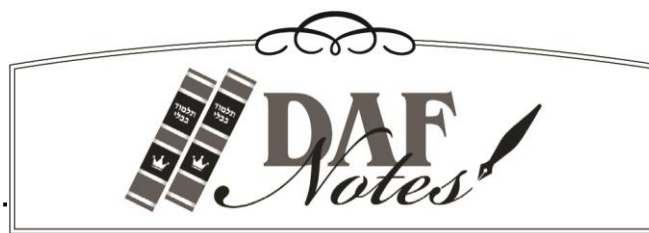
The *Mishnah* says: If a person claims that he has two silver coins in someone's hand, and the defendant claims he only has a *perutah*, he is exempt. This implies that the reason he is exempt is because he is lacking the amount required for a claim, which is two plus a *perutah*! This is a strong question on Shmuel!

The *Gemara* answers for Shmuel: Do you think that the people were talking about an amount equivalent to two silver coins? The claimant claimed that he was specifically owed silver, and the defendant admitted to a *perutah* (of copper). What the claimant claimed had no admission from the defendant, and the admission of the defendant was not relevant to the claim.

The *Gemara* asks: If so, what about the second part of the *Mishnah*? The *Mishnah* states: If someone claims that another person owes him two silver coins and a *perutah*, and the person only admits a *perutah*, he is liable. If you say that he is claiming an amount equivalent to this, this is understandable. However, if he is claiming specifically two silver coins and a *perutah*, this should not be considered a partial admission! What the claimant claimed (*two silver coins*) had no admission from the defendant, and the admission of the defendant was not relevant to the claim! [*The perutah is irrelevant, as it was admitted in full.*]

The *Gemara* answers: This reasoning is only fitting according to Shmuel. Rav Nachman quotes Shmuel as saying that if a person claimed wheat and barley and the defendant admitted one of them that he is liable to swear.

This is also logical. The second part of the *Mishnah* says that if a person claims a litra of gold and the defendant claims he only owes a litra of silver, he is exempt. If you say the case where he claimed specifically a litra of gold, this is understandable. However, if he claimed the equivalent, why isn't this considered an admission? It must be that if this case is specific, the first case is also specific.



Shall we say, then, that it will be a refutation of Rav's view! — [No!] Rav may tell you: The whole Mishnah deals with the value [of ma'ahs and perutah]; but [the case of] a litra of gold is different. Know [that this is so], for it states in a later clause: A golden dinar of mine have you in your possession.

— I have of yours in my possession only a silver dinar, or a treisis, or a pundyon, or a perutah, he is liable, for they are all one coinage. Granted, if you say [the Mishnah deals with] values, therefore he is liable; but if you say it means them literally, why is he liable? — Rabbi Elazar said: [It means] he claimed from him a dinar in coins; and he teaches us that a perutah is in the category of coin. - This also is evidence [that the Mishnah means this], for it states: For they are all one coinage. - And Rav? — All coins are subject to the same law. Now, as to Rabbi Elazar: shall we say, that, since he expounds the latter clause in accordance with the view of Shmuel, he agrees in the first clause also with Shmuel? — No! The latter clause is definitely intended literally, for it states: For they are all one coinage; but the first clause may be either in accordance with the view of Rav or Shmuel.

Come and hear from a Baraisa: A golden dinar coin of mine you have in your possession. — I have of yours in my possession only a silver dinar, he is liable. Now the reason [he is liable] is because he said to him 'a golden coin,' but if he had said simply ['a golden dinar'], he would have implied its value! — Rav Ashi said: Thus it means: If he says, a golden dinar, it is as if he said, a golden dinar coin.

Rabbi Chiya taught a Baraisa in support of Rav: A sela of mine you have in your possession. — I have of yours in my possession only a sela, less two ma'ahs, he is liable; less one ma'ah, he is exempt. (39b1 – 40a2)

DAILY MASHAL

The world had never seen anything like it, nor would it see anything like it ever again. As the Jewish people gathered at the foot of Mount Sinai watched with breathless awe, a thick layer of clouds descended over the mountain. Jagged

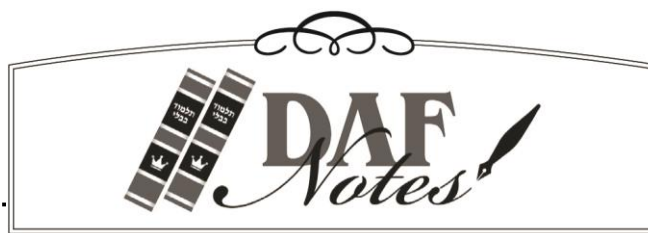
streaks of lightning rent the heavens asunder, and the sounds of crashing thunderbolts were so earsplittingly loud that the people trembled uncontrollably. Sheets of fire suddenly engulfed the mountaintop, and the entire mountain quaked and discharged thick smoke like a colossal furnace. The eerie blast of a ram's horn grew louder and louder. And then God spoke from the mountaintop and pronounced the Ten Commandments.

What was the purpose of this spectacular display of special effects? Wouldn't the experience of actually hearing God speak have been awesome enough? Didn't God's voice in itself inspire sufficient fear and reverence in the hearts of the people without the addition of artificial external stimuli?

The commentators explain that the spectacle at Mount Sinai was meant to serve as a metaphor for the future conditions under which the Jewish people would often attempt to study Torah and live by it. It would not take much courage to study the Torah and observe its commandments during tranquil and prosperous times. Who would turn away from the ultimate spiritual fulfillment in the absence of distractions and obstructions?

But rarely if ever does humankind experience such placid times. The world is always in upheaval, torn by wars and migrations, plagued by poverty and deprivation, struggling under oppression and exploitation and, in the best case, distracted by the material mirages of prosperity.

Where does a person find the presence of mind to study Torah and live by it under such daunting conditions? In the memory of the stand at Mount Sinai when the voice of God penetrated through the cacophony of the thunder and lightning and the raging fire, and the people heard His words. This is the only way Torah is absorbed, by the extreme effort to overcome external distractions and internal emotional turmoil, by a dedicated perseverance to



penetrate to the divine essence of the Torah and through it to connect with God.

A young man traveled to a distant city to study with a famous sage. After many days on the road, he arrived at his destination, a large white building on a sun-drenched street. He walked up to the front door and tried to open it, but it was locked. He knocked and knocked for a few minutes, but there was no response. He walked around to the side of the building where he found another door. It too was locked. Here too his loud knocking elicited no response. Through the open windows high up on the wall, he could hear the sounds of excited young voices engaged in heated arguments and discussions. He called out to them, but no one heard him. He smelled cooking food and followed the trail of the odors to another window, which was surely a kitchen. Here too he called out at the top of his lungs, but no one came to the window.

Under the kitchen window, he noticed a coal grate. He pulled at it, and it came away in his hands. Gingerly, he lowered himself through the coal grate into the cellar. Covered with soot, he groped his way through the shadows and found the stairway to the upper floors.

The sage was waiting for him at the top of the stairway.

"Welcome, my son," he said. "We have been waiting for you. I am happy to see that you have found your way here."

"If you were waiting for me," said the young man, "why was the door locked? Why didn't anyone respond to my knocking or my calls?"

The sage smiled. "It was a test, my son. If you had not discovered the coal grate and clambered through the cellar, you could not have been a worthy member of our group."

In our own lives, the pressures of everyday life often force us to forgo the opportunities to study or perform various other good deeds. Someday, when things settle down, we

tell ourselves, we will devote more time to our spiritual growth, but the time is not yet right. But if we wait for this tranquil time, it may never come. Distractions are never lacking. Life is always full of thunder and lightning. It takes perseverance to penetrate to the truth.

by Rabbi Naftali Reich and Torah.org.