

25.3.10

29a (משנה ח') → 29b (סיום הפרק)

1. לא תעשון אתי אלהי קסוף ואלהי זָהב לא תעשו לכם: שמות כ"ט  
 2. ונבאו המנים המאזרים האלה במעיד לצבות בטון ולנפל ירד ואמרה האשה אמן אמן: במדבר ה"ב

## I שבועת שווא: משנה ח'

- a *Definition1*: swearing to that which is commonly known to be patently untrue (עולא – known to 3 people)
- 1 *Examples*: swearing that a stone pillar is made of gold; that a man is a woman or vice-versa
  - ii *Subdefinition*: swearing to that which is impossible for him to have seen
    - 1 *Example*: "if I didn't see a flying camel"
      - (a) *Question*: wording should be "I did see.."
        - (i) *Answer1* (אב"י): that's the proper גירסא
        - (ii) *Answer2* (רבא): context – he was making his "seeing" a תנאי for another שבועה
      - (b) *Question* (רב"ז מר' אשי): perhaps he saw a large bird and called it a "camel"
        - (i) *And*: do not argue that we always assume שבועות to be based on objective lexicon
          1. *Proof*: when ב"ד administers an oath, they state that they are doing so based on their understanding of terms, not that of the defendant → without that disclaimer, we assume his perspective
            - a. *Rejection*: that is to prevent trickery a la the case of the cane handed to רבא
          2. *Proof*: when משה administered the oath (at ערבות מואב) he told ב"י that he was not doing so based on their understanding (לא על דעתכם) but based on his and God's.
            - a. *Rejection*; there was no other way to commit them, unequivocally
              - i. *Reason*: any term he used (e.g. "אלהים") may have been misconstrued – v. 1
            - b. *Rejection*: even if we accept על דעתה for that purpose, why add דעת המקום
            - c. *Rather*: he did so in order to prevent any הפרה (רב"ז רב"ס)
- 2 *Example*: "if I didn't see a snake looking like the olive-press board"
  - (a) *Challenge*: there was once a huge serpent in the days of Shapur the king
    - (i) *Answer*: he meant with a serrated back like the wood of the olive press
- b *Definition2*: swearing to cancel a מצוה
- i *Examples*: if he swears not to testify; not to sit in the סוכה, take לולב or put on תפילין
- c *Consequence*: this is שבועת שווא – liable for מכות if taken intentionally; exempt if done בשוגג

## II שבועה לבטל את המצוה: משנה ט'

- a *If*: he takes an oath to eat a loaf, then an oath not to eat it –
- i *The first*: is שבועת ביטוי, the second שווא
    - 1 *Therefore*: if he ate it, he only violated שווא; if he didn't eat it, he violated both

## III שבועת ביטוי: class of persons and circumstances bound by משנה י'

- a Men and women, people who could or could not testify, in or away from the presence of ב"ד – but only if he expresses it himself
- b *Liability*: בשוגג – ער"י; קרבן ער"י – מכות

## IV שבועת שווא: class of person and circumstances bound by משנה יא

- a Same as שבועת ביטוי
- b *Consequences*: בשוגג – exempt; במזיד – מכות
- c *In both cases* (ביטוי ושווא): if he is foresworn by another – liable
- i *Example*: A states that, e.g., he ate today; B administers an oath to that effect and A assents – liable
- d *שמואל*: answering אמן to an oath is tantamount to uttering the oath, per v. 2
- i support from משנה+ברייתא ד: א presents class of those bound by שבועת העדות
    - 1 *משנה* ר"מ ruled that only מפי עצמו works outside of ב"ד; in ברייתא – even מפי אחרים
      - (a) *Resolution*: if he answered אמן, no longer considered מפי אחרים (ברייתא)
  - ii our משנה also supports שמואל, as it states that only מפי עצמו is valid, but end of משנה יא stated that both שבועת ביטוי ושווא are valid מפי אחרים – must be in case where he answered אמן
    - 1 *Question*: if so, what is שמואל teaching?
    - 2 *Answer*: that careful inference from the משנה