

## OVERVIEW of the Daf

### 1) Aifa and Avimi (cont.)

Abaye concludes his presentation of when Aifa's ruling would be applicable.

2) **MISHNAH:** The Mishnah presents a number of examples of vain oaths and the consequences for making a vain oath.

### 3) Clarifying the Mishnah

Ulla explains that an oath is considered one that contradicts a well-known fact if three people know the fact.

Abaye and Rava offer alternative explanations for the meaning of the oath related to the flying camel.

Ravina questions whether this is, in fact, a vain oath since from the swearer's perspective it was truthful.

The Gemara rejects this suggestion.

Another unsuccessful attempt is presented to prove that an oath is considered truthful as long as it is perceived as true from the perspective of the one who swears.

The Mishnah's assumption that a snake can not be as large as the beam of an olive press is unsuccessfully challenged.

R' Yirmiyah clarifies that when a person made an oath to eat a loaf and an oath to not eat a loaf and he does not eat the loaf he is liable for a vain oath as well as an oath of utterance.

4) **MISHNAH:** The Mishnah clarifies details related to an oath of utterance as well as a vain oath and concludes with a halacha that applies to both cases.

### 5) Responding "Amen"

Shmuel rules that one who responds "amen" to another's oath is considered as though he made an oath with

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## REVIEW and Remember

1. What is a vain oath?  
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2. Why didn't Moshe Rabbeinu have the nation swear that they would fulfill the תורה?  
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3. What is the punishment for pronouncing a vain oath?  
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4. How do we know that answering "amen" after an oath is like expressing the oath with his own mouth?  
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## Distinctive INSIGHT

*Responding אמן to an oath pronounced by someone else*  
 אמר שמואל כל העונה אמן אחר שבועה כמוציא שבועה מפיו דמי

Shmuel teaches that acceptance of an oath is valid immediately upon a person's saying the word "אמן," whether it is in reference to a oath of utterance (שבועת ביטוי), a oath in vain (שוא), or for an oath of testimony. The source for this is the episode of sotah, where a woman is considered to have accepted an oath with her responding "אמן" to the words of the kohen (Bamidbar 5:22).

Ramban notes that an oath of utterance is mainly valid only when a person knowingly accepts it upon himself, and not when others pronounce an oath in his regard. The novelty of the statement of Shmuel is that even by hearing the oath from someone else, by responding "אמן" it is considered as if the person has pronounced the oath himself. However, regarding those oaths which are primarily administered by the court or by others, such as an oath of testimony or of a פקדון, a person is liable for their consequences even if he does not respond by saying אמן.

Meiri adds that an oath is binding any time it is administered by the court, such as an oath of מודה במקצת, even if the defendant does not clearly respond with saying אמן.

Although our Gemara says that when the listener says "אמן" it is as if he has accepted the oath upon himself, this halacha also applies if he says any other expression which indicates his confirmation of his intent. Rambam (Hilchos Shvuos 2:1) writes that expressions such as "Yes" or "I accept that upon myself" or "I obligate myself for that" all are responses which indicate that the listener accepts the oath upon himself.

בית חדש (Y.D. 237:3) explains that when a person responds and says the word אמן, it generally means that the person has a certain degree of trust in what is being said. It means, "I have full confidence in what you say, and I accept it as true." Yet, this still should not be tantamount to a person pronouncing an oath with his own mouth and being liable for all the consequences. Nevertheless, the Gemara teaches us that in the context of someone saying an expression of an oath, the listener who says אמן accepts not only what is being said, but he also accepts the full meaning of the oath.

חזון איש (C.M. 6:#3) notes that answering אמן is in the category of a יד לשבועה, an extended expression of an oath, which is binding. Therefore, any response along these lines that may be construed as a יד would fit in this context.

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# HALACHAH Highlight

## Taking an oath to nullify the preparatory stage of a mitzvah נשבע לבטל את המצוה שלא לעשות סוכה וכו'

One who took an oath to nullify a mitzvah [for example] to not build a sukkah etc.

The Gemara relates that an oath taken to nullify a mitzvah is not binding. For example, a person who took an oath that he would not build a sukkah is not bound by his oath. Teshuvos Chikrei Lev<sup>1</sup> infers from this that if a person takes an oath that he will not perform a preparation for one of the mitzvos – מכשירי מצוה, his oath is not binding and it is not considered as though he took an oath that addresses an optional activity. The reason this is considered an oath to nullify a mitzvah is that it is impossible to fulfill the mitzvah without performing the preparatory steps. He then questions this explanation. Someone who took an oath to not build a sukkah has not nullified a mitzvah since it is possible for him to sit in a sukkah that belongs to a friend. Why then, should his oath not take effect? He answers this from Shulchan Aruch<sup>2</sup> who writes that when a person takes an oath or a vow we look at his intent to determine the parameters of his oath or vow. Therefore, in our case the assumption is that the oath was taken to nullify the mitzvah even though there are still ways

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חזון יחזקאל (Tosefta Nedarim 1:1) points out that the Gemara is not necessarily saying that a response of אמן is tantamount to pronouncing a full oath with one's own mouth. It is, however, a full acceptance of an oath which was stated by the other person. The point of the Gemara is that accepting an oath is halachically valid, just as if one pronounced the oath himself. ■

for the mitzvah to be fulfilled. He then suggests a second resolution to this question. Since it is not common to find someone who is willing to let someone else use his sukkah, it is considered as though he has vowed to nullify a mitzvah. This indicates that a person who takes an oath to nullify a mitzvah whose nullification is conditional is considered as though he vowed to nullify a mitzvah.

Teshuvos Rashbash<sup>3</sup> disagrees. He maintains that a person who took an oath that he would not marry a woman who is capable of bearing children is not considered to have taken an oath to nullify a mitzvah. The reason is that he did not take an oath that he would not have children, he merely took an oath to nullify the preparatory activity of the mitzvah of having children and such an oath is binding. ■

1. שו"ת חקרי לב יו"ד ח"ב סי' פ"ז.

2. שו"ת יו"ד סי' רי"ח סעי' א'.

3. שו"ת רשב"ש סי' של"ד. ■

# STORIES Off the Daf

## The Words of Chazal

"אם לא ראיתי גמל שפורח באויר..."

We must understand that on our own we can never truly understand the depth of chazal's wisdom.

Rav Nosson Lobert, z"l, recounted that he once traveled on the same train as the renowned gaon, Rav Menachem Zeimba, hy"d. The two discussed Torah the entire time, and one of the most striking teachings Rav Zeimba shared was regarding today's daf. "We must understand that whatever they taught is forever and cannot be changed. For example, in Shevuos 29 we find that chazal refer to an impossible occurrence as a 'camel that flies through the air,' but not a 'ship that flies through the air.' This is because what they say holds true for all

eternity. And while we have airplanes today which prove that ships can sometimes fly, a camel can never learn to fly."<sup>1</sup>

When Rav Shlomo Zalman Auerbach, z"l, was asked whether one could assume that the Gemara's description of the huge number of losses before the churban was all hyperbole, he said that this is not permitted. "We must always have a care when dealing with the descriptions of chazal. Although they might be an exaggeration, they could also be true literally and we must never conclude on our own that they cannot be literally true. When a certain person made such a statement to the Chazon Ish, z"l, he moved the wine away from him and said that unless he took back his allegation, the wine he touched would be forbidden like wine handled by a heretic!"

Rav Shlomo Zalman concluded, "Although on the surface, this person

was an exceptional talmid chochom, the Chazon Ish saw this statement as an indication of a marked lack of yiras shamayim within. Sadly, the Chazon Ish's vision was prescient in this instance, since this person was later shown to be exactly what the Chazon Ish had thought."<sup>2</sup> ■

1. שארית נתן, ע' רנ"א

2. הליכות שלמה, בין המצרים ■

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his own mouth.

R' Pappa cites a Mishnah and a Baraisa that together support this ruling.

Ravina notes that our Mishnah is also a support for Shmuel's position.

It emerges that Shmuel was not teaching a new halacha, he was merely drawing an inference from the wording of the Mishnah. ■

הדרן עלך שבועות שתיים