

OVERVIEW of the Daf

1) Administering the oath of judges (cont.)

The Gemara concludes its citation of a Baraisa that elaborates on the procedure for administering an oath.

The Gemara analyzes and explains different parts of the Baraisa.

2) Partial admission

Rav maintains that the defendant's denial must involve at least two silver maos whereas Shmuel maintains that the claim must be two silver maos and the denial could involve even a perutah.

Rava comments that the wording of the Mishnah follows Rav whereas the wording of the pesukim supports Shmuel's position.

The debate between Rav and Shmuel concerning the pasuk is recorded.

Support for Rav's position is inferred from the Mishnah.

Shmuel rejects this inference in favor of another interpretation of the Mishnah.

Shmuel's interpretation is unsuccessfully challenged.

Proof for Shmuel's interpretation is found in the wording of the Mishnah.

This proof constitutes an unsuccessful challenge to Rav's position. ■

Distinctive INSIGHT

The entire world shook when it heard, "Do not take My name in vain"

שכל העולם כולו נזדעזע וכו'

A Baraisa described the procedure of beis din as they warn potential witnesses of the seriousness of their role as witnesses and of the consequences of testifying falsely. Among the things the witnesses are told is that false testimony is so severe that the entire world shook when God said at Sinai (Shemos 20:7), "Do not swear using My name falsely."

Why is this particular mitzvah singled out as being so severe? Many mitzvos were said at Sinai, and they all are serious. Maharsha explains that the name of God is what sustains the world, as the verse states (Yeshayahu 26:4), "For in God, Hashem, is the strength of the world." Therefore, if someone swears falsely and disgraces the sanctity of God's name, he causes the foundation of the world to crumble. The world shook and trembled when this mitzvah was given, as it feared the threat to its very stability.

Alternatively, Maharsha notes that the Gemara says that teshuva is effective for all sins, but the verse "לא ינקה - He will not absolve" is written in reference to one who utters a false oath, informing us that there is no forgiveness for this sin even after teshuva. God established that the world can only be sustained with teshuva, and this sin cannot be forgiven even with teshuva. The world trembled, knowing that the option for teshuva was not valid for this sin.

Toras Chaim cites the Zohar (Parashas Yisro) which says that when someone swears falsely, the depths rise and surge in order to flood and destroy the world. Immediately, Hashem sends an angel who rearranges the letters of God's name on a stone which is then used to plug the depths so that it not flood the world. The world shook upon hearing this command, as it was fearful that this threat was impending any time someone would utter a false oath.

עיון יעקב explains this statement based upon the Mishnah in Avos (1:18), which teaches that the world stands upon three things, justice, truth and peace. One who testifies falsely against his fellow Jew threatens the

REVIEW and Remember

1. For how long are punishments normally suspended?
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2. What are some examples of the stringency of taking a false oath?
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3. What is the case of Rava's cane?
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4. What is the point of dispute between Rav and Shmuel?
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HALACHAH Highlight

The rules of גניבת דעת

"ובאה אל בית הגונב" זה הגונב דעת הבריות

"And it will come to the house of the thief" this refers to one who steals the beliefs of others

Shulchan Aruch¹ discusses many cases of גניבת דעת. Some examples include: selling a gentile neveilah when he thinks it is meat from a slaughtered animal, selling a shoe that the buyer thinks was manufactured from an animal that was slaughtered when the leather was taken from an animal that died by some other means, offering gifts to a person knowing perfectly well that he won't accept those gifts. Teshuvos V'darashta V'chakarta² observes that all the examples cited in Shulchan Aruch share a common denominator. The common theme is that in each example the "thief" secures appreciation (מחזיק) (טובה) from his "victim." Our Gemara, however, introduces another form of גניבת דעת. Our Gemara makes an exposition which teaches that one who falsely claims a debt against another person, forcing that person to take an oath denying the claim, has violated the prohibition against דעת גניבת. The "theft" is that people are misled into thinking that his claim is genuine since people do not make completely false claims against others. In this case no one is going to feel a sense of appreciation of the thief and yet it is called דעת גניבת.

Support for this category of דעת גניבת is found in the

(Insight...continued from page 1)

system of judgment. This also causes the friend to bear animosity against him for fraudulently accusing him of something, and the false statement is clearly untruthful. Here, in one act, a person has violated all three pillars upon which the world is founded. This is why the world shook when it heard about this crime which can cause the very underpinnings of the world to crumble at one time. ■

story of Yaakov and Lavan. The Torah reports that Yaakov "stole" Lavan's heart (Breishis 31:20). Lavan was not accusing Yaakov of unfairly securing his appreciation; he was accusing him of "stealing" his heart in the more literal sense of taking something from him. He also cites Teshuvos Chikekei Lev³ who writes that in addition to the type of גניבת דעת mentioned in Shulchan Aruch there is also the simple meaning of the phrase, namely, when one "steals" private information or secrets from a friend. For that reason one is not permitted to look at another person's papers without permission even if the information would be beneficial. For example, someone wants to look at a friend's papers to determine whether he would be a reliable business partner. The prohibition of גניבת דעת prohibits him from looking at those private papers. ■

1. שוייע חוי"מ סי' רכ"ח סעי' ו'.
2. שוי"ת ודרשת וחקרת חוי"מ סי' י"ג אות ו'.
3. שוי"ת חקקי לב יו"ד סי' מ"ט. ■

STORIES Off the Daf

"All Jews are Guarantors for One Another"

"כל ישראל ערבים זה בזה..."

Rav Shlomo Chaim of Sadigura, zt"l, learned a very practical lesson from today's daf. It is not enough to put on a concerned face and exclaim, "Oy vey!" when we hear that another Jew has troubles. We have to act.

"In Shevuos 39 our sages famously teach, 'כל ישראל ערבים זה לזה' —All

Jews are guarantors for one another.' If you have ever cosigned for someone you know that if he defaults on the loan payment, even through no fault of his own, the cosigner must repay the loan. In exactly the same way we are all guarantors to help our fellow Jews when they are experiencing hardship. This is true both in general, regarding helping our community, as well as specifically when it comes to helping every single Jew in need. There are many mitzvos which pertain to aiding one in need. We should never feel as though fulfilling these mitz-

vos for those we could help is a matter of choice for us and not an obligation.

"If I wish to redeem myself from spiritual slavery, I must also help my friend. If I fail to be of assistance to him in his time of need, ignoring the many mitzvos such as ואהבת לרעך כמוך, I should never feel as though I myself am not touched by my friend's hardships. On the contrary, I am his cosigner. If by my dereliction he suffers, it is as if I caused his suffering. But when I help him I actually help myself as well!"¹ ■

1. חיי שלמה, ע"ר י"ג. ■