

OVERVIEW of the Daf

1) The oath of testimony (cont.)

After explaining why in Eretz Yisroel they mocked the derivation of R' Shimon the Gemara explains the rationale behind R' Shimon's opinion.

2) **MISHNAH:** The Mishnah presents five cases in which witnesses would not be liable for the oath of testimony.

3) Clarifying the Mishnah

A Baraisa gives the source for the Mishnah's first case.

A second Baraisa derives the law of the Mishnah's second case from a pasuk.

Regarding the Mishnah's third case Shmuel teaches that even if the witnesses were in the Beis Haknesses they would not be liable.

The novelty of this ruling is explained.

A Baraisa is cited that supports this ruling.

Another Baraisa derives the law of the Mishnah's fourth case from a verse. Another Baraisa derives the law of the Mishnah's fifth case from a verse.

The exposition of the Baraisa is explained.

4) **MISHNAH:** The Mishnah begins with words or phrases that constitute an oath of testimony. Whether the use of subordinate names of God makes one liable for cursing Hashem or a parent is discussed. The Mishnah concludes with an analysis of other phrases and whether they constitute an oath of testimony.

5) "I adjure you – משביעני עליכם"

R' Yehudah explains what the claimant intended when he said, "I adjure you."

Abaye challenges this explanation and offers his own explanation of the Mishnah.

6) Names of Hashem

The Gemara questions the Mishnah's position that חנון and ארחם are names of Hashem. Abaye answers this challenge.

Abaye's resolution is unsuccessfully challenged.

7) Erasing the name of Hashem

A Berasa discusses which parts of different names of Hashem may not be erased and records a dispute regarding the name

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REVIEW and Remember

1. Why are witnesses exempt from the oath of testimony if the claimant adjured the entire congregation?

2. What name of Hashem must be used for one to be liable for cursing another person?

3. Is it permitted to erase a prefix or suffix to Hashem's name?

4. To what does the term שלמה in Shir Hashirim refer?

Distinctive INSIGHT

God will not smite you, and bless you

אל יכך ויברכך ויטיב לך

The verse (Vayikra 19:12) says, "Do not swear with My name falsely." This teaches that an oath in the Torah is generally administered using the name of God. Rashi (see Ra"n to Ri"ף) and Rambam write that this applies to all types of oaths.

The Mishnah presents the various forms of God's name which effect a שבועת העדות. Incidentally, the Mishnah also teaches the halacha regarding the names of God for which a person would be liable if they were used to curse another person.

The halacha at the end of the Mishnah mentions that if someone says "יככה ה'" (God should smite you), this is an expression of cursing. If someone says to witnesses that if they testify, "God will not smite you," or "God will bless you" ("אל יככה" or "יברכך ה'"), according to R' Meir these expressions are valid forms of curses as well, as he says that from the positive connotation we understand that the speaker is threatening that if they do not testify that God should curse them. Chachamim disagree, and they hold that these are not curses. They are only positive statements, and we do not read into them any element of the reverse, negative meaning.

Rashi understands that the speaker who wishes to challenge the witnesses to come and testify does not use both expressions ("God will not smite you and God will bless you"), but only one expression or the other. Either one expression lends itself to interpretation, and R' Meir and Chachamim disagree whether we understand the negative implication from the positive statement. However, Rambam (Commentary to Mishnah, 4:13) understands that this segment of the Mishnah is referring to the halacha of cursing a fellow Jew. Lechem Mishnah notes that Rambam does not list this halacha in the chapters of the Laws of Oaths, but rather in the Laws of Sanhedrin (26:4), where he writes that if someone declares about another person that "God will not bless you," this is not a curse, and the speaker does not get lashes. In our Mishnah, Rambam understands that the halacha taught is that if someone says, "God will not smite you, bless you or bestow good upon you," R' Meir hold that this is a curse, while Chachamim say it is not a curse. Lechem Mishnah explains that Rambam learned that the word "not" refers to all three expressions of the statement, and it is if the person said, "God will not smite you, God will not bless you, and God will not bestow goodness upon you." Out of the three statements, the first one seems to be a positive statement ("God will not smite you"), while the other two statements are hints of curse ("God will not bless you or bestow goodness upon you.") The novelty of the Mishnah is that even where the opening expression is "God shall not smite you," the person is still liable for saying "God will not bless you" according to R' Meir. ■

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 By Mr. & Mrs. Dennis Ruben in memory of their parents
 ר' אברהם וואלף בן ר' בערל ז"ל
 ר' חיים שלום בן ר' בנדיט מאיר ז"ל

HALACHAH Highlight

Mentioning the name רחום in the bathroom

אבל ... רחום ... הרי אלו נמחקין
But "Compassionate," ... these names may be erased

Abaye teaches in our Gemara that if one takes an oath using the nickname רחום or חנון the oath takes effect as if he swore using the proper name of God. The rationale for this ruling is that since the terms רחום and חנון are only used in reference to Hashem it is clear that the one who made the oath was referring to Hashem. The students of Rabbeinu Yonah¹ cite Rambam² who rules that it is permitted for one to say רחום in the bathroom since it is only a subordinate name of Hashem and we do not find the term רחום used as a proper name of Hashem. Ra'avad³ disagrees and explains that since we do not find the term רחום used in reference to people it is prohibited to use the term רחום in the bathroom. The students then write that Rabbeinu Yonah agreed with Rambam since the verse in Tehillim (112:4) uses the term רחום in reference to righteous people. Once we find an instance in which the term רחום is used in reference to a person the term is categorized as a subordinate name and may be used in the bathroom.

Ritva⁴ questions Rabbeinu Yonah from our Gemara that teaches that one who swears using the term רחום is considered to have taken an oath with the name of Hashem. How then could Rabbeinu Yonah assert that רחום is only a nickname? Ritva answers that although a pasuk uses the term רחום in reference to a person, since people reserve the term as a reference to Hashem, when it is used to swear it is considered as though one swore using the name of Hashem.

Shulchan Aruch⁵ adopts the position of Rambam and permits the use of the term רחום in the bathroom. Mishnah Berurah⁶

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צבאות.

Shmuel rules against R' Yosi's lenient position regarding the name צבאות.

A Baraisa discusses whether prefixes and suffixes added to Hashem's name may be erased.

R' Huna rules that suffixes may not be erased.

The Gemara discusses whether "names" recorded in different narratives refer to Hashem or not.

Whether the name שלמה that appears in Shir Hashirim refers to Hashem is discussed.

The final discussion relates to whether the term מלכיא in Sefer Daniel ever refers to Hashem.

8) Swearing with a subordinate name of Hashem

A contradiction between our Mishnah and a Baraisa regarding liability for swearing with a subordinate name of Hashem is noted.

Abaye resolves the contradiction by linking the discrepancy to a related dispute amongst Tannaim.

The Gemara explains the rationale behind Rabanan's position that one is liable even for swearing with a subordinate name of Hashem. ■

explains this ruling as did Rabbeinu Yonah but added an important qualification. Although the term רחום may be used one may not say הרחום ירחם עליך –The Merciful one should have compassion upon you. The reason is that it is evident that one is referring to Hashem and therefore it is prohibited similar to שאילת שלום that is prohibited in a bathroom. ■

1. תר"י ברכות י"ז : ד"ה אבל שם.
2. רמב"ם פי"ג מהל' קריש"ה"ה.
3. ראב"ד שם.
4. ריטב"א לסוגייתינו.
5. שו"ע או"ח סי' פ"ה סעי' ב'.
6. מ"ב שם ס"ק י"א. ■

STORIES Off the Daf

Receiving the Shechinah

"גדול הכנסת אורחים מקבלת פני השכינה..."

Once, guests came to the house of Rav Chaim of Volozhin, ז"ל, and he received them before davening. As he ushered them in he explained why he was delaying his going to shul for their sake. "In Bava Basra we find that our sages call prayer 'receiving the Shechinah.' This is discussed in the context of giving charity before davening. Since in Shevuos 36 they say that receiving guests is greater than receiving the Shechinah, it is my duty to first receive you and then go to pray."

Rav Chaim clarified, "Now if I was needed to make the minyan it is clear that I

would be obligated to go to shul, since this is a mitzvah d'rabim, which cannot be overrode by receiving guests. A clear proof to this is the Gemara in Berachos 47 which states that Rabbi Elazar freed his slave to make a minyan, even though freeing a slave is a violation of a positive commandment."¹

The Baal Shem Tov, ז"ל, learned an different message from the statement on today's daf. "One should never judge others unworthy of the privilege of being a guest even if they speak lashon hara. Although our sages tell us that lashon hara drives the Shechinah away, it is still incumbent upon us to provide such guests with accommodations. We learn this from the Gemara in Shevuos 36 which says that receiving guests is higher than receiving the Shechinah. This teaches that even if the guests push away the Shechinah with their harmful words, the mitzvah

of receiving guests applies even to them."²

When a certain rav came to a wealthy man's home in the hopes of soliciting a donation for a worthy cause, the wealthy man hid in an inner room, hoping the rav would go away. In his haste he forgot that someone else was in the house too, and would certainly answer the door if the rav was persistent. After repeated knocks, the rav was allowed in and the wealthy man was finally located.

The rav quipped, "Now I understand the Gemara which teaches that receiving guests is greater than receiving the Shechinah. Our teacher Moshe hid his face when receiving the Shechinah and you take this a step further: when guests arrive, you hide your whole self!"³ ■

1. ליקוטי בתר ליקוטי, ח' ט"ז, ע' רצ"ט.
2. זכרון דברים, ע' נ"ד.
3. אוצר שיחות צדיקים, ע' רמ"ט. ■