



FROM THE TALMUD
SEDER NEZIKIN
MASECHET SHEVUOT
daf 21

מן התלמוד:

סדר נזיקין, מסכת שבועות, דף כ"א:

”אמר רבי יוחנן משום רבי שמעון בר יוחאי, אמר קרא: ‘לא תשא את שם ה’ אלוקיך לשוא, כי לא ינקה..’ – בית דין של מעלה אין מנקין אותו, אבל בית דין של מטה מלקין אותו ומנקין אותו.”

Translation

Mi'shoom In the name of
Amar K'ra Says (in the) Torah

Explanation

Although lashes are not usually the punishment proscribed for violating a *lav she'ayn bo ma'aseh* (prohibition that does not require an action), *Chazal* taught that whosoever makes *Shevuah* (oath) in vain is punished with lashes — even though that individual only spoke, and did not perform an action with his body — as receiving punishment by *Beit Din shel Mata* (the Rabbinic Court) would spare a person from punishment by the *Beit Din shel Mala* (Heavenly Court).



Daf 19: הַשְּׁבוּעָה הַהֶפְּוֹכָה – An Oath To Do The Opposite

The third *perek* of *Masechet Shevuot* is titled: “*Shevuot Shtayim*” (Two [types of] oaths). An interesting case is presented: Reuven and Shimon argued vigorously until Reuven suddenly shouted: “On my oath, I will eat from yours.” Everyone who heard his words were certain Reuven’s statement meant he vowed to eat Shimon’s food. However, to their great surprise, it turned out that Reuven’s intended meaning was the exact opposite. As a result of his oath, Reuven is now prohibited from eating any of Shimon’s food!

How is this possible? Imagine the following scenario: Shimon pleaded with Reuven to eat some of his food and Reuven persistently refused. Then, as part of his refusal, Reuven vowed: “On my oath, I’ll eat from your food.” Logic dictates that we interpret Reuven’s words as forbidding himself to eat Shimon’s food. It would be absurd to think that Reuven suddenly took an oath to do what he adamantly refused to do just moments earlier. In matters of oaths we follow not the literal meaning of words but the true intent of those words.



Daf 20: מִצְוַת עֲשֵׂה שְׂחִימָן גְּרָמָא – A Time-Bound Positive Mitzvah

On *Shabbat* we make *Kiddush* because there is a Torah *mitzvah* to make *Shabbat* holy. It says in *Shmot*: “*Zachor et yom haShabbat le’kod’sho*” (Remember the Sabbath day to make it holy). Everyone is obligated to fulfill the *mitzvah* of *Kiddush* — both men and women.

Women are exempt from fulfilling *mitzvot* “*Aseh she’ha’z’man gra’ma*” (positive time-bound *mitzvot*). There are *mitzvot* that are to be fulfilled at any given time, such as the *mitzvah* of *tzedakah*. There are also *mitzvot* that are fulfilled at specific times. For example, the *mitzvah* of *K’riyat Shema Shel Shacharit* (the morning *Shema*) can only be fulfilled at the beginning of the day and *K’riyat Shema Shel Arvit* (the evening *Shema*) can only be fulfilled at night. Therefore, women are exempt from the *mitzvah* of *K’riyat Shema*.



Kiddush is a *Mitzvat Aseh she’ha’z’man gra’ma*. So then, why are women obligated to do this *mitzvah*? The Talmud explains that we learn about a woman’s obligation to make *Kiddush* from the fact that Hashem simultaneously uttered both the command to “remember” (*zachor*) and to “keep” (*shamor*) *Shabbat* by abstaining from prohibited work. Everyone who is obligated in keeping *Shabbat* is also obligated to remember *Shabbat* by means of *Kiddush*. Since women are obligated in the prohibitive aspects of *Shabbat*, they are also obligated in the positive aspects as well, notably *Kiddush*.

Talmud Israeli – Daf Yomi for US

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Daf 21: שְׁבוּעַת שְׁוֹא – An Oath Made In Vain, False Oath

What is a *Shevuat Shav* (oath made in vain, false oath)? For example, if a person makes a *Shevuah* (vow) to eat a certain food, but lies and does not eat that food, that is a *Shevuat Shav*.



The prohibition on making a *Shevuat Shav* is stated in the *pasuk* (verse) in *Sefer Shemot* (20:6) — “*Lo ti’sa et shem HaShem Elokecha la’shav*” (Do not take the name of *HaShem*, your God, in vain) — i.e., a person who makes an oath in vain, says God’s name for no reason.

Additional examples of *Shevuot Shav* can be found in the writings of *Chazal* and books of *poskim* (arbiters of Jewish law): A person who makes an *Shevuah* not to sleep for three days, has indeed, made a *Shevuat Shav*, because from the moment the *Shevuah* is uttered, it is clear s/he will be unable to make good on the stated obligation — since no human is able to remain awake for three consecutive days. A person who takes an *Shevuah* not to fulfill a *mitzvah* is also making a *Shevuat Shav*, because all Jews are obligated under an *Shevuah* taken at Mount Sinai to fulfill the Torah.

Daf 22: אֲכִילָה וְשִׁתִּיָּה – Eating & Drinking

Rabbi *Hiyya Bar Abin* said in the name of *Shmuel* that a person who makes a *Shevuah* not to eat and later drinks, has violated an *issur* (prohibition). Why is this the case? Indeed, s/he did not eat, rather only drank? According to the Talmud there are two explanations for this ruling:

- 1) It is accepted that when a person says “eating”, they refer to drinking as well. People are accustomed to saying to a friend: “Come, let’s go eat [in a certain place],” when they have no intention of solely eating, but also to drink.
- 2) In *Sefer Devarim* (14:23), the Torah states *Ma’aser Sheini* (the second tithe) should be eaten in Jerusalem: “*V’achalta* (and you shall eat) before *HaShem*, your God, in the place He has chosen to establish His Name therein, the tithes of your grain, your wine ...” This *pasuk* cites “*Tiroshcha*” (your wine) and states: “*V’achalta ... Tiroshcha.*” From this source we learn that use of the word eating is an activity that includes drinking as well.



★ | Israeli History

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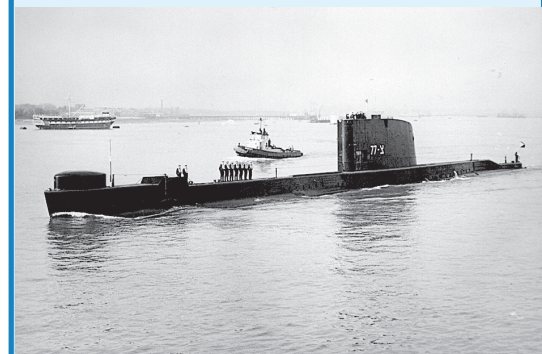
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תשכ"ח/1968
SINKING OF THE DAKAR



“Dakar” was the name of an Israeli Navy submarine, which sank en route from Britain to Israel in January 1968, killing all 69 crewmembers. Israel purchased the Dakar from the British navy, renovated it and manned it with an Israeli crew. Communication was cut off with the submarine while it was on its way to Israel. Despite extensive searching conducted at the time by ships, other submarines and aircraft, the Dakar was not found and was declared lost. The cause remains unknown, and the tragedy made a significant impression on the Israeli public. It was only in 1999, more than 31 years after its disappearance, that Dakar’s remains were located on the seabed, at a depth of 1.8 miles, on the planned route to Haifa, 300 miles from its destination.

תשכ"ח/1968



INS Dakar Leaving Portsmouth Harbour January 9, 1968.





**Daf 23: נִשְׁבַּע שְׂלֵא יֵאָכֵל חֲזִיר –
An Oath To Refrain From Eating Pork**



What is the ruling regarding a person who gets up and states: “On my oath, I will not eat pork,” and after awhile, s/he is unable to overcome the inclination and does eat pork? Seemingly, such a person breached two violations: 1) Eating pork, which the Torah prohibits and 2) Making a *Shevuah* (oath) to refrain from eating pork and renege on the *Shevuah* taken.

However, the truth is that this person did not violate his/her *Shevuah*, as that oath never took effect. We were all under the *Shevuah* taken at Mount Sinai to fulfill the *mitzvot* in the Torah. As a result, this individual had already taken a *Shevuah* not to eat pork. Therefore, a second, repetition of the same *Shevuah* is invalid and has no impact.



**Daf 24: “אֵין אִיסוּר חָל עַל אִיסוּר” –
A Prohibition Cannot Be Applied To Another Prohibition**

There is a Talmudic principle that states: “*Ayn issur chal ahl issur*” (An additional prohibition may not be applied to an item or action, which is already prohibited). Regarding this principle, *Rambam* writes that this is “the greatest *k’lal* (principle) among all of the *issurim* (prohibitions) in the Torah.” Meaning, if an object is prohibited and a reason emerges to apply another additional *issur* to the object or action, the second *issur* is not applied.

For example: It is prohibited to eat a *behaymah t’may’ah* (ritually unclean animal). When that *behaymah t’may’ah* dies it becomes a *neveilah* (carcass). It is also prohibited to eat *neveilah*. However, a person who eats the *neveilah* of a *behaymah t’may’ah* does not violate the *issur neveilah*, because the new, additional *issur* (of eating *neveilah*) is not applied in conjunction with the old, initial *issur* – the *issur* on eating a *behaymah t’may’ah*.



Made In Israel

Power Africa

This week, Jews around the world are celebrating the miracle of Chanukah, the Festival of Lights. Many of us may take light for granted. After all, it was more than a century ago that Thomas Edison publicly demonstrated his light bulb – and, the world then changed forever.

Today, there are over a billion people around the world who do not have electricity. In Africa, hundreds of millions of people live without electricity and in some African countries, only 2 in 5 people have access to reliable electrical energy throughout the day.

Israel and the United States have partnered so that Israel contributes to the Power Africa initiative. This international program aims to connect 60 million households in Africa to the electricity grid over the next 12 years.

Not only will this program continue helping Africa, but Israel's involvement will be financially profitable as well.

Thank you Israeli scientists and engineers for truly being a “light unto the nations” (Isaiah 49:6)!



Photo source: Flickr/PowerAfrica



📌 Daf 25: מַה הַהֶבְדֵּל בֵּין שְׁבוּעָה וּבֵין נֶדֶר? – What Is The Difference Between An Oath And A Vow?

What is the precise difference between a *Shevuah* (oath) and a *Neder* (vow)? The prevailing distinction is that a *Shevuah* is more severe than a *Neder*, because one makes an *Shevuah* in the name of the *Kadosh Baruch Hu*, declaring: “I make an oath, in the name of the *Kadosh Baruch Hu* that I will do such and such” (although a person who takes a *Shevuah* without mentioning the name of the *Kadosh Baruch Hu* is also binding).

However, the most fundamental difference between a *Neder* and a *Shevuah* is in the type of the *issur*. A *Neder* creates an “*Issur Cheftza*” (prohibited object) and a *Shevuah* creates an “*Issur Gavra*” (prohibition on a person). What does this mean? The *issur* against eating pork is an “*Issur Cheftza*” — The *issur* is attached to the item itself, the pig. In contrast, on *Yom Kippur*, there is an *issur* against eating. However, that *issur* is not attached to the food, but to the person — i.e., for Jews, eating is prohibited on *Yom Kippur*.

This is the explicit difference between a *Neder* and a *Shevuah*. A *Neder* (person making a vow) not to eat bread creates an *issur* on the bread — as a result of the *Neder*, it is forbidden to eat the bread. However, for the *Nishbah* (person taking an oath) not to eat bread, as a result of the *Shevuah* that specific person is prohibited from eating bread.



🔍 QUESTIONS OF THE WEEK

All answers can be found in this Daf Yomi booklet

1. What is a Shevuat Shav?
2. What is the difference between a Neder and a Shevuah?
3. What is the meaning of the principle: “Ayn issur chal ahl issur”?

Please email answers to questions to answers@talmudisraeli.co.il for a chance to win an iPad mini!

📖 | Dvar Torah for the Shabbat Table

“כָּל יִשְׂרָאֵל עֲרֵבִים זֶה לָזֶה”

It is only after Yosef hears his brother Yehudah admit — “For your servant took responsibility for the boy from my father, saying, ‘If I do not bring him to you, I will have sinned against my father forever’”— that Yosef decided to reveal his true identity to his brothers: “And Yosef could not bear holding back (his identity) from all those standing beside him, and he called out: ‘Take everyone away from me!’ And no one stood with him when Yosef made himself known to his brothers.”

What is the meaning of Yehudah’s statement: “For your servant took responsibility for the boy”? The Lubavitcher Rebbe explains that this *pasuk* (verse) provides the proof text from which we learn the principle of “*Kol Yisrael arevim zeh la’zeh*” (All of Israel are responsible for one another).

There are several different definitions, interpretations of the word “*Arev*” (responsible, guarantor), all of which truly apply to Yehudah’s admission to Yosef, regarding the obligation he took upon himself. *Arev* — means to take responsibility and guarantee; also, to be involved; also connotes sweet, or pleasing — your pleasing smile; and also means — mixture, involvement, and partnership.

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