



Volume 10. Issue 30

Shevuat Pikadon

Towards the end of this week we will start learning about another type of *shevuah* – *shevuat pikadon*. This *shevuah* refers to one who swears falsely denying that he has another person's money, e.g. a collateral, loan, etc. If the person then admits to swearing falsely, he is obligated to bring a *korban asham* and most return the money adding *chomesh*.

The *Rambam* (*Shevuot* 1:8) rules that if one denies holding another person's money he has transgressed the prohibition of "You shall not steal, neither deny falsely, neither lie one to another" (19:11). He explains that a deliberate violation is not punishable with lashes since its violation does not involve an action. If the person subsequently swears, he has violated another prohibition of "neither lie one to another".¹

The *Sefer HaChinnuch* (266) however writes that one who swears violating a *shevuat pikadon* has transgressed two prohibitions. One is the specific prohibition of swearing falsely in this situation (as stated above). The other is the broader prohibition of swearing falsely – *shevuat bitui*.

The *Minchat Chinnuch* notes that the *Rambam* only mentions one prohibition for swearing regarding a *shevuat pikadon*.² He suggests that perhaps the *Chinnuch* holds like the *Parshat Derachim*. The *Parshat Derachim* questions why the *Sifra* demanded an explicit prohibition regarding a *shevuat pikadon* – its violation appears to fall under the prohibition of a *shevuat bitui* (a false oath)! The *Parshat Derachim* however answers that a *shevuat pikadon* is broader than a *shevu'at bitui*. A *shevuat bitui* only takes hold if it is articulated by the person (*mi'pi atzmo*). A *shevuat pikadon* however also takes hold if prompted by

another (*mi'pi acheirim*). Consequently a separate prohibition is required. The *Minchat Chinnuch* therefore explains that the *Chinnuch* appears to have adopted this position that in a case of *shevuat pikadon* that is *mi'pi atzmo* two prohibitions have been violated.³

Recognising that there are two prohibitions involved helps to solve another issue. The *Rambam* (7:8) rules that if one deliberately swears falsely, then they are not liable to lashes. He explains that this is because the *Torah* removed the punishment of lashes that applies by default to negative prohibitions when it obligated one to bring a *korban* whether they violated the prohibition deliberately or *be'shogeg* (see *Shevuot* 37a). The *Chinnuch* however explains that one that violates the prohibition would be liable to lashes.

The *Minchat Chinnuch* therefore suggests that there is a difference whether the person articulated the *shevuah* or adopted a *shevuah* prompted by another. Even though one is not liable due to the prohibition of a *shevuat pikadon*, if the *shevuah* is *mi'pi atzmo* then there is an issue of *shevuat bitui* that is punishable by lashes. He finds a support for this position as the *Rambam* rules if one swears falsely regarding land or other items that are not covered by a *shevuat pikadon* they have still violated a *shevuat bitui*. The *Minchat Chinnuch* suggests that this is why the *Chinnuch* wrote the one is liable to lashes. It is one set of lashes for *shevuat bitui* and not two since he agrees with the *Rambam* that the deliberate violation of a *shevuat pikadon* only obligates one to a *korban* and not lashes.⁴

Yisrael Yitzchak Bankier

¹ This exposition of these *pesukim* is found in the *Gemara* (*Bava Kama* 105b).

² He does however note that the *Rambam* mentions two prohibitions in his *Sefer HaMitzvot*.

³ This is despite the fact the *Parshat Derachim* is unsure of both are violated.

⁴ The *Minchat Chinnuch* however notes that according to this logic on that violates a *shevuat pikadon be'shogeg* should be liable to bring two *korbanot oleh ve'yored*.

Revision Questions

שבועות די גי' הי' גי'

- If a person made a *shevuah* not to eat, and he ate, when would he not be *chayav*? (ד: גי')
- Explain the debate regarding a person who made a *shevuah* not to eat, then ate *neveilot* and *tereifot*. (ד: גי')
- The *Mishnah* explains that *shevuot* apply to four extra categories – what are they? Explain. (ח: גי')
- If a man made a *shevuah* to fulfill the *mitzvah* of *tefillin* and missed a day is he obligated to bring a *korban*? (ר: גי')
- Explain *R' Yehuda ben Beteira's* opinion regarding the previous question and the *Chachamim's* counter argument. (ר: גי')
- What is the punishment for one that transgresses a *shevuat bitui*? (ז: גי')
- What is the difference between one that transgresses a *shevuat bitui* and a *shevuat shav*? (ז: גי')
- What is a *shevuat shav*? Include three different types. (ח: גי')
- Provide a case where a person makes two similar *shevuot* and the first is defined as a *shevuat bitui* and the second is defined as a *shevuat shav*. (ט: גי')
- Can a *shevuat bitui* be made outside of *beit din*? (י: גי')
- How can someone make a *shevuat shav* by only saying one word? (י"א: גי')
- Does a *shevuat edut* apply outside of *beit din*? (זא: ד: גי')
- When does *R' Meir* differ with the *Chachamim* regarding the previous question? (זא: ד: גי')
- How does the scope of one who can make a *shevuat edut* differ from one who can make a *shevuat bitui*? (זא: ד: גי')
- Describe a case involving *shegaga* in a *shevuat edut* where the person would still be obligated to bring a *korban*. (זב: ד: גי')
- When is someone obligated to bring multiple *korbanot* for multiple *shevuot edut* about the same testimony, and when are they only obligated to bring one? Explain why. (זג: ד: גי')
- If two witnesses each make a *shevuat edut*, when are both *chayav* and when is only one *chayav*? (זד: ד: גי')
- Does the same law hold for two sets of witnesses? (זד: ד: גי')
- When is someone obligated to bring multiple *korbanot* for a *shevuat edut* regarding multiple things, and when is he obligated to only bring one. (זה: ד: גי')
- Is one *chayav* if he made a *shevuat edut* regarding *tashlumei kefel*? Why? (זי: ד: גי')
- What other case that occurred on *Yom Kippur* shares a similar law to the previous question? (זי: ד: גי')
- Regarding the previous question, what would be the law if the testimony concerned that incident on *Shabbat*? (זי: ד: גי')
- Complete this general rule regarding when one is *chayav* for a *shevuat edut*: (זיא: ד: גי')
 "..... על שאין חייבין אלא על....."
 (זיא: ד: גי')
- What case was brought in that same *Mishnah* as an example of what this rule excludes? (זיב: ד: גי')
- Can a *shevuat edut* apply to cases that one may witness in the future? (זיג: ד: גי')
- Would it be considered a *shevuat edut* if the witnesses were adjured amongst a mass of people? (זיד: ד: גי')
- Is it a considered a *shevuat edut* if:
 - The "witnesses" knew *ed mi pi ed*? (זי"א: ד: גי')
 - One of the witness was an invalid witness? (זי"א: ד: גי')
 - The witnesses were adjured by the servant of the claimant? (זי"ב: ד: גי')
- What three expressions are listed for adjuring witnesses? (זי"ג: ד: גי')
- What are the three debates between *R' Meir* and the *Chachamim* related to the previous question? (זי"ג: ד: גי')
- To what is a *shevuat pikadon* more similar: *shevuat edut* or *shevuat bitui*? (זיא: ד: גי')
- What sacrifice must one bring for a *shevuat pikadon*? (זיא: ד: גי')
- In which case of *shegaga* is one still obligated to bring this *korban*? (זיא: ד: גי')
- Explain how one makes a *shevuat pikadon*. (זיב: ד: גי')
- When is one obligated to bring one *korban* and when is obligated to bring many if he made *shevuat pikadon* regarding collaterals belonging to different people? (Include all three opinions) (זיג: ד: גי')
- What other case brought is similar to the one in the previous question? (זיג: ד: גי')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
 Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
 Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
 Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
 Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
8 th September ד' תשרי	9 th September ה' תשרי	10 th September ו' תשרי	11 th September ז' תשרי	12 th September ח' תשרי	13 th September ט' תשרי	14 th September י' תשרי
Shevuot 5:4-5	Shevuot 6:1-2	Shevuot 6:3-4	Shevuot 6:5-6	Shevuot 6:7-7:1	Shevuot 7:2-3	Shevuot 7:4-5

