



## Pre-emptive Shevuat Edut

The fourth *perek* of *Shevuot* discusses *shevuot edut*. The case is where witnesses, when asked to testify, swear falsely that they do not know anything about the case. More specifically we learnt that the testimony must have a financial consequence, and that the denial must be in front of *beit din*. In such cases, if they later admit to the knowledge, they would be liable to bring a *korban olah ve'yored*.

Another law we learnt (4:9) related to one that pre-empted and made people swear that if they ever knew of any testimony in the future that they would testify. If they later witnessed a financial matter and then denied any knowledge, they would be exempt. The *Bartenura* explains that this is because when the *Torah* describes *shevuot edut* it teaches that the knowledge must precede the *shevuot* and not the other way around as in this case.

The *Tosfot R' Akiva Eiger* notes that the *Rambam* (9:8) adds that the individuals in this case responded *amen* to the request. That being the case, he asks that by responding *amen*, even if it was not a *shevuot edut*, they nonetheless swore to testify. It should then be like any other *shevuot* to do something – a *shevuat bitui* – also liable to a *korban*. Yet the *Mishnah* teaches that they are exempt.

The *Tosfot R' Akiva Eiger* continues, that were it not for the *Rambam's* explanation, he would have explained that the individuals did not respond *amen*. It was only later, once they were asked to testify, the person said, “do you remember that I made you swear, so now come and testify”. If they say that they do not know anything, they would be exempt because the *shevuah* preceded the knowledge.

The *Tifferet Yerushalaim* addresses both these concerns. Firstly, he notes that the *Rambam* teaches that the *shevuat edut* applies whether or not the *shevuah* was made in front of *beit din*, whether they articulated the *shevuah* or whether they were prompted and responded *amen*. If however, they were in front of *beit din* and asked to swear that they do not know anything, if they deny any knowledge, even if they did not respond *amen*, then it would be considered a *shevuat edut*. This then explains why the *Rambam* added that in our case the individuals responded *amen*. Since they were not in front of *Beit Din* or in the context that we demand a specific testimony, they would need to respond *amen* in order that it would be considered as if they made a *shevuah*.

The *Tifferet Yerushalaim* also addresses the second point, that they should still be liable to a *shevuat bitui*. He explains that according to the *Rambam* they would be liable for violating the *shevuat bitui*. Indeed, the *Rambam* (9:14) maintains that in all the cases in our *perek* where the *Mishnah* taught that they would not be liable to a *shevuot edut*, e.g. where the case did not have monetary consequence, they would be liable to a *shevuat bitui*.<sup>1</sup> The *Tifferet Yerushalaim* adds that that is the point of the *Mishnah*. Even though what occurred would constitute a genuine *shevuah*, since it preceded the knowledge of any testimony, they would not be liable to a *shevuat edut*.

Interestingly the *Rashash* however answers this questions by explaining that even if they responded *amen* it would not be considered a *shevuat bitui*. That is because it would be equivalent to making a *shevuah* to fulfil a *mitzvah*, which we learnt (3:6) would not work<sup>2</sup>.

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<sup>1</sup> Note also that when the *Rambam* (9:8) brings the law related to this *Mishnah* he does not only write that they are exempt, but rather that they are exempt from *shevuat edut*.

<sup>2</sup> Not however that while indeed he would be exempt from a *shevuat bitui* and not liable to a *korban*, the *Rambam* (5:14) rules that he would be liable to lashes for a *shevuot shav*.

## Revision Questions

שבועות ד': ה' – ה': ה'

- When is someone obligated to bring multiple *korbanot* for a *shevuat edut* regarding multiple things, and when is he obligated to only bring one. (ד': ה')
- Is one *chayav* if he made a *shevuat edut* regarding *tashlumei kefel*? Why? (ד': ו')
- What other case that occurred on *Yom Kippur* shares a similar law to the previous question? (ו': ו')
- Regarding the previous question, what would be the law if the testimony concerned that incident on *Shabbat*? (ז': ד')
- Complete this general rule regarding when one is *chayav* for a *shevuat edut*: (ח': ד')

"... שאין חייבין אלא על \_\_\_\_\_"

- What case was brought in that same *Mishnah* as an example of what this rule excludes? (ד': ה')
- Can a *shevuat edut* apply to cases that one may witness in the future? (ד': ט')
- Would it be considered a *shevuat edut* if the witnesses were adjured amongst a mass of people? (ד': י')
- Is it a considered a *shevuat edut* if:
  - The "witnesses" knew *ed mi'pi ed*? (ד': י"א)
  - One of the witness was an invalid witness? (ד': י"א)
  - The witnesses were adjured by the servant of the claimant? (ד': י"ב)
- What three expressions are listed for adjuring witnesses? (ד': י"ג)
- What are the three debates between *R' Meir* and the *Chachamim* related to the previous question? (ד': י"ג)
- To what is a *shevuat pikadon* more similar: *shevuat edut* or *shevuat bitui*? (ה': א')
- What sacrifice must one bring for a *shevuat pikadon*? (ה': א')
- In which case of *shegaga* is one still obligated to bring this *korban*? (ה': א')
- Explain how one makes a *shevuat pikadon*. (ב': ה')
- 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) (ה': ג')
- What other case brought is similar to the one in the previous question? (ה': ג')
- Explain the debate regarding a *shevuat pikadon* in a case of *ones*. (ה': ד')
- Regarding which case involving a person's ox killing something would the owner's denial qualify as a *shevuat pikadon* and in which case would it not? (ה': ה')
- Complete the following rule: (ה': ה')
 

"כל המשלם על פי עצמו \_\_\_\_\_ ושאינו משלם על פי עצמו \_\_\_\_\_"

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2 March ב' אדר	3 March ג' אדר	4 March ד' אדר	5 March ה' אדר	6 March ו' אדר	7 March ז' אדר	8 March ח' אדר
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	Shevuot 7:6-7

