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The Case of Sleeping

The Mishna states: If someone says “Konam (*he is forbidding himself*) my sleeping,” (or “konam) my walking,” (or “konam) my talking,” or if he says to his wife, “Konam – my cohabiting with you,” he is subject to the prohibition of “*he should not desecrate his word.*” (14b2)

It was stated: If someone says, “My eyes are konam (forbidden) regarding sleep today, if I sleep tomorrow,” Rav Yehudah says in the name of Rav: He should not sleep today lest he sleep tomorrow (and it will emerge that he retroactively has violated his vow). Rav Nachman says: He can still sleep today, and we are not concerned that he will sleep tomorrow.

And Rav Yehudah admits where he said, “My eyes are konam (forbidden) regarding sleep tomorrow, if I sleep today,” – that he may sleep today. We are concerned that a person will not be careful regarding a stipulation, but regarding a prohibition, the person will be careful.

The Gemora cites our Mishna: If someone says “Konam (*he is forbidding himself*) my sleeping,” (or “konam) my walking,” (or “konam) my talking” etc.

The Gemora asks: What are the circumstances of the case? If it is the simple definition (“my sleeping,” “my walking,” or “my talking”), is “my sleeping” (and the others) indeed a vow? But it was taught in a braisa: There is greater stringency in oaths (than to vows), for oaths are valid with respect to matters that have substance and

matters that are intangible, which is not so regarding vows (*which do not take effect on intangible things*). And sleep is something that has no substance (*so how can the vow be effective*)!?

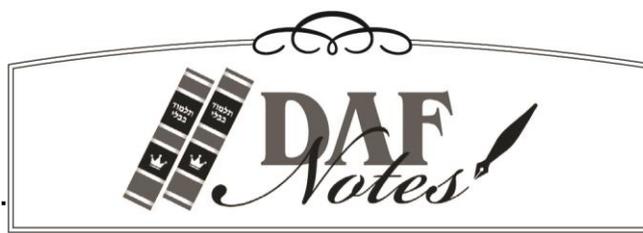
The Gemora answers: The case must therefore be where the person said, “Konam my eyes from sleeping.”

The Gemora asks: If he does not state a set amount of time, do we wait until he transgresses the prohibition of *not to desecrate*? But Rabbi Yochanan said: If someone says, “An oath that I will not sleep for three days,” he is given lashes immediately (for swearing in vain) and he can then proceed to sleep immediately!?

The Gemora answers: The case must be where he said, “My eyes are konam (forbidden) regarding sleep tomorrow, if I sleep today.” The Gemora asks: But we said above that (*even one who is not careful with their condition about sleeping today*) one is careful about a prohibition (*not to sleep tomorrow*)! [*Why would the Mishna say the person is subject to this prohibition?*]

The Gemora answers: It is obvious that the case is where he said, “My eyes are konam (forbidden) regarding sleep today, if I sleep tomorrow,”

The Gemora asks: If he doesn’t sleep today, then even if he sleeps tomorrow, why is he subject to the prohibition of *not to desecrate*?



The Gemora answers: The case must be where he indeed slept. This implies that one would be allowed to sleep today (and we are not concerned that he will sleep on the second day). This would be a refutation on Rav Yehudah (who forbids the person to sleep today).

The Gemora answers: The Mishna means to tell us the law if he slept (*not that he is permitted to sleep on the first day*).

Ravina answers: Our Mishna's case is actually according to the simple definition (he said, "my sleeping," "my walking," or "my talking"). And regarding your question: Why is he subject to the prohibition of *not to desecrate* (if sleep has no substance)? The prohibition of *not to desecrate* in this case is merely Rabbinic.

The Gemora asks: Is there such a concept that one is subject to the prohibition of *not to desecrate* merely on a Rabbinical level?

The Gemora answers: There indeed is such a concept, as it was taught in the following braisa: Things that are permitted and others are accustomed to regard them as prohibited, one is not allowed to permit them in front of such people, as the verse states: *He shall not desecrate his word. [This prohibition is merely Rabbinic in nature; so too, we can explain the prohibition discussed in our Mishna.]* (14b2 – 15a3)

Forbidden Benefit

The Mishna states: If someone (who wanted to prevent his wife from visiting her father's house) said to his wife (before Pesach), "That which you will benefit from me is konam (to you) until Pesach, if you go to your father's house until Sukkos (*which is after Pesach*)," the law is as follows: If she goes before Pesach, she is forbidden to derive benefit from him until Pesach. The Gemora asks: This implies that if she goes before Pesach, she is forbidden, but if she doesn't go, she is not forbidden

(even though there is a possibility that she will still go before Sukkos, and retroactively, she will be forbidden). [*This is a refutation on Rav Yehudah who is concerned that one will not be careful with regard to a stipulation.*]

Rabbi Abba answers: The Mishna means that if she went before Pesach she is forbidden from benefit and she incurs lashes (*if she derives benefit from him*). If she does not go, she is merely forbidden from benefit (but does not incur lashes).

The Gemora asks: The last part of the Mishna says that if she indeed went after Pesach (*and before Sukkos*), she is subject to the prohibition of *not to desecrate his word*. Now, if she did not derive benefit from him before Pesach, how can it be that she is subject to the prohibition of *not to desecrate* (even if she did end up going before Sukkos)? [She did not derive any benefit from him!?] Rather, it is obvious that she did derive benefit before Pesach (*and we are taught that if she will go to her father's house before Sukkos, she has retroactively violated the prohibition of not to desecrate*). Evidently, she is allowed to derive benefit (before Pesach, and we are not concerned that will not be careful regarding the stipulation)!? This is a refutation on Rav Yehudah (who says that we are concerned about one not being careful regarding a stipulation)!

The Gemora answers: The Mishna was discussing what would be the case if she indeed had benefited from him before Pesach (*not that she is permitted to do so*).

The Gemora asks from the next part of the Mishna: If someone (who wanted to prevent his wife from visiting her father's house) said to his wife (before Pesach), "That which you will benefit from me is konam (to you) until Sukkos, if you go to your father's house (from now) until Pesach (*which is before Sukkos*)," the law is as follows: If she goes before Pesach, she is forbidden to derive benefit from him until Sukkos, and she is permitted to go (to her

father's house) after Pesach (as there was no decree against it). The Gemora asks: This implies that if she goes (before Pesach), she is forbidden, but if she doesn't go, she is not forbidden (even though there is a possibility that she will still go before Pesach, and retroactively, she will be forbidden). *[This is a refutation on Rav Yehudah who is concerned that one will not be careful with regard to a stipulation.]*

Rava answers: In truth, even if she did not go, she is forbidden (for we are concerned that she will go, thus triggering the vow), but the Mishna means as follows: If she went (before Pesach), she is forbidden (to derive benefit) and she incurs lashes (*if she does derive benefit from him*), but if she does not go, she is merely forbidden to derive benefit from him (for we are concerned that she might end up going), but she does not incur lashes.

The Gemara asks a question from a braisa: If someone says, "This loaf is forbidden to me today, if I go to a certain place tomorrow," the law is as follows: If he ate it (on that day), he is subject to the prohibition of "not to go." *[This implies that he can choose to eat it and merely be careful not to go to that place, unlike Rav Yehudah.]*

The Gemora answers: Does it say: He may eat it? It says: If he ate it (on that day), he is subject to the prohibition of "not to go" (but in truth, he is forbidden to eat it in the first place).

The Gemora asks from the last part of the braisa: If he went to that place, he is subject to the prohibition of "not to go" (assuming that he ate the loaf the day before). The braisa did not say that he may go (if he did not eat it; rather, it taught that he may not go based upon the assumption that he ate the loaf the day before, an act which was permitted for him to do). This is a difficulty according to Rav Yehudah!?

Rav Yehudah could answer: The braisa could have said that he may go (based upon the assumption that he did not eat the day before), but since the first part of the Mishna used the terminology "if he ate," for it could not have stated, "he may eat" (as he is not allowed to), the latter clause also stated, "if he went" (as the Tanna wanted to use a similar terminology).

The Mishna stated: If someone says to his wife, "Konam – my cohabiting with you," he is subject to the prohibition of "he should not desecrate his word."

The Gemora asks: But isn't he obligated to her according to Biblical law (*to engage in marital relations*), as it is written: *her food, her clothing and her appointed time, he should not lessen* (so the vow should not be effective at all)?

The Gemora answers: The case is where he says, "The pleasure of cohabiting with you is konam upon me," and he does not want to cohabit with her (so he is not forbidding her; rather, he is forbidding himself to benefit from her through marital relations). This is as Rav Kahana said: If a wife pronounces the following vow: The enjoyment of cohabitation with me shall be forbidden to **you**, we force her to cohabit with him (*since the husband has a legal right to have pleasure in his marital relations, and such a vow has no validity*). However, if she pronounces: The enjoyment of cohabitation with you shall be forbidden to **me**, he may annul the vow (*since the vow was directed towards her pleasure, it takes effect; and we cannot force her to have relations with him*) since we may not feed a person something that is forbidden to him (*in our case, it would be forbidden to her*). (15a3 – 15b3)