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***Shevuah is Unique***

The *Mishna* had stated: He (*Rabbi Akiva*) said to them: Where else do we find that someone speaks and must bring a *korban*, as in this case?

The *Gemora* asks: Is this true? A blasphemer must bring a *korban*!?

The *Gemora* answers: Rabbi Akiva meant someone who speaks and forbids something through his speech, not a person who merely sins through speaking.

The *Gemora* asks: Is this true? A *nazir* must bring a *korban*!

The *Gemora* answers: Rabbi Akiva meant someone who brings a *korban* because of his sin of speech, not one who brings a *korban* in order to be able to drink wine.

The *Gemora* asks: Is this true? What about *hekdesh* (*the items that he consecrated become prohibited through his speech*)?

The *Gemora* answers: Rabbi Akiva was discussing someone who forbids something to himself through his speech, not someone who forbids things to the entire world through his speech.

The *Gemora* asks: Is this true? What about *konamos* (*a type of vow where one likens something to a korban*)?

The *Gemora* answers: Rabbi Akiva holds that one would not bring a *korban* for transgressing a *konam*.

Rava says: The argument in the *Mishna* is regarding a case where an amount was not specified. However, if the amount (*of even a little bit*) was specified, everyone agrees the oath is transgressed with even a little bit. Why? This is because specifying is like eating an entire creature (*i.e. an ant, where even this small amount makes one liable*).

Rava also says: Their argument concerns a person whom swears he will not eat. However, if he swears he will not taste, everyone agrees he violates the oath if he eats even a small amount.

The *Gemora* asks: This is obvious!?

The *Gemora* answers: One might think that taste means eating, as people often use it as such. This is why Rava has to say this is not so.

Rav Pappa says: Their argument is regarding *shevuos* (*oaths*). However, regarding *konamos* everyone agrees that they have transgressed by eating even a small amount. Being that the word “eating” is not mentioned,



it is as if he specified that even a small amount is forbidden.

The *Gemora* asks a question from a *braisa*. The *braisa* states: Two loaves from two different *konamos* can combine (to make someone transgress his *konam* regarding these loaves), while two loaves from two different *shevuos* do not combine. Rabbi Meir says: *Konamos* are like *shevuos*. If one would be liable for even eating a small amount of a *konam* loaf, why is there a need to combine two loaves?

The *Gemora* answers: The case must be where he said, "To eat from this loaf is *konam* upon me, to eat from this loaf is *konam* upon me."

The *Gemora* asks: If so, why do they combine? For each *konam* there is not an amount which transgresses that particular *konam*!?

The *Gemora* answers: The case is where he said, "To eat from either of these loaves is *konam* upon me."

The *Gemora* asks: If so, why don't the amounts combine in a similar case where he says, "I swear I will not eat from either of these loaves?"

Rav Pinchas says: *Shevuos* are different. Being that they are divided for *chataos*, they do not combine. [*Rashi* explains that each loaf is considered a separate entity, and a proper amount must be eaten from each loaf to transgress each oath and cause two different *korban chatas* to be brought. However, the nature of *konam* is that one may not usurp a proper amount of *konam* items. Once a person reaches that amount, it does not matter which *konam* objects combine to make that amount.]

The *Gemora* asks: If so, how can we understand Rabbi Meir's statement that *konamos* are like *shevuos*? It is understandable that *shevuos* would not combine, as we just explained. However, why shouldn't *konamos* combine (as we also explained that they are all one prohibition)?

The *Gemora* answers: It must be that Rabbi Meir holds that *shevuos* are like *konamos*. He must argue on the teaching of Rav Pinchas (that each oath is unique).

Ravina says: When Rav Pappa said that one transgresses a *konam* by even the smallest amount, he meant that this will make him liable to receive lashes. The *braisa* is referring to being liable to bring a *korban*, which requires that one have benefit worth a *perutah* (copper coin).

The *Gemora* asks: This implies that the *Chachamim* hold that one is subject to *me'ilah* (one who has unintentionally benefited from *hekdesch* or removed it from the ownership of the *Beis Hamikdash* has committed the transgression of *me'ilah*, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a *korban asham*) for transgressing a *konam*. Doesn't the *braisa* say that if a person says that a loaf is *hekdesch* and he then ate it, whether he or his friend ate it he has usurped *hekdesch*. This is why it can be redeemed. If he says this loaf is *hekdesch* upon me, only he will be subject to *me'ilah*, and not his friend. This is why it cannot be redeemed. These are the words of Rabbi Meir. The *Chachamim* say: Both he and his friend have not committed *me'ilah*, as there is no *me'ilah* regarding *konamos*!

The *Gemora* answers: It must be that the opinions are reversed. Both he and his friend have not committed

*me'ilah*, as there is no *me'ilah* regarding *konamos*. These are the words of Rabbi Meir. The *Chachamim* say: Only he will be subject to *me'ilah*, and not his friend.

The *Gemora* asks: If so, how can Rabbi Meir say that *konamos* are like *shevuos*? This means he holds *konamos* do not combine, but they are subject to *me'ilah*. Didn't Rabbi Meir say (*based on the answer immediately above*) that *konamos* are not subject to the laws of *me'ilah* at all?

The *Gemora* answers: He was arguing according to the *Chachamim's* reasoning. According to me, there is no *me'ilah* by a *konam*. According to you, at least admit to me that *konamos* are like *shevuos*.

The *Gemora* asks: What do the *Chachamim* say to this?

The *Gemora* answers: They say that while *shevuos* are separate as stated by Rav Pinchas above, we do not hold that this applies to *konamos*. (22a – 22b)

### **Eating Dirt**

Rava says: If a person swore not to eat, and he ate dirt, he is exempt (*for that is not considered eating*).

Rava inquires: How much dirt does one have to eat if they swear not to eat dirt, in order to be liable for transgressing their oath? Being that he said, "he will not eat" does he have to eat a *k'zayis* (*the size of an olive*)? Or do we say that because it is not something that is eaten, even if he eats a little bit he is liable? The *Gemora* leaves this question unresolved.

Rava inquires: How much grapeseed does one have to eat if he swears not to eat grapeseed, in order to be liable for transgressing their oath? Being that it is eaten

through a mixture, does he have to eat a *k'zayis*? Or do we say that being that people do not eat it alone, even if he eats a little bit, he is liable? The *Gemora* leaves this question unresolved.

Rav Ashi inquires: If a *nazir* swears that he will not eat grapeseed, how much does he have to eat to transgress his oath? Being that he is Biblically forbidden to eat a *k'zayis* of grapeseed (*anyway – because he is a nazir*), do we say that he must mean to forbid even a small amount of grapeseed upon himself? Or do we say that being that he said he will not "eat," he means a *k'zayis*?

The *Gemora* attempts to answer this question from a *braisa*. The *braisa* states: If a person swore not to eat, and he ate *neveilos* (*improperly slaughtered animals*), *tereifos* (*fatally sick animals*), or forbidden creepy and crawly creatures, he is liable. Rabbi Shimon says: He is exempt (*in regards to transgressing the oath*). We asked: Why should he be liable? He is already sworn from Mount Sinai not to eat these things? [*Being that there is a concept that one cannot make another prohibition on something that already has a prohibition, the oath should not take effect on such creatures that are already forbidden by the Torah!*]

Rav, Shmuel, and Rabbi Yochanan answer: If one makes an oath where he forbids both permitted things and things that are already forbidden, the oath also takes effect on the forbidden items.

Rish Lakish says: He is only liable if he says that he is forbidding even a small amount, which is not forbidden according to Torah law according to the *Chachamim*. Alternatively, this could be without specifying a small amount and be according to Rabbi Akiva's position that one forbids himself on a small amount as well.



[*This therefore answers our question above.*] A *neveilah* is forbidden from Mount Sinai, and is similar to grapeseed for a *nazir*. This implies that the reason a small amount is forbidden to him is because he explicitly said it is forbidden. If he didn't, it would be permitted. This teaches us that a small amount of grapes is assumed to be permitted.

The *Gemora* asks: Why don't we say that this also resolves Rava's question regarding how much dirt he has to eat if he swore not to eat dirt? He should not be liable unless he eats a *k'zayis*, just as one is liable only if he eats a *k'zayis* of *neveilah* unless he swore otherwise.

The *Gemora* answers: There is a difference between dirt and *neveilah*. Dirt is never eaten. *Neveilah* would be eaten, but the Torah said it is forbidden. [*It therefore is understandable that one would have to eat a k'zayis of neveilah in order to be liable, while we still do not know how much dirt would need to be eaten to violate this oath.*] (22b)

### **Mishna**

If someone swears not to eat, and he proceeded to eat and drink, he only transgresses his oath once (*for the eating*). If he swears he will not eat nor drink and he does both, he is liable for both. If he swears he will not eat, and he eats bread from wheat, barley, and rye, he is only liable once. If he swears that he will not "eat bread from wheat and barley and rye," and he proceeds to eat each one, he is liable for three oaths. If he swears he will not drink, and he drinks many drinks, he is liable once. If he swears he will not "drink wine and oil and honey," and he drinks all of them, he is liable for three oaths. If he swears he will not eat, and he proceeds to eat foods that are not fit to be eaten, or liquids that are not fit to be drunk, he is exempt. If a person swore not

to eat, and he ate *neveilos*, *tereifos*, or forbidden creepy and crawly creatures, he is liable. Rabbi Shimon says: He is exempt. If he says, "*Konam* that my wife can benefit from me if I ate today," and he ate *neveilos*, *tereifos*, or forbidden creepy and crawly creatures, his wife cannot have benefit from him. (22b)

### **Eating and Drinking**

Rabbi Chiya bar Avin says in the name of Shmuel: If someone swears he will not eat, and he drinks, he is liable. The source for this is both logic and a verse. The logical source is that people say to each other, "Let us go taste something," and they will then eat and drink. The source from the verse is as stated by Rish Lakish. He says: How do we know that drinking is included in eating? The verse says: *And you will eat before Hashem your God, in the place that He will choose to have His Name dwell there, the tithes of your grain and grapes.* We know that "*grapes*" refers to wine, and the verse says, *and you will eat.* (22b – 23a)

### **INSIGHTS TO THE DAF**

#### **A Partial Amount**

The *Gemora* says that when a *nazir* would make a *shevuah* not to eat wine sediments, or a regular person would make a *shevuah* not to eat *neveilos u'tereifos*, there is a possibility that they are specifically trying to swear on less than a *k'zayis*. The rationale is that since a full *k'zayis* is already forbidden to them, we can assume that they are swearing off something that is permitted i.e. less than a *k'zayis*.

Tosfos both on 22b and 23b raises the question - less than a *k'zayis* is not considered an *issur* according to Rish Lakish in Yoma 73b who says that *chatzi shiur* (a partial



amount) is permitted according to the Torah. But, according to Rabbi Yochanan, who says that a partial amount is also biblically forbidden, how can we reconcile his thinking with the *Gemora* that considers *chatzi shiur* to be “*he’teira*,” and assumes that the oath would be binding.

The Ritva writes that the *sugya* is only consistent with the opinion of Rish Lakish, but according to Rabbi Yochanan who holds that *chatzi shiur* is *assur*, the oath would in fact not be binding. However, Tosfos holds that the *sugya* is consistent with Rabbi Yochanan because *chatzi shiur* is considered a mere prohibition - just an *issur*, and would not prevent the oath from being binding. Tosfos holds that since the *issur* of *chatzi shiur* isn’t a full-fledged *issur*, we don’t say that he was already sworn from Mount Sinai regarding that. But, Tosfos 23b writes that if one would make an oath to eat a *chatzi shiur*, that oath wouldn’t be binding because he is already pre-sworn at Mount Sinai not to eat a *chatzi shiur*. Why when he makes a *shevuah* to forbid a *chatzi shiur* to we not consider him pre-sworn since it is only an “*issur b’alma*,” but when he makes an oath to eat a *chatzi shiur* we consider him pre-sworn and prevent the oath from being binding?

Tosfos holds that when one makes an oath to uphold a pre-existing *issur*, the oath cannot be binding if the *issur* is already in place. But, if the oath is going to increase the stringency of the *issur*, such as swearing to forbid a *chatzi shiur* of *neveilah*, the oath would be binding since it would be accomplishing something - increasing the severity of the *issur*. But, when one makes an oath to nullify and undermine an *issur*, the oath is only binding if the Torah doesn’t recognize the *issur* i.e. a Rabbinical *issur*. But when the *issur* is recognized by the Torah, even though it is a weak *issur*, the oath cannot directly uproot an *issur* in the Torah.

## DAILY MASHAL

At a Chasunah that the Chozeh of Lublin arranged for one of his sons, the assembled guests davened Mincha before the Chupah. The Chozeh’s Shemona Esrei took an extraordinarily long time, which of course, piqued the curiosity of the Chasidim. Later, during the Seudah, the Chozeh explained to them that the Gemara states that there is no Kesuvah (i.e. wedding) that does not involve some disagreement. The Gemara (Sotah 2a) also states that forty days before a child is conceived, the Bas Kol calls out: whose daughter will marry whom. At the same time, the Bas Kol also calls out when the Chasunah will take place, which year, which month, day, hour and even minute. If the Mechutanim attempt to start the Chupah too soon, before the decreed minute, then the disagreements spring up, delaying until the proper time has arrived. “Since I sensed that the moment of my son’s Chupah had not yet arrived, I prolonged my Shemona Esrei to take up the time, to avoid the need for Machlokes”.