

15.2.3

15b (משנה א) → 17a (דשבועה)

1. איש כי ידר נדר לה' או השבע שבועה לאסר על נפשו לא יחל דברו ככל היצא מפיו יעשה: במדבר פרק ל פסוק ג  
 2. או נפש כי תשבע לבטא בשפתים להרע או להיטיב לכל אשר יבטא האדם בשבעה ונגעלם ממנו והוא ידע ואשם לאחת מאלה: ויקרא פרק ה פסוק ד

- I 3א משנה ב'-משנה א: oaths and vows against an action (follows from 2א above):
- a 3א משנה א: שבועה that I won't eat, walk, talk – valid (and is prohibited)
  - b 3ב משנה ב: what I won't eat of yours; מהא קרבן: what I will eat of yours; לא קרבן: what I won't eat of yours – invalid (permitted)
    - i Authorship: must be ר"מ (doesn't distinguish between use or omission of prefixes)
      - 1 Challenge: ר"מ interprets לא אול לך as meaning "it will be as a קרבן and therefore I won't eat of yours"
      - 2 Answer: if he said לקרבן, it is a valid vow; if he says לא לקרבן – he equates it with חולין and it is permitted
  - c 3ב משנה ב: (with same sequence as 3ב) – prohibited
    - i Implication: שאוכל means "I won't eat" –
    - ii Challenge: 2/4 types of oaths – שאוכל and אוכל שלא
      - 1 → שאוכל "I will eat"
      - 2 answer1 (אבי): it is an equivoque and is defined by context
        - (a) Example: if people are pestering him to eat and he says he will and swears שאוכל → "I will eat"
        - (b) However: if he says: "I won't eat" and takes the same oath, it means "I won't"
      - 3 Answer2 (רבי אשי): שאוכל always means "I won't eat" in the context of an oath
        - (a) Therefore: it is taught because we might think that he simply stumbled in his formulation – קמ"ל –
        - (b) Rejection of אבי: since רבי אשי holds that אכל is also an equivoque
        - (c) שאי אוכל (רבי אשי's rejection of אבי): since the text doesn't state אוכל
    - d 3ב משנה ב: stringency of נדרים over שבועות – that they can apply to מצוה של מצוה
      - i opening line of phrase: "This is the stringency of שבועות over נדרים"
      - ii follows: but the stringency of שבועות over נדרים is the ability to vow against a מצוה
      - iii challenge: opening line implies that the previous case is a valid – yet "lighter" – נדר
        - 1 explication: but it states (משנה ב) מותר
        - 2 answer: the referent is 3א – that oaths against actions are valid, but not vows against actions
      - iv source (for מצוות שבועות being invalid against מצוות):
        - 1 option1: v. 1 – לא יחל דברו – but he may violate his word to fulfill שמים
          - (a) challenge: נדר and שבועה are both associated with לה' (v. 1)
            - (i) answer1 (אבי):
              - 1. valid: if he prohibited סוכה on himself
              - 2. invalid: oath not to sit in a סוכה
            - (ii) Challenge (רבי א): מצוות לאו ליהנות ניתנו
            - (iii) Answer2 (רבי א):
              - 1. valid: if he prohibited ישיבת סוכה on himself
              - 2. invalid: an oath no to sit in a סוכה
          - (b) challenge: source for inability to take an oath against מצוות from v. 2:
            - (i) text: להרע::להיטיב
            - (ii) Exegesis: just as "doing good" is within realm of רשות, similarly "doing badly"
          - (c) Answer: 1 text exempts from שבועה קרבן, other exempts (even) from לאו