

25.3.3

21b (אמרו לו לר"ע) → 22b (ואריא הוא דרביע עילוה)

- I Analyzing response of ר"ע's claim that חיוב קרבן for שבועת בטוי requires no אכילה
- a *argument*: there is no precedent for liability at less than כזית
- i *challenge*: an ant – as per פ"ג מכות, eating an ant generates חיוב מכות
1 *defense*: that is a בריה
- ii *challenge*: הקדש (for חיוב אשם מעילות)
1 *defense*: still requires a שיעור – שווה פרוטה
- iii *challenge*: if he explicates an oath not to eat any amount (מפרש)
1 *defense*: that is similar to בריה
- iv *challenge*: if takes an oath not to eat dirt, liability is at כל שהוא (we assume...)
1 *note*: perhaps this answers רבא's question about the שיעור for dirt – כזית
(a) *rejection*: perhaps it is still a כל שהוא – perhaps minimal שעורים only apply to edibles
- v *challenge*: קונמות – (if he prohibits certain foods on himself – שיעור for מכות is כ"ש)
1 *defense*: that is also כמפרש, since he didn't mention אכילה (e.g. עלי קרבן)
- II Analyzing ר"ע's defense: where is there a precedent for bringing a קרבן for an utterance?
- a *challenge*: מגדף brings a קרבן
i *block*: ר"ע's claim was about an utterance that prohibits – not an utterance which is, itself, the violation
- b *challenge*: נזיר
i *defense*: the reference is to a קרבן which comes for his words; here it comes to allow him to drink wine (etc.)
- c *challenge*: הקדש
i *defense*: ר"ע reference was to speech was prohibits for himself; הקדש generates a universal prohibition
- d *challenge*: קונמות (assuming that if someone violates a בשוגג, נדר, it is considered מעילה)
i *defense*: ר"ע must hold בקונמות אין מעילה (not considered קדשי ה')
- III delimiting dispute of ר"ע/חכמים
- a רבא: no dispute if he explicates that he won't eat from this food, it's like בריה – liable הכל לדברי
- b רבא: no dispute if he states לא אטעום, even though we may have interpreted it as אכילה
- c ר"פ: no dispute if it was a קונם – since he didn't use the word אכילה (e.g. פירות אלו עלי) – שיעור אכילה no – צירוף
i *challenge*: שבועות are not מצטרף, dispute ר"מ/חכמים; if there's no minimal שיעור for קונמות – no need for צירוף
1 *defense*: case where he declared מזה קונם אכילה on each one
(a) *block*: if so, he didn't have שיעור from either one
(b) *adjustment*: he said עלי קונם
(i) *question*: parallel case in שבועות – if he took an oath not to eat from both – why no צירוף?
(ii) *answer* (ר' מנחם): since they are separate for חיוב קרבן, there is no צירוף
(iii) *challenge*: why would ר"מ then equate שבועות::קונמות for no צירוף?
(iv) *rather*: ר"מ equates קונמות to שבועות (there is צירוף) – as he rejects פנחס' reasoning
- 2 *defense*2 ר"פ's ruling was only re: מכות; מכות; ברייתא (challenge) was re: קרבן (אשם מעילות) where we need ש"פ
(a) *challenge*: this implies that רבנן's position is מעילה בקונמות (קרבן → יש מעילה בקונמות)
(b) *explication*: ברייתא: if someone is מקדיש a loaf and anyone eats it – מעילה; therefore it may be נפדה (as הקדש)
(i) *but*: if he says עלי הקדש עלי ככר זו (קונמות=) ככר זו הקדש עלי
1. פדיון only he violates מעילה, not anyone else → no פדיון
2. חכמים: no one is מועל, since מעילה בקונמות אין מועל
(ii) *answer*: switch the positions – ר"מ says no one is מועל; חכמים say only נודר is מועל
1. *challenge*: how could ר"מ have equated קונמות to שבועות, that there is no צירוף
a. *implying*: that there is מעילה
b. *answer*: that position was לדברי רבנן; i.e. he holds אין מעילה בק' at all
i. *but*: argues that they should at least allow for no צירוף
ii. קונמות, שבועות, as ר"מ's rationale only applies to שבועות, not קונמות

IV associated inquiries:

- a רבא: (eating dirt)
- i *presmise*: if he takes a שבועה not to eat (at all) and eats dirt – פטור – the referet was edibles
- 1 *but*: if he takes a שבועה not to eat dirt – what's the שיעור
- (a) *lemma1*: all "eating" is כזית
- (b) *lemma2*: כזית is only meaningful re: edibles – here it is כל שהוא תיקו –
- b רבא: (eating grape seeds)
- i *if*: he took an oath not to eat חרצן, what is the שיעור
- 1 *lemma1*: since its normally eaten with the grapes, he intended regular eating (כזית)
- 2 *lemma2*: since its never eaten "as is", and he mentioned חרצן – meant כ"ש תיקו
- c ד' אשי (חרצן taking an oath about נזיר)
- i *if*: a נזיר takes an oath not to eat חרצן
- 1 *lemma1*: since he's already foresworn by נזירות against a כזית, the oath must include even a כ"ש
- 2 *lemma2*: since he said "אכילה", the intent is כזית
- (a) *argument*: משנה rules that if he takes an oath not to eat (at all) and eats שקצים ורמשים etc. –
- (b) חכמים: liable
- (c) ד"ש: exempt
- (i) *and*: we asked – how could he be חייב; he's already foresworn from הר סיני (מושבע ועומד)
- (ii) ד' יוחנן, רב ושמואל: if he included permitted things along with these
- (iii) ד"ל: could only be if he explicated a חצי שיעור (לרבנן) or unexplicated according to ר"ע
- (d) *and*: נבילות (for anyone) are parallel to חרצן for a נזיר
- (i) *and*: only valid if he explicates (מפרש) less than כזית → default is כזית (→ no שבועה at all)
- 3 *conclusion*: his intent is כזית (unless he explicates כ"ש) → no שבועה (מושבע ועומד)
- (a) *suggestion*: perhaps this would solve רבא's query about the שיעור of dirt
- (i) *argument*: dirt:: נבילה – and unless specified otherwise, default intent is כזית
- (ii) *block*: dirt is inedible; כזית may be irrelevant to it; נבילה is edible, just prohibited