

25.3.4

22b (משנה א) → 23b (מושב ועומד הוא)

1. ואכלת לפני ה' אלהיך במקום אשר יבחר לשכן שמו שם מעשר דגנך תירשך ויצהרד ובכרת בקרד וצאנך למען תלמד ליראה את ה' אלהיך כל הימים: דברים יד:ג.
 2. ונתתה הכסף בכל אשר תאזנה נפשך בבקר ובצאן ובזין ובשכר ובכל אשר תשאקד נפשך ואכלת שם לפני ה' אלהיך ושמת אתה וביתך: דברים פרק יד פסוק כו.
 3. מנין ושכר יזיר חמץ יין וחמץ שכר לא ישתה וכל משרת ענבים לא ישתה וענבים לחים ויבשים לא יאכל: במדבר ו:ג.

I אכילה: role of שתייה within rubric of משנה א

- a If: he takes an oath שלא אוכל and eats and drinks – only liable once
- b But if: he takes an oath ושתה ושלא אוכל – and eats and drinks – liable twice
- i Backdoor (שמואל): if he takes an oath against eating and drinks – liable
- 1 Argument1: common language – people say “let’s taste something” and eat and drink
 - 2 Argument2: scripture – v. 1, operating on the verb ואכלת, includes תירוש (wine)
 - (a) Challenge: perhaps that refers to wine mixed with a thickener – food (“אניגרון”)
 - (b) Rather: v. 2 includes יין ושכר as “eating before ‘ה”
 - (i) Challenge: perhaps this is also אניגרון
 - (ii) Answer: the use of שכר proves that it must be intoxicating
 1. Challenge: perhaps it refers to thick figs (which are משכר → חייב for מקדש)
 2. Rather: the use of “שכר” connects with שכר (v. 3) which is יין
 - 3 Support (רבא): from רישא of our משנה – since שתייה is included, תנא has to teach that there’s only 1 חייב
 - (a) But if: שתייה was not included, no need to teach that there’s only one חייב
 - (b) Challenge (אביי): if so, why is he liable for 2 in סיפא; שתייה was already included in first part (לא אוכל) and the second statement (לא אשתה) is invalid as it is שבועה על השבועה
 - (i) Answer: order in סיפא is reversed – should be שלא אשתה and then שלא אוכל
 - (ii) Challenge: if so, let the רישא teach a bigger חידוש – חידוש שלא אוכל ושלא אשתה – only חייב once!
 - (c) Rather: we read the משנה as is (סיפא): (שלא אוכל ושלא אשתה)
 - (i) Explanation: once he says ושלא אשתה, we see that אוכל meant only “eating”
 - 4 Support (רב אשי): later משנה (see below) states שלא אוכל and then if he eats or drinks inedibles – פטור
 - (a) Implication: if he drank potables, would be liable, even though he only said אוכל
 - (b) Rejection: may refer to a case where he said שלא אוכל and ate or אשתה and drank

II משנה ב: single and multiple שבועות re: kinds of food

- a If: he took an oath שלא אוכל and ate different kinds of bread – only liable once
- b But if: he took an oath ופת חטין ופת שעורין ופת כוסמין and ate all 3 types – liable 3 times
- i Challenge: perhaps he listed these three to identify the exclusive focus of his oath
- ii Answer: if so, he would have said “wheat, barley and spelt”
- 1 block: may have meant to chew on grain, not bread
- iii Rather: would’ve said “פת חטין ופת שעורין ופת כוסמין”
- 1 block: may have meant “wheat bread & chewing on כוסמין”
- iv Rather: if so, he would have said “שלא אוכל פת חטין ופת שעורין ופת כוסמין”
- 1 block: may have meant “3-grain bread”
- v Rather: he would’ve said “שלא אוכל פת של חטין ופת של שעורין ופת של כוסמין”; the addition of פת, פת → separate שבועות

III משנה ג: single and multiple שבועות re: kinds of drink

- a If: he took an oath not to drink and drank various drinks – liable once
- b But if: he took an oath ודבש יין ושמן ושתה יין ושמן ושמן and drank all 3 – liable thrice
- i Challenge: above, we determined that the extra word פת marked separate שבועות; what could he have said here?
- 1 Answer 1 (רפ): case where these drinks are in front of him, could’ve said מאלו שלא אשתה
 - (a) Block: may have meant that he won’t drink from these specific glasses, but would have other wine etc.
 - (b) Rather: he could have said שלא אשתה כגון אלו
 - (i) Block: that may have meant only drinks of this exact measure
 - (c) Rather: he could have said ממיין אלו
 - (i) Block: that may have meant “others like this”, but these aren’t banned
 - (d) Rather: he could have said ומינייהו אלה ושתה אלה ושתה אלה

- 2 Answer 2 (ר' אחא בריה דר' איקא): case is where he is being pressured to eat
 (a) And: his friend is asking him to drink wine, oil and honey and he is refusing
 (i) Therefore: he could have said "I refuse to drink these" by identifying them – separate שבועות
- ii Comparing separated שבועות with parallel case in שבועת הפקדון
- 1 Ruling: if he claimed 3 specific groups of items and the שומר denied any liability – only חייב once
 (a) But if: he explicated his denial to each of the three groups; separate liability (for אשם גזילות)
 (i) ד' יוחנן: if the entire debt is ש"פ amassed – liable
 (ii) Dispute ר' אחא/רבנא
1. One says: ר' יוחנן is only referring (re: צירוף) to the רישא
 - a. Meaning: in the סיפא, there are 3 oaths (not a fourth, general one) – no צירוף no
 2. Other says: ר' יוחנן is also referring to the סיפא
 - a. And: the סיפא includes a general oath, besides the 3 specifics
- (iii) Question: would this dispute transfer to our case of שבועת ביטוי?
1. Answer (רבא): the two disanalagous:
 - a. In that case: if the explicated a general denial and then specified, each would be a a separate, valid oath
 - i. Reason: even if he repeated his denial as a second oath – חייב שתים
 - b. But here: if the first part of his statement is seen as an independent, general oath, the specifics are meaningless because of על השבועה חלה על השבועה