

25.3.6

25a (משנה ה') → 26a (מאמר ר"פ אמרה)

1. או נפש כי תשבע לבטא בשפתיים להרע או להטיב לכל אשר יבטא האדם בשבעה ונגעלם ממנו והוא ידע ואשם לאחת מאלה: יקרא ה'.
 2. נתון תתן לו ולא ירע לבגד בתתך לו כי בגלל הדבר הזה יברכה ה' אלהיך בכל מעשך ובכל משלח ידך: דברים טו:

- I 'משנה ה': range of ביטוי שבועת ביטוי (2nd half of משנה on next page with next שעור)
- a Applies to: things pertaining to himself and to things pertaining from him to others
- i Example: commitment to give someone a gift
- 1 Note: must be a regular gift to a "עשיר"; if it's צדקה, he's already bound by v. 2
- b Applies to: tangible and intangible commitments
- i (Essential תוספתא distinctions between נדרים/שבועות)
- 1 נדרים: can be made to counter a מצוה, but only apply to tangible objects
- 2 שבועות: cannot be made to counter a מצוה, but apply to intangibles as well)
- ii Example: commitment to sleep/avoid sleep
- 1 Challenge: ר' יוחנן ruled that if someone bans sleep from himself for 3 days, gets מכות immediately and sleeps
- (a) Resolution: in our case, he didn't specify a time – it's feasible to fulfill
- iii Example: commitment to throw something in the sea/ to avoid throwing
- 1 Tangential dispute: if someone took an oath that פלוני threw something in the sea
- (a) דב: liable; it is reversible (he could take an oath that פ' did **not** throw something into the sea)
- (b) שמואל: exempt; it isn't fully reversible; he could not take such an oath re: the future
- (i) Suggestion: their dispute follows ר"ע/ר"י in the second half of this משנה (p. 23)
1. ר"ע: allows for שבועת ביטוי about the past; ר"י: does not
- a. דב: follows ר"ע (past oaths are valid *ipso facto*)
- b. שמואל: follows ר"י (past oaths are invalid, due to their irreversibility)
2. Rejection: all agree that according to ר"י, this would be invalid – it's about the past!
- a. Rather: they disagree about how ר"ע would rule:
- i. דב: follows ר"ע "straight-up"
- ii. שמואל: ר"ע only finds liability for past if it is reversible to future (anchored in להרע...)
- (ii) Suggestion: their dispute follows ריב"ב/חכמים (ahead ו' משנה)
1. ק"ו: allows for שבועה to fulfill a מצוה via דיב"ב –
- a. Counter: since it can't be reversed (can't take an oath to violate מצוה) – invalid
- b. דב: follows ריב"ב (no need for reversibility)
- c. שמואל: follows רבנן
2. Rejection: agree that ריב"ב, doesn't require לאו/הן reversibility, certainly wouldn't re: past/future
- a. Rather: they disagree about how רבנן would rule
- i. שמואל: read רבנן "straight-up" (i.e. they require reversibility)
- ii. דב: only require לאו/הן as per v. 1; not "past/future" which is from דרשה
- (c) Challenge (to שמואל by המונוא): if A states that he didn't eat or wear תפילין, B foreswears him – אמן – חייב
- (i) But: it isn't reversible – cannot take an oath that he will not wear תפילין (e.g. tomorrow)
- (ii) Defense (ר' המונוא): distributed – "eating" – re: קרבן; "תפילין" re: מכות (i.e. במזיד – no reversibility need)
- (d) Challenge (רבא): שווא שבועת שווא is contra what is commonly known e.g. a stone pillar is gold
- (i) עולא: it must be known to at least 3 people to be considered שווא שבועת שווא
- (ii) Inference: if not known to 3 people – violation of שבועת ביטוי – but it isn't reversible to future
- (iii) Defense (רבא): if it isn't known – violation of שבועת שקר –
- (e) Delimiters: רב agrees in case where he swears that he knows testimony
- (i) Reason: can't be reversed at all – that is שבועת העדות ("I don't know עדות for you")
- (ii) But: "העדתי/לא העדתי"; "ידעתי עדות/לא ידעתי"; "העדתי/לא העדתי" is the same dispute

- (f) *Observation*: שמואל's position jibes with exception of שבועת העדות – must be explicated, as it couldn't fit into שבועת ביטוי as it isn't reversible; but רב's position is difficult – why the need for שבועת העדות?
- (i) *Answer (students to אביי)*: to make 2 חיובים
1. *Rejection*: v. 1 indicates only one ("לאחת מאלה")
 2. *Rather*: the omission of ונעלם in שבועת העדות in ונעלם → even במזיד
 3. *Counter (students)*: perhaps he's liable twice if it is בשוגג (rejection – לאחת מאלה) and במזיד – only 1!
- (ii) *Answer (רבא)*: since שבועת העדות was distinguished – it is no longer שבועת ביטוי
1. *Inference*: אביי believes it is still שבועת ביטוי; but he claimed that רב agreed, due to irreversibility
 - a. *Answer1*: אביי changed his mind about רב's position
 - b. *Answer2*: one of these two reports was given in אביי's name by ר"פ