25.3.8

27a (משנה ו') → 27b (משנה ו')

7. או נֶפֶשׁ כִּי תִשְׁבַע לְבַפֶּא בִשְׂכָתִים **לְחָרֶע אוֹ לְחָיטִיב** לְכֹל אָשֶׁר יְבַפֶּא הָאָדֶם בְּשְׁבֵעָה וְנֶעְלֶם מְמֶנּוּ וְהוּא יָדַע וְאָשֵׁם לְאַחַת מֵאֵלֶּה: *ייקרא הּד* 2. כִּי אִישׁ אָשֶׁר יִקַלֶּל **אַת אָבִיו וָאָת אָמּו** מות יוּמָת **אָבִיו וְאָמוֹ קֹלֶל** דְּמִיוֹ בוֹ: ייקרא *פּרקכ פּסוקס*

- I משנה ו' regarding משנה ו' משנה ו' משנה ו'
 - a consensus: if he took an oath to cancel a מצוה (non-performance) invalid (if he fulfills exempt)
 - b if: he took an oath to fulfill a מצוה and doesn't do so:
 - i *דיב"ב*. liable, as per ק"ו:
 - 1 *if*: he is liable for an action which is otherwise neutral,
 - (a) then certainly: he is liable for an action which is already commanded
 - מתמים exempt, since his oath לקיים את המצוה cannot be "flipped" (לבטל את המצוה)
 - 1 counter (מיב״ב): he can take an oath to benefit another but not to harm another → "flippability" isn't needed
 - 2 *response*: he may take an oath **not** to benefit another (that is the "flip")

II foundational ברייתא:

- a excludes: violating a מצוה from להרע או להיטיב must be בדבר רשות
- b excludes: fulfilling a מצוה (contra ריב"ב) parallel to
- c includes: harm to self
- d excludes: harm to others (e.g. assault and battery)
- e but includes: benefit to others ("אר") separates הטבה from הטבה for that purpose)
 - i *question*: how do we know that the verses are referring to דבר רשות?
 - 1 Answer: the proposed הטבה (eating ממץ) is also a הרעה (the violation); and vice-versa → can't be דבר מצוה
 - 2 Challenge: then דבר רשות won't work either,
 - (a) Defense: the need for "אר" to distinguish between הטבת אחרים and הטבת אחרים
 - (i) Explanation: if הרעת אחרים is allowed (להרע בדבר מצוה), certainly הטבת אחרים is allowed no need for "אר"
 - ii Parenthetic note: isn't "אר" needed to individuate שבועה, such that there is liability for "just" הטבה or הרעה?
 - 1 Answer: per יונתן, who reads v. 2 as automatically covering father or mother (or both) not needed
 - (a) But: according to ר' יאשיה, who infers from רישא of v. 2 that it would need to be both (and gets indivudation from לחלק) isn't או needed ישיפא?
 - (b) *Answer*: ריבויי ומיעוי will accept ריבויי ומיעוי who already includes all שבועות (just הטבה or הרעה) from הטבה is still extra
 - iii Additional argument: since the verse includes a להרע או להיטיב), it must be referring to דבר מצוה, and דבר מצוה, arc is excluded; but if דבר מצוה is the referent nothing is left to be excluded

III Examining ריב"ב vs. חכמים:

- a ריב"ב's retort:
 - i Since we allow for העבת אחרים but not it's flip הרעת אחרים must be no requirement of "flipability"
 - ii Defense: we do have minor flipability with הטבת אחרים not to benefit the other (e.g. 'שבועה שלא אתן מתנה לפ') but הטבת אחרים has no flipability at all.