

25.3.9

27b (ואחצי שעור לא מחייב) → 29a (משנה ז')

I אין שבועה חלה על השבועה: משנה ז'

- a *if*: he takes oath not to eat a loaf of bread, (שלא אוכל ככר זו) then adds another not to eat it (שלא אוכלנה) – only liable for 1
- i *note*: use of אוכל after אוכלנה as per רבא
- 1 אוכל: liable at כזית
 - 2 אוכלנה: only liable if he eats the entire loaf
 - (a) *therefore*: the second oath is invalid as it obligates less than the first
 - (b) *but*: if he were to invert – שאוכלנה and then שאוכל – would be liable twice (if he ate the whole loaf)
 - ii *question*: what is the purpose of 3 oaths here?
 - 1 *Answer*: per רבא – the “invalid” oaths hang over him, such that if he is שואל on the 1st, the 2nd activates
 - (a) *Suggested support*: if one took 2 נזירות, finished #1 and brought קרבן and was then שואל on 1st - considered as if he completed 2nd (i.e. 1st → 2nd)
 - (b) *Deflection*: in that case, the 2nd נזירות was real; in our case, the 2nd שבועה had not “footing”
 - iii *Related ruling (רבא)*: if he took an oath against a loaf and had eaten all but כזית – may be שואל; if less left – may not
 - 1 *Challenge*: if he said שאוכל, already violated at 1st כזית; if he said שאוכלנה – as long as there is 1 crumb – שואל
 - 2 *Answer1*: could've said אוכל; since the שאלה is effective for last כזית, it has effectiveness for 1st כזית
 - 3 *Answer2*: could've said אוכלנה; only a כזית (or more) is significant enough for him to be שואל
 - (a) *Challenge*: ruling about 2 נזירות as above (→ he can be שואל even after fully complete)
 - (i) *Answer*: he hadn't brought the קרבן yet (i.e. no fully done)
 1. *Block*: it states, in that ruling – וכיפר
 - (ii) *Answer*: he hadn't yet shaved (per ר"א – גילוח is כפרה – מעכב כפרה)
 1. *Block*: ruling also states וגילה
 - (iii) *Answer (ר' אשי)*: no challenge; reason 2nd נזירות hadn't yet taken effect was because 1st נזירות “blocked” it; now the first is gone, the 2nd becomes retroactively effective
 - 4 *Dissent (אמימר)*: even if he ate the whole loaf, may be שואל
 - (a) *Reason*: if he was שוגג, hasn't yet brought קרבן; if מויד, didn't yet get מכות
 - (i) *However*: if he was already strapped to the flogging pole – too late
 1. *As per*: שמואל's ruling that if he was strapped and fled – exempt (i.e. מכות=כפות)
 2. *Rejection*: in that case, he fled (was already disgraced)
- iv *Related ruling (רבא)*: if he made eating loaf A a “trigger” for an oath against eating loaf B ($A \rightarrow B$)
- 1 *If*: he ate A בשוגג, then if he eats B (even במזיד) – exempt
 - 2 *If*: he ate A במזיד, then if he eats B בשוגג – liable for שבועת ביטוי
 - 3 *If*: he ate both בשוגג – exempt
 - 4 *If*: he ate both במזיד –
 - (a) *If*: he ate A first – liable
 - (b) *If*: he ate B first – depends on whether התראה ספק שמה התראה (as per יוחנן ר') or not (as per ר"ל)
- v *Spinoff*: if he banned eating each contingent on eating the other ($A \rightarrow B$; $B \rightarrow A$)
- 1 *If*: he ate either (or both) remembering it was a trigger but forgetting the result – exempt
 - 2 *If*: he ate either (or both), forgetting its role as trigger but remembering its impact – liable
 - 3 *If*: he ate both בשוגג – exempt
 - 4 *If*: he ate both במזיד
 - (a) *The second one*: full liability
 - (b) *The first one*: depends on the above-mentioned dispute
- vi *Support (ר' מרי)*: per נדרים ג:א-ב: 4 נדרים which are *ipso facto* permitted, including שגגות
- 1 *Meaning*: if he took a vow against eating and forgot
 - (a) *And*: we learn that שבועות שגגות מותרין → נדרים: שבועות שגגות מותרין → נדרים: שבועות שגגות מותרין (where trigger is בשוגג)
- vii *Story of אבימי and his brother עיפא*: quizzed him on 3 cases of שקר/שקר – שבועת ביטוי/שקר – שבועת עיפא failed all 3
- 1 *Common feature*: missed point of inclusiveness and augmentation of שבועה
 - 2 *However (אבימי)*: עיפא has a theoretical position consistent with רבה:
 - (a) *If*: he took an oath against grapes&figs, then just figs – and ate figs, designated קרבן and then ate grapes:
 - (i) *Then*: he is exempt, as ענבים are חצי שעור of the “remaining” oath.
- b *definition*: this is the שבועת ביטוי for which liability בשוגג is ויודר עולה ויודר – קרבן עולה ויודר – במזיד – מכות
- c *however*: שבועת שווא carries no liability בשוגג, but מכות if done intentionally