



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Shavuos Daf Chuf

PEREK SHAVUOS SHTAYIM -- PEREK SHLISHI

MISHNA

- There are 2 types of oaths, that are actually four. A person who makes an oath that "I will eat", or "I will not eat" (are the two types), or "I ate" or "I did not eat" (these are the 2 additional types).
 - If a person makes an oath "I will not eat" and then ate even the smallest amount, **R' Akiva** says he would be chayuv (a chatas if it was done b'shogeig). The **Rabanan** said to him, where do we ever find someone becoming chayuv for eating even the smallest amount? **R' Akiva** said, where do we ever find a person who must bring a korban as a kaparah for what he said (i.e. this person is not chayuv for eating, he is chayuv for not keeping his oath, and therefore it is different than other cases of eating and can't be compared to them).

GEMARA

- **Q:** The Mishna understood the word "she'ochal" as meaning "I will eat". However, a Braisa says that when someone makes an oath "she'ochal lach" he becomes assur to eat from the person who is the subject of the oath. We see the Braisa understands "she'ochal" to mean that "I will not eat"! **A: Abaye** said, "she'ochal" means "I will eat". However, the case of the Braisa is where people are pressuring this person to eat and he keeps refusing to eat. To show how serious he is, he makes this oath "she'ochal", which, given the context is taken to mean that he will not eat. **R' Ashi** said, the Braisa should be read as saying "she'i ochal" (I will not eat).
 - **Q:** According to **R' Ashi**, this would seem obvious, so why would the Braisa give this case as well? **A:** We would think that his pronunciation was not proper and he actually meant to say "she'ochal". He therefore teaches that we don't say that and therefore understand him to mean that he will not eat.
- A Braisa says, if someone says "mivta" it is understood to mean an oath. "Issur" is understood to be an oath. What is the issur of an oath that was stated by using the word "issur"? If you say it is an oath, he would be chayuv for violating it, and if it is not an oath, he would be patur.
 - **Q:** The Braisa already said that using "issur" *does* create an oath!? **A: Abaye** said, the Braisa means to say – "mivta" is an oath, and "issur" is verbiage meaning to apply an oath from elsewhere to this place (e.g. he says that this loaf of bread should be like another one, which happened to be assur to him via an oath). The Braisa then asks, what is the issur when one uses the word "issur"? The Braisa answers, if you hold that applying an oath from elsewhere makes this new item assur via the oath as well, then "issur" would make the person chayuv. If not, he would be patur.
 - We find that "mivta" refers to an oath in the pasuk of "oy nefesh ki sishava l'vatei bisfasayim". We find that "issur" is an oath based on the pasuk of "kol neder v'chol shevuas issur". We find that "issur" means to apply an oath from elsewhere to a new item "oy asrah issar ahl nafsha b'shvuah".
 - **Q:** We should say that "mivta" also means to apply a different shvuah to a new place, based on the pasuk of "l'chol asher yivatei ha'adam b'shvuah"! **A:** Rather, **Abaye** says that mivta is learned from a pasuk that makes no mention of "shvuah" in the pasuk – "oy mivtah sifaseha asher asra ahl nafsha". This shows that "mivta" is the actual oath.
 - **Rava** said, the Braisa means that "mivta" means to create an oath and "issur" means to create an oath. The Braisa then explains that "issur" is written between "neder" and

“shvuah” in the pasuk (“v’ihm beis ishah nadara oy asra issar ahl nafshah b’shvuah”), and therefore, if “mivta” is used with neder phraseology, it creates a neder. If it is used with shvuah phraseology, it creates a shvuah.

- The different explanations of **Abaye and Rava** follow their views elsewhere. We find that **Abaye** says, if someone applies an oath from elsewhere to a new item it is as if he made a shavuah. **Rava** says, it is not a shvuah and he would therefore be patur if he violates it.
 - **Q:** A Braisa says, what is meant by “issar” in the pasuk? It refers to a person who says that he will not eat in the same way that he is not allowed to eat on some other day – like the yartzeit of a parent, or like the fast day of Tzom Gedalya, or like the day that Yerushalayim was destroyed, and **Shmuel** says, if he was assur via a neder on those other days, he will become assur with a neder on this day as well. Now, according to **Abaye** we can say that just as the Braisa says that one who applies a neder to a new set of circumstances creates a new neder, the same would be when someone applies a shvuah to a new set of circumstances. However, this Braisa is difficult according to **Rava**!? **A: Rava** will say that the Braisa is not explaining the word “issar”, but is rather explaining a neder itself, and teaching how one makes an effective neder.
 - **Q:** It is obvious that when a person says food should be assur to him like on the day of the yartzeit of a parent, it will be effective (that day is assur to him with a neder)!? **A:** The case of Tzum Gedalya is the chiddush. We would think that since food is assur to him on that day without his neder, it cannot be used as the basis of another neder. The Braisa therefore teaches that it still can be.
 - **R’ Yochanan** also held like **Rava**, that the words “mivta” and “issar” can each independently create a shvuah.
- **R’ Dimi in the name of R’ Yochanan** said, if a person swears “I will eat” or “I will not eat” and then violates his oath, it is considered to be a false oath, with the warning coming from “v’lo sishav’u bishmi lashaker”. If one swears falsely and says “I ate” or “I did not eat” it is considered to be an oath in vain (shvuas shav), with the warning coming from “lo sisa es Shem Hashem Elokecha lashav”. If one violates “konamos” (i.e. a neder), he is oiver on “lo yacheil devaro”.
 - **Q:** A Braisa says that a vain oath and a false oath are one and the same. Presumably, this means that just as a vain oath refers to the past, the same is for a false oath, and not like **R’ Dimi** said that it refers to an oath regarding the future!? **A:** The Braisa does not mean to say that they are “one” in this manner. The Braisa means to say that the words “shav” and “sheker” were said simultaneously by Hashem in the Aseres Hadibros, just like the words “shamor” and “zachor” were said simultaneously.
 - **Q:** Regarding Shabbos, “zachor” and “shamor” were said simultaneously to teach that whoever is chayuv in “shamor” is also chayuv in “zachor” (which teaches to include women in the mitzvah of kiddush). What is the reason that “shav” and “sheker” were said simultaneously? **A:** When the Braisa said that shav and sheker are one and the same, it meant to teach that just as one receives malkus for an oath in vain, he also receives malkus for a false oath.
 - **Q:** It is more understandable to give malkus for a false oath than for a vain oath!? **A:** Rather say, this teaches that just as one receives malkus for a false oath, he also receives malkus for a vain oath.
 - **Q:** They are both lavim, so this seems obvious!? **A:** We would think to say like **R’ Pappa** says (in the coming Gemara) that an oath in vain does not get malkus because there is no kapara for it. The Braisa is therefore teaching that it does, like **Abaye** answers **R’ Pappa**.
 - We can also say that the Braisa means that just as one is chayuv a korbon for making a false oath, he is also chayuv a korbon for making an oath in vain, and the Braisa follows **R’ Akiva** who says that one is chayuv a korbon for violating an oath made regarding the past.

- A Braisa seems to reverse the meaning of “false oath” and “vain oath” given by **R’ Dimi**, but **R’ Dimi** could amend the Braisa to make it fit according to his explanation.