



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

Shavuos Daf Chuf Daled

- The Gemara said that **R' Yochanan** explains the Mishna that says that an oath not to eat takes effect on neveilos and treifos as well, as referring to a case where he adds permitted food items to his oath. **Reish Lakish** said the case would be, according to the **Rabanan** where he specified that the oath should take effect on less than a kezayis, and according to **R' Akiva** even where he didn't make a specification, because he holds that a person means for his oath to take effect even on the smallest amount.
 - **Q:** According to **Reish Lakish** we can understand why **R' Shimon** argues in the Mishna and says that the oath does not take effect, because **R' Shimon** says in a Braisa that prohibited foods are assur to eat even when less than a kezayis and would make the person chayuv malkus for doing so, and the minimum shiur of kezayis applies only regarding the korbon obligation. However, according to **R' Yochanan**, why does **R' Shimon** say that the oath does not take effect? **A:** **R' Shimon** does not hold of the concept of "issur kolel" and therefore, even a more inclusive oath will not take effect on a previously prohibited item.
 - **Q:** According to **Reish Lakish**, the oath can be formulated in the negative ("I will not eat even less than a kezayis of neveila") and in the positive ("I will eat less than a kezayis of neveila"). However, according to **R' Yochanan**, there is a negative formulation ("I will not eat neveila or anything else"), but there is no positive formulation ("I will eat neveila and other foods" can't take effect, because he is swearing to do something prohibited by the Torah)!? **A:** Rather, we must explain the Mishna as **Rava** explained. When the Mishna says, that if he made the oath "I will not eat" and then ate food unfit to be eaten he is patur, it is referring to someone who made the oath and then ate dirt. But, if he ate neveila he would be chayuv.
 - **R' Mari** said, we have learned this in our Mishna as well. The Mishna said, if someone says "konam my wife to benefit from me if I ate today" and he had in fact eaten neveilah, his wife becomes assur to benefit from him. We see that eating neveila is considered to be eating.
 - **Q:** The Gemara says, this is no proof. In that case he first ate the neveila and then swore not to eat. The fact that he ate it first shows that he considers the eating of neveila to be significant and is therefore included in the oath. In the case where he first swears and then eats the neveilah, it may be that he never intended his oath to include neveilah, because he considered it to be something that is inedible.
- **Rava** said, the logic behind saying that issur kolel is effective is that since issur mosif is effective, issur kolel is as well. The logic of the differing opinion is that issur mosif adds new prohibitions to the same object, but issur kolel adds new prohibitions to additional objects, and that can't be done.
 - **Rava** said, according to the view that says issur kolel is effective, if someone makes an oath that "I will not eat figs" and then makes a second oath that "I will not eat figs and grapes", since the second oath takes effect on grapes, it will take effect on figs as well, and if he then eats figs he will be chayuv for both oaths.
 - **Q:** That is obvious, since that is exactly the case of issur kolel!? **A:** We would have thought that issur kolel only works when it is something that comes on its own, not when it is a self-made prohibition (like an oath).
 - **Q: Rava the son of Rabbah** asked, a Mishna says that a person can be chayuv 4 chataos and one asham for one act of eating – if a tamei person ate cheilev of kodashim that was nossar on Yom Kippur. Now,

according to this last answer, we can make the case that he is chayuv yet another chatas, and the case would be where the person had made the oath "I will not eat dates or cheilev", In which case the oath is also effective on the cheilev!? **A:** The Mishna is only discussing prohibitions that came on their own.

- **Q:** One of the prohibitions is hekdesch, and that does not come on its own!? **A:** The Mishna is referring to a bechor, which is kedusha that comes on its own at birth.
- We can also say that the Mishna only mentions issurim that cannot be revoked by Beis Din (unlike an oath that can be revoked by Beis Din). Although hekdesch can also be revoked, the Mishna is referring to a bechor, which cannot be revoked.
- We can also say that the reason the Mishna doesn't add the issur of an oath is because it is referring to obligations of fixed korbanos, as opposed to an oath for which one is only obligated to bring a korbon oleh v'yoreid.
 - **Q:** The korbon required for a tamei person who ate kodashim is also an oleh v'yoreid and yet the Mishna mentions it!? **A:** The Mishna is referring to a person who is the king, who according to **R' Eliezer** must bring a sa'ir for that aveira, not an oleh v'yoreid.
- **R' Ashi** said, the Mishna only mentions issurim that take effect on something of a minimum shiur. Oaths can take effect even on less than a minimum shiur, and therefore it is not listed in the Mishna.
 - **Q:** Hekdesch can take effect on less than a kezayis and yet it is listed in the Mishna!? **A:** It does not have a minimum shiur of a kezayis, but it does have a minimum shiur of a perutah's value.
- **R' Ashi of Avirya in the name of R' Zeira** said, the Mishna only lists issurim for which the punishment for doing it b'meizid would be kares. Therefore, it does not mention an oath, for which violating it b'meizid would only be a lav (malkus).
 - **Q:** Benefitting from hekdesch b'meizid is only a lav, and yet the Mishna lists the asham!? **A:** He means that we only list a *chatas* for an issur that carries the kares penalty for meizid. The chatas for an oath is therefore not listed.
- **Ravina** said, the Mishna only lists issurim that are limited to eating. Oaths are effective on things beyond eating as well, so it is not listed in the Mishna.
 - **Q:** The issur of hekdesch can take effect on wood and stones as well (it is not limited to eating) and yet it is listed in the Mishna!? **A:** Rather, he meant that the Mishna only lists issurim that can only be effective on tangible items. That is why it does not list the issur of an oath, because oaths can take effect on intangible items as well – e.g. one can take an oath that he will sleep or will not sleep.