



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

Shavuos Daf Chuf Zayin

MISHNA

- If one made an oath to violate a mitzvah and did not end up violating the mitzvah, he would be patur with regard to a shevuas bituy. If he made an oath to fulfil a mitzvah and did not end up fulfilling it, he is also patur with regard to a shevuas bituy, even though we would think to say that he is chayuv based on the view of **R' Yehuda Ben Beseira** who says he would be chayuv, and explains his logic to be, that if he is chayuv for an optional act, he should surely be chayuv for something that he is obligated to do by the Torah. The **Rabanan** said to him, the oath takes effect for an optional act, because it can be formulated in the positive and the negative, but for a mitzvah it can only be formulated in the positive – because even **R' Yehuda** agrees he is not chayuv when he made an oath to violate a mitzvah and did not end up violating the mitzvah – and therefore it does not take effect even in the positive.

GEMARA

- A Braisa says, we would think that if one made an oath to violate a mitzvah and did not then violate the mitzvah, that he should be chayuv for the oath, the pasuk therefore says "l'harah oy l'heitiv" – just as "to do good" refers to optional matters and not a mitzvah, so too the "to do bad" only refers optional matters. This excludes the case of one who made an oath to violate a mitzvah. We would think that if one made an oath to fulfil a mitzvah and did not fulfil the mitzvah, that he should be chayuv for the oath, the pasuk therefore says "l'harah oy l'heitiv" – just as "to do bad" refers to optional matters and not a mitzvah, so too the "to do good" only refers to optional matters. This excludes the case of one who made an oath to fulfil a mitzvah. We would think that if one made an oath to harm himself and did not then do so, that he should be patur for the oath, the pasuk therefore says "l'harah oy l'heitiv" – just as "to do good" refers to optional matters, so too the "to do bad" only refers to optional matters. This comes to include the case of one who made an oath to harm himself and did not then do so, since it is an optional matter. We would think that if one made an oath to harm other people and did not then do so, that he should be chayuv, the pasuk therefore says "l'harah oy l'heitiv" – just as "to do good" refers to optional matters, so too the "to do bad" only refers to optional matters. This excludes the case of one who made an oath to harm others, since he is not allowed to harm others. The word "oy l'heitiv" comes to teach that an oath to do good to others is a valid oath, and one would be chayuv for violating the oath. What is an example of "harming others"? If he says "I will hit Ploni" or "I will break open his head".
 - **Q:** How do we know that "l'harah oy l'heitiv" refer to only optional matters, and not to the doing or violation of a mitzvah? **A:** We need the "doing good" to be similar to the "doing bad" and visa-versa. We make a hekesh and say, just as "doing good" cannot refer to the violation of a mitzvah (that is not referred to as "good"), so too "doing bad" cannot refer to violation of a mitzvah. An oath "to do bad" also can't refer to fulfilment of a mitzvah ("I will not eat chametz on Pesach"), because the fulfilment of a mitzvah is "doing good", not "doing bad". We also make a hekesh and say, just as "to do bad" can't refer to fulfilling a mitzvah (as just explained), "to do good" also can't refer to fulfilling a mitzvah. An oath "to do good" also can't refer to violation of a mitzvah ("I will eat chametz on Pesach"), because the violation of a mitzvah is "doing bad", not "doing good".
 - **Q:** Based on this logic we should say that even regarding optional matters there is no oath that will be effective!? **A:** Rather, from the fact that we need the word "oy" to teach that an oath to do good to others is effective, this shows that the pasuk is referring to optional matters, because if it was referring to

matters of mitzvah we could learn a kal v'chomer that if one is chayuv for an oath to harm others, certainly he would be chayuv for an oath to do good to others!

- **Q:** The word “oy” is needed to teach that the oath can be to do good or to do bad, and one need not make an oath to do good and an oath to do bad in order to be chayuv. If so, it is not available to teach the other drasha!? **A:** We would not need the “oy” to teach that only one oath need be made.
 - **Q:** This fits well according to **R' Yonason**, who would hold that the word “oy” is not needed to separate, because he holds that without specifically connecting two words, we know they are considered separate, so it is available for the other drasha. However, according to **R' Yoshiya**, the word “oy” is needed to separate the two, and is therefore not available for another drasha!? **A:** The Braisa can even follow **R' Yoshiya**. He will hold like **R' Akiva**, who darshens with a ribuy, miut, v'ribuy, and the one category that will be excluded from oaths will be oaths regarding a mitzvah.

AMAR R' YEHUDA BEN BESEIRA MAH IHM HARESHUS...

- **Q:** The **Rabanan** seemed to have refuted **R' Yehuda's** kal v'chomer!? **A:** **R' Yehuda** would say, just like we see that an oath to do good to others is effective, even though an oath to do bad to others would not be, the same would be that an oath to fulfil a mitzvah will be effective, even though an oath to violate it would not be. The **Rabanan** say the cases are different, because one can say the negative oath of “I will not benefit others”, but one cannot say the negative oath of “I will not fulfil a mitzvah”.

MISHNA

- If one made an oath “I will not eat this loaf of bread” and then makes an oath “I will not eat it” and then another oath “I will not eat it” and he then ate the loaf of bread, he is only chayuv for violating one oath.
- This is the shevuas bituy for which one is chayuv malkus if it is violated b'meizid and a korbon oleh v'yoreid if it is violated b'shogeg.
- If one makes a “shevuas shav” (an oath in vain) he is chayuv malkus if it is violated b'meizid and is patur if it is violated b'shogeg.

GEMARA

- **Q:** Why did the Mishna give the case of 3 oaths that were not made using identical wording? **A:** The Mishna teaches that when this different wording is used, it is only when it is used in this order that he is only chayuv for one oath. However, if he would have said “I will not eat it” (which suggests eating the entire loaf) and then said “I will not eat this loaf” (which suggests eating even a kezayis of the loaf) and then ate the loaf, he would be chayuv for both oaths, as **Rava** says. **Rava** says “I will not eat this loaf” means he will not eat even a kezayis, whereas “I will not eat it” refers to the entire loaf.

SHEVUAH SHELO OCHLENA VA'ACHALA EINO CHAYUV ELAH ACHAS...

- **Q:** Once we know that the second oath is not effective we would know that the third oath is certainly not effective, so why does the Mishna need to mention the third oath? **A:** The Mishna is teaching that he would not be chayuv for the oath, but the oath “remains suspended” and if circumstances arise that allow them to take effect, they will still take effect. This would be in a case like **Rava** said, that if the person annuls the first oath, the second oath would then take effect.
 - **Q:** Maybe we can say that the following Braisa supports **Rava**. The Braisa says, if someone made a neder to observe two terms of nezirus, and he then observed the first term and set aside an animal to be used for his korbon, and then annulled the first neder of nezirus, the observed period counts for his neder of the second term of nezirus. This seems to be saying the same concept as **Rava** said!? **A:** In that case, even when the first neder is still effective, the second neder is as well, and he must observe a

second term after the first term. However, in our case, when the first oath is effective, the second oath is not effective at all!