



I will eat, I will not eat

As we continue to learn about the types *Shevuot* (oaths), one *Mishnah* discusses a case that combines two different types. The *Mishnah* (3:9) explains that if one made a *shevuah* to eat a particular loaf of bread, then followed it with a second *shevuah* not to eat it, then the first *shevuah* is considered a *shevuat bitui* and the second is considered a *shevuat shav*. The *shevuat bitui* we discussed last week. In order not to violate this *shevuah* he must eat some of the bread. The second *shevuah* is a *shevuat shav* – a *shevuah* taken in vain – and is violated immediately. This is because he is making a *shevuah* not to fulfil a *mitzvah* (of satisfying the *shevuat bitui*).

The *Tosfot* (29b, s.v. *shevuah*) however asks that each *shevuah* should be considered a *shevuat bitui*. The first *shevuah* was termed "*she'ochel*" (that I will eat). We learnt previously that if someone made a *shevuah* "*she'lo ochel*" (that I will not eat) then the *shevuah* is violated if one ate a *kezayit* (size of an olive). By extension, the first *shevuah* implies that he will eat a *kezayit* from the bread. The second *shevuah*, "*she'lo ochlena*" (that I will eat it), is understood that he will not eat the entire loaf. Consequently, the two *shevuat* do not contradict one another; he can certainly eat a *kezayit* amount from the loaf and not eat the entire loaf. Why then is the second *shevuah* a *shevuat shav*?

The *Tosfot* suggest that there is a difference between a *shevuah* "*she'ochel*" and "*she'lo ochel*". In other words, a *shevuah* "*she'ochel*" means that one wants to eat the entire loaf. Consequently following this *shevuah* with a *shevuah* "*she'ochlena*" contradicts the first *shevuah*.

Given that "*she'ochel*" is the compliment of "*she'lo ochel*", why should the amount for the first be the entire loaf, while the second be a *kezayit* from it? The *Tosfot* R' Akiva Eiger explains that when one makes a *shevuah* "*she'lo ochel*" the *shevuah* applies to every *kezayit* of that loaf, consequently eating a *kezayit's* amount violates the *shevuah*. When one makes a *shevuah* "*she'ochel*" it similarly applies to every

kezayit. Consequently, it is only when he eats every *kezayit* – the entire loaf – that the *shevuah* is fulfilled.

What then is the difference between *shevuah* "*she'ochlena*" and a *shevuah* "*she'ochel*" if both imply the entire loaf? R' Akiva Eiger explains that the difference is found if the loaf was partially burnt. Since "*she'ochel*" applies to every *kezayit*, he must eat every *kezayit* available to be consumed. "*She'ochlena*" however obligates one to eat the entire loaf. Since part of the loaf was burnt, he can no longer eat the entire loaf and is not required to eat that which remains.

The *Tifferet Yisrael* provides a different answer to *Tosfot's* questions. He explains that the meaning of *she'ochel* is understood by the context. Even if normally it would imply a *kezayit*, since in this case it was followed with the opposite *shevuah*, if he really intended that his first *shevuah* be understood as meaning only a *kezayit* amount, then he should have been more explicit.

Interestingly the *Tosfot HaRosh* cites the *Ramah* that has the opposite explanation. He explains the *she'ochel* always implies a *kezayit*. When he follows it with "*she'lo ochlena*" it implies that he is referring to the same quantity in the first *shevuah*. *She'lo ochlena* only implies the entire loaf when the *shevuah* is made on its own with the loaf resting in front of him.

The *Tosfot HaRosh* however answer the *Tosfot's* question while maintaining the original assumptions about the amounts implied by each *shevuah* – the first *shevuah* implies he will eat a *kezayit* while the second implies he will not eat the entire loaf. The *Tosfot HaRosh* explains that even though for a such a *shevuah* one would not be *chayav* to bring a *korban* until they ate the entire loaf, it is still forbidden to eat a small amount of it (see last week's article on *chatzi shiur*). Consequently, the second *shevuah* is indeed in conflict with the first.

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Revision Questions

שבועות ג' ח' – ד' י'

- What is a *shevuat shav*? Include three different types. (ג' ח')
 - Provide a case where a person makes two similar *shevuot* and the first is defined as a *shevuat bitui* and the second is defined as a *shevuat shav*. (ג' ט')
 - Can a *shevuat bitui* be made outside of *beit din*? (ג' י')
 - How can someone make a *shevuat shav* by only saying one word? (ג' י"א)
 - Does a *shevuat edut* apply outside of *beit din*? (ד' א')
 - When does *R' Meir* differ with the *Chachamim* regarding the previous question? (ד' א')
 - How does the scope of one who can make a *shevuat edut* differ from one who can make a *shevuat bitui*? (ד' א')
 - Describe a case involving *shegaga* in a *shevuat edut* where the person would still be obligated to bring a *korban*. (ד' ב')
 - When is someone obligated to bring multiple *korbanot* for multiple *shevuot edut* about the same testimony, and when are they only obligated to bring one? Explain why. (ד' ג')
 - If two witnesses each make a *shevuat edut*, when are both *chayav* and when is only one *chayav*? (ד' ד')
 - Does the same law hold for two sets of witnesses? (ד' ד')
 - When is someone obligated to bring multiple *korbanot* for a *shevuat edut* regarding multiple things, and when is he obligated to only bring one. (ד' ה')
 - Is one *chayav* if he made a *shevuat edut* regarding *tashlumei kefel*? Why? (ד' ו')
 - What other case that occurred on *Yom Kippur* shares a similar law to the previous question? (ד' ו')
 - Regarding the previous question, what would be the law if the testimony concerned that incident on *Shabbat*? (ד' ז')
 - Complete this general rule regarding when one is *chayav* for a *shevuat edut*: (ד' ח')
- " _____ על שאין חייבין אלא על _____"
- What case was brought in that same *Mishnah* as an example of what this rule excludes? (ד' ה')
 - Can a *shevuat edut* apply to cases that one may witness in the future? (ד' ט')
 - Would it be considered a *shevuat edut* if the witnesses were adjured amongst a mass of people? (ד' י')

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10 minutes before *Mincha*
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Sunday -Thursday

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
2 June כ"ח אייר	3 June כ"ט אייר	4 June א' סיון	5 June ב' סיון	6 June ג' סיון	7 June ד' סיון	8 June ה' סיון
Shevuot 4:11-12	Shevuot 4:13-5:1	Shevuot 5:2-3	Shevuot 5:4-5	Shevuot 6:1-2	Shevuot 6:3-4	Shevuot 6:5-6

