



Multiple Shevuot

The *Mishnah* (3:7) discusses a case where one made a *shevuah* that he would not eat a loaf a bread, then followed that *shevuah* with two consecutive *shevuot* not to eat from the loaf. The *Mishnah* teaches that if he then ate it, he would only be liable one *korban* for the violation. The *Bartenura* explains that this is because once a *shevuah* is in place another *shevuah* cannot apply on top of it. The *Bartenura* however explains that if he first made a *shevuah* not to eat the entire loaf then followed it with a *shevuah* not to eat from it, he would be liable for both. The reason is that since the first *shevuah* only forbade consuming the entire loaf and the second *shevuah* forbade eating a *kezayit*'s worth, there was room for the second *shevuah* to take effect. We shall try to understand this principle.

The *Yerushalmi* in *Nedarim* (2:3) records the following discussion (as explained by *R' Chaim Kaneivsky*). *Avimi* told *Cheifa* his brother that he had thoroughly studied both *nedarim* and *shevuot*. *Cheifa* tested him with the following cases. The first is if one had five loaves in front of him. If he first made a *shevuah* that he would not eat one, then followed it with a *shevuah* that he would not eat two (together), then three, then four, then five and then eat all five, how many times would be liable for eating the first? *Avimi* answered it would be five times. *Cheifa* however responded that after the first *neder*, the first loaf already become *assur*, consequently, he would only be liable once.

The next question was the opposite of the first. The individual first made a *shevuah* not to eat all five, then not to eat four, then three, then two and finally a *shevuah* not to eat one. If the person then at all five, how many times would he be liable? *Avimi* responded he would only be liable to one *korban*. *Cheifa* however reasons that after the first *shevuah*, if he only ate four of them, then he would be exempt. Consequently, there is room for the *shevuah* of four to take hold. Therefore, if he ate all five he would liable five times.

Rav Chaim explains that *Avimi* and *Cheifa* argue about the reason why a *shevuah* does not apply onto of another one. He explains that according to *Cheifa* this is based on the broader principle of *ein issur chal al issur*. In other words, in general, once an object is already *assur* a further *issur* cannot apply to it. In the first case, where the *shevuot* increased in scope, the first loaf can only become *assur* once and therefore he would only be liable once.¹ In the second case, as explained above, is because since the first *shevuah* did not prohibited what the later *shevuah* was trying to achieve, all five *shevuot* work. This appears to be consistent with the *Bartenura*'s understanding above.

Avimi however understands that the reason why a *shevuah* does not apply top of another *shevua* is because it is *mushba ve'omed* – a *shevua* is already in place. In the first case, when he makes the second *shevuah* regarding two loaves, even though the first loaf is already *assur*, since the second loaf was permitted, the second *shevuah* is a new *shevuah* and not *mushba ve'omed*. Consequently, five *shevuot* would apply to that first loaf. In the second case, if he eats all five loaves, the second *shevuah* against eating four did not add anything – the person was already *mushba ve'omed* – consequently he would only be liable for one violation.

Interestingly the *Yerushalmi* concludes with *R' Yossi* who maintains that the halacha is like *Avimi* in the last case, but like *Cheifa* in the first. *R' Chaim* explains that this is because in principle he agrees with *Cheifa* that the reason is because *ein issur chal al issur*. In the last case however, he understands that when the person first made a *shevua* against eating five, it is not understood as being against eating all five, but any of the five. Consequently, after the first *shevua*, all the loaves are *assur* and *ein issur chal al issur*.

Yisrael Bankier

¹ One might ask that since the second *shevuah* encompassed more than the first, it should be considered an *issur kollel* and take hold. *Rav Chaim* explains that this case would not be considered an *issur kollel*. An *issur kollel* is if, for example, where one said he was not going to eat meat. It is a broad general *issur* that encompasses even non-*kosher* meat and would

apply also to it. If however, he specified *kosher* and non-*kosher* meat, then it would not be considered an *issur kolel* a not apply to the non-*kosher* meat. The same is true in this case and the number is similar specifying.

Revision Questions

שבועות ג' ב' – ד' ד'

- What is the law if someone made a *shevuah* not to eat, and:
 - They ate and drank? (ג': א')
 - They ate three different type of bread? (ג': ב')
- Regarding the previous question, when would the law be different? (ג': א'-ב')
- What other case is brought that shares a similar law to the previous two questions? (ג': ג')
- If a person made a *shevuah* not to eat, and he ate, when would he not be *chayav*? (ד': א')
- Explain the debate regarding a person who made a *shevuah* not to eat, then ate *neveilot* and *tereifot*. (ד': א')
- The *Mishnah* explains that *shevuot* apply to four extra categories – what are they? Explain. (ג': ה')
- If a man made a *shevuah* to fulfill the *mitzvah* of *tefillin* and missed a day is he obligated to bring a *korban*? (ג': ו')
- Explain *R' Yehuda ben Beteira's* opinion regarding the previous question and the *Chachamim's* counter argument. (ג': ו')
- What is the punishment for one that transgresses a *shevuat bitui*? (ג': ז')
- What is the difference between one that transgresses a *shevuat bitui* and a *shevuat shav*? (ג': ז')
- 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')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 February כ"ה שבט	24 February כ"ו שבט	25 February כ"ז שבט	26 February כ"ח שבט	27 February כ"ט שבט	28 February ל' שבט	1 March א' אדר
Shevuot 4:5-6	Shevuot 4:7-8	Shevuot 4:9-10	Shevuot 4:11-12	Shevuot 4:13-5:1	Shevuot 5:2-3	Shevuot 5:4-5

