

OVERVIEW of the Daf

1) Clarifying R' Akiva's position (cont.)

The Gemara concludes its unsuccessful challenges to R' Akiva's assertion that we do not find instances in which one is liable for consuming minimal quantities of prohibited food.

R' Akiva's statement that one is never liable to bring a korban for speaking is unsuccessfully challenged.

Rava suggests two qualifications to the dispute between R' Akiva and Rabanan.

The novelty of the second qualification is explained.

R' Pappa suggests another qualification.

This qualification is unsuccessfully challenged from a Baraisa.

Ravina suggests another resolution to the challenge to R' Pappa's position from the Baraisa.

This resolution is unsuccessfully challenged.

2) Oaths

Rava rules that eating dirt does not violate an oath not to eat.

Rava inquires about how much dirt one must eat to violate his oath not to eat dirt and the inquiry is left unresolved.

Rava inquires about the quantity of grape seed one must eat to violate an oath to not eat grape seed and the inquiry is left unresolved.

R' Ashi inquires whether an oath to not eat grape seed takes effect or not.

The Gemara concludes that it does not take effect since it is assumed that he intended to prohibit an olive's volume that was anyway prohibited.

It is suggested that this conclusion should resolve the earlier inquiry related to the quantity of dirt one must eat to

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Distinctive INSIGHT

Is eating dirt considered eating?

אמר רבא שבועה שלא אוכל, ואכל עפר פטור

This statement of Rava on כב: is cited here, and it also appears in the Gemara later (24a). The text, as Rashi has it and as it appears in our Gemara, is that the case is where a person made an oath not to eat, and then he ate dirt. He is exempt from having violated his oath, because dirt is not edible.

There is a problem with this statement as we have it, because the Mishnah at the bottom of this עמוד teaches this halacha explicitly, when it says, "One who takes an oath not to eat, and he eats anything that is not edible, he is exempt." The question is, therefore, what does Rava add to the ruling of the Mishnah?

רש"י explains that the Gemara in Shabbos (113b) tells us that there are some people who eat dirt. We might have thought, then, that dirt is considered edible. Rava is coming to teach us that this is not the case. Dirt is not edible. Therefore, when the Mishnah states that inedible items are not included in an oath for one who swears that he will not eat, dirt is among the items that are not part of the oath.

ר"י מיגש has a slightly different text in the statement of Rava, but one which makes a drastic difference in its meaning. "If one takes an oath that he will eat—שאוכל—and he eats dirt, he is exempt." This means that although the only thing he ate was dirt, he is considered to have fulfilled his word that he "ate." Other Rishonim note that this is also the text which Rabeinu Chananel had.

ר"י מיגש points out, however, that according to this version of Rava's statement, we find that eating a non-edible item is sufficient as fulfillment of an oath that one will eat. Eating dirt falls under the definition of eating. Yet, the Mishnah at the bottom of the amud teaches that if one takes an oath not to eat, and he eats non-edible items, this is not considered eating. How can we resolve this inconsistency?

He answers that there is a difference between doing something to minimally satisfy an oath and doing an act considered in violation of an oath. Therefore, as far as one who vows to eat something, and we see that he takes dirt and ingests it, we see that this is apparently what this person had in mind with his vow to eat. This is therefore enough to say that his vow has been met. However, if a person takes a vow not to eat, and he then eats dirt, we see that this person's intent was not to include inedible items. We will interpret his words as being consistent with his actions in each case.

ר"ן explains that in Rava's case, a reasonable explanation of an oath to not eat refers to edible foods, as it is not necessary for a person to declare that he will not eat dirt. Therefore, when he does eat dirt, he is not in violation of his statement. ■

REVIEW and Remember

1. Give two examples where a person's declaration can generate a korban obligation.

2. Explain יש מעילה בקונמות.

3. What is the uncertainty concerning the quantity of grapeseed one must eat to be liable for an oath not to eat grapeseed?

4. Does eating bugs violate an oath not to eat?

HALACHAH Highlight

Eating foods unfit for consumption

ואכל אוכלין שאינן ראויין לאכילה ... פטור

And he ate foods that are unfit for consumption... he is exempt

Shulchan Aruch¹, based upon our Gemara, rules that someone who takes an oath not to eat does not violate his oath if he eats dirt. The reason is that dirt is not a food and therefore was not included in his oath. If, however, he specified in his oath that he would not eat dirt he would be liable for eating dirt. This leads the Poskim to a discussion about whether eating items that are unfit for consumption violates prohibitions against eating. For example, Tur² writes in the name of Ra'avyah that one who eats something that is unfit for consumption on Yom Kippur does not even violate a Rabbinic injunction. Beis Yosef³ observes that the position of Ra'avyah seems to be at odds with the position of Rambam. Rambam⁴ writes that one who eats something that is unfit for human consumption or drinks something unfit for humans to drink, even if he ate or drank large quantities of these substances is not subject to the punishment of *kares* but he is liable to receive Rabbinically mandated lashes for his rebelliousness (מכת מרדות).

Taz⁵ asserts that there is no dispute between Rambam and Ra'avyah. Ra'avyah was referring to one who consumes something that is not fit for consumption altogether like dirt. In reference to something such as this our Gemara teaches that one who eats dirt is exempt, meaning, that not only is he ex-

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be liable but this suggestion is rejected.

3) **MISHNAH:** The Mishnah presents examples of oath violations that obligate a single korban and oaths the obligate multiple korbanos. The Mishnah explains whether eating inedible and prohibited foods violates an oath against eating. A final related ruling is presented.

4) Drinking

R' Chiya bar Avin in the name of Shmuel presented two proofs that drinking is part of "eating." ■

empt from Biblical punishment for violating his oath but also it is even permitted, since it is not an act of eating altogether. Even if one were to argue that the Gemara means that one who eats dirt is exempt from Biblical liability but has violated a Rabbinic injunction one would still have to agree that on Yom Kippur he would be exempt altogether. The reason all opinions would agree regarding Yom Kippur is that the prohibition is violated when a person's mind is set at ease by eating, and swallowing dirt will never accomplish that outcome. When Rambam discusses one who eats foods unfit for human consumption he was referring to bitter grass or vinegar which fall into the category of food, it is just something that people do not eat. In reference to this category Rambam writes that one is liable to lashes. ■

1. שוייע יו"ד סי' רל"ח סעי' ט"ז
2. טור או"ח סי' תרי"ב.
3. בי"י שם ד"ה אכל מדבר.
4. רמב"ם פ"ב מהל' שביתת עשור ה"ה.
5. ט"ז שם סק"ו. ■

STORIES Off the Daf

The Staff of Life

"שבועה שלא אוכל פת חיטים..."

On today's daf we find a case of one who swore not to eat bread.

When Rav Sinai Adler was in the Mauthausen concentration camp, he was faced with a difficult question. He wondered if he should save his daily ration of bread and avoid eating it on erev Pesach. Of course he would have to eat it the next day, since not doing so was literally risking his life. But perhaps it was worth waiting to express his heartfelt desire to avoid eating chometz when it is forbidden.

But one of the other inmates who knew his intention disagreed with his reasoning. "By keeping the bread you are also violating a Torah prohibition. Better to eat it at once. That way at least you will not be violating a Torah prohibition every instant."

Although Rav Adler followed this inmate's advice he wondered if this was correct. After researching the matter after the war, he found that there was some truth to the approach that it would have been a mistake to hold on to the bread until the next day, since the prohibition of chometz is more stringent after nightfall. Nevertheless, the Chofetz Chaim writes that a soldier forced to do melachah on Shabbos should not do what he can bein hashemashos even

though it may still be the weekday, since he is doing the melachah of his own will. Instead he should wait until he is forced and then do the melachah.

Rav Adler noted, "Even so, this does not apply to our case since in the camps it was pikuach nefesh, while the soldier bein hashemashos has not yet been forced so it is not pikuach nefesh for him until the following day."

He concludes, "Just as the Rashash, zt"l, writes that a sick person who must eat on a fast day should wait to eat if possible, so too, it seems that it would have been better to wait as long as possible erev Pesach before eating."¹ ■

1. דבר סיני, ע"י כ"ו. ■