

**YESHIVAT HAR ETZION**  
**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**  
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**TALMUDIC METHODOLOGY**  
By: Rav Moshe Taragin

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In memory of Fred Stone, Yaakov Ben Yitzchak A"H,  
beloved father, grandfather and great grandfather,  
whose Yartzheit is 25 Tammuz  
Dedicated by Ellen & Stanley Stone, Jake & Chaya, Micah, Adeline,  
Zack & Yael, Allie, Isaac, Ezra & Talia, Yoni & Cayley,  
Marc & Eliana, Adina, Gabi & Talia.  
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**SHIUR #18: A SHEVU'A TO SUSPEND A MITZVA (PART 2)**

In our previous *shiur*, we assessed the reason that a *shevu'a* cannot be formed about halakhic activities or *mitzvot*. One approach suggests that a *shevu'a* - by definition can only impact voluntary activities. Alternatively a *shevu'a* may fail at the level of "execution" – when faced with a dilemma whether to break a *shevu'a* by performing a *mitzva* or omit the *mitzva* in order to fulfill the *shevu'a*, a person must prioritize the *mitzva*. This *shiur* will explore secondary applications of this question.

Would a *shevu'a* apply to a *mitzva* if it doesn't create an insoluble clash? In one of his *teshuvot* (4:91), the Rashba examines a *shevu'a* not to perform a *mitzva* until a particular time; once the time has elapsed, the *shevu'a* expires and the *mitzva* can be performed. The Rashba claims that in this instance, the *shevu'a* **would** obtain since it does not eliminate the possibility of *mitzva* performance. Presumably, the Rashba believed that a *mitzva* is not "outside the domain" of a *shevu'a*; if it were, the time delay and the absence of an ABSOLUTE clash would not matter. A *shevu'a* cannot address halakhic activities! Evidently, execution of the *mitzva* overrides fulfillment of the *shevu'a* in a typical *shevu'a* to absolutely suspend a *mitzva*. Since this specific scenario allows **both** *mitzva* performance and *shevu'a* obligation, the *shevu'a* isn't cancelled.

What about an inverse situation, in which the *shevu'a* doesn't pertain to a *mitzva* per se but nonetheless creates a clash between *mitzva* performance and *shevu'a* commitment? The *Birchat Shmuel* (*Nedarim* 12:2) presents this

situation regarding someone who takes an oath to perform an activity that would indirectly inhibit *mitzva* performance. An example would be an oath to work all day long, thereby preventing *tefillin* performance. The *Birchat Shmuel* asserts that the oath would fail, even though it wasn't articulated about a *mitzva* activity. Presumably, the **clash** between the oath and *mitzva* opportunity scuttles the oath. Once again, had the failure of *shevu'a al ha-mitzva* been more **fundamental** regarding the domain of a *shevu'a*, this oath articulated about a non-halakhic act might have been valid.

A related question surrounds an oath to cancel a *mitzva* that is articulated as a *shevuat kollel* (loosely translated as a broad spectrum oath). The Yerushalmi (*Shavuot* 3:4) appears to validate an oath not to eat *matza*, even though it cancels the *mitzva* of *matza* on Pesach. The oath in this case addressed year-round consumption of *matza* as well, which isn't a *mitzva* and which is clearly regulated by the *shevu'a*. As a more broad-spectrum *shevu'a kollel*, it would **also** apply to halakhic *matza* eating. Some (Ba'al Ha-Ma'or) claim that this exception is rejected by the Bavli, thereby yielding a *machloket* as to whether a broad-spectrum *shevu'a* or *kollel* can cancel a *mitzva*. Simply understood, this case resembles the issue of the *Birchat Shmuel* in as much as the topic of the *shevu'a* is not a halakhic act, while a clash between *mitzva* performance and *shevu'a* fulfillment is inevitable. Evidently, the Yerushalmi assumed that typically *shevu'a* cannot apply to a halakhic activity; in the case of year round *matza* consumption, the *shevu'a* isn't primarily addressing a halakhic activity. By contrast, the Bavli (according to the Ba'al Ha-Ma'or) may interpret the non-application of *shevu'a* to *mitzva* as based upon the practical clash. Since this broad-spectrum *shevu'a* and *mitzva* clash on Pesach, the *shevu'a* is cancelled.

Interestingly, this position of the Ba'al HaMa'or's would be consistent with his previous statement that a *shevu'a* to reinforce a *mitzva* is valid. Since the primary issue – at least according to his interpretation of the Bavli – is the clash between *shevu'a* and *mitzva*, it does not apply when the *shevu'a* **bolsters** the execution of a *mitzva*. In fact, *shevu'a kollel* would be the logical inverse of a *shevu'a* to uphold a *mitzva*. The former case presents a **clash** even though it does not primarily address a halakhic activity. The latter case of a *shevu'a* to uphold a *mitzva* addresses a halakhic act, but it does not create a clash.

However, the issue of *shevu'a kollel* is not as absolute as the previous logic suggests. Indeed, the Ba'al Ha-Ma'or believes that the Bavli **absolutely** rejects a *shevu'a kollel* to cancel a *mitzva*. Many *Rishonim* offer more intermediate positions, claiming that although the Yerushalmi **does** endorse *shevu'a kollel* to cancel a *mitzva* to eat *matza*, the Bavli rejects *shevu'a kollel* in certain situations while endorsing it in others. In particular, the R'i (cited by Tosafot, *Shavuot* 25a) differentiates between cancelling a *mitzvat aseil* through *shevuat kollel* (such as swearing never to eat *matza*, thereby attempting to suspend *matza* consumption on Pesach night) and obligating an *aveira* (such as swearing to eat **both** permissible meats as well as forbidden meats). According to the Bavli, a *shevu'a kollel* to **passively** suspend *matza* eating will obtain, whereas a *shevu'a kollel* to actively perform an *aveira* will not.

This position presents a complex but extremely important logical construct. **Two** conditions are necessary in order for a *shevu'a* to cancel a *mitzva* to obtain: the *shevu'a* must be "*kollel*" – asserting non-consumption of *matza* year round – **and** it must cancel a *mitzva* through passivity (as opposed to obligating eating *neveila*, even if asserted through *kollel*). If two conditions are necessary to validate a *shevu'a* to cancel a *mitzva*, it is likely that there are two disqualifications for *shevu'a levatel mitzva*. Perhaps a halakhic activity (such as eating *matza* or eating *neveila*) is beyond the domain of *shevu'a* **and** a *shevu'a* that practically clashes with a *mitzva/aveira* is overruled. A *shevu'a kollel* "solves" the issue of domain, since it does not primarily address a halakhic activity. However, a *shevu'a kollel* to eat *neveila* still entails an extreme clash between the *shevu'a*, which obligates ingestion of *neveila*, and the *aveira*, which demands avoidance. This *shevu'a* fails at the level of compliance. In contrast, a standard *shevu'a* not to eat *matza* on Pesach night (as opposed to *shevu'at kollel*) may not provide an extreme clash, since the *shevu'a* merely mandates passivity, rather than active violation of an *aveira*. However, this *shevu'a* fails anyway, since it directly addresses a halakhic activity of eating *matza* on the night of Pesach. Hence, only a *shevu'a kollel* about passive non-performance of a *mitzva* applies, since **neither** of the two classic concerns are relevant. It does not create a clash, since it mandates passive non-compliance, **and** it addresses a general activity and does not specifically target a halakhic act.

This logical construct appears often in Talmudic conversations and should typically be analyzed in the aforementioned fashion. Whenever two

conditions are necessary for the successful application of a halakha it is likely that the halakha faces two different deterrents. If only one of the conditions exist, one deterrent is nullified but the halakha still fails based on the other deterrent. The presence of two conditions nullifies two deterrents and the halakha can be successfully implemented.