

אי הכי אפילו נזיר טהור נמי! נזיר  
טהור לא, דאמרי אמיד נפשיה דכבול  
לנדר.

The Gemara asks: **If so**, then Shimon HaTzaddik should have abstained from eating **even** the offerings of a **ritually pure nazirite as well** for the same reason; perhaps he too regretted his decision to become a nazirite. The Gemara answers: In the case of a **pure nazirite** there is **no concern because he assessed himself** and realized that he was able to vow and to keep his vow for the term of his naziriteship. However, in the case of a ritually impure nazirite, where the naziriteship was extended for longer than he had estimated due to his contracting impurity, there is concern that he regrets having become a nazirite.

ואיבעית אימא:

The Gemara suggests a different answer to the question of the identity of the *tanna* whose opinion is expressed in the mishna. **And if you wish, say:**

## Perek I

### Daf 10 Amud a

אפילו תימא רבי יהודה, כי אמר רבי  
יהודה – בנדבה, בנדר לא אמר.

Even if you say that the mishna is in accordance with the opinion of Rabbi Yehuda, it can be argued that **when Rabbi Yehuda said** that it is good to take a vow and fulfill it, he said it **with regard to a gift offering,<sup>N</sup> but he did not say it with regard to vows.**

והקתני: טוב מזה ומזה נדר ומקיים!  
תני: נדר ומקיים.

The Gemara asks: **But isn't the mishna teaching** that according to Rabbi Yehuda, **better than both this and that is one who vows [noder] and pays**, which indicates that he says this even about vows? The Gemara answers: **Teach** the opinion of Rabbi Yehuda with the following, emended formulation: Better than both this and that is **one who volunteers [nudev] a gift offering and pays it.**

מאי שנא נדר דלא – דילמא אתי בה  
לידי תקלה, נדבה נמי דילמא אתי בה  
לידי תקלה!

The Gemara asks: **What is different about one who vows**, i.e., one who says: It is incumbent upon me to bring an offering, **which is not proper to do due to the concern that perhaps he will encounter a stumbling block** and not bring it promptly, thereby violating the prohibition against delaying? One should **also not** designate a particular animal as a gift offering, due to the concern that **perhaps he will encounter a stumbling block with it.**

רבי יהודה לטעמיה, דאמר: אדם מביא  
בבשתו לעזרה ומקדישה, וסומך עליה  
ושוחטה.

The Gemara answers: **Rabbi Yehuda conforms to his standard line of reasoning**, as he said explicitly in a *baraita*: **A person brings his lamb to the Temple courtyard and consecrates it there, and immediately leans on it and slaughters it.** Consequently, there is no concern that he will encounter a stumbling block.

תינח נדבה דקרבות, נדבה דנזירות  
מאי איבא למימר?

The Gemara asks: That **works out well** with regard to voluntary gifts in the context of offerings, but with regard to the **voluntary acceptance of naziriteship, what is there to say?** There is still room for concern that one will not fulfill the obligations incumbent upon him as a nazirite.

רבי יהודה לטעמיה, דתניא, רבי יהודה  
אומר: חסידים הראשונים היו מתאווין  
להביא קרבן חטאת, לפי שאין הקדוש  
ברוך הוא מביא תקלה על ידיהם. מה  
היו עושין? עומדים ומתנדבין נזירות  
למקום, כדי שיתחייב קרבן חטאת  
למקום.

The Gemara answers: Here, too, **Rabbi Yehuda conforms to his standard line of reasoning**, as it is taught in a *baraita* that **Rabbi Yehuda says: The early generations of pious men<sup>B</sup> would desire to bring a sin-offering** but did not have the opportunity to do so because the **Holy One, Blessed be He, does not bring about a stumbling block through them**, and they would not sin even unwittingly. **What would they do? They would rise and volunteer naziriteship to the Omnipresent in order to be liable to bring a sin-offering of a nazirite<sup>B</sup> to the Omnipresent.**

## NOTES

**אמר רבי – נזיריה בנדבה:** Rabbi Yehuda said it with regard to a gift offering – **יהודה בנדבה:** According to this opinion, Rabbi Meir holds that it is improper to obligate oneself to bring even a gift offering. Rabbeinu Tam writes in *Sefer HaYashar* that the reason for this is the concern that one might transgress the prohibition against misusing consecrated property even if he conducts himself like Hillel and consecrates the animal in the Temple courtyard. This is because most people are not as knowledgeable and diligent as Hillel, and they might misuse the animal even in the Temple courtyard. The Ritva suggests that the reason is so that people will not become accustomed to making vows. It is explained in the *Tosefot Rid* that Rabbi Meir holds that one should not obligate himself to perform actions that the Torah does not require of him.

## BACKGROUND

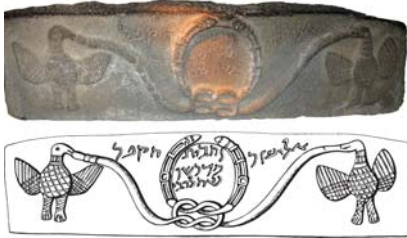
**חסידים הראשונים –** The early generations of pious men – The term pious [*hasid*] is used in the Talmud primarily as a description of one of high character who conducts himself in all aspects of his life beyond the requirements of *halakha*. One who conducts himself in accordance with the requirements of *halakha* is referred to as righteous [*tzaddik*]. Apparently, during the era of the Second Temple, there was a specific group of people called the pious men, although they lacked a defined organizational structure. These individuals were among the first to support the Hasmonean revolt and were apparently also among the first to leave the Hasmonean establishment. It is possible that this group is the predecessor of those the Gemara refers to here as the early generations of pious men. The Gemara relates that the early generations of pious men would dedicate their lives, to a large extent, to praying with great intensity, and that they were meticulous in their observance of both ritual and interpersonal mitzvos.

**חטאת נזיר –** Sin-offering of a nazirite – When the nazirite completes the period of his vow, he must bring two lambs as offerings, one female as a sin-offering and one male as a burnt-offering, as well as a ram as a peace-offering (Numbers 6:13–21). He must shave his hair and burn it beneath the pot in which the ram is cooked. After these offerings have been sacrificed, the period of naziriteship ends, and the former nazirite is no different from anyone else. The *halakhot* of the nazirite are discussed in tractate *Nazir*.

**PERSONALITIES**

**Rabbi Elazar HaKappar** – רבי אלעזר הקפ"ר: Rabbi Elazar HaKappar lived in the last generation of *tanna'im*. Several of his opinions are mentioned in *baraitot* and halakhic midrash, and his aggadic and ethical statements are mentioned in the Mishna, the Gemara, and *midrashim*. Rabbi Yehoshua ben Levi was his primary disciple. He had a son named Rabbi Eliezer and may have been related in some way to the Sage bar Kappara. He apparently lived and was active for a period of time in the city of Lod, but few other details of his life are known. The meaning of the title HaKappar may refer to the place where he lived or to his occupation, which may have involved wool [purkin].

The inscription in the image reads: This is the study hall of Rabbi Elazar HaKappar



Inscription found on a stone that stood at the entrance to the study hall of Rabbi Elazar HaKappar

**HALAKHA**

**Substitutes for the term offering** – בינויין לקרבן: If one uses a substitute term in declaring an item forbidden like an offering [*korban*], the vow takes effect. Consequently, if one says: This item is *konam* for me, the item is prohibited; likewise for the terms *konah*, or *konas*. Similarly, the terms *herek*, *herekh*, and *heref* are valid substitutes for *herem*, the term that indicates a dedication to the Temple treasury (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:16; *Shulhan Arukh, Yoreh De'a* 207).

**Substitutes for the term naziriteship** – בינויין לנזירות: If one accepts naziriteship using a substitute term, his vow takes effect. Consequently, if one declares himself to be a *nazik*, *naziah*, or *paziah*, he becomes a nazirite (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 1:8).

**Substitutes for the term oath** – בינויין לשבועה: If one uses a substitute term in making an oath [*shevua*], the oath takes effect. Consequently, if one declares a *shevuta* or *shekuka*, he has taken an oath (Rambam *Sefer Hafla'a, Hilkhot Shevuot* 2:5; *Shulhan Arukh, Yoreh De'a* 237:10).

רבי שמעון אומר: לא נדרו בגזיר, אלא הרוצה להביא עולה – מתנדב ומביא, שלמים – מתנדב ומביא, תודה וארבעה מיני לחמה – מתנדב ומביא, אבל בגזירות לא התנדבו, כדי שלא יקראו חוטאים, שנאמר 'וכפר עליו מאשר חטא על הנפש'.

אמר אביי: שמעון הצדיק, ורבי שמעון, ורבי אלעזר הקפ"ר – בולן שיטה אחת הן, דגזיר חוטא הוי. שמעון הצדיק ורבי שמעון – הא דאמרן.

ורבי אלעזר הקפ"ר ברבי – דתנא, רבי אלעזר הקפ"ר ברבי אומר: 'וכפר עליו מאשר חטא על הנפש'. וכי באיזו נפש חטא זה? אלא שציער עצמו מן היין. והלא דברים קל וחומר: ומה זה שלא ציער עצמו אלא מן היין – נקרא חוטא, המצער עצמו מכל דבר – על אחת כמה וכמה. מכאן, כל היושב בתענית – נקרא חוטא.

והדין קרא בגזיר טמא בתיב! משום דשנה בחטא הוא.

**מתני'** האומר (לחבירו) "קונם", "קונח", "קונם" – הרי אלו בינויין לקרבן. "חרק" "חרד" "חרף" – הרי אלו בינויין לחם. "נויק", "נויח", "פויח" – הרי אלו בינויין לנזירות: "שבועה" "שקוקה" נדר ב'מוהי' – הרי אלו בינויין לשבועה.

Rabbi Shimon says: They did not take a vow of naziriteship. Rather, one who would want to bring a burnt-offering would volunteer and bring it; one who would want to bring a peace-offering would volunteer and bring it; and one who would want to bring a thanks-offering and its four types of bread would volunteer and bring them. However, they did not volunteer naziriteship in order that they not be called sinners. According to Rabbi Shimon, naziriteship involves some element of sin, as it is stated: "And he shall make atonement for him, for that he sinned against the soul" (Numbers 6:11).

Abaye said: Shimon HaTzaddik, Rabbi Shimon, and Rabbi Elazar HaKappar<sup>p</sup> are all of the same opinion, that a nazirite is a sinner. The statements of Shimon HaTzaddik and Rabbi Shimon in this regard are that which we already said.

And Rabbi Elazar HaKappar the Distinguished agrees, as it is taught in a *baraita* that Rabbi Elazar HaKappar the Distinguished says: It is written with regard to the priest who sacrificed the offering of a nazirite: "And he shall make atonement for him, for that he sinned against the soul."<sup>n</sup> Against which soul did the nazirite sin? Rather, his sin is that he caused himself suffering by refraining from wine. Are these matters not inferred *a fortiori*: Just as this nazirite, who causes himself suffering only by refraining from wine, is called a sinner, one who causes himself suffering by refraining from everything is all the more so to be considered a sinner. From here it can be derived that whoever fasts unnecessarily is called a sinner.

The Gemara raises a question with regard to the opinion of Rabbi Elazar HaKappar. Isn't this verse written with regard to a ritually impure nazirite? Consequently, only a nazirite who becomes impure shall be considered a sinner. The Gemara answers: Rabbi Elazar HaKappar holds that the verse uses this terminology with regard to a ritually impure nazirite because he repeated his sin.<sup>n</sup> However, becoming a nazirite is itself considered a sin.

**MISHNA** In the case of one who says to another that a certain object is *konam*, *konah*, or *konas*, these expressions are substitutes for the term offering [*korban*],<sup>h</sup> and the vow takes effect. *Herek*, *herekh* and *heref*; these are substitutes for the term indicating a dedication [*herem*] to the Temple treasury. *Nazik*, *naziah*, and *paziah*; these are substitutes for the term naziriteship [*nazir*].<sup>h</sup> *Shevuta*, *shekuka*, or one who vows with the term *mohi*,<sup>n</sup> these are substitutes for the term oath [*shevua*].<sup>h</sup>

**NOTES**

**מאשר חטא על הנפש** – *Tosafot* explains that although Rabbi Elazar HaKappar considers the nazirite to have sinned by abstaining from wine, his naziriteship is also considered a mitzva, and the mitzva outweighs the sin.

rather explaining why the Rabbis held that the term sinner is used with regard to a nazirite.

**משום דשנה בחטא הוא** – Some explain that this phrase means that not only did he sin once by becoming a nazirite, thereby requiring himself to abstain from wine, but now that he has become ritually impure he will have to sin again by starting his term of naziriteship over from the beginning (*Tosafot*). Alternatively, this statement means that not only did he sin by becoming a nazirite, he has also sinned by becoming ritually impure during his term of naziriteship (Commentary on *Nedarim; Tosafot*). According to some versions of the text, this statement is not explaining Rabbi Elazar HaKappar's opinion, but

**נודר ב'מוהי'** – Some commentaries explain that this word derives from the Aramaic *mumta*, which means oath (Commentary on *Nedarim*; Rambam's Commentary on the Mishna). However, the Rosh disagrees, as it would be impossible for Rabbi Shimon ben Lakish to argue, as explained in the Gemara, that these terms are not from other languages. Others explain that *mohi* is a reference to Moses, and the mishna is referring to one who says he is making a vow the way Moses did. The Sages interpreted a verse in Exodus (22:21) as alluding to a vow that Moses made not to leave Midian without the permission of his father-in-law, Jethro (Ran). The *ge'onim* cite both interpretations.

They are terms from a language of other nations – לְשׁוֹן אֲמוֹת הַיָּם: According to the Commentary on *Nedarim* (3a), this is referring to other languages in a literal sense. The Gemara refers to these particular terms because people then were familiar with them, but a vow expressed in any language has the same status. However, many commentaries argue that words from foreign languages that mean offering or the like may be used as a full-fledged expression of a vow by Torah law, and are not considered mere substitutes for the language of vows. Rabbi Yohanan's point is that people who spoke other languages would mispronounce the Hebrew terms in these manners. Nevertheless, in places where these pronunciations were common, the vow would take effect (Rambam's Commentary on the Mishna; Ran on 2a; Meiri).

## HALAKHA

These are terms from a language of other nations – לְשׁוֹן אֲמוֹת הַיָּם: In places where people mispronounce the proper Hebrew terms associated with making vows, the mispronounced terms are considered substitute language of a vow, and the vow takes effect. Valid substitute terms depend upon common usage in a particular time and place. The *halakha* is in accordance with the opinion of Rabbi Yohanan, as his opinion is generally accepted in his disputes with Rabbi Shimon ben Lakish (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:16; *Shulhan Arukh*, *Yoreh De'a* 237:10).

## HALAKHA

Substitutes for the substitute terms are permitted – בִּיְנוּי: Substitutes for substitute terms of vows are expressions that are linguistically distant from the basic terminology of a vow and are not considered to be expressions of a vow. For example, if one says *mekanamna*, *mekanahna*, or *mekanasna*, no vow has been made. This is in accordance with the opinion of Beit Hillel (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:17; *Shulhan Arukh*, *Yoreh De'a* 207).

גמ' איתמר, בינויין, רבי יוחנן אמר: לְשׁוֹן אֲמוֹת הַיָּם, רַבִּי שְׁמַעוֹן בֶּן לֵקִישׁ אָמַר: לְשׁוֹן שְׁבָדוֹ לְהֵם חֲכָמִים לְהִיּוֹת נִדְרָא בּוֹ, וְכֵן הוּא אָמַר "בְּחֻדְשׁ אֲשֶׁר בְּדָא מְלַבּוֹ".

וְטַעַמָּא מֵאֵי תְקִינּוּ רַבְנֵי בִּיְנוּיִן – דִּלְמָא לֵימָא "קִרְבָּן". וְלֵימָא "קִרְבָּן"! דִּלְמָא אָמַר "קִרְבָּן לַה". וְלֵימָא "קִרְבָּן לַה"! דִּלְמָא אָמַר "לַה", וְלֵא אָמַר "קִרְבָּן", וְקָא מְפִיק שֵׁם שְׁמַיִם לְבִטְלָהּ.

וְתַנְיָא, רַבִּי שְׁמַעוֹן אָמַר:

**GEMARA** It was stated that *amora'im* disagreed about substitutes for the language of vows.

Rabbi Yohanan said: They are terms from a language of other nations<sup>NH</sup> that mean offering, dedication, naziriteship, or oath.

Rabbi Shimon ben Lakish said: These terms employ language that the Sages devised [*badu*] with which one can take a vow. In order to explain the word *badu*, he adds: And so it states with regard to Jeroboam: "In the month that he had devised [*bada*] in his own heart" (1 Kings 12:33).

And according to the opinion of Rabbi Shimon ben Lakish, what is the reason that the Sages established substitutes for the language of vows? The Gemara answers: It is so that one not explicitly say the term offering. The Gemara asks: And let him say the term offering; what is wrong with that? The Gemara answers: Perhaps he will say: An offering to the Lord. The Gemara asks: And let him say: An offering to the Lord. The Gemara answers: Perhaps he will say: To the Lord, and he will then change his mind and not say: An offering, and he will thereby express the name of Heaven in vain.

And similarly, it is taught in a *baraita* that Rabbi Shimon says:

## Perek I

## Daf 10 Amud b

מִיָּן שְׁלֵא יֵאמַר אָדָם "לַה" עוֹלָה" "לַה" מִנְחָה" "לַה" תּוֹדָה" "לַה" שְׁלָמִים" – תְּלִמּוּד לומר "קִרְבָּן לַה".

From where is it derived that a person should not say: To the Lord a burnt-offering, or: To the Lord a meal-offering, or: To the Lord a thanks-offering, or: To the Lord a peace-offering, but should mention the offering first and then state that it is for the Lord? The verse states: "An offering to the Lord" (Leviticus 1:2). The reason for this is that if one first says: To the Lord, perhaps he will change his mind and not complete the sentence in order to avoid consecrating the offering, and he will have uttered the name of God in vain.

וְקָל וְחוֹמֶר, וּמָה זֶה שְׁלֵא נִתְבָּוֵן אֶלָּא לְהַזְכִּיר שֵׁם שְׁמַיִם עַל הַקִּרְבָּן – אָמַרָה תּוֹרָה "קִרְבָּן לַה", לְבִטְלָהּ עַל אַחַת בָּמָה וּבָמָה.

And it is an *a fortiori* inference: Just as with regard to this individual discussed in the *baraita*, who intended to mention the name of Heaven only upon an offering, the Torah said that he should say: An offering to the Lord, in order to avoid possibly mentioning the name of God in vain, with regard to one who actually mentions the Divine Name in vain, all the more so it is clear that he has committed a severe transgression.

לֵימָא בְּתַנְיָא: בֵּית שְׁמַאי אָמְרִים: בִּיְנוּיִ בִּיְנוּיִן אֲסוּרִין, וּבֵית הִלֵּל אָמְרִים: בִּיְנוּיִ בִּיְנוּיִן מוּתָרִין.

The Gemara suggests: Let us say that this dispute between Rabbi Yohanan and Rabbi Shimon ben Lakish is parallel to a dispute between *tanna'im*, as it was taught in a *baraita* that Beit Shammai say: If one expresses a vow with substitutes for the substitute terms mentioned in the mishna, the vow takes effect and the items are forbidden. And Beit Hillel say: If one expresses a vow with substitutes for the substitute terms mentioned in the mishna, the vow does not take effect and the items are permitted.<sup>H</sup>

מֵאֵי לָא, מֵאֵן דְּאָמַר בִּיְנוּיִ בִּיְנוּיִן אֲסוּרִין – קָסָבַר (בִּיְנוּיִ) בִּיְנוּיִן לְשׁוֹן אֲמוֹת הַיָּם, וְלֵמָאן דְּאָמַר מוּתָרִים – קָסָבַר לְשׁוֹן שְׁבָדוֹ לְהֵם חֲכָמִים?

What, is it not correct that the one who says that a vow expressed with substitutes for the substitute terms mentioned in the mishna takes effect and that the item is consequently forbidden likewise holds that substitutes for the language of vows are terms from the language of other nations, and therefore substitutes for those terms, which are also from foreign languages, should be equally acceptable? And similarly, according to the one who says that the vow does not take effect and the item is permitted, it must be that he holds that these terms are language that the Sages devised. Consequently, substitutes for those terms, which the Sages did not declare to be acceptable terms for expressing a vow, do not cause a vow to take effect.

The nations do not speak using these terms – בהני לא משתעי אומות: It is unreasonable to assume that Beit Shammai and Beit Hillel disagree about whether people use these terms or not, as that is a factual matter than anyone can observe. Rather, they agree that some people use these terms, and they disagree about whether that level of usage renders them recognized words of a bona fide language or whether they are considered distortions of a language (Rashba; Ran).

*Shekukael*, what is the *halakha*? – שְׁקוּקְאֵל מִהוּ: The common text of the Vilna Talmud adds the term: What is the *halakha*. However, as noted in the *Bab*, this term seems out of place in context.

לא, דכולי עלמא בינויין לשון אומות הן, ובית שמיאי סברי: בהני נמי משתעי אומות, ובית הלל סברי: בהני לא משתעי אומות.

ואיבעית אימא: בית שמיאי סברי גזרינן בינויי בינויין משום בינויין, ובית הלל סברי: לא גזרינן בינויי בינויין משום בינויין.

היכי דמי בינויי בינויין דנדרים? תני רב יוסף: "מקנמנא" "מקנחנא" "מקנסנא". היכי דמי בינויי בינויין דחרים? תני מפשאה: "חרקים" "חרבים" "חרפים". בינויי בינויין דנזירות? תני רב יוסף: "מחוקנא" "מנחנא" "מפיקנא".

איבעיא להו: "מפיקנא" מאי: "מיתחנא" מאי: "מיתחנא" מאי: "מיתענא" מאי? אמר ליה רבינא לרב אשי: "קינמא" (קינמא) מאי? "קונם" קאמר, או דלמא "קנמן בשם" קאמר?

אמר ליה רב אחא בריה דרב חיאי לרב אשי: "קינה" מאי? קינה של תרנגולין קאמר, או דילמא לשון דקונם? תיבעי.

בינויי בינויין דשבועה היכי דמי? "שבואל" "שבותיאל" "שקוקאל". שבואל? שבואל בן גרשום משמע! אלא: "שבוואל" "שבותיאל" "שקוקאל" מהו? אמר שמואל: אמר "אשיבתא" לא אמר כלום: "אשקיקא" – לא אמר כלום: "קרינשא" – לא אמר כלום.

The Gemara responds: **No**, it is possible that everyone holds that substitutes for the language of vows are terms from the language of other nations, and Beit Shammai hold that the nations speak using these substitutes for the terms mentioned in the mishna also, and Beit Hillel hold that the nations do not speak using these terms.<sup>N</sup>

And if you wish, say an alternate response: Substitute terms themselves are terms from a foreign language. Beit Shammai hold that we issue a decree with regard to substitutes for the substitute terms mentioned in the mishna, despite the fact that these terms themselves are not valid terms even in a foreign language, due to a concern that if they are not considered to express a vow, one will come to act leniently with regard to a vow expressed with the substitute terms mentioned in the mishna. And Beit Hillel hold: We do not issue a decree with regard to substitutes for the substitute terms mentioned in the mishna due to a concern that one will come to act leniently with regard to a vow expressed with the substitute terms themselves.

The Gemara asks: **What are the circumstances of substitutes for substitute terms for vows?** Rav Yosef teaches that they include the following terms: *Mekanamna*, *mekanahna*, and *mekanasna*. These are verb forms of the terms *konam*, *konah*, and *konas* respectively, mentioned in the mishna. The Gemara asks: **What are the circumstances of substitutes for substitute terms for dedication [herem]?** The Sage Mafsha'a<sup>1</sup> teaches: *Harakim*,<sup>1</sup> *harakhim*, and *harafim*. The Gemara continues: **What are the substitutes for substitute terms for naziriteship [nezirut]?** Rav Yosef teaches: *Mehazakna*, *menazahna*, and *mafihna*.

A dilemma was raised before the Sages: If one uses the term *mifhazna*, what is the *halakha*? If one uses the term *mithazna*, what is the *halakha*? If one uses the term *mitazna*, what is the *halakha*? Ravina said to Rav Ashi: If one uses the term *kinma*, what is the *halakha*? Is he saying that the item should be like a *konam*, in which case the vow takes effect, or perhaps he is saying sweet cinnamon [*kineman besem*] (see Exodus 30:23) and does not intend to express a vow with the word *konam*?

Rav Aha, son of Rav Hiyya, said to Rav Ashi: If one uses the term *kina*,<sup>1</sup> what is the *halakha*? Is he saying this term in reference to a chicken coop, which is also called a *kina*, or perhaps it is a term for *konam* and expresses a vow? With regard to these cases, the Gemara says: **The dilemma remains unresolved.**

The Gemara asks: **What are the circumstances of substitutes for substitute terms of oaths [shevua]?** The Gemara answers that this category includes the terms *shevuel*, *shevutiel*, and *shekukael*. The Gemara asks: Why is the term *shevuel* included? This word indicates Shevuel, son of Gershom, the proper name of an individual (see I Chronicles 26:24), and therefore it should not be considered a substitute term for an oath. Rather, the list of terms includes *shevuvael*, *shevutiel*, and *shekukael*. **What is the *halakha*?**<sup>N</sup> Shmuel said: If he said *ashivta* he has not said anything, despite the fact that there is some similarity between this term and the word oath [*shevua*]. Similarly, if he said *ashkika* he has not said anything. If he said *karinsha* he has not said anything, although it is somewhat similar to *konam*.

## LANGUAGE

Mafsha'a – מפשאא: The Commentary on *Nedarim* explains that this is the name of a Sage. From the form of the name it appears that it is an appellation based on where he lived or his occupation.

*Harakim*, etc. – חרקים וכו': The version of the text cited in the *Arukh* reads *harkayya*, *harkhayya*, *harfayya*. A similar version is also cited in the Commentary on *Nedarim* and *Shita Mekubbetzet*. There is an advantage to this version because the terms mentioned in the common versions of the Gemara text, *harakim*, *harakhim*, and *harafim*, are simply plural forms of the terms *herék*, *herekh*, and *heréf* mentioned

in the mishna. Consequently, it is not clear why they shall be considered substitutes of substitute terms, rather than substitute terms themselves.

*Kina* – קינה: According to the *Shita Mekubbetzet*, the difference is whether the word is pronounced *kinna*, with an emphasis on the *nun*, in which case it comes from the word for chicken coop, or whether it is *kina*, without an emphasis on the *nun*, in which case it is a form of the word *konam*.

הַאֹמֵר בְּמוֹהֵי – הַאֹמֵר בְּמוֹהֵי: Substitute terms for an oath are like actual oaths. Therefore, one who says *omi* or *momi* has taken an oath. However, one who says *be'omata* or *bemomata*, with the letter *bet* at the beginning of the word, has not said anything. This is in accordance with the Ran's second interpretation of the Gemara (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 2:5; *Shulhan Arukh*, *Yoreh De'a* 237:10).

## LANGUAGE

Oath [*momata*] – מוֹמָתָא: *Momata* is the Aramaic word for oath and is commonly found in the *Targum*. Its origin is the root *yod, mem, alef*, which means taking an oath. The word *omi*, sworn, is derived from this root. The expression *mohi* functions as an alternate form of some other word, either a form of the word *momata* or, according to the Jerusalem Talmud, a variation of the name Moses, similar to the French *Moise*.

נָדַר בְּמוֹהֵי הָרִי אֵלֹו כִּינוּיָוִין. תַּנְיָא רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: הַאֹמֵר "בְּמוֹהֵי" – לֹא אָמַר כְּלוּם: "בְּמוֹמָתָא דְאָמַר מוֹהֵי" – הָרִי אֵלֹו כִּינוּיָוִין לְשׁוּבָעָה.

מִתְנִי הַאֹמֵר "לְחֻלִּין שְׂאוּכַל לָךְ" לֹא כָשֵׁר וְ"לֹא דְכִי" טְהוֹר וְ"טָמֵא" נוֹתֵר וְ"פִיגוּל" – אָסוּר.

"כְּאֵימָרָא", "כְּדִירִים", "כְּעֵצִים", "כְּאֲשִׁים", "כְּמִזְבֵּחַ", "כְּהֵיכָל", "כְּיִרוּשָׁלַיִם", נָדַר בְּאֶחָד מִכָּל מִשְׁמֵשֵׁי הַמִּזְבֵּחַ, אֵף עַל פִּי שְׂלֵא הַזְכִּיר קֶרְבָּן – הָרִי זֶה נָדַר בְּקֶרְבָּן. רַבִּי יְהוּדָה אוֹמֵר: הַאֹמֵר "יְרוּשָׁלַיִם" – לֹא אָמַר כְּלוּם.

It is taught in the mishna: If one used the terms *shevuta* or *shekuka*, or took a vow with the term *mohi*, these are substitute terms for an oath. It is taught in a *baraita* that Rabban Shimon ben Gamliel says:<sup>N</sup> One who says that he is taking an oath by *mohi*<sup>H</sup> has not said anything. However, if he says: By an oath [*bemomata*]<sup>L</sup> that *Mohi* said,<sup>N</sup> these are valid substitute terms for an oath.

**MISHNA** If one says to another: That which I eat of yours shall be considered *lahullin*,<sup>N</sup> it is interpreted as though he said: *La hullin*, not non-sacred, and the food is thereby forbidden to him. Similarly, if he said that food shall be considered not valid or not *dekhi*,<sup>N</sup> i.e., not ritually pure, or if he said the food shall be considered an offering that has become ritually impure, left over [*notar*], or *piggul*, i.e., an offering that was sacrificed with the intent to consume it after its appointed time, it is forbidden.

If one says that food shall be considered like the lamb<sup>N</sup> of the daily offering, like the animals designated as offerings and kept in special enclosures, like the wood of the altar, like the fires<sup>N</sup> on the altar, like the altar, like the Sanctuary, or like Jerusalem,<sup>N</sup> or if he took a vow with any of the accessories of the altar, although he did not explicitly mention that the food should be like an offering, it is considered a vow that associates a different item with an offering. Rabbi Yehuda says: One who says that an item shall be considered Jerusalem, instead of saying that it shall be considered like Jerusalem, has not said anything.

## NOTES

It is taught in a *baraita* that Rabban Shimon ben Gamliel says – תַּנְיָא רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: According to the standard version of the Gemara, Rabban Shimon ben Gamliel is merely elaborating upon the mishna. Other versions of the text indicate that Rabban Shimon ben Gamliel disagrees with the mishna.

By an oath [*bemomata*] that *Mohi* said – בְּמוֹמָתָא דְאָמַר מוֹהֵי: Some versions of the text read: If one said *bemomi* or *bemomata* he has not said anything. However, the terms *momi* and *momata*, without the letter *bet*, are substitute terms for oaths (Rosh; Rashba; see *Tosafot* and Ran). The Ran explains, based on the common version of the text, that *Mohi* is a form of the name Moses. Consequently, the term does not refer to an oath at all. However, if one says that he is accepting a prohibition by an oath that *Mohi* said, he is considered to have taken an oath. See the Jerusalem Talmud, as well, where it is asked why it is not said that if one says: By an oath that Saul swore, he has taken an oath. That passage is consistent with the opinion that *Mohi* is an appellation for Moses.

That which I eat of yours shall be considered *lahullin* – לְחֻלִּין: Almost all the commentaries agree that this word is read *lahullin*, and is interpreted as though it read: *La hullin*, not non-sacred. Alternatively, the Ra'avad reads this word as: *Lahalin*, a reference to the loaves [*hallot*] of the thanks-offering (*Melekheth Shlomo*).

Not valid or not *dekhi* – לֹא כָשֵׁר וְלֹא דְכִי: These terms refer to offerings that are invalid or ritually impure and are therefore forbidden to eat. The terms valid [*kasher*] and disqualified [*pasul*] are used with regard to offerings, whereas non-sacred food is referred to as forbidden [*asur*] or permitted [*mutar*]. Additionally, only conse-

crated food is forbidden when it is ritually impure [*tamei*] (Rosh). Although non-kosher animals are also referred to as *tamei*, it is presumed that the speaker meant to refer to offerings rather than non-kosher animals unless it is known clearly that he intended otherwise. This is in accordance with the principle that one is always stringent in cases of uncertainty with regard to vows (Ritva).

Lamb – אֵימָרָא: Since it is said in the context of an oath, it is self-evident that he is referring not to a regular lamb but to a consecrated lamb. The same is true for the terms enclosures and wood; although these words themselves do not imply any sanctity, when employed in the context of vows, the intent is clearly to refer to consecrated items.

Like the fires – כְּאֲשִׁים: Many commentaries explain that this refers to the offerings that are burned in the fire on the altar. However, an explanation in the Jerusalem Talmud says that this refers to the fire on the altar itself. Later commentaries have discussed this interpretation in light of the fact that the prohibition against misusing consecrated property does not apply to the fire on the altar.

Like the altar, like the Sanctuary, like Jerusalem – כְּמִזְבֵּחַ, כְּהֵיכָל, – כְּיִרוּשָׁלַיִם: Some have explained these terms as referring to the actual altar, Sanctuary, and Jerusalem, respectively. According to this interpretation, the *tanna* of this mishna holds that the construction of the altar, the Sanctuary, and the walls of Jerusalem was funded by the Temple treasury. Since these funds were consecrated, the items built with them have the sanctity of an item forbidden due to a vow. However, the Jerusalem Talmud explains that these terms refer to the offerings brought on the altar or in Jerusalem.