

LANGUAGE

Lahullin – לחולין: The linguistic aspect of this topic is complex because there are many textual variants. Most of the commentaries explain that saying *lahullin*, which can be literally translated to mean: For the non-sacred, is equivalent to saying *la hullin* in two separate words, meaning not non-sacred, i.e., consecrated. This can be understood only with the assumption that the vowels *patah*, which appears under the *lamed* in *lahullin*, and *kamatz*, which appears under the *lamed* in *la hullin*, are pronounced the same way or in very similar ways. It is possible that the opinions and textual variations that offer different interpretations come from locations where these vowels are pronounced differently, as they are according to Ashkenazi and Yemenite pronunciations.

HALAKHA

Any condition that is not like the condition of the sons of Gad, etc. – כָּל תְּנַאי שְׂאִינוּ כְּתַנְאֵי בְּנֵי גַד וְכוּ' – In general, a condition must be like that of the sons of the tribes of Gad and Reuben in order to take effect. Consequently, a condition must have four elements: It must be doubled, i.e., one must explicitly state what will happen if the condition is fulfilled and if it is not fulfilled; one must state what will happen if the condition is fulfilled before stating what will happen if it is not fulfilled; the condition must be mentioned before the relevant action; and it must be realistically possible to fulfill the condition (Rambam *Sefer Nashim, Hilkhot Ishut* 6:1–2 and *Sefer Kinyan, Hilkhot Zekhiya UMattana* 3:7; *Shulhan Arukh, Even HaEzer* 38:2).

גמ' סבריה: מאי 'לחולין' – ל' לחולין ליהוי, אלא קרבן.

מני מתניתין? אי רבי מאיר – לית ליה מכלל לאו אתה שומע הן. דתנן, רבי מאיר אומר: כל תנאי שאינו כתנאי בני גד ובני ראובן – אינו תנאי.

אלא רבי יהודה היא. אימא סיפא: רבי יהודה אומר: האומר 'ירושלים' – לא אומר כלום. מדסיפא רבי יהודה – רישא לאו רבי יהודה היא!

בולה רבי יהודה היא, והכי קתני: שרבי יהודה אומר: האומר 'ירושלים' – לא אומר כלום.

GEMARA They assumed:^N What is the meaning of the term *lahullin*?^L The individual is saying: **It shall not [la] be non-sacred [hullin] but rather it should have the status of an offering.**

The Gemara says: **Whose opinion is expressed in the mishna? If you say it is that of Rabbi Meir, he does not hold that from a negative statement^N you can infer a positive statement. As we learned in a mishna: Rabbi Meir says that any condition that is not like the condition of the sons of the tribe of Gad^H and the sons of the tribe of Reuben, when Moses gave them land on the eastern bank of the Jordan River (see Numbers 32:29–30), is not a valid condition. Moses phrased the agreement as a double condition, stating that if they would join the other tribes in battle they would receive their inheritance on the eastern bank of the Jordan River, and if not, they would not receive that territory. Because Rabbi Meir holds that only a condition expressed in this manner is valid, it is clear that he holds that one may not infer a negative statement from a positive one or vice versa.**

Rather, the mishna is in accordance with the opinion of Rabbi Yehuda.^N The Gemara challenges this statement: Say the latter clause of the mishna: Rabbi Yehuda says: One who says that an item shall be considered Jerusalem has not said anything. From the fact that the latter clause is stated by Rabbi Yehuda, it is clear that the first clause is not in accordance with the opinion of Rabbi Yehuda.

The Gemara responds: **The entire mishna is in accordance with the opinion of Rabbi Yehuda,^N and this is what it is teaching:** Although one who declares an item to be like Jerusalem has taken a vow rendering it forbidden, one who says that an item shall be considered Jerusalem has not taken a vow. This is as Rabbi Yehuda says, that one who says that an item shall be considered Jerusalem has not said anything, since this expression has no meaning.

NOTES

They assumed – סבריה: This phrase generally introduces a supposition that is ultimately refuted. However, in this case the statement is actually accepted. Rashi explains that this is an example of the fact that the language employed in tractate *Nedarim* is different from the language employed generally in the Talmud. Others point out that this is not the only instance where the phrase is used to introduce a statement that is accepted (*Tosafot*; Ran; see *Yad Malakhi*, citing Ramban).

Nevertheless, the *Tosefot Rid* asserts, based upon the continuation of the Gemara's discussion (11b), that this expression is used in its usual manner, and the statement it introduces is not accepted. In his opinion, it is difficult to maintain that the entire mishna is in accordance with the opinion of Rabbi Yehuda, and the Gemara concludes that Rabbi Meir concedes that *lahullin* expresses a vow. The *halakha* is ultimately in accordance with Rabbi Meir's opinion that a double condition is required.

He does not hold that from a negative statement, etc. – לית ליה מכלל לאו וכו': The early commentaries ask: Doesn't the Gemara in tractate *Shevuot* (36a) state that Rabbi Meir requires a double condition only in monetary law but not with regard to ritual law, such as oaths? Consequently, the requirement of a double condition should not apply to vows, which are also classified as ritual law. Many commentaries answer that the

halakhot of vows are classified as ritual law with a monetary aspect, because the prohibition created by them applies to an object, i.e., one's property, rather than an individual (see 2b; *Tosafot*; Rashba; Ran). Others explain that the prohibition against violating an oath is more severe than the prohibition against violating a vow, and therefore the prohibition against violating an oath takes effect even if the oath was not expressed with a double condition (*Talmidei Rabbeinu Peretz*).

Rather, the mishna is in accordance with Rabbi Yehuda – אלא רבי יהודה היא: The early commentaries question why the Gemara here attributes this mishna to Rabbi Yehuda when in tractate *Kiddushin* (61a) the Sage who is quoted as disagreeing with the opinion of Rabbi Meir is Rabbi Hanina. The Rosh explains that since Rabbi Meir's general opponent is Rabbi Yehuda, the Gemara assumes that he disagrees with Rabbi Meir in this case as well. Others note that the Gemara in tractate *Gittin* (46b) implies that Rabbi Yehuda disagrees with Rabbi Meir and does not require a double condition. The Meiri combines the two answers and writes that since Rabbi Yehuda also disputes the opinion of Rabbi Meir, the Gemara attributes the mishna to him rather than to Rabbi Hanina, because Rabbi Yehuda is Rabbi Meir's primary opponent. The Ran holds that the reason the mishna is attributed to Rabbi Yehuda here is that he is explicitly mentioned in the present mishna.

The entire mishna is in accordance with Rabbi Yehuda – בולה רבי יהודה היא: The commentaries ask how the entire mishna can be attributed to Rabbi Yehuda, who holds that the vow takes effect only if one states that the item shall be considered like Jerusalem but not if he states that it shall be considered Jerusalem, when the mishna says that a vow does take effect if one declares that an item shall be considered impure, *notar*, or *piggul*, without requiring that one say it shall be considered like any of those items. The Ran answers that if one states that the item shall be considered an offering that is forbidden, he need not state that it should be like that offering. Conversely, if he compares the item to an object that is not inherently forbidden but alludes to something that is forbidden, e.g., the city of Jerusalem, which itself alludes to offerings, he must explicitly say that it should be like that item.

The Ritva, cited in the *Shita Mekubbetzet*, answers that when the Gemara says that the entire mishna is in accordance with the opinion of Rabbi Yehuda, it is actually referring to the entire latter section of the mishna but not to the first part. Support for this explanation can be found in the fact that the mishna lists a number of statements and concludes that the item is rendered forbidden, and it then continues with a second list rather than incorporating all of the statements into a single list.

Two *tanna'im* in accordance with Rabbi Yehuda – תרי תנאי אליבא דרבי יהודה: Many commentaries explain that these two *tanna'im* disagree with regard to the question of whether the walls and towers of Jerusalem were in fact constructed using funds from money remaining in the Temple treasury. According to one opinion, they were constructed from these funds and therefore they have sanctity, and an individual can render an item forbidden by stating that it should be like the walls and towers of Jerusalem; the other *tanna* disagrees and holds that the walls and towers of Jerusalem have no sanctity (Commentary on *Nedarim*; Rosh).

Alternatively, *Tosafot* explain that all agree that the walls and towers of Jerusalem have sanctity, and the dispute is about whether the individual intended to refer to that sanctity or to the inherent sanctity of the city of Jerusalem. If his intention was the latter, his vow does not take effect because one can cause an item to become forbidden by associating it with another item only if the prohibition of that other item stems from a vow. The Rosh adds that according to the Jerusalem Talmud, one who declares an item forbidden like the altar, the Sanctuary, or Jerusalem is actually referring to the offerings that are sacrificed in those locations. Consequently, one *tanna* holds that since the offerings are sacrificed in the Temple rather than anywhere in Jerusalem, if one declares an item forbidden like Jerusalem, the vow does not take effect.

HALAKHA

If one declares food non-sacred, the non-sacred, or like the non-sacred – חולין, החולין, בחולין: If one says: That which I eat of yours shall be non-sacred, the non-sacred, or like non-sacred, all agree that the food is permitted. If he says: That which I do not eat of yours shall be non-sacred, the non-sacred, or like non-sacred, there is a dispute among the early commentaries. The Rambam and the Rosh hold that the other individual's food remains permitted to the one expressing the vow, in accordance with the opinion of Rabbi Meir. However, the Rif holds that the food is forbidden, because the *halakha* is not in accordance with the opinion of Rabbi Meir. Consequently, since this statement indicates that the food he does eat shall be considered consecrated, it is forbidden (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:20; *Tur, Yoreh De'a* 204).

That which I eat of yours shall be considered *lahullin* – לחולין שאוכל לך: If one says: That which I eat of yours shall be considered *lahullin*, i.e., not non-sacred, it is considered as though he declared that it shall be considered consecrated, and the vow takes effect. The same is true if he said that it shall not be considered kosher. This is in accordance with the mishna and *baraita* and the opinions of the Rif and Rambam. However, according to the Rosh and the Ran, the vow does not take effect and the food remains permitted (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:18; *Tur, Yoreh De'a* 204).

That which I do not eat of yours shall be considered *lahullin* – לחולין לא אוכל לך: If one says: That which I do not eat of yours shall be considered *lahullin*, i.e., not non-sacred, but rather consecrated, it is as though he said: That which I eat of yours shall not be considered non-sacred [*hullin*] but rather an offering, and it is forbidden as the subject of a vow. This is in accordance with the opinion of Rav Ashi cited in the Gemara (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:19).

וכי אָמַר "בִּירוּשָׁלַיִם" לְרַבִּי יְהוּדָה מִמֵּיתָסָר? וְהַתְּנַאי, רַבִּי יְהוּדָה אָמַר: הָאֹמֵר "בִּירוּשָׁלַיִם" – לֹא אָמַר בְּלוֹם, עַד שְׂדוֹר בְּדָבָר הַקָּרֵב בִּירוּשָׁלַיִם!

The Gemara asks: **When one says that an item should be like Jerusalem, is it prohibited according to Rabbi Yehuda? Isn't it taught in a *baraita* that Rabbi Yehuda says: One who says that an item shall be considered like Jerusalem has not said anything unless he vows by means of an item that is sacrificed in Jerusalem.** Consequently, the first clause of the mishna, which states that one has vowed if he declares an item to be like Jerusalem, cannot be in accordance with the opinion of Rabbi Yehuda.

כּוֹלָה רַבִּי יְהוּדָה הִיא, וְתַרִי תְנַאי אֵלֵיבָא דְרַבִּי יְהוּדָה.

The Gemara responds: **The entire mishna is in accordance with the opinion of Rabbi Yehuda, and the mishna and *baraita* express the opinions of two *tanna'im* in accordance with the opinion of Rabbi Yehuda.^N**

Perek I

Daf 11 Amud b

תְּנַאי: "חולין" "החולין" "בחולין", בין "שאוכל לך" ובין "שלא אוכל לך" – מותר. "לחולין שאוכל לך" – אסור: "לחולין לא אוכל לך" – מותר.

It is taught in a *baraita*: If one declares food: **Non-sacred, or: The non-sacred, or: Like the non-sacred,**^H then whether he combines that expression with the phrase: **That which I eat of yours, or: That which I do not eat of yours,** he has not expressed a vow and the food remains permitted. However, if he says: **That which I eat of yours** shall be considered *lahullin*,^H i.e., not non-sacred, but rather consecrated, the food is forbidden.^N If he says: **That which I do not eat of yours** shall be considered *lahullin*,^H the other individual's food remains permitted to him.

רישא מני – רבי מאיר היא דלית ליה מבלל לאו אתה שומע הין.

The Gemara analyzes this *baraita*: **Who is the author of the first clause of the *baraita*? It is Rabbi Meir, who does not hold that from a negative statement you can infer a positive statement.** Consequently, even if one said: That which I do not eat of yours shall be considered non-sacred, that does not indicate that what he does eat shall be considered consecrated.

אימא סיפא: "לחולין לא אוכל לך" – מותר. והתנן: "לקרבן לא אוכל לך" רבי מאיר אסור, וקשיא לן: הָא לִית לִיה מְבַלְל לָאו אֶתָּה שׁוֹמֵעַ הִינּוּ!

However, say the latter clause of that *baraita*: If one says: **That which I will not eat of yours** shall be considered *lahullin*, the other individual's food remains permitted to him. **But didn't we learn in a mishna (13a) that if one says: That which I will not eat of yours shall be considered *lakorban*, Rabbi Meir prohibits him from eating food belonging to the other individual? *Lakorban* apparently means *la korban*, it is not an offering.** The reason for this opinion is that his statement indicates that what he does not eat is not an offering, but what he does eat shall be considered an offering. This poses a difficulty for us because Rabbi Meir does not hold that from a negative statement you can infer a positive statement.

NOTES

If he says: That which I eat of yours shall be considered *lahullin*, the food is forbidden – אסור: לחולין שאוכל לך. This ruling is difficult, as the Gemara previously stated that according to Rabbi Meir, who holds that one cannot infer a positive statement from a negative one, this expression does not cause the food to be forbidden, and yet the Gemara says that this *baraita* reflects the opinion of Rabbi Meir. Consequently, many early commentaries accept the version of the text that states *lahullin*, it is not non-sacred, rather than *lahullin*. They explain

that *lahullin* is a more explicit formulation which itself serves as a substitute term for an offering, and therefore even Rabbi Meir concedes that it is considered a vow (Rosh; see *Tosafot*). However, the Ran does not accept this explanation and quotes an opinion that holds that this line is clearly a mistake in the text and should be deleted from the *baraita*. Alternatively, he proposes the version of the Ra'avad, which reads *lahullin*, a reference to the loaves of the thanks-offering. However, this would require other changes to the text later in the Gemara.

It shall be for an offering [*lekorban*], and therefore, etc. – לפיכך יהא לקרבן זה: The beginning of the statement is interpreted as a declaration that the food is to be considered like an offering. Therefore, some commentaries maintain that this applies only if the individual said *lekorban*, rather than *lakorban*, as the latter term would be understood to mean that it is not an offering (*Tosafot* on 13b, citing Ri). However, others argue that one's statement is always divided into two sections, one declaring the food to have the status of an offering and one stating that therefore he will not eat it. Consequently, even if he says *lakorban*, it is treated as a minor, insignificant change in pronunciation, and the vow takes effect (*Tosafot* on 13b, citing Rabbeinu Tam; see *Mishne LaMelekh* on Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:18).

This case is where he said that shall be considered as non-sacred, etc. – יהא דאמר לחולין וכו' – It is explained in the Commentary on *Nedarim* that Rav Ashi distinguishes between the term *lahullin*, which merely implies that it is consecrated, and the term *la hullin*, which is considered an explicit declaration that the food is not non-sacred, but rather consecrated. This is consistent with the common version of the Gemara text. However, most commentaries hold that according to Rav Ashi, the vow takes effect even if he said *lahullin*. They explain that the distinction is between the term *lehullin*, which indicates that it is non-sacred, and the term *lahullin*, which indicates that it is not non-sacred, i.e., it is consecrated.

With regard to the point of Rav Ashi's statement, most of the commentaries hold that Rav Ashi's statement explains how the *baraita* can correlate with the opinion of Rabbi Meir. However, Rabbi Avraham min HaHar holds that Rav Ashi's comment explains how the mishna on 10b can be consistent with the opinion of Rabbi Meir, despite the fact that the Gemara earlier stated that it is not consistent with Rabbi Meir's opinion. The Rid explains similarly.

Which indicates: It shall not be considered non-sacred but rather like an offering – לא יהיה חולין אלא – דמשמע: לא יהיה חולין אלא – דמשמע: Many commentaries address the question of how this can be true, given that Rabbi Meir holds that one cannot infer a positive statement from a negative one. They answer that the statement that food is not to be considered non-sacred is actually an explicit statement that it is considered sacred, as it cannot be interpreted any other way, and no inference is necessary (Rosh; *Tosafot Rabbeinu Peretz*). The Ritva explains similarly and provides an analogy from the vernacular: When someone says that another individual is not wise, it is understood that he means to say that the individual is a fool. The Rashba notes that since this is the clear meaning of the words themselves, it is no less valid than intimations, which even Rabbi Meir accepts.

HALAKHA

Like the meat of peace-offerings, etc. – כבשר זבחי – שלמים וכו' – If consecrated meat is present, even if it is the meat of a peace-offering after its blood has been sprinkled, and it is consequently permitted to be eaten, and one declares that another, permitted item should be like this meat, the item becomes forbidden by means of a vow. He has associated the permitted item with the original forbidden status of the consecrated meat. Although the dilemma of Rami bar Hama is not resolved in the Gemara, the Rambam rules that one must be stringent because it is a case of a doubt pertaining to a Torah law. However, the Ramban holds that the item remains permitted because he has associated the permitted item with the current permitted status of the peace-offering after its blood has been sprinkled (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:15).

ואמר רבי אבא: נעשה כאומר: לקרבן יהא. לפיכך לא אוכל לך. הקא נמי – הכי קאמר ליה: לא חולין ליהו, לפיכך לא אוכל לך!

האי תנא סבר לה ברבי מאיר בחדא, ופליג עליה בחדא; סבר לה פותיה בחדא – דלית ליה מפלל לאו אתה שומע הין, ופליג עליה בחדא – בקרבן.

רב אשי אמר: הך דאמר "לחולין", והך דאמר "לא לחולין", דמשמע: לא יהיו חולין אלא בקרבן.

"טהור וטמא נותר ופיגול – אסור". בעי רמי בר חמא: "הרי עלי בבשר זבחי שלמים לאחר זריקת דמים" מהו?

אי דקאמר בהדין לישנא – בהיתרא קא מתפס! אלא, כגון דמחית בשר זבחי שלמים, ומחית דהיתרא גביה, ואמר: "זה בזה", מאי? בעיקרו קא מתפס, או בהיתרא קא מתפס?

אמר רבא, תא שמע: נותר ופיגול.

And to answer this difficulty, Rabbi Abba said: It is as though he said: It shall be for an offering [*lekorban*], and thereforeⁿ I will not eat that which is yours. Here too, when he said: That which I will not eat of yours shall be considered *lahullin*, this is what he said to him: It shall not be non-sacred, and therefore I will not eat that which is yours. Consequently, the vow should take effect even according to Rabbi Meir; why does the *baraita* rule that the vow does not take effect and the food remains permitted?

The Gemara answers: This *tanna* of the *baraita* holds in accordance with the opinion of Rabbi Meir in one case and disagrees with his opinion in another. He holds in accordance with his opinion in one case, in that he does not hold that from a negative statement you can infer a positive statement. And he disagrees with his opinion in another case, i.e., in the case of an offering. This *tanna* holds that if one says: That which I will not eat of yours shall be considered *lakorban*, he does not mean: It is to be considered an offering and therefore I will not eat from that which is yours. Similarly, in the case in the *baraita*, the *tanna* does not hold that the individual means to say: It shall not be non-sacred and therefore I will not eat that which is yours. In order to effect a vow, one must express it clearly.

Rav Ashi said: The apparent contradiction between the *baraita* and the mishna can be resolved in a different manner. This case in the *baraita* is where he said: That which I will not eat of yours shall be considered as non-sacred,ⁿ and that case, where it is forbidden, in accordance with Rabbi Meir's ruling in the mishna, is where he said: That which I will not eat of yours should not be considered as non-sacred, which indicates: It shall not be considered non-sacred but rather like an offering,ⁿ and therefore I will not eat it.

It is stated in the mishna that if one says that a food item shall be considered 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. Rami bar Hama raises a dilemma: If one said with regard to a particular item: This is prohibited to me like the meat of peace-offerings^h after the sprinkling of their blood,^b what is the *halakha*? Is this an effective vow, which prohibits the item?

The Gemara responds: If he said it with this formulation, he is associating the object of his vow with a permitted item, as the meat of peace-offerings is permitted to be eaten after the blood is sprinkled on the altar. Consequently, the declaration does not express a vow. Rather, it is a case where he places the meat of peace-offerings following the sprinkling of the blood in one place, and he places an item that is permitted next to it. And he says: This is like that. In this case, what is the *halakha*? Is he associating the object of his vow with the original forbidden status of the peace-offering before the blood is sprinkled, or is he associating the object of his vow with the current permitted status of the peace-offering?

To resolve this question, Rava said: Come and hear a proof from the mishna: If he said the food shall be considered an offering that has become *notar* or *piggul*, i.e. an offering that was sacrificed with the intent to consume it after its appointed time, it is forbidden.

BACKGROUND

The meat of peace-offerings after the sprinkling of their blood – בשר זבחי שלמים לאחר זריקת דמים – Male and female cattle and sheep may be sacrificed as peace-offerings. As offerings of lesser sanctity, they may be slaughtered anywhere within the Temple courtyard. Their blood is sprinkled on the two opposite corners of the altar, i.e., the northeastern and southwestern corners, in such a manner that it will descend on each of the altar's

four sides. Part of each peace-offering is burned on the altar, part is given to the priests, namely the breast and the right hind leg, and the rest is eaten by the one bringing the offering, with his family, anywhere in Jerusalem, either on the day the animal is sacrificed, that night, or the following day. With the exception of the Festival peace-offering and a few other cases, peace-offerings were brought voluntarily, i.e., they were gift offerings.