

NOTES

This meat is prohibited to me like the meat of a first-born – הָרִי עָלֵי כֶּבֶד – The male firstborn of cattle, sheep, or goats belonging to a Jew is sacred from birth and is given to a priest to be sacrificed on the altar in the Temple. Its meat is eaten by the priests and their families (Numbers 18:17–18). It is explained in the Commentary on *Nedarim* that the case here is one where a priest made the vow mentioned in the Gemara, as it is only for a priest that there is a practical difference between the meat of a firstborn animal before and after the sprinkling of the blood; for a non-priest, the meat is forbidden even after the sprinkling of the blood. However, according to the Rambam there is no difference between a priest and a non-priest in this regard. This is because the meat of a firstborn is considered forbidden by means of a vow before the sprinkling of the blood, and it is considered forbidden by the Torah after the sprinkling of the blood.

HALAKHA

This meat is prohibited to me like the meat of a first-born – הָרִי עָלֵי כֶּבֶד – If one says that a particular item should be like the meat of a firstborn animal to him, the item remains permitted. The reason for this is that a first-born animal is considered forbidden by the Torah rather than forbidden by means of a vow. This is in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Hafla'a Hilkhot Nedarim* 1:13).

אֵלֶּא דְאִפְרָשִׁינְהוּ בְּלִישָׁה, דְּשִׁקִּיל חֲדָא מִחֲמִיץ, וְחֲדָא מִן חִלּוֹת, וְחֲדָא מִן רְקִיקִים, וְחֲדָא מִן רְבוּכָה.

Rather, it must be that he separated the *teruma* during the time of kneading. He took one piece of dough from the leavened bread, one from the loaves, one from the wafers, and one from the flour mixed with water and oil. After separating one tenth of each type of dough for the priest, he then baked the remainder into four loaves. Since it is possible to separate the *teruma* at the time of the kneading, before the sprinkling of the blood of the offering, it is possible that the case is one where he expressed the vow at this time. Consequently, there is no proof that one has in mind the original status of an offering rather than its current status when one expresses a vow after the sprinkling of the blood.

לִימָא כְּתַנָּאֵי, "הָרִי עָלֵי כֶּבֶד" – רַבִּי יַעֲקֹב אֹסֵר וְרַבִּי יְהוּדָה מְתִיר.

The Gemara suggests: Let us say that this question, whether one intends to extend the original or current status of an offering, is parallel to a dispute between *tanna'im*. If one says: This meat is prohibited to me like the meat of a firstborn,^h Rabbi Ya'akov renders the meat forbidden and Rabbi Yehuda renders it permitted.

הֵיכִי דְמִי? אִי נִימָא לְפָנֵי זְרִיקַת דְּמִים – מֵאֵי טַעֲמָא דְּמֵאן דְּשָׁרִי, וְאֵי לְאַחַר זְרִיקַת דְּמִים – מֵאֵי טַעֲמָא דְּמֵאן דְּאִסְרִי? אֵלֶּא לְאוּ

The Gemara clarifies: What are the circumstances of this case? If we say that he associates the object of his vow with the status of a firstborn animal before the sprinkling of the blood, when it is forbidden as a consecrated item, what is the rationale of the one who renders it permitted? And if he associates the object of his vow with the status of a firstborn animal after the sprinkling of the blood, when it belongs to the priest and is permitted to be eaten, what is the rationale of the one who renders it forbidden? Rather, is it not

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דְּמַחֲזִית בְּשַׁר כֶּבֶד, וּמַחֲזִית בְּשַׁר דְּהֶאֱיִן גְּבִיָּה, וְאָמַר "זֶה כְּזֶה", וְתַנָּאֵי הֵיא.

that he places the meat of a firstborn animal in one place and he places another piece of meat next to it, and he said: This second piece of meat is hereby like that meat of the firstborn animal,^h and it is a dispute between *tanna'im* about whether he is referring to the original forbidden status of the firstborn animal or its current permitted status?

HALAKHA

This meat is hereby like the meat of a firstborn animal to me – הָרִי עָלֵי כֶּבֶד בְּבוֹר – If one had a piece of meat from a firstborn animal and he said that another item should be like that meat, the following distinction applies: If the blood had not yet been sprinkled on the altar, the second item is forbidden, and if the blood of the firstborn animal had already been sprinkled on the altar, the second item is permitted. This is the ruling of the Rambam, but the Ra'avad points out that it is not in accordance with the straightforward reading of the Gemara here. Many

commentaries on the Rambam agree with this objection. It is suggested in the *Kesef Mishne* that the original version of the Rambam was different and stated that even if the blood had not yet been sprinkled, the second item is permitted. However, even the author of the *Kesef Mishne* concedes that Rabbi Avraham, son of the Rambam, did not possess this proposed version (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:15 and see *Kesef Mishne* and *Lehem Mishne* there).

To include associating an object with an item that is forbidden by the Torah – לְרִבּוֹת דְּבַר הָאֶסוּר – This refers to a consecrated item that was not consecrated by means of a vow (Commentary on *Nedarim*). Some commentaries specify that this includes only items that are brought as offerings on the altar, including the offspring of consecrated animals. However, this does not include consecrated items that are not offerings, e.g., *halla* and *teruma*, and certainly does not include prohibited items that are not consecrated, e.g., meat from an animal that was not ritually slaughtered (Rabbi Yitzhak Tzarfati; see *Rosh*). The Ran holds that this category is limited only to cases like a firstborn animal, which is forbidden by the Torah but is also somewhat similar to an item forbidden by means of a vow, because one is required to declare it consecrated.

HALAKHA

One who associates it with a sin-offering and a guilt-offering – לְמַתְפִּיס בְּחֻטָּאת וְאִשָּׁם – If one says: This food is hereby like a sin-offering for me, or similarly for a guilt-offering, then since one can become obligated to bring these offerings by taking a vow to be a nazirite, he has associated the food with an item forbidden by means of a vow. Consequently, his vow takes effect and the food is forbidden (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:10).

It is a mitzva to consecrate it – מִצְוָה לְהַקְדִּישׁוֹ – It is a mitzva to consecrate a firstborn animal verbally by declaring: This is hereby consecrated (Rambam *Sefer Korbanot, Hilkhot Bekhorot* 1:4; *Shulhan Arukh, Yoreh De'a* 306:1).

Is it not consecrated – מִי לֹא מִיקְדִּישׁ – The male first-born of cattle, sheep, or goats belonging to a Jew is sacred from birth even if its owner does not declare it to be consecrated (Rambam *Sefer Korbanot, Hilkhot Bekhorot* 1:4).

Enclosures, for enclosures, etc. – דִּירִים לְדִירִים וְכו' – If one says that an item shall be considered like the lamb, enclosures, wood, fires, altar, Sanctuary, or Jerusalem, the item becomes forbidden. It is as though he said that the item shall be considered like an offering, even though he did not explicitly mention an offering (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:14; *Shulhan Arukh, Yoreh De'a* 204:2).

With regard to all of them, if he adds: That I will eat of yours, etc. – בּוֹלֵן שְׂאוּכַל לְךָ וְכו' – If one says: That which I eat of yours shall be the Sanctuary, or similarly: For the Sanctuary, or: Like the Sanctuary, the food is forbidden by means of a vow. However, if he said: The Sanctuary that I will not eat of yours, or the like, the food is permitted, because it is as though he is swearing by the Sanctuary that he will not eat food belonging to the other individual, and a vow expressed in this way does not take effect. The same applies in all cases where one mentions a consecrated item and concludes: That I will not eat of yours (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:22).

לָא, דְּכוּלֵי עֲלָמָא לִפְנֵי זְרִיקַת דְּמִים, וּמַאי טַעְמָא דְּמֵאן דְּשָׂרִי – אָמַר קָרָא "כִּי יִדָּו" – עַד שְׂיִדּוּר בְּדָבָר הַנְּדוּר, לְאַפּוּקֵי בְּכוֹר דְּדָבָר הָאֶסוּר הוּא.

The Gemara responds: **No, everyone agrees that he is referring to the status of the animal before the sprinkling of the blood, and what is the reason of the one who renders it permitted? The verse states: "When a man takes a vow"** (Numbers 30:3), which indicates that he has not done so until he takes a vow with an item forbidden by means of a vow, i.e., by extending the status of an item that itself was forbidden by a means of a vow. This comes to **exclude a firstborn, which is an item that is forbidden** by the Torah rather than by means of a vow; a firstborn animal is sacred simply because it is born first.

וּמֵאן דְּאָסַר – אָמַר קָרָא "לָהּ" – לְרִבּוֹת דְּבַר הָאֶסוּר.

And the one who renders it forbidden holds that it is because the verse states: "To the Lord" (Numbers 30:3), which comes to include one who takes a vow by associating an object with an item that is forbidden by the Torah.ⁿ

וּמֵאן דְּשָׂרִי: "לָהּ" מַאי עָבִיד לֵיהּ? מִיבְעִי לֵיהּ לְמַתְפִּיס בְּחֻטָּאת וְאִשָּׁם.

The Gemara asks: **And the one who renders it permitted based on the principle that one cannot take a vow by associating the item with an item that is forbidden by the Torah, what does he do with the expression "to the Lord"?** The Gemara answers: **He requires this expression to include the case of one who associates the object of his vow with a sin-offering and a guilt-offering.**^h Although these offerings are obligatory rather than voluntary, and in that regard they are dissimilar to items forbidden by means of a vow, one can render another item forbidden by associating it with these offerings.

וּמָה רָאִיתָ לְרִבּוֹת חֻטָּאת וְאִשָּׁם וְלַהּוֹצִיא אֶת הַבְּכוֹר? מִרְבָּה אֲנִי חֻטָּאת וְאִשָּׁם שְׂהוּא מַתְפִּיס בְּנֶדֶר, וּמוֹצִיא אֲנִי אֶת הַבְּכוֹר שְׂהוּא קָדוֹשׁ מִמֵּעַי אָמוּ.

The Gemara asks: **And what did you see that led you to include a sin-offering and a guilt-offering and to exclude the firstborn?** The Gemara answers: **I include the sin-offering and guilt-offering due to the fact that he associates the object of his vow with an animal forbidden by means of a vow, as it is the individual who designates a particular animal for one of these offerings. And I remove the firstborn, because it is sacred from its mother's womb.**

וּמֵאן דְּאָסַר – בְּכוֹר נִמְי מַתְפִּיסוּ בְּנֶדֶר הוּא, דְּתַנְנָא: מִשּׁוּם רַבִּי אָמַר: מִנְּעַן לְנוֹלָד בְּכוֹר בְּתוּךְ בֵּיתוֹ שְׂמִצְוָה לְהַקְדִּישׁוֹ – שְׂנֵאָמַר "הַזֶּכֶר תִּקְדִּישׁ".

And the one who renders it forbidden is of the opinion that one who says that a piece of meat shall be considered for him like the meat of a firstborn also associates the object of his vow with an item forbidden by a vow, as it is taught in a baraita: They said in the name of Rabbi Yehuda HaNasi: From where is it derived that if one has a firstborn animal born in his home it is still a mitzva to consecrate it?^h **As it is stated: "The males you shall consecrate"** (Deuteronomy 15:19). Although a firstborn animal is considered consecrated from birth, its owner is still commanded to declare it consecrated, and it is therefore considered an item forbidden by means of a vow.

וּמֵאן דְּשָׂרִי: כִּי לֹא מִקְדִּישׁ לֵיהּ מִי לָא מִיקְדִּישׁ?

And the one who renders it permitted in this case argues that although the owner is required to declare it consecrated, if he does not consecrate it, is it not consecrated?^h Since it is consecrated in any event, it is considered to have been rendered forbidden by the Torah rather than through a vow.

כְּאִימָרָא בְּדִירִים.

It is taught in the mishna that if one says that food shall be considered like the lamb [*imra*] of the daily offering, or like the animals designated as offerings and kept in special enclosures, the vow takes effect.

תְּנָא: "אִימָרָא" לְאִימָרָא "כְּאִימָרָא", "דִּירִים" לְדִירִים "בְּדִירִים", "עֵצִים" לְעֵצִים "כְּעֵצִים", "אִישִׁים" לְאִישִׁים "כְּאִישִׁים", "מוֹבַח" לְמוֹבַח "כְּמוֹבַח", "הַיְכָל" לְהַיְכָל "בְּהַיְכָל", "יְרוּשָׁלַיִם" לְיְרוּשָׁלַיִם "כְּיְרוּשָׁלַיִם", בּוֹלֵן שְׂאוּכַל לְךָ – אָסוּר: "לֹא אוֹכַל לְךָ" – מוֹתֵר.

It was taught in a *baraita*: If one says that food shall be considered a lamb, for a lamb, like a lamb; enclosures, for enclosures,^h like enclosures; wood, for wood, like wood; fires, for fires, like fires; the altar, for the altar, like the altar; the Sanctuary, for the Sanctuary, like the Sanctuary; Jerusalem, for Jerusalem, like Jerusalem; with regard to all of them, if he adds: **That which I will eat of yours,**^h it is forbidden. This is because his intent is that whatever he eats that belongs to the other individual should be forbidden to him like one of these consecrated items. However, if he adds: **That which I will not eat of yours,** the food is permitted, since the only implication of his statement is that whatever he does not eat shall be forbidden.

This *baraita* is referring to a case where one said: That which I do not eat from you shall not [*la*] be for a lamb [*le'imra*] – “לֹא לְאִמְרָא” – “לֹא לְאִמְרָא”: Many commentaries explain, based on a slightly different version of the text, that the difference is whether one says *la'imra*, which is interpreted to mean that it shall not be for a lamb [*la imra*], or whether he says *le'imra*, which indicates that it shall be considered a lamb. In the first case the statement means that what he does not eat should not have the status of a lamb sacrificed as an offering. Since Rabbi Meir holds that one cannot infer a positive statement from a negative one, this statement does not express a vow rendering what he does eat forbidden as though it was an offering. In the latter case, his statement is interpreted to mean that the food shall be considered like the lamb of an offering, and therefore he will not eat it, and the vow takes effect. Similarly, if he would say: That which I will eat of yours shall be for a sacrificial lamb [*le'imra*], the vow takes effect (Ran).

Rabbeinu Tam explains that even if one says *la'imra* the vow takes effect. The only case where the vow does not take effect is where he says *la imra*, as two separate words, specifying that it is not a sacrificial lamb. This is in accordance with the common version of the Gemara text. See the *Shita Mekubbetzet* for a discussion of various details with regard to this issue.

Rabbi Yehuda renders the food permitted – רבי יהודה מותר: The Ran explains (11a) that Rabbi Yehuda's ruling is consistent with his statement in the previous mishna (10b) that if one declares food to be Jerusalem it is not forbidden, but if he says it shall be considered like Jerusalem, it is forbidden. However, it appears that even Rabbi Yehuda agrees that if he declares food to be *piggul* or *notar*, without saying it should be like *piggul* or *notar*, the vow takes effect. What is the difference between the cases? He explains that when one says simply that an item should be a burnt-offering, it is possible to interpret his statement as indicating an intention to consecrate that item as an actual offering, which does not take effect, rather than as expressing a vow. However, if he declares an item to be *piggul*, he certainly does not intend to thereby grant it the status of *piggul*, as this status cannot be granted in that manner. It is obvious that he intends to associate the item with the prohibition of *piggul* (see *Tosefot Yom Tov*).

By the life of the offering – בְּחַיֵּי קֶרְבָּן: Some explain that *hakorban* is to be interpreted: Here is an offering [*hinei korban*], just as the *Targum*, the Aramaic translation of the Bible, often renders *hinei*, which means here or behold, as *ha* (*Arukh*). The Rosh explains that one is swearing by the life of the animal he consecrated as an offering. This is not a valid expression of a vow or an oath. Some commentaries had a version of the Gemara that states: *Hei korban*, which is understood as meaning: *Hei korban*, indicating that he swears by the life of the offering (see *Tosefot Yom Tov* and *Melekhet Shlomo*).

מֵאֵן שְׁמַעֲיָן לֵיהּ דְּלֹא שְׁנֵי לֵיהּ “אִמְרָא” לְאִמְרָא “בְּאִמְרָא” – רַבִּי מֵאִיר הִיא.

אִימָא סִיפָא: וְכוּלָּן “לֹא אוֹכֵל לֶךְ” – מוֹתֵר. וְהִתְנִן: “לְקֶרְבָּן לֹא אוֹכֵל לֶךְ” רַבִּי מֵאִיר אוֹסֵר, וְאָמַר רַבִּי אֲבָא: נַעֲשֶׂה כְּאוֹמֵר: לְקֶרְבָּן יְהִיא לְפִיכֶךְ לֹא אוֹכֵל לֶךְ!

לֹא קִשְׁיָא: הָא – דְּאָמַר “לֹא לְאִמְרָא”, הָא – דְּאָמַר “לְאִמְרָא”.

מִתְנִי הָאוֹמֵר “קֶרְבָּן”, “עוֹלָה”, “מִנְחָה”, “חֲטָאֵת”, “תּוֹרֵה”, “שְׁלָמִים”, “שְׂאֵנֵי אוֹכֵל לֶךְ” – אָסוּר, רַבִּי יְהוּדָה מְתִיר. “הִקְרָבָן” “בְּקֶרְבָּן” “קֶרְבָּן”, “שְׂאוֹכֵל לֶךְ” – אָסוּר. “לְקֶרְבָּן לֹא אוֹכֵל לֶךְ” – רַבִּי מֵאִיר אוֹסֵר.

גַּם קִתְּנֵי: “קֶרְבָּן” “הִקְרָבָן” “בְּקֶרְבָּן”, “שְׂאוֹכֵל לֶךְ” – אָסוּר. סְתֵמָא תְּנָא רַבִּי מֵאִיר, דְּלֹא שְׁנֵי לֵיהּ בֵּין “אִמְרָא” “לְאִמְרָא”.

אִי רַבִּי מֵאִיר – הָא [דְּקִתְּנֵי: “הִקְרָבָן”, “שְׂאוֹכֵל לֶךְ” אָסוּר, וְהִתְנִיא: מוֹדִים חֲכָמִים לְרַבִּי יְהוּדָה בְּאוֹמֵר “הָא קֶרְבָּן” וְהָא עוֹלָה” וְהָא מִנְחָה” וְהָא חֲטָאֵת שְׂאוֹכֵל לֶךְ” שְׁמוֹתָ, שְׂלֵא נָדַר זֶה אֶלָּא בְּחַיֵּי קֶרְבָּן!

The Gemara asks: Who is the Sage of whom we have heard, for whom there is no difference whether one said a lamb, for a lamb, or like a lamb, that I eat of yours? It is Rabbi Meir. Conversely, Rabbi Yehuda holds that the vow takes effect only if one says: Like a lamb.

However, say the latter clause of the *baraita*: With regard to all of them, if he adds: That which I will not eat of yours, the food remains permitted. But didn't we learn in the next mishna that if one says: That which I will not eat of yours shall be for an offering [*lekorban*], Rabbi Meir prohibits him from eating food belonging to the other individual? And Rabbi Abba said in explanation of this ruling that it is as though he said: It shall be for an offering [*lekorban*], and therefore I will not eat that which is yours. Apparently, according to Rabbi Meir the food is forbidden even if he said: That which I will not eat of yours.

The Gemara responds: This is not difficult: This *baraita* is referring to a case where one said: That which I do not eat from you shall not [*la*] be for a lamb [*le'imra*].ⁿ Although this statement implies that what he does eat shall be considered like the lamb of the daily offering, Rabbi Meir holds that one cannot infer a positive statement from a negative statement. Conversely, that mishna is referring to a case where he said: For a lamb [*le'imra*]. In that case, his statement is interpreted as though he said: It shall be considered the lamb used for the daily offering, and therefore I will not eat it.

MISHNA With regard to one who says: An offering, a burnt-offering, a meal-offering,^h a sin-offering, a thanks-offering, or a peace-offering, and adds: That which I eat of yours, the vow takes effect and the food is forbidden. Rabbi Yehuda renders the food permittedⁿ in all these cases. If one says: The offering, like an offering, or an offering, and adds: That which I will eat of yours, the food is forbidden. If he says: That which I will not eat of your shall be for an offering, Rabbi Meir renders the food forbidden.

GEMARA It teaches in the mishna that if one says: An offering, the offering, or like an offering,^h and then adds: That which I will eat of yours, it is forbidden. This indicates that this unattributed opinion in the mishna was taught in accordance with the opinion of Rabbi Meir, for whom there is no difference whether one says a lamb [*imra*] or as a lamb [*le'imra*].

The Gemara asks: However, if it is in accordance with the opinion of Rabbi Meir, that which it teaches is difficult. It teaches that if one says: The offering [*hakorban*], and adds: That which I will eat of yours, the food is forbidden. But isn't it taught in a *baraita* that the Rabbis concede to Rabbi Yehuda that with regard to one who says: This offering [*ha korban*], or this burnt-offering [*ha ola*], or this meal-offering [*ha mincha*], or this sin-offering [*ha hatat*], and then adds: That I will eat of yours, the vow does not take effect and the food is permitted? The reason for this is that the individual did not take a vow that the item should be associated with an offering; rather, he took a vow by the life of the offering,ⁿ which is not a valid expression of a vow.

HALAKHA

קֶרְבָּן עוֹלָה, – קֶרְבָּן עוֹלָה, אִם אֶתְּנֶה לְךָ כְּעוֹלָה, כְּעוֹלָה וְכוּ: If one declares food to be like a burnt-offering, a peace-offering, a meal-offering, or a thanks-offering, it is forbidden, because all these offerings result from vows (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:10; *Shulhan Arukh*, *Yoreh De'a* 204:1).

קֶרְבָּן הִקְרָבָן בְּקֶרְבָּן – קֶרְבָּן הִקְרָבָן בְּקֶרְבָּן: If one says: An offering, the offering, or like an offering, and then adds: That which I will eat of yours, the food is forbidden by means of a vow. This is in accordance with the opinion of Rabbi Meir (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:19).

לא קשיא, הא – דאמר "הא קרבן", והא – דאמר "הקרבן". מאי טעמא – תני קרבן קאמר.

קתני: "לקרבן לא אוכל לך", רבי מאיר אוסר. והא לית ליה לרבי מאיר מכלל לאו אתה שומע הן! אמר רבי אבא: נעשה באומר: לקרבן יהא, למיך לא אוכל לך.

מתני' האומר לחבירו "קונם פי מדבר עמך" "ידי עושה עמך" "רגלי מהלכת עמך" – אסור.

גמ' ורמינהו: חומר בשבועות מבגדרים ובגדרים מבשבועות; חומר בגדרים – מה שהגדרים חלים על המצוה כבבשרות, מה שאין כן בשבועות. וחומר בשבועות – מה שבבועות חלות על דבר שיש בו ממש ושאין בו ממש, מה שאין כן בגדרים!

אמר רב יהודה: באומר "יאסר פי לדבורי" "ידי למעשיהם" "רגלי להילוכי". דיקא נמי דקתני "פי מדבר עמך", ולא קתני "שאני מדבר עמך".

הדרן עלך כל כנויי

The Gemara answers: **This is not difficult.** This case, where the vow does not take effect, is where one said: **This offering** [*ha korban*],ⁿ and that case, where the vow does take effect, is where one said: **The offering** [*hakorban*].^h **What is the reason** that the vow does not take effect when he says this offering [*ha korban*]? It is because **he is saying** that he is taking a vow by **the life of this offering**, which is not a valid way to express a vow.

The mishna teaches that if one says: **That which I will not eat of yours is lakorban**, which indicates *la korban*, it is not an offering, **Rabbi Meir prohibits** him from eating food belonging to the other individual. This is because his statement indicates that what he does eat shall be considered an offering. The Gemara asks: **Isn't it true that Rabbi Meir does not hold that from a negative statement you can infer a positive statement?** The Gemara answers that **Rabbi Abba said: It is as though he said: It shall be for an offering** [*lekorban*],ⁿ and **therefore I will not eat that which is yours.**

MISHNA One who says to another: It is *konam* for me for my mouth to speak with you,^h or: It is *konam* for me for my hand to work with you, or: It is *konam* for me for my foot to walk with you, it is prohibited for him to speak with, work with, or walk with the other individual.

GEMARA The Gemara raises a contradiction from the following *baraita*: There is a stricture that applies to oaths beyond the strictures that apply to vows, and there is a stricture that applies to vows beyond the strictures that apply to oaths. **The stricture that applies to vows is that vows take effect with regard to a mitzva as they do with regard to optional activities,^h which is not the case with regard to oaths**, as one cannot take an oath to neglect a mitzva. **And the stricture that applies to oaths is that oaths take effect upon a matter that has substance and a matter that does not have substance,^h which is not the case with regard to vows**, which take effect only upon a matter that has substance. This contradicts the mishna, which states that a vow can apply to speech or actions, which are not physical items that have concrete substance.

Rav Yehuda said: The mishna is referring to one who says: **My mouth shall be forbidden with regard to my speech,ⁿ or: My hands shall be forbidden with regard to their work, or: My feet should be forbidden with regard to their walking.** In these cases the vow applies to a limb, which is a concrete item, and therefore it takes effect. The Gemara comments: The language of the mishna is also precise according to this interpretation, **as it teaches: For my mouth to speak with you, and it does not teach: That which I speak with you.** This indicates that he imposed the vow upon his mouth and not upon the act of speaking.

NOTES

This case is where one said this offering [*ha korban*], etc. – **הא דאמר "הא קרבן" וכו'**: According to those who render the text *hei korban* instead of *ha korban*, the difference between that and *hakorban* is clear. According to the version found in the Vilna Talmud, the difference is whether he said *hakorban* concisely as one word, or whether he stretched out the first syllable so that it was clearly pronounced *ha korban*, i.e., as two distinct words, so that it means this offering as opposed to the offering (Rabbi Yitzhak Tzarfati).

לְקַרְבָּן יְהֵא – הָא: According to the opinion of the Ri, cited in *Tosafot*, the Gemara is clarifying that Rabbi Meir prohibits him from eating the food only if he says *lekorban*. However, if he says *lakorban*, his statement should be interpreted as though he said *la korban*, this is not an offering, and therefore no vow takes effect. The Gemara here is understood to have assumed at first that the case in the mishna was where an individual said *lakorban*, and its conclusion is that he said *lekorban*. However, *Tosafot* also cite the opinion of Rabbeinu Tam, that Rabbi Meir's ruling applies even if one says *lakorban*, which means the same thing as *lekorban*, it shall be for an offering.

One who says: My mouth shall be forbidden with regard to my speech – **בְּאוֹמֵר יֵאָסֵר פִּי לְדִבּוּרֵי**: Most commentaries interpret this to mean that his statement is interpreted in this manner so that his statement will have meaning, even if he did not formulate it exactly this way. However, it is explained that the individual actually phrased his statement in this manner (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 3:1 and *Lehem Mishne* there). Other commentaries on the Rambam disagree (see *Beit Yosef* on *Tur, Yoreh De'a* 213).

HALAKHA

יְהֵא דְאָמַר הַקְּרָבָן – הָא דְאָמַר הַקְּרָבָן: If one says to another: The offering [*hakorban*], I will eat of yours, the other individual's food is forbidden to the one who made that statement. However, if he said: The offering, that I will not eat of yours, the other individual's food remains permitted. This statement is interpreted to mean that he is swearing by the offering that he will not eat the other individual's food, and a vow does not take effect when it is expressed in this manner (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:19, and see *Kesef Mishne* there).

יְהֵא דְאָמַר הַקְּרָבָן – הָא דְאָמַר הַקְּרָבָן: If one says: It is *konam* for me for my mouth to speak with you, or: For my hand to work with you, or: For my foot to walk with you, it is as though he has said that his mouth should be forbidden with regard to his speech, his hand should be forbidden with regard to its work, or his foot should be forbidden with regard to walking, and the vow therefore takes effect (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 3:11; *Shulhan Arukh, Yoreh De'a* 213:1).

יְהֵא דְאָמַר הַקְּרָבָן – הָא דְאָמַר הַקְּרָבָן: An oath takes effect only with regard to optional activities and not with regard to mitzvot. However, vows can take effect even with regard to mitzvot (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 3:1; *Shulhan Arukh Yoreh De'a* 215:1, 239:4).

יְהֵא דְאָמַר הַקְּרָבָן – הָא דְאָמַר הַקְּרָבָן: An oath takes effect even with regard to a matter that does not have concrete substance. Conversely, a vow takes effect only with regard to an item that has concrete substance (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 3:1; *Shulhan Arukh Yoreh De'a* 213:1, 239:3).

ואלו מותרין: "חולין שאוכל לך" כבשר חזיר "כעבודה זרה" כעורות לבובין "כגבילות וטרפות" כשקצים ורמשים "בחלת אהרן וכתרומתו" – מותר.

MISHNA And these are the vows in which the one who takes the vow attempts to create a prohibition on an item by associating it with an item in an ineffective manner, rendering the vow void and leaving the item permitted: If one says: **That which I will eat of yours will be non-sacred** [*hullin*];^H or: **That which I will eat of yours will be like pig meat**;^H or: **Like an object of idol worship**; or: **Like the hides of animal offerings whose hearts were removed**^B as a form of idol worship, and it is therefore prohibited to derive benefit from those animals; or: **Like animal carcasses and animals with a wound that will cause them to die within twelve months** [*tereifot*]; or: **Like non-kosher repugnant creatures and non-kosher creeping animals**; or: **Like the *halla*^B of Aaron, the first priest, or like his *teruma***; in all these cases, the food is permitted. Although none of these items may be eaten, they are forbidden by Torah law, not by means of a vow. Therefore, it is impossible to extend their prohibition to other items by means of a vow that associates them with those items.

האומר לאשתו "הרי את עלי פאימא" – פותחין לו פתח במקום אחר, שלא יקל ראשו לךך.

With regard to a man who says to his wife: **You are hereby to me like my mother**, i.e., deriving benefit from you should be forbidden to me like engaging in sexual intercourse with my mother, dissolution is broached with him^N by suggesting a different extenuation,^N i.e., a halakhic authority suggests other, extenuating circumstances that enable the dissolution of the vow. Although this vow does not take effect either, as engaging in sexual intercourse with one's mother is prohibited by Torah law, by rabbinic law this is treated like an actual vow and requires dissolution by a halakhic authority, so **that he will not take genuine vows lightly**.

גמ' טעמא דאמר "חולין שאוכל לך", הא אמר "לחולין שאוכל לך" – משמע: לא לחולין ליהווי, אלא קרבן.

GEMARA It may be inferred from the first case in the mishna that **the reason** the vow does not take effect is **that he said: That which I will eat of yours will be *hullin***; but if he said: **That which I will eat of yours will be *lahullin***, that indicates that he is saying: **It will not [*la*] be non-sacred [*hullin*]**, but rather like an offering, which is a vow that takes effect.

מני מתניתין? אי רבי מאיר – הא לית ליה מכלל

Whose opinion is expressed in the mishna? If it is the opinion of Rabbi Meir, isn't he of the opinion that one does not say: **From**

BACKGROUND

The hides of animal offerings whose hearts were removed – **עורות לבובין**: This practice is discussed extensively in tractate *Avoda Zara* (32a). A circular incision was made in the chest of certain idolatrous animal offerings, and its heart was removed while it was still alive, after which the entire animal was sacrificed. As these animals were sacrificed for the purpose of idol worship, one may not derive benefit from their hides.

Halla – **חלה**: The Torah commands the separation of a portion of dough, which is given to the priests (Numbers 15:20). This portion is called *halla* and is governed by all the *halakhot* pertaining to *teruma*, the priests' portion of the crop. The Torah does not specify a measure for *halla*. When an individual is baking for personal use, the Sages required him to separate one twenty-fourth of his dough; a commercial baker must separate one

forty-eighth. *Halla* must be separated from all dough made from any one of the five types of grain, provided that the quantity of flour is at least one-tenth of an ephah in volume. If *halla* is not separated as required, the dough is considered *tevel* and may not be eaten.

Nowadays, as all Jews have the status of being ritually impure, *halla* is governed by the same *halakhot* as is ritually impure *teruma* and must be burned. Accordingly, the required measures mentioned above no longer apply, as there is no reason to burn a significant amount of dough. Therefore, only a small portion is separated from the dough and burned, and the rest of the dough may then be used. A blessing is recited over the separation of *halla*, which is considered one of the mitzvot practiced particularly by women. The *halakhot* of this mitzva are discussed comprehensively in tractate *Halla*.

HALAKHA

חולין – חולין – That which I will eat of yours will be non-sacred – **שאוכל לך**: If one says to another: That which I will eat of yours will be non-sacred, he is permitted to eat from the other's food (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:20).

Like pig meat, etc. – כבשר חזיר: If one says to another: That which I will eat of yours will be like pig meat; or like an object of idol worship; or like the hides of animal offerings whose hearts were removed as a form of idol worship; or like *tereifot*; or like repugnant creatures and creeping animals; or like the *halla* of Aaron, the first priest, or like his *teruma*; he is permitted to eat from the other's food (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:8, 11).

NOTES

Dissolution is broached with him – פותחין לו פתח – Besides nullification of the vow of a woman by her father or husband, as written in the Torah (Numbers 30:4–17), a vow can also be dissolved by a halakhic authority, when the one who took the vow requests from him its dissolution. There are different ways for a halakhic authority to dissolve a vow. One is by suggesting extenuating circumstances, i.e., considerations that one did not take into account when taking the vow. This topic is discussed at length in Chapter Nine of this tractate.

Dissolution is broached with him by suggesting a different extenuation – פותחין לו פתח במקום אחר – The Rashba and the Ran explain that the rationale behind this rabbinic decree is in order to prevent the husband from treating valid vows of his lightly, as strife between spouses is common and it can easily lead to taking vows. The Ritva explains that the purpose of the decree is to prevent the husband from forbidding himself to his wife in the first place, thereby promoting domestic harmony, by compelling him to undergo a procedure in order to remove even a vow that did not take effect.