

Sleeping is forbidden for me as if it were an offering [konam] – קוֹנָם שְׂאֵנִי יִשׁוֹן – Vows do not take effect with regard to matters that do not have actual substance. Therefore, if one says: Sleeping is *konam* for me, or: Walking is *konam* for me, the vow does not take effect. Similarly, if one says: My speech will be forbidden to you, or: Your speech will be forbidden to me, the vow does not take effect. However, by rabbinic law a request must be made to a halakhic authority for dissolution of the vow in these cases as well. Dissolution is broached with the one who vowed using a different extenuation (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 3:10; *Shulhan Arukh, Yoreh De'a* 213:1).

**קוֹנָם עֵינַי בְּשִׁנְיָהּ** – Sleeping is *konam* for my eyes today, etc. – הַיּוֹם וְכוּ: If one said: Sleeping is *konam* for my eyes today if I sleep tomorrow, he should not sleep today lest he forget and sleep tomorrow. The opinion of Rav Yehuda is accepted, in accordance with the principle concerning disagreements between Rav Yehuda and Rav Nahman with regard to prohibitions (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 4:14; *Shulhan Arukh, Yoreh De'a* 213:3).

**קוֹנָם עֵינַי** – Sleeping is *konam* for my eyes tomorrow, etc. – בְּשִׁנְיָהּ לְמָחָר וְכוּ: If one said: Sleeping is *konam* for my eyes tomorrow if I sleep today, he may sleep today, as there is no concern that he will violate tomorrow's prohibition. Even Rav Yehuda concedes that this is the *halakha* (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 4:15; *Shulhan Arukh, Yoreh De'a* 213:3).

**מתני'** "קוֹנָם שְׂאֵנִי יִשׁוֹן" "שְׂאֵנִי מְדַבֵּר" "שְׂאֵנִי מְהַלֵּךְ", הָאֹמֵר לְאִשְׁתּוֹ "קוֹנָם שְׂאֵנִי מְשַׁמְשֵׁךְ" – הָרִי זֶה בְּלֹא יַחַל דְּבַר.

**MISHNA** With regard to one who says: **Sleeping is forbidden for me as if it were an offering [konam]**,<sup>h</sup> thereby prohibiting himself from sleeping; or: **Speaking is konam for me; or: Walking is konam for me; or one who says to his wife: Engaging in sexual intercourse with you is konam for me, if he violates the vow he is in violation of the prohibition "He shall not profane his word"** (Numbers 30:3).

גַּמִּי אֵיתָמַר: "קוֹנָם עֵינַי בְּשִׁנְיָהּ הַיּוֹם אִם אֵיִשׁוֹן לְמָחָר" אָמַר רַב יְהוּדָה אָמַר רַב: אֵל יִשׁוֹן הַיּוֹם, שְׂמָא יִשׁוֹן לְמָחָר. וְרַב נַחֲמָן אָמַר: יִשׁוֹן הַיּוֹם, וְלֹא חִיִּישִׁינָן שְׂמָא יִשׁוֹן לְמָחָר. וּמִוֹדָה רַב יְהוּדָה בְּאֹמְרֵי "קוֹנָם עֵינַי בְּשִׁנְיָהּ לְמָחָר אִם אֵיִשׁוֹן הַיּוֹם" – שְׂיִשׁוֹן הַיּוֹם.

**GEMARA** It was stated that with regard to one who says: **Sleeping is konam for my eyes today**<sup>h</sup> if I will sleep tomorrow, Rav Yehuda said that Rav said: **He may not sleep today, lest he sleep tomorrow** and thereby cause the vow to have been violated today, retroactively. **And Rav Nahman said: He may sleep today**, as there is currently no prohibition, **and we are not concerned that he will perhaps sleep tomorrow**, as he will be careful not to sleep. **And Rav Yehuda concedes that in a case where he says: Sleeping is konam for my eyes tomorrow**<sup>h</sup> if I sleep today, **he may sleep today**.

Perek II  
Daf 15 Amud a

מִי שֶׁבָּקִינָה לֵיהּ – אֲבָל בְּאִיסוּרָא – מִי מְזַדְּדֵיר – בְּתַנְיָא, אֲבָל בְּאִיסוּרָא – מִי מְזַדְּדֵיר.

Sleeping today is not prohibited for him. Rather, it causes sleeping to be prohibited for him tomorrow, because **when one is not careful, it is only with regard to a condition**. In the former case, sleeping on the second day merely fulfills the condition on which the prohibition was based, causing it to take effect retroactively. Therefore, there is concern that he will not be careful and retroactively cause a violation. **However, one is careful with regard to a prohibition**. In the latter case, sleeping on the second day is directly prohibited. Therefore, there is no concern that he will violate the prohibition.

תַּנּוּ: "קוֹנָם שְׂאֵנִי יִשׁוֹן" "שְׂאֵנִי מְהַלֵּךְ" "שְׂאֵנִי מְדַבֵּר" וְכוּ. הֵיכִי דְמִי? אֵילִימָא בְּדַקְתָּמִי – "שְׂאֵנִי יִשׁוֹן" מִי הוּוּ נִדְרָא? וְהַתַּנּוּ: חֹמֶר בְּשִׁבּוּעוֹת, שְׁהַשְּׁבֻעוֹת חָלוֹת עַל דְּבַר שִׁישׁ בּוּ מִמָּשׁ וְעַל דְּבַר שְׂאֵיִן בּוּ מִמָּשׁ, מַה שְׂאֵיִן בֵּן בְּנִדְרִים. וְשִׁינְיָהּ דְּבַר שְׂאֵיִן בּוּ מִמָּשׁ הוּוּ! אֵלָּא דְאָמַר: "קוֹנָם עֵינַי בְּשִׁנְיָהּ".

The Gemara raises a difficulty with regard to the opinion of Rav Yehuda: **We learned in the mishna that one who says: Sleeping is konam for me, or: Walking is konam for me, or: Speaking is konam for me, may not violate his vow. What are the circumstances? If we say that the wording of the vow is precisely as the mishna teaches, is the vow: Sleeping is konam for me, a valid vow? But didn't we learn in a baraita: There is stringency with regard to oaths vis-à-vis vows, in that oaths apply to something that has actual substance and to something that does not have actual substance, which is not the case with regard to vows. And sleep is something that does not have actual substance, so how can a vow apply to sleep? Rather, the mishna must be referring to a case where he said: Sleeping is konam for my eyes.**

וְאֵי דְלָא יְהִיב שְׂעוּרָא – מִי שֶׁבָּקִינָה לֵיהּ עַד דְּעֵבֶר אִיסוּר "בֵּל יַחַל"? וְהָאָמַר רַבִּי יוֹחָנָן: "שְׂבֻעָה שְׂלֵשָׁה אִישׁוֹן שְׂלֵשָׁה יָמִים" – מְלָקִין אוֹתוֹ, וְיִשׁוֹן לְאֵלְתֵיר!

The Gemara questions this interpretation: **And if he did not give a measurement to the prohibition created by the vow, but rather prohibited himself from sleeping for an unlimited period of time, do we let him be until he inevitably transgresses<sup>n</sup> the prohibition: He shall not profane, by falling asleep? But didn't Rabbi Yohanan say that if one says: I hereby take an oath that I will not sleep for three days,<sup>hb</sup> the court flogs him for taking an oath in vain, and he may sleep immediately,<sup>n</sup> as he is incapable of fulfilling his oath? Here too, if the prohibition has no time frame, the vow should not take effect.**

NOTES

**מִי שֶׁבָּקִינָה לֵיהּ** – Do we let him be until he transgresses, etc. – עַד דְּעֵבֶר וְכוּ: *Tosafot (Shevuot 29a)* derive from here that not only with regard to oaths, but with regard to vows as well, one who takes a vow that he cannot fulfill is liable to be flogged, as he is in violation of the prohibition: He shall not profane his word. However, other commentaries maintain that since the vow does not take effect, he is not in transgression of the prohibition. As opposed to taking an oath in vain, which is explicitly prohibited by the Torah, there is no prohibition against taking a vow in vain. According to this opinion, Rabbi Yohanan is quoted only analogously, in order to emphasize that this kind of vow does not take effect (*Tosafot Yeshanim; Rashba; Meiri*).

**וְיִשׁוֹן לְאֵלְתֵיר** – And he may sleep immediately – According to the Ritva, the word: Immediately, refers not to his permission to sleep but to his being flogged. However, the Ran holds that since the oath is rendered an oath taken in vain, it does not take effect, and he may therefore sleep whenever he wishes.

HALAKHA

**שְׂבֻעָה** – An oath that I will not sleep for three days, etc. – שְׂלֵשָׁה אִישׁוֹן שְׂלֵשָׁה יָמִים וְכוּ: If one takes an oath that cannot be fulfilled, e.g., an oath not to sleep for three days, it is an oath in vain. He is flogged, and he may sleep whenever he wishes, as ruled by Rabbi Yohanan. Rabbeinu Yeruham and the Rema rule that if one takes an oath not to eat or to sleep without setting a time frame, it is considered an oath that he will never fulfill and therefore an oath taken in vain (Rambam *Sefer Hafla'a, Hilkhot Shevuot* 5:20; *Shulhan Arukh, Yoreh De'a* 236:4).

BACKGROUND

**לֹא אִישׁוֹן שְׂלֵשָׁה יָמִים** – I will not sleep for three days – Although it is possible for someone to be prevented from sleeping for more than three days, this is only when other people keep him awake. In addition, lack of sleep for such an extended period can cause severe, irreparable physical and mental damage.

The prohibition: He shall not profane, by rabbinic law – בל יחל מדרבנן – If one takes a vow rendering forbidden a matter that has no actual substance, the vow does not take effect by Torah law. However, the Sages issued a decree that since he rendered it forbidden to himself, he may not act upon the permission of the Torah. Rather, dissolution is broached using a different extenuation, lest he take vows lightly (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 3:12; *Shulhan Arukh, Yoreh De'a* 213:1).

Matters that are permitted but others are accustomed to observe a prohibition with regard to them – דברים המותרין ואחרים נהגו בהן איסור – With regard to those who observe a prohibition with regard to matters that are permitted, even though they know that they are permitted, those people are considered to have accepted the custom under oath, and one may not permit these matters to them. Therefore, if they wish to rescind the prohibition due to weakness, it requires dissolution by three people (*Shulhan Arukh, Yoreh De'a* 214:1).

Deriving benefit from me until Passover is *konam* for you, etc. – שאת נהנית לי עד הפסח וכו' – A man said to his wife: Deriving benefit from me until Passover is *konam* for you if you go to your father's house until the following festival of Sukkot. In such a case, if she went to her father's house before Passover, her husband may not provide her any benefit until Passover. If he does so, he is liable to be flogged. However, even if she did not go, she may not derive benefit from him, lest she eventually go, thereby violating the vow retroactively (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 10:12; *Shulhan Arukh, Yoreh De'a* 220:22).

NOTES

Matters that are permitted, etc. – דברים המותרין וכו' – According to the understanding of *Tosafot*, this is the basis for the prohibition of the mishna. They explain that if breaching a custom is considered a transgression of the prohibition: He shall not profane his word, even though it has no halakhic basis, so is violation of an invalid vow, as when taking the vow he certainly intended to observe it.

She is prohibited from deriving benefit from him, and if she does so she is flogged – אסורה ולוקה – Most commentaries explain that she is prohibited from deriving benefit from him immediately, and she is liable to be flogged if she transgresses the prohibition by violating the condition as well. However, the Rambam holds that she is not flogged, as she is not the one who took the vow, and therefore is not in violation of: He shall not profane his word. Rather, the husband is flogged if he gives her benefit, since he took the vow. The Rashba and the Ran respond that since one can render his property forbidden to others, whether by consecrating it or by means of a vow, anyone who eats or derives benefit from an item that is forbidden to him by means of a vow, even if the vow was not taken by him, is in violation of: He shall not profane, and is liable to be flogged.

אלא דאמר קונם עיני בשינה למחר אם אישן היום? הא אמרת בל באסוריה מודה!

אלא פשיטא דאמר קונם עיני בשינה היום אם אישן למחר. ואי לא ניים היום, בי ניים למחר מאי "בל יחל דברו" איכא? אלא לאו בדניים. אלא מאי איתיה דניים, ותויבתא דרב יהודה!

כי קתני – דאי ניים.

רבינא אמר: לעולם כדקתני, ומאי "בל יחל" – מדרבנן.

ומי איכא "בל יחל" מדרבנן? – אין, והתניא: דברים המותרין ואחרים נהגו בהן איסור – אי אתה רשאי להתירן בפניהם. שנאמר "לא יחל דברו".

תנן: "שאת נהנית לי עד הפסח אם תלכי לבית אביך עד החג", הלכה לפני הפסח – אסורה בהנאתו עד הפסח.

הלכה לפני הפסח – אסורה, לא הלכה – לא!

אמר רבי אבא: הלכה לפני הפסח – אסורה ולוקה, לא הלכה – אסורה בעלמא.

Rather, the mishna must be referring to a case where one said: Sleeping is *konam* to my eyes tomorrow if I sleep today. The mishna rules that he may not sleep today, lest he transgress the prohibition of: He shall not profane, by sleeping tomorrow. However, didn't you say that with regard to this vow it is agreed that he may sleep today, as one is careful with regard to any direct prohibition and will not violate the vow tomorrow? If so, why is it prohibited for him to sleep today?

Rather, it is obvious that the mishna is referring to a case where one said: Sleeping is *konam* to my eyes today if I sleep tomorrow. The Gemara asks: And if he does not sleep today, when he sleeps tomorrow, what transgression of: He shall not profane his word, is there? Rather, is it not with regard to a case where he slept on the first day, and therefore the mishna warns him not to sleep on the second day lest he transgress the prohibition retroactively? Apparently, there is a situation in which he sleeps on the first day. And this is a refutation of the opinion of Rav Yehuda that he may not sleep today lest he sleep tomorrow as well, thereby violating the prohibition.

The Gemara answers: When the mishna teaches that he may not sleep tomorrow, it does not mean that today he may sleep *ab initio*. Rather, it means that if he did sleep today he must be careful not to sleep tomorrow.

Ravina said a different answer: Actually, the mishna may be interpreted as it teaches, i.e., sleeping is *konam* for me. The vow does not take effect, as sleep does not have actual substance. And if so, what is the reason the mishna states that if he sleeps he is in violation of the prohibition: He shall not profane? He transgresses the prohibition by rabbinic law.<sup>14</sup> Although the vow does not take effect by Torah law, the Sages prohibited him from breaking his word.

The Gemara asks: But is there a prohibition of: He shall not profane, by rabbinic law? The Gemara answers: Yes, and it is taught in a *baraita*: With regard to matters that are permitted,<sup>15</sup> but others are accustomed to observe a prohibition with regard to them,<sup>16</sup> you may not permit these matters before those people, as it is stated: "He shall not profane his word" (Numbers 30:3). If they contravene their custom they are in violation of the prohibition: He shall not profane his word, by rabbinic law, as that is similar to violating a vow.

The Gemara attempts again to raise a difficulty with regard to Rav Yehuda's opinion. We learned in a mishna (57a) that if a man said to his wife: Deriving benefit from me until Passover is *konam* for you<sup>17</sup> if you go to your father's house until the following festival of Sukkot, then, if she went to her father's house before Passover, she is prohibited from deriving benefit from him until Passover, as she violated the condition, thereby enabling the vow to take effect.

The Gemara infers: Only if she went before Passover is it prohibited for her to derive benefit from him. However, if she did not go, she is not prohibited from deriving benefit from him. Apparently, even though she can transgress the condition retroactively until Sukkot by going to her father's house, there is no concern that she will do so. This is difficult according to Rav Yehuda, who prohibits transgression of a conditional vow that may take effect retroactively.

Rabbi Abba said that the *baraita* can be interpreted as follows: If she went before Passover, she is prohibited from deriving benefit from him, and if she does so she is flogged.<sup>18</sup> If she did not go before Passover, it is merely prohibited for her to derive benefit from him, lest she violate the condition and cause the vow to take effect retroactively. However, she is not liable to be flogged for it, as the vow has not yet taken effect.

אימא סיפא: אחר הפסח ב"בל יחל דברו". ואי דלא איתנהי לפני הפסח – מי איכא "בל יחל"? אלא פשיטא – דאיתנהי אלמא מיתנהי,

The Gemara counters: Say the latter clause of that mishna, which states that if she goes to her father's house after Passover she is in violation of: **He shall not profane his word. And if the mishna is referring to a case where she did not derive benefit from him before Passover, is there a transgression of: He shall not profane?** Clearly the vow was not violated. Rather, it is obvious that she derived benefit from him before Passover, and therefore if she goes to her father's house between Passover and Sukkot she violates the vow retroactively. Apparently, she may derive benefit from him, even though she can subsequently violate the vow by transgressing the condition.

Perek II  
Daf 15 Amud b

ותיובתא דרב יהודה!

And this is a conclusive refutation of the opinion of Rav Yehuda.

כי קתני – דאי איתנהי הרי זה ב"בל יחל דברו".

The Gemara answers: When the mishna teaches this, it does not mean that before she went she was permitted to derive benefit from him *ab initio*. Rather, it means that if she derived benefit from him after the fact, she is in violation of: **He shall not profane his word.**

תנן: "שאת נהנית לי עד החג אם תלכי לבית אביך עד הפסח", הלכה לפני הפסח – אסורה בהנאתו עד החג, ומותרת לילך אחר הפסח.

We learn further on (57b) that if the husband said to his wife: **Deriving benefit from me until the festival of Sukkot is konam for you<sup>h</sup> if you go to your father's house until Passover, then, if she went before Passover, she is prohibited from deriving benefit from him until the festival of Sukkot, as the vow took effect, and she is permitted to go to her father's house after Passover.**

הלכה – אסורה, לא הלכה – לא!

The Gemara infers: Only if she went before Passover is it prohibited for her to derive benefit from him. However, if she did not go it is not prohibited for her to do so. She may derive benefit from him, and there is no concern that she will subsequently go to her father's house, transgressing the prohibition. This is difficult according to the opinion of Rav Yehuda that one may not perform an action that will be rendered retroactively a violation of a vow if the condition is met.

אמר רבא: הוא הדין דאפילו לא הלכה אסורה; הלכה – אסורה ולוקה, לא הלכה – אסורה בעלמא.

Rava said: The same is true, that even if she did not go, she is prohibited from deriving benefit from him. The difference is that if she went it is not only prohibited for her to derive benefit from him, but if she does so she is flogged; whereas if she did not go, it is merely prohibited for her to derive benefit from him, lest she violate the vow by going to her father's house before Passover.

מיתיבי: "כפר זו עלי היום אם אלך למקום פלוני למחר", אבל – הרי זה ב"בל ילך".

The Gemara raises an objection to the opinion of Rav Yehuda: It is taught in a *baraita* that if one said: **This loaf is forbidden to me today<sup>h</sup> if I go to such and such a place tomorrow, then if he ate the loaf today, he is subject to the prohibition that he shall not go tomorrow.** Apparently, he may eat it today, as there is no concern that he will go tomorrow.

מי קתני "אכל"? "אכל" קתני, דכי אכל הרי זה ב"בל ילך".

The Gemara answers: Where is the contradiction? Does the *baraita* teach that he may eat the loaf *ab initio*? It teaches only that he ate, i.e., that once he ate, he is subject to the prohibition that he shall not go.

הלך – הרי זה ב"בל יחל דברו". מהלך – לא, וקשיא לרב יהודה!

It is further taught in the *baraita*: If he went the next day, he is in violation of: **He shall not profane his word.** The Gemara infers from the fact that the *baraita* is referring only to a case in which he went after the fact, that he may not go *ab initio*. This indicates that he is permitted to eat the loaf, thereby prohibiting himself from going the next day. This accords with the opinion of Rav Nahman that one may cause a vow to take effect by fulfilling its condition, and it poses a difficulty to the opinion of Rav Yehuda.

HALAKHA

Deriving benefit from me until the festival of Sukkot is *konam* for you, etc. – שאת נהנית לי עד החג וכי: If a man says to his wife: Deriving benefit from me until the festival of Sukkot is *konam* for you if you go to your father's house until Passover, it is immediately prohibited for her to derive benefit from him, lest she go to her father's house during the period of the vow, as ruled by Rav Yehuda. If she went and he benefits her, he is flogged, and she is prohibited from deriving benefit from him until Sukkot. However, she is permitted to go to her father's house after Passover (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 10:12; *Shulhan Arukh, Yoreh De'a* 220:23).

This loaf is forbidden to me today, etc. – כפר זו עלי היום וכי: If one says: These fruits will be forbidden to me today if I go to such and such a place tomorrow, it is prohibited for him to eat them today, lest he go to that place tomorrow. If he transgresses the prohibition by eating them on the first day and then going to that place on the second day he is flogged. If he does not go there he is not flogged (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 4:14; see *Shulhan Arukh, Yoreh De'a* 213:3).

NOTES

He may not go – מהלך לא: Most commentaries explain the question as follows: Since, according to Rav Yehuda, it is prohibited for him to eat the loaf on the first day, it would have been appropriate for the *baraita* to state that as long as he did not eat it, he may go *ab initio*, rather than referring to the case in which he ate it. The Ran explains that the premise of the Gemara's inference, according to this interpretation, is that the latter clause of the *baraita* is not a continuation of the first. The answer of the Gemara, accordingly, is that the latter clause is a continuation of the first, and it means that if he violates the vow by eating and then going, he is in violation of: He shall not profane.

Rabbi Avraham min HaHar cites a different version of the text, according to which the Gemara raises a difficulty not with the opinion of Rav Yehuda but with that of Rav Nahman: Why does the mishna refer only to a case where he ate the loaf after the fact, and does not state that he may eat it *ab initio*? The answer of the Gemara, according to this version, is that since the latter clause is referring to a case in which he violated the vow by going, the first clause also discusses an after-the-fact case.

But isn't he duty bound, etc. – והא משתעבד וכו': The Ran and the Rosh explain that since his body is subjugated to her conjugal rights, this vow is comparable to one who vows to prohibit the possession of someone else's item to its owner, in which case the vow does not take effect.

The pleasure I derive from engaging in sexual intercourse with you is forbidden to me – הנאת תשמישך עלי: The Rashba maintains that since this wording enables the vow to take effect, the vow is interpreted in this manner even if he employed the language of the mishna: Engaging in sexual intercourse with you is *konam* for me.

An oath that I will not sleep – שבועה שאיני ישן: The oath takes effect, as an oath is applicable even to something that does not have actual substance (see 15a).

An offering that I will not eat of yours – קרבן לא אוכל לך: The Ran explains why a prohibition worded in this manner does not take effect: It cannot take effect as an oath because the term *korban* is not used in taking an oath. Nor can it take effect as a vow, as it was not phrased in the manner of associating an item with an offering.

That which I will not eat of yours is not an offering – לך לא אוכל לך: The ruling in this case follows the opinion of Rabbi Meir that one cannot infer a positive statement from a negative statement. Therefore, it is not inferred from his statement that what he will eat of his will be an offering.

אמר לך רב יהודה: הוא הדין דליתני מיהלך. איידי דקתני רישא "אכל", דלא מיתני ליה "אוכל" – תני סיפא "הלך".

האומר לאשה "קונם שאני משמשך" הרי זה בבל יחל דברו. והא משתעבד לה מדאורייתא. דכתיב "שארף כסותה וענתה לא יגרע!"

באומר "הנאת תשמישך עלי", והא לך קא נחא ליה בתשמיש.

דאמר רב כהנא: "תשמישי עליך" – בופין אותה ומשמשותו, דשעבודי משועבדת ליה. "הנאת תשמישך עלי" – אסור, שאין מאכילין לו לאדם דבר האסור לו.

מתני' "שבועה שאיני ישן" שאיני מדבר "שאיני מהלך" – אסור. "קרבן לא אוכל לך" – קרא קרבן שאוכל לך "לא קרבן לא אוכל לך" – מותר.

The Gemara answers: Rav Yehuda could have said to you that the same is true, that the *baraita* could have taught that he may go. However, since the first clause teaches the *halakha* where he ate the loaf after the fact, as it cannot teach that he may eat it according to Rav Yehuda, who holds that it is prohibited for him to eat it *ab initio*, the latter clause also teaches the *halakha* in the case where he went, and does not teach that he may go, to maintain a uniform style. In conclusion, neither opinion is refuted.

§ It is taught in the mishna that with regard to one who says to his wife: Engaging in sexual intercourse with you is *konam* for me, if he violates the vow he is in violation of the prohibition: He shall not profane his word. The Gemara asks: How can one render prohibited engaging in sexual intercourse with his wife? But isn't he duty bound<sup>n</sup> by Torah law to engage in sexual intercourse with her,<sup>h</sup> as it is written: "Her food, her clothing, and her conjugal rights he may not diminish" (Exodus 21:10)?

The Gemara answers: The vow does not take effect if it is formulated as cited. Rather, the mishna is referring to a case where he says: The pleasure I derive from engaging in sexual intercourse with you is forbidden to me,<sup>nh</sup> and sexual intercourse is therefore not amenable to him. Since he is not obligated to experience the pleasure he derives from sexual intercourse with her, he can prohibit himself from experiencing this pleasure. In this manner he can render their sexual intercourse forbidden by means of a vow.

As Rav Kahana said: If a woman vows: Sexual intercourse with me is forbidden to you, the court coerces her<sup>h</sup> to engage in sexual intercourse with him, as she is duty bound to engage in sexual intercourse with him due to his conjugal rights. However, if she vows: The pleasure I derive from engaging in sexual intercourse with you is forbidden to me, it is prohibited for them to engage in sexual intercourse, as she derives pleasure from the sexual intercourse and one may not feed a person that which is forbidden to him.

**MISHNA** If one says: I take an oath that I will not sleep,<sup>nh</sup> or: That I will not speak, or: That I will not walk, this activity is prohibited to him. As taught earlier (10a), one of the primary methods of taking a vow is by invoking an offering. The mishna provides several examples where invoking the term *korban* is not effective. If one says: An offering [*korban*] that I will not eat of yours,<sup>nh</sup> or: This offering [*ha korban*] that I will eat of yours, or: That which I will not eat of yours is not an offering [*la korban*],<sup>n</sup> the food is permitted.

#### HALAKHA

But isn't he duty bound by Torah law to engage in sexual intercourse with her – והא משתעבד לה מדאורייתא: If a man stipulated with a woman that he will marry her but he will have no obligation to engage in sexual intercourse with her, the condition is null and void and he is obligated to engage in sexual intercourse with her (Rambam *Sefer Nashim*, *Hilkhot Ishut* 12:7; *Shulhan Arukh*, *Even HaEzer* 69:6).

The pleasure I derive from engaging in sexual intercourse with you is forbidden to me – הנאת תשמישך עלי: If a man said to his wife: The pleasure I derive from engaging in sexual intercourse with you is forbidden to me, the vow takes effect, and it is prohibited for them to engage in sexual intercourse, as one may not feed a person that which is forbidden to him (Rambam *Sefer Nashim*, *Hilkhot Ishut* 14:6; *Shulhan Arukh*, *Even HaEzer* 76:9–10 and *Yoreh De'a* 234:67).

If a woman vows: Sexual intercourse with me is forbidden to you, the court coerces her, etc. – תשמישי עליך, בופין אותה וכו': If a woman says to her husband: Sexual intercourse with me will be forbidden to you by a vow, or if she says to him that the pleasure

he derives from engaging in sexual intercourse with her is forbidden to him, these vows do not take effect, as she is duty bound to him with regard to this matter. However, if she says: The pleasure I derive from engaging in sexual intercourse with you is forbidden to me, the vow takes effect, and if he does not nullify the vow, it is prohibited for him to engage in sexual intercourse with her, as stated by Rav Kahana (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:9; *Shulhan Arukh*, *Yoreh De'a* 234:67).

An oath that I will not sleep – שבועה שאיני ישן: If one takes an oath that he will not sleep or that he will not eat, the oath takes effect, as an oath takes effect even in reference to matters that have no actual substance (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 3:10; *Shulhan Arukh*, *Yoreh De'a* 239:3).

An offering that I will not eat of yours – קרבן לא אוכל לך: If one says: An offering that I will not eat of yours; or: This offering that I will eat of yours; or if he says: Like an offering, or: To an offering, or: Not an offering, the vow does not take effect (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:9).