

**Nedarim 11a**

**גמרא**

**מקלל לאו אתה שומע הן - The Tanna of Our Mishna**

The Mishna on the last daf taught us that if a person says לחולין, this will create a neder. The Gemara now explains the reason for this and tries to find the Tanna who holds of it.

We though to say	סברוהו
what (is the meaning)	מאי
(of the word) La'chullin	לחולין
it should not be chullin	לא לחולין ליהו
but rather a korban (which is assur)	אלא קרבן
who is the one (that says like)	מני
our Mishna	מתניתין
if it is R' Meir	אי רבי מאיר
(but) he does not have (hold of)	לית ליה
(the rule) the from the word 'not'	מקלל לאו
you hear 'yes'	אתה שומע הן

The rule of מקלל לאו אתה שומע הן (lit. from the implication of no, you hear yes) tells us that if one says that this is not that, then it is its opposite.

This is what happened in our Mishna. The person said that this is not chullin, and from this we know that if this is not chullin in must be hekdesch. This is true for the simple reason that if something is not non-hekdesch, then it must be hekdesch (as a there is no other possibility).

Now, although the assumption that is made with the rule of מקלל לאו אתה שומע הן seems to be something that cannot be argued with, there is a machlokes if in halacha this type of assumption is recognized or not.

As we learned in a Mishna	דתנו
R' Meir says	רבי מאיר אומר
any condition	כל תנאי
that is not like the condition of	שאינו בתנאי
Bnei Gad and Bnei Reuvain	בני גד ובני ראוון
is not a (valid) condition	אינו תנאי

Reb Meir holds that anytime that a person makes a condition, it must be like the conditions that were said with regard to the Bnei Gad and Bnei Reuvein.

When Klal Yisroel crossed the Yardain to go into Eretz Yisroel, the Bnei Gad and Bnei Reuvain asked if their portion could not be in Eretz Yisroel, but rather on the other side of the Yardain. Their request was granted but with several conditions. Reb Meir holds that from this story we see how conditions have to be made, and any condition that does not follow the format of the condition that were made then, is not considered a valid condition.

One of the aspects of the conditions that were made then was that both sides of the condition were spoken out. That is, they were told that if they will do what they are supposed to do, then they will get what they want. And if they do not do what they are supposed to do, then they will not get what they want.

But this seems unnecessary. Obviously if they would not fulfill their end of the bargain, then the deal will not come to be. And yet, both sides of the condition were still mentioned.

From this R' Meir says that we see that in regard to halacha we do not say מקלל לאו אתה שומע הן, and any implication that is made using this rule does not have validity.<sup>67</sup>

Therefore, with regard to our case as well R' Meir holds that we do not say מקלל לאו אתה שומע הן, and if so, just because this person said that this should not be chullin, we do not have the right to imply that he has said that it should be hekdesch in order to make this neder be chal.

**Rather it is R' Yehuda** **אלא רבי יהודה היא**

Although, we said that this is the shita of R' Meir, that any condition that is not similar to the condition of Bnei Gad and Bnei Reuvain is not a valid condition, R' Yehuda argues. R' Yehuda holds that a condition does not have to mirror what was done then, and if so, R' Yehuda can be the Tanna of our Mishna that holds מקלל לאו אתה שומע הן.

But on this the Gemara asks:	
(But) say	אימא
the sayfa (end of the Mishna)	סיפא
R' Yehuda says	רבי יהודה אומר

**67 When Does R' Meir Not Hold of מקלל לאו אתה שומע הן?**

The Ran points out that even though the Gemara in meseches Shevuos tells us that R' Meir agrees that with regard to matters of issur we do say מקלל לאו אתה שומע הן, and it is only with regard to ממון (monetary matters) that R' Meir holds that we do not say מקלל לאו אתה שומע הן with regard to nedarim, R' Meir would still hold that we do not say מקלל לאו אתה שומע הן. This is

because, despite the fact that nedarim are related to issur, as it is assur to use something if he made it assur to use it through a neder, there is a ממונות aspect as well, i.e., his object is now assur. Therefore, since the effectiveness of nedarim involves ממונות, R' Meir will hold that we do not say מקלל לאו אתה שומע הן.

one who says  
(just the word) “Yerusalayim”  
he has not said anything  
(and from the fact) that the sayfa  
is R' Yehuda  
(this implies that the) raysha (the beginning of the Mishna)  
is not R' Yehuda

האומר  
ירושלים  
לא אמר כלום  
מדסיפא  
רבי יהודה  
רישא (התחילת)  
משינה  
לא רבי יהודה היא

If the Mishna makes the point of saying that the sayfa is R' Yehuda, the clear implication is that the raysha is not R' Yehuda. If so, who is the Mishna going like? It's not R' Meir and it's not R' Yehuda.

The Gemara answers:  
(Really) the whole (Mishna)  
is R' Yehuda  
And this is how the Mishna is said  
For R' Yehuda says  
one who says (just) Yerusalayim  
has not said anything

כולה  
רבי יהודה היא  
והכי קתני  
שרבי יהודה אומר  
האומר ירושלים  
לא אמר כלום

The Gemara answers that in reality the entire Mishna is the shita of R' Yehuda, and the way to understand it is as follows.

In the last eight cases of the Mishna, the person does not just say that the name of the item that he is making his neder with, but rather he says it with the letter כ. That is, he does not just say the name of the item, but he says that this should be like that item.

For example, the person does not just say 'lamb' but rather he says this should be like the lamb.

The Gemara now tells us that when the Mishna ends off with R' Yehuda saying that if a person just says 'Yerusalayim' it is as if he has said nothing, this is coming to explain the entire Mishna. That the entire Mishna is in accordance with the R' Yehuda who holds that you must use the letter כ in all of these cases, and if the person does not use the letter כ, his words would not create a neder, and this is in accordance with the shita of R' Yehuda (and both the raysha and the sayfa are the shita of R' Yehuda).

The Ran again points out that this that R' Yehuda needs the person to say the letter כ is only in the last eight cases. In all of these cases the object that the person is using for his neder does not intrinsically convey issur, and therefore the כ is needed. For example, a lamb does not convey issur and therefore, if the person just says the word lamb, he has not said anything. It is

only when the person says that this should be 'like the lamb that we say that his intention is to assure this object like the lamb of a korban.

However, with regard to those objects that their names themselves convey issur, for example pigul and nossar, when a person compares an object to them no כ is needed. This is true because when a person mentions these objects, it is self-evident that he is trying to make something assur. Therefore, if a person will just say that this object is pigul, the object will be assur even though he did not say that it should be 'like' pigul.

**R' Yehuda's Shita with Regard to Saying 'Like Yerusalayim'**

The Gemara explained that although R' Yehuda holds that saying the word Yerusalayim does not make a neder, this is only if the person did not use the letter כ, but if he did use the letter כ, a neder would be created. And on this the Gemara asks:

And when he does say  
'like' Yerusalayim  
according to R' Yehuda  
does it become assur!  
but we learned in a Baraisa  
R' Yehuda says  
one who says  
“Like Yerusalayim”  
he has not said anything  
until he makes a neder  
with something  
that is brought  
in Yerusalayim

וכי אמר  
כירושלים  
לרבי יהודה  
מי מיתסר  
והתניא  
רבי יהודה אומר  
האומר  
כירושלים  
לא אמר כלום  
עד שידור  
בדבר  
הקרב  
כירושלים

From this Baraisa we clearly see that according to R' Yehuda even if the person says that it should be 'like' Yerushalmi, it is still not enough to make a neder, and if so, how can the Mishna say otherwise.

The Gemara answers:  
All of it (i.e., the Mishna)  
is like R' Yehuda (as we said)  
and there are two Tannaim  
according to R' Yehuda

כולה  
רבי יהודה היא  
והרי תנאי  
אליבא דרבי יהודה

The Gemara answers that what we said before is correct. The entire Mishna is like R' Yehuda. And even though there is a Baraisa that says otherwise, this does not mean that our

assessment of the Mishna is wrong but rather it just means that there are two different shitos of what R' Yehuda holds. Our Mishna tells us that R' Yehuda holds that a  $\text{ע}$  works with regard to using Yerusalayim to make a neder, and the Tanna of the Baraisa disagrees and holds that even this is not enough to make a neder according to R' Yehuda.

The Ran explains that our Tanna holds that according to R' Yehuda, when the person says like Yerusalayim, his intent is to compare the object to the korbanos that are brought in Yerusalayim, and as such, this is a good neder.

However, the Tanna of the Baraisa holds that when a person says like Yerusalayim, his intent is to make a neder using the wood and stones of Yerusalayim, something that does not work for a neder.

**Nedarim 11b**

**The Halachos of Saying לחולין כחולין לחולין לא אוכל לך**

We learned in a Baraisa תנא  
 (If someone says either) chullin חולין  
 (or) the chullin החולין  
 (or) like chullin כחולין

Whether (he then adds) בין  
 (the words) “that (I) will eat (from) you שְׂאוּכַל לְךָ  
 (or) whether וּבֵין  
 (he adds the words “I) will not eat (from) you” שְׁלֵא אוֹכַל לְךָ  
 it is mutur מותר

In all three of these cases, the person remains mutur as there is no neder. The Ran explains that in the case that the person adds the words “That I will eat from you” to one of these three words, it is obvious that the neder is not effective as the person said explicitly, the food that I eat from you should be like chullin, i.e., something that is mutur.

The chiddush is in the case that he adds the words “That I will not eat from you”. In this case the person is saying that the food that he will not eat should be chullin. This would seem to imply that it is just the food that he will not eat that should be chullin, but the food that he will eat should not be chullin, that is, it should be hekdesch. And therefore, if we accept the implication of his words, his intent is to make the other person’s food assur. And yet our Baraisa says otherwise, that the food stays mutur. If so, this is the chiddush of the Baraisa. That we do not recognize the implications of his words, and this is in accordance with the shita of R' Meir who holds that we do not say מְקַלְל לְאוֹ אֶתָּה שׁוֹמֵעַ הוּן (from the implication of no, you hear yes).

The Baraisa continues and says לחולין  
 (But if he says) “La ‘chullin

**68 Do We Need to Take Out the Case of the Person Saying “שְׂאוּכַל לְךָ לְחוּלִין”?**

The Ran says that we must take out these words from the Baraisa. The Baraisa had said that if a person says this, the neder will be effective based on the rule of מְקַלְל לְאוֹ אֶתָּה שׁוֹמֵעַ הוּן. But R' Meir does not hold of מְקַלְל לְאוֹ אֶתָּה שׁוֹמֵעַ הוּן! Because of this problem, the Ran says to delete these words from the Baraisa.

Tosefos, however, explains that the words should stay with one minor change. Instead of the person saying שְׂאוּכַל לְךָ לחולין – the Baraisa needs to be changed to read that the person said שְׂאוּכַל לְךָ לא חולין. Tosefos explains that in this case, even R' Meir would agree that the neder is effective. This is because when a person says “לא חולין”, it is as if he said explicitly that it should be hekdesch, that is, saying the words “לא חולין” is the equivalent of saying the words “it should be hekdesch”. And the only time that R' Meir holds that the

that I will eat (from)” you שְׂאוּכַל לְךָ  
 it is assur אָסוּר  
 (and if he says) “La ‘chullin that I will not eat לחולין לא אוכל לך  
 (from)” you (from)” you  
 it is mutur מותר

We previously learned that when a person says ‘La ‘chullin’ the connotation of the word is that this should not be chullin. Therefore, in the first case in which he says “La ‘chullin what I will eat from you”, the food is assur. This is because we understand the person to be saying that the food that he will eat should not be chullin but it should be hekdesch, and as such, he intends to make the food assur and that is why the neder works.

The Ran however says we must take these words out of the Baraisa as we just said that the Baraisa is going in the shita of R' Meir who holds that we do not say מְקַלְל לְאוֹ אֶתָּה שׁוֹמֵעַ הוּן, and therefore just because the implications of his words imply that he is coming to make the food assur, this will not be enough to make a neder.<sup>68</sup>

The Baraisa continue and tells us that in the case in which he says, “It should not be chullin the food that I will not eat from you”, the neder will not be effective. At first the Gemara assumes that this is true for the simple reason that he did not make a neder at all. The person said that the food that I will not eat should not be chullin. This implies that the food that I will eat should be chullin, i.e., something that is mutur.

**The Author of Our Baraisa – The Different Implications of a Lamed Before a Word**

The Gemara will now discuss the author of the Baraisa. The Gemara starts with something that we already discussed.

Who is the author of the raysha רישא מני  
 it is R' Meir רבי מאיר היא  
 that does not have (i.e. hold) דלית ליה

implication does not work is in the case that he said ‘La ‘chullin’. In this case we must first deduce that the word ‘La ‘chullin’ means not chullin, and only then can we say that by saying this he means to say that it should be hekdesch. Therefore, since we must first figure out his words, in this case R' Meir holds that the neder will not work.

Although Tosefos holds of this difference between saying לא חולין and saying לחולין, the Ran rejects it. That is, the Ran also entertains that there is a difference between לא חולין and saying לחולין, but he proves that even when the person says לא חולין, we must still come on to the rule of מְקַלְל לְאוֹ אֶתָּה שׁוֹמֵעַ הוּן in order to make this a neder and therefore according to R' Meir it will not work. And therefore, the Ran was left with no other choice but to change the of the Baraisa. See the Ran where he brings another possible way to explain the Gemara from the Raavad.

”that one can imply a positive from a **מִכְּלָל לְאוֹ אֶתָּה שׁוֹמֵעַ הֵינּוּ**  
negative”

As we previously explained, the raysha of this Baraisa is assumed to be R' Meir. That is, we do not say that when a person says that the food he will not eat should be chullin, this implies that the food that he will eat should be hekdesch, and as such, this will be a valid neder. Rather, even in this case, the neder is not valid in accordance with the shita of R' Meir who holds that we do not say **מִכְּלָל לְאוֹ אֶתָּה שׁוֹמֵעַ הֵנּוּ**. But although this is true, that seemingly the raysha is the shita of R' Meir, the Gemara asks that from the sayfa we see that the Tanna of the Baraisa cannot be R' Meir.

But say the sayfa **אֵימָא סִיפָא**  
(if a person says) “La’chullin **לְחֻלִּין**  
what I will not eat from you” **לֹא אוֹכֵל לָךְ**  
it is muter (this is not a neder) **מוֹתָר**

And the Gemara will now show that this halacha cannot be the shita of R' Meir.

But we learned in a Mishna **וְהִתְנִן**  
(If a person says) “La’korban **לְקָרְבָן**  
what I will not eat from you” **לֹא אוֹכֵל לָךְ**  
R' Meir says it is assur **רַבִּי מֵאִיר אוֹסֵר**

And this was difficult to us **וְקָשִׁיא לָנוּ**  
as he does not have **הָא לִית לֵיהּ**  
”(the rule) that one can imply a positive **מִכְּלָל לְאוֹ אֶתָּה שׁוֹמֵעַ הֵינּוּ**  
from a negative”

This Mishna tells us that in the case that a person says “La’korban what I will not eat from you” this is assur according to R' Meir. But why? Seemingly the only way to say that this case is assur is because you hold of the rule of **מִכְּלָל לְאוֹ אֶתָּה שׁוֹמֵעַ הֵנּוּ**. That is, when the person says it should be ‘La’korban (i.e. not a korban) what I will not eat from you, he means to say, but what he does eat from him should be a korban. And if so, this is why the food become assur.

But as we just said, this is all true if you hold of **מִכְּלָל לְאוֹ**. But R' Meir does not hold of **מִכְּלָל לְאוֹ אֶתָּה שׁוֹמֵעַ הֵנּוּ**, and if so, how could R' Meir say that the neder will be valid in this case?

To answer this question the Gemara says:  
And R' Abba said **וְאָמַר רַבִּי אַבָּא**  
it is made to be **נַעֲשֶׂה**  
like one who says **כְּאוֹמֵר**

“It should be a korban **לְקָרְבָן יִהְיֶה**  
(and) therefore **לְפִיכָךְ**  
you cannot eat from it” **לֹא אוֹכֵל לָךְ**

R' Abba answered that R' Meir holds that when a person says ‘La’korban’, the intent is not to say that it should not be a korban but rather he intends to say that it should be a korban and therefore it should be assur. That is, in the case in which he said “La’korban, from this that you will not eat”, he means to say that since it is a korban, therefore you will not be able to eat from it.

The Ran explains that R' Abba is not coming to say that ‘La’ before a word never means ‘not’ but rather that there are two possibilities, either ‘La’ means “it is not this”, or it means “this is this”. And the way we will know which one of these two possible connotations the person is referring to is by figuring out which one of them will be a valid neder.

Therefore, since in the Mishna’s case if we interpret the ‘La’ to mean ‘it is not’, this will not result in a valid neder, we say that the person’s intent when he said “La’Korban” was to mean that this is a korban and therefore he will not eat it.

And on this the Gemara asks that if this is really what R' Meir holds, that the word “La’korban” can be interpreted in both ways, then it is difficult to say that the sayfa is the shita of R' Meir, as follows.

(But) here also (we should say) **הֲכֵא נָמִי**  
that this is what he is saying **הֲכֵי קְאָמַר לֵיהּ**  
“It is not chullin **לֹא חֻלִּין לֵיהּ**  
and therefore **לְפִיכָךְ**  
you cannot eat it **לֹא אוֹכֵל לָךְ**  
”

In order to answer R' Meir’s shita, R' Abba explained that in reality R' Meir holds of three points.

- 1) R' Meir holds that we do not say **מִכְּלָל לְאוֹ אֶתָּה שׁוֹמֵעַ הֵנּוּ**.
- 2) He holds that ‘La’ before a word can either mean ‘it is not’ or it could mean ‘it should be’.
- 3) And lastly, R' Meir holds that if the second part of the statement can be joined to the first in order to make a neder, then this is what we do.

Based on these three points, Rav Abba explained the shita of R' Meir with regard to when a person says “La’korban, you should not eat it”.

The Gemara now asks that based on all this, we cannot say that the sayfa of the Baraisa is the shita of R' Meir.

The sayfa of the Baraisa said that if the person says “La’chullin what I will not eat from you”, this is not considered a neder. But why not? Since we explained R' Meir’s shita by saying that the word ‘La’ could be understood to mean either it should be or it should not be, and we also said that R' Meir holds that the second half of a person’s statement is used to clarify the first half of his statement, this is what we should do in the sayfa’s case, as well

When the person said “La’chullin what I will not eat from you”, we should understand that the person is saying that he does not want this to be chullin but rather it should be a korban and therefore you will not be able to eat from it. The same way R' Meir used the words “what I will not eat from you” to interpret the correct meaning of the word “La’korban” he should do the same when the person says “La’chullin, what I will not eat from you”. We should use the words “I will not eat from you” to say that what he meant with the word “La’chullin” was that it should not be chullin, i.e., it should be a korban, and therefore I will not eat from you.<sup>69</sup>

And yet the Baraisa says that this is not a neder. The Baraisa says that if a person says “La’chullin, what you will not eat from me”, it is not a neder. If so, we see that the sayfa of the Baraisa is not R' Meir and therefore the raysha of the Baraisa cannot be the shita of R' Meir either (as the assumption is that one Baraisa cannot have a one author for the raysha and a different author for the sayfa). As such, we are left with the question as to who the author of our Baraisa is.

The Gemara answers:

<b>This Tanna (of the Baraisa)</b>	<b>האי תנא</b>
<b>holds like R' Meir</b>	<b>סבר לה כרבי מאיר</b>
<b>in one (aspect)</b>	<b>בחדא</b>
<b>and argues with him</b>	<b>ופליג עליה</b>
<b>in one (aspect)</b>	<b>בחדא</b>
<b>he holds like him</b>	<b>סבר לה כותיה</b>

<b>in one (aspect)</b>	<b>בחדא</b>
<b>as he does not have (i.e., hold of)</b>	<b>דלית ליה</b>
<b>the rule of ...</b>	<b>מקלל לאו אתה שומע הו</b>
<b>and argues with him</b>	<b>ופליג עליה</b>
<b>with regard to one (aspect)</b>	<b>בחדא</b>
<b>in regard to (the statement of) korban</b>	<b>בקרבן</b>

The Gemara answers that while the Tanna of the Baraisa agrees with R' Meir with regard to not saying **מקלל לאו אתה שומע הו**, he disagrees with him with regard to how the statement of ‘La’korban’ can be interpreted.

R' Meir holds that if a person says “La’korban that I will not eat from you”, this means that it should be a korban, and therefore, I will not eat from it. And on this the Tanna of the Baraisa disagrees. He holds that we do not say that the second part a person’s statement comes to explain the first. Therefore, he holds that if a person says “La’korban that I will not eat from you”, this means it should be a korban what I will not eat from you. This is obviously not a neder as he did not say that what he will eat should be a korban but rather he said what he will not eat should be a korban. And this is why in the sayfa’s case the Tanna says that his words do not constitute a neder.

The Gemara gives another answer:

<b>Rav Ashi said</b>	<b>רב אשי אמר</b>
<b>in this (case) he said li 'chullin</b>	<b>הא דאמר לחולין</b>
<b>and in this case he said</b>	<b>והא דאמר</b>
<b>(la' chullin which means) not chullin</b>	<b>לא לחולין</b>
<b>that this implies</b>	<b>דמשמע</b>
<b>it should not be chullin</b>	<b>לא ליהוי חולין</b>
<b>but only has a korban</b>	<b>אלא בקרבן</b>

The Gemara’s question had been that while we see that the raysha of the Baraisa is R' Meir, the sayfa is not. The reason the Gemara had assumed that the sayfa is not R' Meir is because in the sayfa the person said “La’chullin what I will not eat from you” and yet the Baraisa said that this is mutur. And on this we asked that according to R' Meir, we should say that he means

<sup>69</sup> **Why is this Not a Case of הן שומע הן מקלל לאו אתה שומע הן ?**

The Ran explains that in this case the word ‘La’chullin’ can be understood to mean that it should not be chullin but it should be a korban, even according to R' Meir who does not hold of **הן שומע הן מקלל לאו אתה שומע הן**.

This is true because the person ended off his statement with the words “that I will not eat from you.” Therefore, you do not need the rule of **מקלל לאו אתה שומע הן** to say that the first half of his statement was coming to say that something is assur. That is, it is not the rule of **הן שומע הן מקלל לאו אתה שומע הן** that is telling us that the implication of “La’chullin” means a korban but rather it is

second half of his statement that says “that I will not eat from you” that tells us how to understand the word ‘La’chullin’. Therefore, even R' Meir will agree that we can interpret the word ‘La’chullin’ to mean but it should be a korban

However, in a case that the person says ‘La’chullin, that which I will eat from you’, in this case there is no mention of his not eating, and the only way that there is any indication of a neder is if we say **הן שומע הן מקלל לאו אתה שומע הן** (because then we say that what I eat should be chullin but what I will not eat should be hekdedsh). Therefore, since R' Meir does not hold of **הן שומע הן מקלל לאו אתה שומע הן**, the neder will not be chal.

to say, “this is not chullin and therefore I cannot eat from you” (see above where we explained this question more thoroughly).

Rav Ashi now answers that the case of the sayfa is not one in which the person said “La ’chullin’ with a patach ‘ַ’, but rather he said “Li ’chullin’ with a sheva ‘ִ’. The difference between “La” and “Li” is that only “La” has both the connotation of “it is not” and the connotation of “it is.” However, “Li” only has the connotation of “it is”. Therefore, since in the sayfa he said “Li’chullin” this implies that he is saying this is chullin. That is, he says that this should be chullin what I will not eat from you. Therefore, since he did not mention what should be hekdesh (i.e., what should not be chullin) the neder is not chal.

**בְּעִיקְרוֹ קָא מַתְפִּיס אוּ בְהִיתָרָא קָא מַתְפִּיס**

The Mishna said:

(If a person says) “Tahor”, “tamei”	טָהוֹר וְטָמֵא
“nossar” or “pigul”	נוֹתֵר וּפִיגוּל
(all of these cases are) assur	אָסוּר

In all of these cases, the person is saying that this should be like something that is assur, and as such, this creates a valid neder.

Based on this halacha, the Gemara asks:

Rami bar Chama asked	בְּעִי רַמִּי בַר חַמָּא
(if one says) “It should be on me	הֲרִי עָלַי
like the meat	כְּבָשָׂר
of the korban shelamim	זִבְחֵי שְׁלָמִים
after the throwing of its blood	לְאַחַר זְרִיקַת דָּמָיִם
what is the halacha	מָהוּ

On this question, the Gemara immediately asks:

If he said	אִי דְקָאָמַר
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with these words	בְּהִדְיוֹ לִישָׁנָא
in something that is mutur	בְּהִיתָרָא
he is being matfis (lit. grabbing)	קָא מַתְפִּיס

When a person makes a neder, he can do so by being matfis (lit. by grabbing) something else, that is, he compares an object to a different object by saying that this object should be like that object. And if he does so, we assume that his intent is to say that just like that object is assur, this object should be assur as well, and as such, a neder is created. But if a person says that this object should be like an object that is mutur, then obviously no neder is made as the person is comparing this object to something that is not assur. But if so, how are we to understand Rami bar Chama’s question? The meat of a korban shelamim is mutur after its blood is thrown on the mizbayach! If so, by saying these words he is comparing this object to something that is mutur and of course this would not be a neder.

The Gemara answers:

Only for example	אֲלָא כְּגוֹן
that it is laying (in front of him)	דְּמַחִית
meat of a korban shelamim	בָּשָׂר זִבְחֵי שְׁלָמִים
and there is something that is mutur lying	וּמַחִית דְּהִיתָרָא
next to him	גְּבִיָּה
and he says	וְאָמַר
“This one like this one”	זֶה כְּזֶה

And in this case the Gemara asks:

What is the halacha	מָאִי
(do we say) that with its ‘main part’	בְּעִיקְרוֹ
he is matfis	קָא מַתְפִּיס
or (do we say that) with its heter	אוּ בְּהִיתָרָא
he is matfis	קָא מַתְפִּיס <sup>70</sup>

However, this that a korban is assur to people who are tamei (and certain parts are only mutur to Kohanim) after the zerika, is not as a result of this person’s actions.

The Ran proves that the issurim that apply to only certain people after the zerika cannot be the result of this person’s neder because when this person made his neder to make this animal hekdesh, he had in mind to do so without exception. He did not have in mind any particular people. But if so, why after the zerika are there issurim for particular people? The Ran explains that this is because once zerika is performed, all of the issurim that came as a result of his neder are no longer in effect. And this that the korban is now assur to people who are tamei (and certain parts are assur to Yisrayalim), is not as the result of what the person said but rather it is only as a result of the Torah saying so. Therefore, this animal will no longer qualify as something that a person could use for his neder. A neder that works by comparing an object to another object that is assur, only works if that second object is assur as a result of someone making it assur. But if the reason why that second object is assur is not as a result of a person’s actions, then it cannot be used for התפסה.

<sup>70</sup> How Do We Understand the Gemara’s Question if there Are Parts of the Korban Shelamim that Are Assur Even After the Zerika?

The Ran asks that even if the person is assumed to be referring to the korban after its zerika, the neder should still be valid. Even after the zerika, people who are tamei cannot eat it, and there are certain parts of the shelamim that only the Kohanim can eat. If so, even after the zerika, the shelamim still retains some of its issurim, and as such, when the person compares this object to it, we should say that the intent of the person is to make this object assur by comparing it to the issurim that the korban shelamim has right now (i.e., those issurim that remain after the zerika).

The Ran answers that there is a fundamental difference between the issurim that the korban has before the zerika and the issurim that the korban has after the zerika. Before the zerika the korban is assur as a result of the person’s original actions. That is, he declared this animal to be a korban and that is why it is a korban with all of its issurim. Therefore, a person can use this korban for his neder.

In this case, there is meat from a korban shelamim that is mutur in front of this person as its blood had already been thrown on the mizbayach. The person says, “this should be like this”, that is, he says that the object that is in front of him should be like this meat. But what does this mean? Does this simply mean that this object should be like the meat the way it is now? And if so, since the meat is now mutur, this object will stay mutur as well.

Or do we say that he means to compare this object to what this meat really is. That is, the meat comes from a korban, and the defining factor of a korban is that a person has the ability to make something mutur become assur by declaring it as a korban.

If so, even though it is true that at this moment this meat is mutur, we understand this person’s words to mean that he

wants to compare this object to the defining aspect of this meat. And since this meat comes from a korban, we say that his intentions are to make the object assur the same way a korban is assur.<sup>71</sup>

Rava said

אָמַר רַבָּא

come and hear

תָּא שְׁמַע

(our Mishna says) nossar and pigul

נוֹטֵר וּפִיגוּל

The Mishna says that if a person is matfis in nossar and pigul, the neder is chal, and from this halacha the Gemara on the next daf will try to answer our Gemara’s question if a person is matfis with the ‘defining factor’ of a korban or with the way the korban is now.

<sup>71</sup> **Why Do We Not Say that סתם נדרים להחמיר?**

Many of the Achronim asks that since we have a rule that סתם נדרים להחמיר, this should apply in our case as well. That is, since we are unsure if this person means a neder or not, we should be machmir to say that it is a neder.

The Achronim answer that this rule only applies if we are unsure as to the person’s intent but in a case where we are not sure if the words that he said can be used for a neder, in this case we do not say that we are machmir. That is, if we have a case in which we are sure that he means a neder and the question is with regard to whether he said enough to make a neder, then we are not machmir (as in our case, if he says he wants ‘this to be like this’, and the ‘this’ is a korban that is now mutur, do we say that the words can still make

a korban as we say that his words refer to the korban when it was assur or do we say that these words do not have the power to make a neder as the korban that he is referring to is now mutur and in order for התקפה to work, the התקפה has to be in an object that is now assur).

The difference between the two would seem to be that if we are not sure as to the person’s intent, we say that when a typical person says words that seem to be a neder, we assume that he means a neder. That is, the rule of סתם נדרים להחמיר is a rule in how people act. That typically when a person says words that could be a neder, we assume that he does mean a neder. However, if the sofek is if these words could be used for a neder, this sofek is not different than any other sofek and as such we are maykil (ויש להאריך הרבה) ואכמ"ל (בזה, ואכמ"ל).